



# COOCH BEHAR PANCHANAN BARMA UNIVERSITY

## PROPOSED LL.M. ONE YEAR DEGREE COURSE SYLLABUS UNDER CBCS MODE

### LIST OF COURSES IN ONE YEAR LL.M PROGRAMME (26 Credits)

<b>Semester-I</b>		
<b>Course Code</b>	<b>Course title</b>	<b>Total Credits</b>
<b>101</b>	Research Methods and Legal Writing	3
<b>102</b>	Comparative Public Law	3
<b>103</b>	Law and Justice in Globalized World	3
<b>104</b>	Competition Law	2
<b>105</b>	Banking and Insurance Law	2
<b>106</b>	Intellectual Property Law	2
<b>Total Credits</b>		<b>15</b>

<b>Semester-II</b>		
<b>Course Code</b>	<b>Course title</b>	<b>Total Credits</b>
<b>201</b>	Employment and Labour Law	2
<b>202</b>	Company Law	2
<b>203</b>	Cyber Law	2
<b>204</b>	Dissertation	5
<b>Total Credits</b>		<b>11</b>

## DETAIL SYLLABUS

### 101. RESEARCH METHODS AND LEGAL WRITING (Credits 3)

#### MODULE I: Introduction

- a) The science of research and scientific methodology
- b) Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research
- c) Inter-disciplinary research and legal research models
- d) Doctrinal research *vis-a-vis* empirical research

#### MODULE- II: Research Design

- a) Hypothesis- formulation and evaluation
- b) Major steps in research design

#### MODULE-III: Research Techniques

- a) Sampling
- b) Survey and Case Study method

#### MODULE -IV: Research Tools and Data Processing

- a) Observation
- b) Interview and schedule
- c) Questionnaire

#### MODULE V. Legal writing

- a) Report/article writing in legal research
- b) Use of definitions, maxims, concepts, principles, doctrines in legal research
- c) Citation methodology
- d) Book review and case comments

#### Suggested Reading Materials for Reference

1. Robert Watt- Concise book on Legal Research
2. Ram Ahuja-Research Method
3. Good and Hatt- Research Methodology
4. Pauline Young- Research Methodology
5. Earl Babbie- Research Methodology
6. Anwarul Yaqin-Legal Research Methodology
7. Wilkinson Bhandarkar-Research Methodology
8. Selltis Johoda-Research Methodology
9. Stott D.-Legal Research
10. *Robert Watt* and Francis Johns- *Concise Legal Research*
11. S.K. Verma & Afzal Wani- Legal Research Methodology (and material announced in the Class)

### 102. COMPARATIVE PUBLIC LAW (Credits 3)

#### MODULE I: Introduction

- a) Meaning and definition of Public Law
- b) Concept of Public Law
- c) Globalization of Comparative Public Law

#### MODULE II. Tools of Comparative Public Law

- a) Constitutional Law – Common Law, Civil Law
- b) Legislative Mechanism - Common Law, Civil Law
- c) Typology of Federalism – USA, India

**MODULE III. Public Interest Litigation – US, India**

- a) Locus standi
- b) Judicial Activism
- c) Judicial Accountability

**MODULE IV: Comparative Criminal Law – Common law, Civil law**

- a) Domestic Violations – International, National
- b) Provisions relating to Rape
- c) Plea Bargaining – USA, India
- d) White Collar Crimes
- e) Juvenile Justice

**Module V: Ombudsman**

- a) Ombudsman in Scandinavian countries
- b) International Scenario – Common law and Civil law
- c) Indian Scenario
- d) Lokpal (Ombudsman)
- e) Lokayukta

**Suggested Reading:**

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law
6. Dicey - Introduction to Law of the Constitution.
7. O Hood Philips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. M. P. Jain - The Evolving Indian Administrative Law.
10. B. Schwartz - An Introduction to American Administrative Law.
11. M. P. Jain - Cases and Materials on Administrative Law.
12. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
13. Ivor Jennings - Law and the Constitution.
14. K. C. Davis - Discretionary Justice.
15. Neville L. Brown and J. F. Garner – French Administrative Law.
16. Peter H. Schuck - Foundations of Administrative Law.
17. P. P. Craig - Administrative Law.
18. Alex Carol - Constitution and Administrative Law.
19. Neil Hawke and Neil Papworth - Introduction to Administrative Law.
20. Jaffe - Judicial Control of Administrative Law.
21. K.D.Gaur – A Textbook on The Indian Penal Code.
22. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1st Edition

23. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
24. The Handbook of Comparative Criminal Law, Stanford Law Books (2010)

### **103. LAW AND JUSTICE IN A GLOBALIZED WORLD (Credits 3)**

#### **MODULE I: Introduction**

- a. Meaning and significance of Globalization
- b. Concept of Global Justice
- c. Global Justice and Right to Development

#### **MODULE-II: Theoretical Propositions of Global Justice**

- (a) Realism
- (b) Particularism
- (c) Nationalism
- (d) Cosmopolitanism

#### **MODULE-III: Historical and Central Challenges to Global Justice**

- (a) Global Poverty- Role of International Mechanism
- (b) Armed Conflict
- (c) Nationalist practices
- (d) Crimes against Humanity
- (e) Environment and Health

#### **MODULE-IV: Role and Reformation of Global Institutions**

- (a) States, sovereignty and Transnational Law
- (b) Economic and Trade Institutions-MNC's
- (c) Structural reforms of United Nations-Security Council
- (d) International Judicial Institutions

#### **MODULE-V: Models To Achieve Global Justice**

- (a) Social Contract and Social Justice
- (b) Sarvodaya Model of Justice
- (c) Multi Culturalism and Cosmopolitanism
- (d) Significance of Human Rights Education
- (e) Global Justice and Global Rule of Law

#### **Suggested Readings:**

1. Springer: Encyclopedia of Global Justice 2012
2. Brian Barry, *Culture and Equality*. Cambridge: Polity, 2001
3. Duncan Bell (ed.) *Ethics and World Politics*. Oxford 2010.
4. Allen Buchanan. *Justice, Legitimacy, and Self-determination: Moral Foundations for International Law*. Oxford 2004.
5. Simon Caney, *Justice Beyond Borders*. Oxford:, 2005
6. Nicole Hassoun. 2008a. "World Poverty and Individual Freedom." *American Philosophical Quarterly*. Vol. 45, No. 2: 191-198.
7. Andrew Hurrell. 2001. "Global Inequality and International Institutions." *Global Justice*.
8. Thomas Pogge ed. *Meta-philosophy Series in Philosophy* A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford.
9. Martha Nussbaum, *Frontiers of Justice*. Cambridge, Mass.: Harvard University Press, 2006.

10. Thomas Pogge, *World Poverty and Human Rights*. Cambridge: Polity, 2002.
11. John Rawls, *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 1999
12. Amartya Sen, *Development as Freedom*. Oxford: 1999
13. Amartya Sen: Global Justice
14. Amartya Sen The Idea of Justice 2009
15. Amartya Sen: Development as Freedom 1999 Oxford
16. Amartya Sen: Human and Public Action Oxford

#### **104. COMPETITION LAW (Credits 2)**

**MODULE I:** Introduction, Restraint of Trade under Indian Contract Act, Monopolistic Trade Practice, and Restrictive Trade Practice

**MODULE II:** Aims, Objects and salient features of the Competition Act, 2002, Its relationship with the monopolies and Restrictive Trade Practices Act, Comparison Between MRTP Act and Competition Act, 1969,

**MODULE III:** Raghavan Committee Report: Definition of competition and competition Law

**MODULE IV:** Anti- Competitive Agreements, Abuse of Dominant Position and Regulation of Combinations: Horizontal and vertical Agreement, Dominant position, Abuse of Dominant position, Protection of Consumers.

**MODULE V:** Competition Commission of India: Establishment, Composition, Powers, Duties and functions, Jurisdiction of benches and procedure for adjudications, penalties for offences under the Competition Act, 2002.

**MODULE VI:** Competition Appellate Tribunal: Composition, Functions, powers and procedure, Award of Compensation, power to punish for contempt, execution of the order.

#### **Recommended Books:**

1. S.M. Dugar, Guide to Competition Law (Lexisnaxis)
2. Versha Vahini, Indian Competition Law (Lexis Naxis)
3. Dr. R.K. Singh, Restrictive Trade Practices and Public Interest

#### **105. BANKING AND INSURANCE LAW (Credits 2)**

**MODULE-I:** Functions of Commercial Banks and services rendered by them: Agency services- General Utility Services-Overseas Trading Services-Information and other Services

**MODULE-II:** General Structure and methods of commercial banking: Principles of Commercial Banking-Employment of funds by commercial Banks-Earning Assets-Self Liquidating Paper Theory-Anticipated Income Theory

**MODULE-III:** Mechanisms of Credit Creation

**MODULE-IV:** Systems of Banking: Group Banking and Chain Banking-Unit Banking and Branch Banking-Joint Stock Banking-Commercial Banks and Industrial Finance-Merchant Banking-Exchange Bank-Indigenous Banks and money lending-Cooperative Banks-Land Development Banks

**MODULE-V:** Indian Banking: Reserve Bank of India-State Bank of India

**MODULE-VI:** Practical Banking: Banker and customer-Accounts of Customer-Cheques & promissory notes-Pass Books-Paying Banker- Collecting Banker

**MODULE-VII:** Money Market-Foreign Exchange

**MODULE-VIII:** Banking Legislation and Reforms-Banking Companies [Acquisitions and Transfer of Undertakings] Act,1980 -Banking Laws (Miscellaneous Provisions) Act- Banking Regulation Act, 1949-Reserve Bank of India Act,1934

**MODULE-IX:** Introduction to Insurance Law Basic Features of The Insurance Act, 1938 and The Insurance Regulatory and Development Authority Act, 1999

**MODULE X:** Life Insurance: Nature, Scope, Settlement of Claim and payment of money, New Dimensions of Life Insurance, mediclaim, Sickness insurance

**MODULE XI:** Insurance against Accidents, The Fatal Accidents Act, 1885, The Public Liability Insurance Act, 1991, nature and objectives

### **RECOMMENDED BOOKS**

1. K.C.Shekhar & Lekshmi Shekhar - Banking Theory and Practice
2. Ross Cranston - Principles of Banking Law
3. Vijay Malik - Law relating to Banking and Financial Institutions
4. Mark Hapgood - Paget's Law of Banking
5. Katuri Nageswara Rao (ed.) - Banking: New Challenges

6. R.K. Bangia - Negotiable Instrument Act, 1881.
7. Sachin Rastogi, Insurance Law and Principles, (Lexis Nexis)
8. Gaurav Varshney, Modern Law of Insurance in India
9. J.V.N. Jaiswal, Law of Insurance, (Vol-I & II), Eastern Book Company.

### **106. INTELLECTUAL PROPERTY LAW: (Credit 2)**

MODULE I: Introduction to Intellectual Property Rights:

Paris Convention for the protection of Industrial Property, 1883, WIPO Performances and phonograms Treaty (20 December 1996), Convention on Biological Diversity, European Patent Convention, 1973

MODULE: II: The Indian Copyright Act, 1957

Rights of Authors, Ownership of Copyright, Rights conferred under copyrights, Rights of Broadcasting organizations and performers, assignment, infringement of copyright

MODULE III: Trade Marks

The Trade Marks Act, 1999, Trade Marks Registry and Register of Trade Marks, Registration of Trade Marks, Deceptive Similarity, Assignment and Transmission, Licensing of Trade Marks, infringement, Threat and Trade Libel, Good Will, Passing Off, Offences and Penalties

MODULE IV: Industrial Designs Act, 2001:

Nature of Industrial Designs, Subject Matter of Industrial Designs, Rights conferred by Designs, Remedies for infringements.

#### **Recommended Books:**

1. Cornish W.R., Intellectual Property
2. Prabudh Ganguli, Intellectual Property Rights,
3. P.Narayanan, Intellectual Property Law
4. B.L. Wadehra, Intellectual Property Law

### **201.EMPLOYMENT AND LABOUR LAW (Credits 2)**

**MODULE I:** Introduction

History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union - Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.

**MODULE II:**

Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao - Law relating to collective bargaining.

**MODULE III:** Freedom of Association - Constitutional and legal aspects

**MODULE IV:**

Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation

**MODULE V:**

Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation – Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government – Industrial Tribunals – National Tribunals – Status, powers, awards – Judicial review.

**Suggested Reading:**

1. Indian Law Institute Labour Law and Labour Relations [ 1987]
2. Dr. V G Goswami Labour and Industrial Laws [2004]
3. Ramaswami and Uma R Industry and Labour
4. Giri V V ,Labour Problems in Indian Industry
5. Raman M P, Political Involvement of Indian Trade Union
6. O. P. Malhotra, The Law of Industrial Disputes, Vol I [1988]
7. Chetty Narayan Y Dynamics of Trade Unionism in India – Anmol Publications Pvt. Ltd., New Delhi - [2004].

**202.COMPANY LAW ( Credits 2)****MODULE-I:** Formation of Companies

- A. Promoting
- B. Memorandum of Association
- C. Articles of Association
- D. Registration

**MODULE-II:** Kinds of Companies and the process of their transformation from one kind to another



**MODULE-III:** Advantages and Disadvantages of Incorporation

**MODULE-IV:** Prospectus

**MODULE-V:** Shares and related matters

**MODULE-VI:** Debentures and related matters

**MODULE-VII:** Company and its organs:-their power, function, duty and interrelationship

**MODULE-VIII:** Winding Up (by court and voluntary)

**MODULE-IX:** Company Law Board and National Company Law Tribunal

**MODULE-X:** Brief Over View of SEBI Guidelines

**Suggested Reading:**

1. Avtar Singh - Company Law
2. A. Ramaiya - Guide to the Companies Act
3. Paul.L Davis - Gower's Principles of Modern Company Law
4. N.K. Jain - Company Law
5. M.C. Bhandari - Guide to Company Law Procedures
6. A. Michel Hitt - Merger and Acquisitions

**203.CYBER LAW**

(2 credits)

**MODULE I: Fundamentals of Cyber Law**

- a) Need of cyber jurisprudence in the contemporary era
- b) Development of Cyber Law-National and International Perspective

**MODULE II: International Perspectives of Cyber Law**

- a) Budapest Convention on Cyber crime
- b) United Nations and International Telecommunication Union (ITU) initiatives
- c) ICANN's core principles
- d) Web Content Accessibility Guidelines (WCAG) 2.0.

**MODULE III: Constitutional and Human Rights Issues in Cyberspace**

- a) Freedom of speech and expression in cyberspace
- b) Right to Access cyberspace-access to internet
- c) Right to Privacy
- d) Right to data protection

**MODULE IV: Cyber Crimes and Legal Framework**

- a) Cyber crimes against individuals, institutions and state

- b) Different types of cyber offences under IT Act, 2000
- c) Different types of Civil Wrongs under the IT Act, 2000

**Recommended Books:**

1. Suresh T. Viswanathan, The Indian Cyber Law,(2000)
2. The International Dimensions of Cyberspace Law (2000)
3. D.P. Mital, Law of Information Technology (Cyber) 2000

**204.DISSERTAION**

(Credits 5)