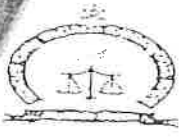


LL.M Syllabus 2019-20

2 Year LL.M





ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ- 580025

ನ್ಯಾಕ 'ಎ' ಶ್ರೇಣಿ ಮಾನ್ಯತೆ

ದೂರವಾಣಿ ಸಂಖ್ಯೆ : 0836-2222392

ಜಾಲತಾಣ : www.kslu.ac.in

ಫ್ಯಾಕ್ಸ್: 0836-2223392

ಇ-ಮೇಲ್ : kslu.affiliation2009@gmail.com

ಸಂಖ್ಯೆ. ಕರಾಕಾವಿ/ವಿದ್ಯಾಮಂಡಳ/2ವರ್ಷದಎಲ್.ಎಲ್.ಎಮ್/ಪಠ್ಯಕ್ರಮ/2019-20/- 1099 ದಿನಾಂಕ:03.09.2019.

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಎರಡು ವರ್ಷದ ಎಲ್ ಎಲ್.ಎಮ್ ಕೋರ್ಸುಗಳಾದ Constitutional Law, Intellectual Property Law and Business Law, ಗಳಿಗೆ ಪಠ್ಯಕ್ರಮವನ್ನು ನೀಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ: ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಅನುಮೋದನೆಯ ದಿನಾಂಕ: .09.2019.

ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ತಮಗೆ ಈ ಮೂಲಕ ತಿಳಿಸುವುದೆಂದರೆ ಪ್ರಸ್ತುತ ವರ್ಷದಿಂದ ಅಂದರೆ 2019-20ನೇ ಸಾಲಿನಿಂದ ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್. ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಕೋರ್ಸುಗಳನ್ನು ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಯೋಜನೆ ಹೊಂದಿರುವ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗಿದೆ. ಸದರಿ ಕೋರ್ಸಿಗೆ ಮೊದಲನೇ ಸಮಿಸ್ಪರ್ಶನ ಪಠ್ಯಕ್ರಮವನ್ನು ಈ ಪ್ರತಿದೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ. ಮುಂದುವರೆದು ಇನ್ನು ಉಳಿದ ಸಮಿಸ್ಪರ್ಶನ ಪಠ್ಯಕ್ರಮವನ್ನು ಮುಂಬರುವ ದಿನಗಳಲ್ಲಿ ಕಳುಹಿಸಿಕೊಂಡಲಾಗುವುದು.

ಆದ್ದರಿಂದ ಸದರಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಸಂಬಂಧಪಟ್ಟಿರುವ ಉಪನ್ಯಾಸಕರಿಗೆ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳ ಗಮನಕ್ಕೆ ತರುವಂತೆ ಪ್ರಾಚಾರ್ಯರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

P. Srinivas 12
ಕುಲಸಚಿವರು 03.9.19

ಅಡಕ: 1ನೇ ಸಮಿಸ್ಪರ್ಶನ ಪಠ್ಯಕ್ರಮವನ್ನು ಲಗತ್ತಿಸಲಾಗಿದೆ.

1. ಗೆ,

ನಿರ್ದೇಶಕರು,

ಕ.ರಾ.ಕಾ.ವಿ.ಯ ಕಾನೂನು ಶಾಲೆ,

ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ-580025.

2. ಪ್ರಾಚಾರ್ಯರು,

ಕೆ.ಎಲ್.ಇ. ಸಂಸ್ಥೆಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.

3. ಪ್ರಾಚಾರ್ಯರು,

ಎಸ್.ಡಿ.ಎಮ್. ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಮಂಗಳೂರು.

4. ಪ್ರಾಚಾರ್ಯರು,

ಸಿ.ಬಿ.ಆರ್. ನ್ಯಾಷನಲ್ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಶಿವಮೊಗ್ಗ.

ಪ್ರತಿಗಳು:

1. ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾ.ವಿ. ಹುಬ್ಬಳ್ಳಿ ಇವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
2. ಮಾನ್ಯ ಕುಲಸಚಿವರು ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾ.ವಿ. ಹುಬ್ಬಳ್ಳಿ ಇವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
3. ಕಛೇರಿಯ ಪ್ರತಿ.

03-09-2019 A

LL.M. SYLLABUS 2019-20

SCHEDULE

I SEMESTER

- 01 Law and Social Transformation in India
- 02 Indian Constitutional Law: New Challenges
- 03 Legal Theory
- 04 Specialisation Paper – 1

Paper 1: Law and Social Transformation in India (Compulsory paper)

Objectives:

This course is designed to offer the teacher and the taught with (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role law has played and has to play in the contemporary Indian Society.

Course Content:

Unit I

Theory, History, Alternatives and the Constitution

Law and social transformation: a theoretical discussion
Historical and sociological discourse on law's role in social transformation
Alternatives to legal strategy: Gandhism, Sarvodaya, Marxism and Naxalism
Constitution's orientation and response to social transformation

Unit II

Multiculturalism and Social Transformation: Religion, Language, Region and Ethnicity

Religion and law
Language and law: towards equality in language rights?
Language rights in education People's language as the language of courts: perspectives, problems and the needed strategies
Regionalism, law and social transformation
Ethnic pluralism, tribal development and social transformation: a focus on security, self-government and social justice

Unit III

Social Transformation by Empowerment: Empowering the Backward Classes, Women and Children

Caste, law and empowerment of the backward classes
Constitutional policy and development towards gender justice

Crimes against women and law's response thereto
Law, child welfare and social transformation

Unit IV

Modernisation and Social Transformation: Concept, Family Law, Economic Reforms

Modernisation and law

Family law, modernization and social transformation

Economic development, law and social transformation: focus on agriculture, industry, and environment

Unit V

Justice Delivery System and Participative Democracy

Reforms in the justice delivery system, modernization and law

Role of democracy, panchayati raj and NGOs in social transformation through law

Prescribed Books:

Bhat Ishwara P., Law and Social Transformation, (Lucknow: Eastern Book Company, 2009)

Reference Books:

Friedman Wolfgang, Law in a Changing Society, (Berkley: University of California Press, 1959)

Marc Galanter ed., Law and Society in Modern India, (London: Oxford University Press, 1989)

PAPER 2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES (Compulsory Paper)

Objectives:

The constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development which they are allowed to choose an area of law for specialization. Obviously, rubrics under this section of the paper require modification and updating from time to time.

Course content:

Unit I

Federalism: creation of new states; allocation and share of resources - distribution of grants in aid; The inter-state disputes on resources; Centre's responsibility and internal disturbance within states; Directions of the center to the state under Article 356 and 365; Special status of certain states; Tribal Areas, Scheduled Areas;

Unit II

Constitution and constitutionalism; "State": Need for Widening the Definition in the Wake of Liberalization and horizontal application of fundamental rights. Right to Equality: Privatization and Its Impact on Affirmative Action; Empowerment of women.

Unit III

Freedom of press and challenges: Freedom of speech and right to broadcast and telecast; Right to life, privacy, strikes, hartal and bandh; Emerging Regime of New Rights and Remedies: Reading Directive principles and fundamental duties into fundamental rights; Compensation jurisprudence; Right to education; Commercialization of education and its impact

Unit IV

Rights of Minorities to establish and administer educational institutions and state control
Secularism and religious fanaticism.

Unit V

Separation of Powers: Stresses and Strain: Judicial activism and judicial restraint; PIL: implementation; Judicial independence; Appointment, transfer and removal of judges; Accountability: executive and judiciary; Tribunals

Democratic process; nexus of politics with crime and business; election; status of election commission; electoral reforms; coalition government- stability, durability and corrupt practice, grass roots democracy.

Select Bibliography:

Considering the nature of the subject, no textbooks can be prescribed. Hence, the required material is to be gathered from the latest amendments of laws, case law, critical comments, studies, reports, articles and research papers.

PAPER 3: LEGAL THEORY (Compulsory Paper)

Objectives:

LL. M. students are expected to develop a philosophical and analytical mind by making a deep study of various theories of law. It is helpful in understanding the law in its social and temporal context. It will also help students to appreciate the limitations of law. The unitised syllabus for the course is as follows.

Course content:

Unit I

Natural Law Theories: Jewish, Roman, Greek, Middle Ages, Renaissance and Reformation Period, Modern period, Indian: ancient and modern.

Unit II

Positive Law Theories: Bentham, Austin, Kelson, Hart

Unit III

Historic Theories and Anthropological Theories: Hegel, von Savigny, Puchta, Henry Maine, Gierke, Hegel. Economic Theories: Marx and Engels, Lenin, Pushukanis, Stalin, Tito, Mao, Gorbachev

Unit IV

Sociological Theories: Bentham, Ihering, Earlich, Pound, Duiguit

Unit V

Realism: American and Scandinavian

Select Bibliography:

1. Julius Stone, The Province and Function of Law, Part-II Chs.1,8 -16(2000), Universal, New Delhi.
2. W. Friedmann, Legal Theory (1960), Stevens, London.
3. Bodenheimer, Jurisprudence - the philosophy and Method of the Law (1997), Universal, Delhi.
4. R. W. M. Dias, Jurisprudence
5. John Salmon, Jurisprudence
6. H. L. A. Hart, The Concept of Law

I. CONSTITUTIONAL LAW BRANCH

SPECIALISATION PAPER 1: CONSTITUTIONAL THEORY & PRACTICE

Objectives:

Constitution of a State is considered to be politico-legal document which reflects the major policy choices and aspirations of the people of the State. The object is to study the nature and importance of Constitution, requisites of an ideal Constitution, and constitutionalism. The concept of State and its functions is of greater importance in view of modern political thoughts. The course is intended to impart the fact that Constitution of Indian is a value based documents.

The constitutional policies and practices relating to pluralism, multiculturalism, religious and ethnic challenges and constitutional responses are the areas for study in the context constitutional ideologies and experiences of India, USA, UK & Canada.

What constitutional values and approaches influence the interpretation of Constitution of India? Whether the Constitution is interpreted as a value document has to be analyzed with the help of case laws. The incongruity amongst the theoretical provisions and the working models of the Constitution has to be studied. What are the theoretical foundations and practical difficulties created by the judicial decisions? A student of Constitutional law specialization is expected to have strong theoretical foundation as well as its reality in Society.

Course content:

Unit I:

Nature & importance of constitution, Evolution of constitutional values, Requisites of Ideal constitution; Concept of Constitutionalism-its development & role in the Legal system;

Nature & limitations of constituent & amending power; Basic structure theory, Transformative Constitutionalism; Constitutional Morality.

Unit II:

State-concept; Social contract theories; theories of Karl Marx, Bosanquet & T.H.Green ; Saptanga theory of state in Ancient India; Obligation of ruler; Modern Indian political thoughts of Raja Ram Mohan Roy, Gandhi, Nehru & Ambedkar about functions of state. Model of Indian constitution

Unit III:

Constitutional policies & practices relating to pluralism; Concept of Multiculturalism, Religious, Linguistic & ethnic challenges & constitutional responses; Secularism, Language rights, Protection of ethnic minorities (V & VI Schedules under the Indian constitution), Relation between society, state & Individual. The study is with reference to the constitutional ideologies & experiences of INDIA, U.S.A., U.K., & CANADA

Unit IV:

Role of Internal & External Aids in the Interpretation of constitution, Preamble; Headings, Marginal Notes, Non Abrogation & Non Derogation provisions, Inclusive & Exclusive definitions, Use of Drafts, Constituent Assembly debated, Legislative History, International Law, Text Books, Commentaries, & dictionaries. Original intention theory, Values & approaches that influence constitutional Interpretation; Interpreting the constitution as a value document: Purposive interpretation, Living organism ; Approach, Reading down & Reading up & reading In.

Unit V:

Inter-relationship of Fundamental rights, interpreting the constitution as legal document, Presumption of constitutionality, Literal interpretation & its limitations; Interpretation of federal scheme: Doctrine of Inconsistency, Doctrine of Pith & substance & colourable legislation, Doctrine of occupied field: Doctrine of Eclipse & severability, Harmonious construction-Avoiding the fallacies of Hyper-Integration & Disintegration, Ejus Dem generis.,

Select Bibliography:

1. Karl Lowenstein. Political power & Governmental process.
2. Gettel, Readings in Political Science
3. K.C. Wheare, Modern Constitutions
4. H.J. Laski, The state in theory & Practice (chapter-1)
5. B.A. Masodkar, society state & Law.
6. R.M. MacIver, The Modern state
7. Nomos, Constitutionalism
8. P.V. Kane, History of Dharmastra. Vol III
9. Rama Jois, Constitutional & Legal History, Vol I & II
10. Carl J Friedrich, Constitutional Government & Politics

11. Appadorai, Modern Indian political thought
12. M Hidayatulla- Fifth & Sixth Schedule to the constitution
13. H.M.Seervai, Constitutional Law of India, Vol I
14. Lawrence Tribe & Michel Douf- On Reading the constitution,
15. Ely, J.H. Democracy & Distrust
16. Rotunda & Nowak, Treatise on American Constitution Vol IV
17. P.K.Tripati, Spotlights on constitutional Interpretation
18. Peter W.Hogg, Constitutional law of Canada.
19. Joseph E. Magnet, Constitutional Law of Canada; cases & materials, Vol II
20. M.P Jain, Constitutional Law of India.
21. Hidayatulla (ed) Constitutional Law of India Vol-I (relevant chapters)
22. G.P.Singh, Interpretation of statutes
23. Vepa P sarathi, Interpretation of statutes.
24. Laurence H.Tribe, American constitutional Law.

II. BUSINESS AND TRADE LAW BRANCH

SPECIALISATION PAPER 1: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Objectives:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement, and human right dimensions of the regime of intellectual property law will also be addressed.

Course content:

Unit I

IPR and International Perspectives: Meaning of the term intellectual property; various types of intellectual property; evolution of IPR; impact of IPR on international social, political and economic systems; impact of IPR on ethics and morality.

Unit II

Trademarks and Consumer Protection (Study of UNCTAD report on the subject). Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study

Unit III

Patent Search, Examination and Records; International and global patent information retrieval system (European Patent Treaty); Patent Co-operation Treaty (PCT); Differences in resources for patent examination between developed and developing societies; The Indian situation.

Unit IV

Special Problems of Proof of Infringement; Status of intellectual property in transit - TRIPS obligation Indian position; the evidentiary problems in action of passing off; The proof of non-anticipation, novelty of inventions protected by patent law; Evidentiary problems in piracy: TRIPS obligation-reversal of burden of proof in process patent; Need and Scope of Law Reforms.

Unit V

Intellectual Property and Human Rights: Freedom of speech and expression at the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty 1996); Legal status of hazardous research protected by the regime of intellectual property law; Human right of the impoverished masses intellectual property protection of law products for healthcare and food security. Traditional knowledge - protection - biodiversity convention - right of indigenous people

Select Bibliography:

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terence P. Stewart (ed.), The GATT Uruguay Round : A Negotiating History (1986-1994) the end game (Part-1) (1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York
4. David Bainbridge, Software Copyright Law (1999), Butterworths
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa (ed.), Intellectual Property and International Trade Patent Co-operation Treaty Hand Book (1995) Sweet and Maxwell
7. Christopher Wadlow. The Law of Passing-Off (1998), Sweet and Maxwell
8. W.R. Cornish, Intellectual Property Law (1999), Sweet and Maxwell

III. INTELLECTUAL PROPERTY RIGHTS BRANCH

SPECIALISATION PAPER-1: CONCEPTUAL STUDY OF INDUSTRIAL AND INTELLECTUAL PROPERTY RIGHTS

Objectives: The objective of study of this paper is that it is required to understand the concepts of property in different forms at different times taking account the industrialisation and post-industrialisation era in which a shifting change has occurred in the concept and meaning of property and specifically the intellectual property.

The Course Content is as follows:

UNIT: I – Meaning and definition of concept of property; evolution concept of property at different times and places, meaning and definition of industrial and intellectual property, comparison and distinction between the industrial and intellectual property.

UNIT – II: Nature and features of industrial and intellectual property, different types of industrial and intellectual property.

UNIT – III: The international legal regime governing industrial and intellectual property such as Paris Convention, TRIPs Agreement of GATT/WTO, UPOV, PLT and SPLT the international institutions governing the industrial and intellectual property such as WIPO, WTO, UPOV and TRIPs Council.

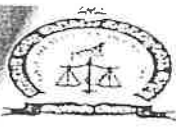
UNIT – IV: The national legal regime governing industrial property and intellectual property such as salient features of the Copyright Act, 1957, the Patents Act, 1970, the Trade Marks Act, 1999, Designs Act, 2000, Semiconductor Integrated Circuits Layout Designs Act, 2000 and the Geographical Indications of Goods (Registration and Protection) Act, 1999.

UNIT – V: The importance of the study of industrial and intellectual property, impact of the industrial and intellectual property such as monopolisation of market, abuse of market, anti-competition, impact on socio-economic conditions of the nations, impact on small and medium-scale industries, impact on village and cottage industry, impact on traditional life styles, indigenous peoples and farmers, impact on culture and religion.

Select Bibliography:

1. James J. Fawcett and Paul Torremans, *Intellectual Property and Private International Law*, Clarendon Press, Oxford (1998).
2. Bernard Hoekman and Michel Kosteki, *The Political Economy of the World Trading System*, Oxford University Press, Oxford.
3. Raj Bhala, *International Trade Law: Theory and Practice*, LexisNexis, New York.
4. Trevor Black, *Intellectual Property in Industry*, Butterworths, London (1989).
5. Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, *International and Comparative Patent Law*, LexisNexis, New Jersey (2002).
6. Campbell, Dennis and Susan Cotter (Eds.), *International Intellectual Property Law: Global Jurisdictions*, John Wiley & Sons, UK (1996).
7. D'Amato and Anthony, *International Intellectual Property Anthology*, Anderson Publishing Co., Cincinnati, Ohio (1996).
8. Doern and G. Bruce, *Global Change and Intellectual Property Agencies: Institutional Perspective*, Pinter, London and New York (1999).
9. R.M. Gadgaw and T.J. Richards, *Intellectual Property Rights: Global Consensus, Global Conflicts?*, Westview Press, Boulder, Colorado (1998).
10. Alan S. Guterman and Bentley J. Anderson, *Intellectual Property in Global Markets*, Kluwer Law International, London, The Hague, Boston (1997).
11. W.R. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
12. William Cornish and David Llewelyn, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights*, Sweet and Maxwell, London (2003).
13. V. Ramachandraiah (Ed.), *GATT Accord: India's Strategic Response*, Common Wealth Publishers, New Delhi (1994).
14. V. N. Vishwanathan, *Dunkel Draft: Its Implications for India*, Academic (India) Publishers, New Delhi (1994).
15. Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
16. Jayashree Watal, *Intellectual Property Rights in the WTO and Developing Countries*, Oxford University Press, New Delhi (2001).

17. Prabuddha Ganguly, Intellectual Property Rights: Unleashing the Knowledge Economy, Tata McGraw-Hill Publishing Company Limited, New Delhi (2001).
18. Arun Goyal (Ed.), WTO in the New Millennium: Commentary, Case Law and Legal Texts, Academy of Business Studies, New Delhi (2000).
19. S.R. Myneni, Law of Intellectual Property, Asia Law House, Hyderabad (2001).
20. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
21. Vikas Vashishth, Bharat's Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999).
22. Ranabhir Singh, Law Relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
23. C. Heath, C. Antons and M. Blakeney, Intellectual Property: Harmonisation with ASEAN and APEC, Kluwer Law International, The Hague (2004).
24. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
25. Guttina Leela (Ed.) and V.C. Vivekanandan (Series Ed.), International Treaties and Conventions on IPR, Module IV, NALSAR Proximate Education, NALSAR University of Hyderabad.
26. Daniel Gervais, The TRIPs Agreement: Drafting History and Analysis, Sweet and Maxwell, London (1998).



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ- 580025

ನ್ಯಾಕ 'ಎ' ಶ್ರೇಣಿ ಮಾನ್ಯತೆ

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ಸಂಖ್ಯೆ: ಕರಾಕಾವಿ/ವಿದ್ಯಾಮಂಡಳ/2ವರ್ಷದಎಲ್.ಎಲ್.ಎಮ್/ಪಠ್ಯಕ್ರಮ/2019-20/2163 ದಿನಾಂಕ:05.02.2020.

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್ ಕೋರ್ಸುಗಳಾದ Constitutional Law, Intellectual Property Law and Business Law, ಗಳಿಗೆ
2ನೇ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ನೀಡುವ ಕುರಿತು.
ಉಲ್ಲೇಖ: ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಅನುಮೋದನೆಯ ದಿನಾಂಕ: 11.02.2020.

ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ತಮಗೆ ಈ ಮೂಲಕ ತಿಳಿಸುವುದನೆಂದರೆ ಪ್ರಸ್ತುತ ವರ್ಷದಿಂದ ಅಂದರೆ 2019-20ನೇ ಸಾಲಿನಿಂದ ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್. ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಕೋರ್ಸುಗಳನ್ನು ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಯೋಜನೆ ಹೊಂದಿರುವ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗಿದೆ. ಸದರಿ ಕೋರ್ಸಿಗೆ ಎರಡನೇ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ. ಮುಂದುವರೆದು ಇನ್ನು ಉಳಿದ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ಮುಂಬರುವ ದಿನಗಳಲ್ಲಿ ಕಳುಹಿಸಿಕೊಂಡಲಾಗುವುದು.

ಆದ್ದರಿಂದ ಸದರಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಸಂಬಂಧಪಟ್ಟಿರುವ ಉಪನ್ಯಾಸಕರಿಗೆ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳ ಗಮನಕ್ಕೆ ತರುವಂತೆ ಪ್ರಾಚಾರ್ಯರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.


ಕುಲಸಚಿವರು

ಅಡಕ: 2ನೇ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಗೆ,

1. ನಿರ್ದೇಶಕರು, ಕ.ರಾ.ಕಾ.ವಿ.ಯ ಕಾನೂನು ಶಾಲೆ, ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ-580025
2. ಪ್ರಾಚಾರ್ಯರು, ಕೆ.ಎಲ್.ಇ. ಸಂಸ್ಥೆಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.
3. ಪ್ರಾಚಾರ್ಯರು, ಎಸ್.ಡಿ.ಎಮ್. ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಮಂಗಳೂರು.
4. ಪ್ರಾಚಾರ್ಯರು, ಸಿ.ಬಿ.ಆರ್. ನ್ಯಾಷನಲ್ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಶಿವಮೊಗ್ಗ.

ಪ್ರತಿಗಳು:

1. ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾ.ವಿ. ಹುಬ್ಬಳ್ಳಿ ಇವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
2. ಮಾನ್ಯ ಕುಲಸಚಿವರು ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕ.ರಾ.ಕಾ.ವಿ. ಹುಬ್ಬಳ್ಳಿ ಇವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
3. ಮಾನ್ಯ ಕುಲಸಚಿವರು (ಮೌಲ್ಯಮಾಪನ) ಕ.ರಾ.ಕಾ.ವಿ. ಹುಬ್ಬಳ್ಳಿ ಇವರ ಮಾಹಿತಿಗಾಗಿ ಸಲ್ಲಿಸಲಾಗಿದೆ.
4. ಕಛೇರಿಯ ಪ್ರತಿ.



II SEMESTER

- 05 Legal Education and Research Methodology
- 06 Judicial Process (earlier Law Making Processes)
- 07 Legal Concepts
- 08 Specialisation Paper – 2

PAPER 5: LEGAL EDUCATION AND RESEARCH METHODOLOGY [Compulsory]

Objectives:

A post-graduate student of law should get an insight into the objectives of legal education and legal research. The student should be introduced to the legal regime governing legal education so that they can contribute better when involved in the activities of centers of legal education. Further the students should be thoroughly introduced to the idea and methods of legal research to better equip them to effectively discharge their responsibilities in the capacity of both academicians and professionals. This course is designed to equip the students with the requirements of legal education and legal research in contemporary society.

Course content:

Unit I: Introduction to Legal Education.

Legal Education: History of legal education; National Education Policy; Objectives of Legal Education; Bar Council of India Rules of Legal Education; present problems of legal education and future perspectives; Curriculum making and reform; designing teaching methods to suit the curricular requirements; diversity in teaching methods and their merits and demerits; legal aid, legal literacy and law reform

Unit II: Idea of Legal Research, Methodology and ensuring good quality research

Legal Research: Introduction; Legal Research Methodology, purposes and footsteps; thinking process in legal research: diverse models; objectivity, value neutrality, originality, and ethics in legal research; choosing, designing, and building the legal research theme; formulation and testing of hypothesis; rules against plagiarism; introduction to kinds of research.

Unit III: Doctrinal Legal Research Methods

Doctrinal legal research as a means of synthesizing facts, thoughts and legal principles; analytical legal for expanding the legal world; historical legal research: implications and applications; philosophical research in law: the possibilities; comparative method of legal research: nature, process, and potentiality.

Unit IV: Non-doctrinal Methods of Legal Research:

Empirical legal research: nature, features and expanding horizons; tools of data collection in empirical legal research: observation, interview, case study, ethnography, questionnaire, survey; qualitative legal research; sampling method: varieties and uses; quantitative legal research.

Unit V: Integrated methods of legal research and Research Reporting:

Multi-method legal research: nature, need, procedure and potentiality; policy research in law; action research in law; methodology of feminist legal research; Legal writing based on research: report writing, writing articles, case comments and notes

Prescribed Book:

Bhat Ishwara P., Idea and Methods of Legal Research, (Oxford: Oxford University Press, 2019)

References:

Whitney F.L., The Elements of Research, (rev.edn. Prentice Hall, 1948)

Goode, William J. and Hatt Paul K., Methods in Social Research, 1st Ind. Re.pt. (Delhi: Surjeet Publications, 2006)

Mike McConville and Wing Hong Chi, Research Methods for Law (Edinburg University Press, 2007)

SK Verma and Afzal Wani, Legal Research methodology (Indian Law Institution, Second Edition, 2007)

Justice A.S.Anand, "Legal Education in India- Past, Present and Future," in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh, (New Delhi: Universal Law Publishing Co., 2014) Pp.11-20.

Justice A.R.Lakshmanan, "Legal Education – Role of the Bar," in Lokendra Malik and Manish Arora ed., Legal Education in India: Essays in honour of Professor Ranbir Singh, (New Delhi: Universal Law Publishing Co., 2014) Pp.35-48.

PAPER 6: JUDICIAL AND LEGISLATIVE PROCESS (earlier LAW MAKING PROCESSES [Compulsory])

Objectives:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Law Making Processes is essential in the LL.M curriculum. The objective of this paper is to study the nature of law making processes as instruments of social ordering.

A lawyer whether academic or professional is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on judicial process is essential in the LL.M. curriculum. The objective of this section of the paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This section of the paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the alternate aim of any legal process or system is to pursue justice, a systematic study of the concept of justices and its various theoretical foundations is required. This section of the paper therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

Course content:

Unit I

Nature of Judicial Process: Judicial process as an instrument of social ordering; judicial process and creativity in law - common law model. - Legal Reasoning and growth of law-change and stability; stare decisis; the tools and techniques of judicial creativity and precedent; identifying ratio decidendi and obiter dicta Legal development and creativity through legal reasoning under statutory and codified systems;

Unit II

Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review; Role in constitutional adjudication - various theories of judicial role; Tools and techniques in policy-making and creativity in constitutional adjudication; Variants of judicial and juristic activism;

Unit III

Problems of accountability and judicial law-making. Judicial Process in India: Indian debate on the role of judges and on the notion of judicial review; The "independence" of judiciary and the "political" nature of judicial process; Judicial activism and creativity of the Supreme Court the tools and techniques of creativity; Institutional liability of courts and judicial activism - scope and limits. Structural challenges

Unit IV

Legislation as a source of law: its relation with other sources of law; Supreme legislation: law making by Indian Parliament; Interaction between law and public opinion; Drafting of Bills; presentation and discussion in Legislature Houses; Subordinate legislation; types of subordinate

legislation. Major rules of interpretation of statutes; Literal or Plain Meaning Rule; Golden Rule; Purposive approach; Mischief Rule; Compromise approach

Unit V: Legislative Drafting

Nature of legislative drafting; diseases of language to be dealt and taken care of; its history in India and England; components or parts of legislation and their purposes; role of legislation in social welfare, and transformation; role of draftsman; the skills, traits and abilities he should possess; legislative draftsman's position, duties and responsibilities: relation with government, legislative division, public and the society at large; impact of constitutional values and provisions on legislative drafting; impact of the General Clauses Act upon legislative drafting; impact of principles of statutory interpretation upon legislative drafting; steps in legislative drafting; pre-draft preparation; drafting; deliberation with others; post-draft refinement; drafting of delegated legislation – limits and cautions; drafting exercise.

Select Bibliography:

1. W. Friedman, Law in a Changing Society
2. Julius Stone, The Province and Function of Law, Part II, Chs. 1, 8-16 (2000), Universal, New Delhi.
3. Enjamin Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
4. Henry J. Abraham, The Judicial Process (1998), Oxford.
5. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
6. W. Friedmann, Legal Theory (1960), Stevens, London
7. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
8. C. K. Allen, Law in the Making
9. C. K. Allen, Law and Orders (2nd edn.)
10. Sir Henry Maine, Ancient Law
11. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
12. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
13. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
14. John Rawls, A Theory of Justice (2000), Universal, Delhi
15. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
16. F. C. Cohen, 'Modern Ethics and the Law' (1934) 4 Brooklyn Law Review 33
17. P. Devlin, 'Judges, Government and Politics' (1978) 41 Modern Law Review 501
18. J. Dickinson, 'The Law Behind Law' (1929) 29 Columbia Law Review 285
19. T. K. Vishwanathan, (Ed) G. Rajagopaul's Legislative Drafting: Shaping the Law for the Millennium (Indian Law Institute, 2007)
20. B R Atre, Legislative Drafting: Principles and Techniques (Universal, 2014)
21. Helen Xanthaki, Thornton's legislative Drafting (5th ed); G C Thornton, Legislative Drafting (Butterworths, 1996)
22. Constantin Stefanou and Helen Xanthaki (ed) Drafting Legislation (Ashgate, 2008)
23. Reed Dickerson, Legislative Drafting
24. Reed Dickerson, Interpretation of Statutes
25. G P Singh, Statutory Interpretation (14th ed, 2018)

PAPER 7: LEGAL CONCEPTS [Compulsory]

Objectives:

Students at LL. M. level are required to conduct a detailed critical and analytical study of various dimensions of legal concepts, which are the basic tools in the hands of law fraternity to appreciate varied branches of discipline in law. Legal concepts are to be understood as the bridges of comprehension of law in its application in the process of administration of justice. The process of administration of justice would remain incomplete without the comprehension and use of legal concepts. The teacher is required to give instructions to the students by citing examples of decided cases of various legal systems, with special reference to Indian Cases, in which legal concepts have been used by the judges in rendering justice. The unitised syllabus for this course is as follows.

Course content:

Unit I:

Rights:- Conception; Definition; characteristics; types; Rights in the wider sense of the term; Jural relationship of Right-Duty, Liberty-No-right, Power-Liability and Immunity-Disability; critique on jural relations; temporal dimensions.

Unit II:

Persons: Concept of personality, status of unborn persons, dead and lower animals; natural and legal persons; corporations: sole, aggregate, limited etc; registered friendly associations. Multinational Corporations and Juristic Personality; Transnational Juristic Personality; Theories of personality.

Unit III

Property: Meaning; Types; Movable and Immovable property; Corporeal and Incorporeal Property; Emergence and expanding regime of Incorporeal property: Patents; Copyrights; Designs; Trademarks, Geographical Indications; Integrated Circuits; Protection of Plant Varieties; Confidential Information.

Unit IV

Possession: Idea of Possession; Possession in Roman Law; Possession in English Law; Possession in Indian Law; Theories of Possession; Judicial Interpretation of Possession in Indian and British Courts. Adverse possession

Unit V

Ownership: The Idea of Ownership; Analysis of Ownership; Function of Ownership in Social Engineering; Ownership and Allocation of burdens and Benefits; Ownership and Liberty; Ownership and Power; Ownership in India: Tiller of the Land as Owner: Sons of the Soil Theory.

Select Bibliography:

1. R W M Dias, Jurisprudence

2. Salmond on Jurisprudence (ed P J Fitzgerald)
3. G W Paton, A Text-book of Jurisprudence
4. W Friedmann, Law in a Changing Society
5. W N Hohfeld, Fundamental Legal Conceptions As Applied in Judicial Reasoning (ed W W Cook)
6. A Kocourek, Jural Relations
7. J Stone, Legal System and Lawyers' Reasonings
8. M Radin, 'A Restatement of Hohfeld' (1938) 51 Harvard Law Review 1141
9. A L Goodhart, Essays in Jurisprudence and the Common Law
10. F Hallis, Corporate Personality
11. J W Bingham, 'The Nature and Importance of Legal Possession' (1915) 13 Michigan Law Review 534
12. H Bond, 'Possession in Roman Law' (1890) 6 LQR 259
13. D R Harris, 'The Concept of Possession in English Law' in Oxford Essays in Jurisprudence (ed A G Guest) ch 4
14. L C Becker, Property Rights: Philosophical Foundations
15. A A Berle & G C Means, The Modern Corporation and Private Property
16. A M Honore, 'Ownership' in Oxford Essays in Jurisprudence (ed A G Guest)
17. J M Lightwood, A Treatise on Possession of Land
18. J W C Turner, 'Some Reflections on Ownership in English Law' (1941) 19 Canadian Bar Review 342

Constitutional Law Branch:

Paper-8: Specialisation Paper-2

PUBLIC UTILITIES LAW

Objectives:

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-à-vis their employees, consumers and others. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course content:

Unit I

Public Utilities: Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Growth and evolution of public utilities and their legislation;

Unit II

Why Government Monopoly? Government and Parliamentary Control; Constitutional division of power to legislate. Utilities Legislation – Patterns; Administrative Authorities - Structure of the Administrative Authorities; Subordinate legislation

Unit III

Public Utilities and Fair Rearing; Quasi-Judicial Decision - Administrative Discretion ; Public Utilities and Consumer Protection; Exclusion from M.R.T.P. Act; Rights of consumers protected by the Consumer Protection Act; Rights Arising from law of Contract and law of Torts.

Unit IV

Public Utilities And their Employees; Application of Articles 16 and 311; Application of Industrial law- right to strike; Public Utilities and Fundamental Rights; The right to equality: the airhostess case; are Public utilities "State" for the purpose of Article 12 of the Constitution? Extension of the concept of State.

Unit V

Liabilities and special privileges of public utilities; In contract; In tort; In criminal law

Select bibliography:

1. P.M. Bakshi, Television and the Law, (1986)
2. Vasant Kelkar, "Business of Postal Service" 33 I.J.P.A. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country like India" 32 I.J.P.A. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180 (1985)

5. Arvind K. Sharma "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.P.A. p. 99-113.
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. Jagdish U , Handbook of electricity Laws, (1978)
9. Bhaumik, The Indian Railways Act, (1981)
10. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
11. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I & II, Administrative Law, Consumers Protection Law and Labour law)

Business and Trade Law Branch:

Paper-8: Specialisation Paper-2: CORPORATE GOVERNANCE

Objectives:

The post independent period is regarded as an era of industrial development which is a principal means in the strategy for achieving the goal of economics and social justice envisioned in the Constitution of India. Corporations, both public and private are viewed as a powerful instrument for development, and thereby, for ameliorating the living standards of masses. The objective of the course is to understand the economic and legal dimensions of corporate governance in the process of industrial development in establishing a "just" social order in the context of Constitutional values.

The students are to acquaint themselves with the issues of corporate governance with regard to the incoming capital and outgoing finances. A lawperson's advice will be sought in regard to the formation of initial capital and also in regard to much needed working capital by the industries. The student has to acquaint with the organization, functions, lending and recovery procedures, conditions of lending and accountability, National and State financing institutions and also of commercial banks. The objective here is to acquaint the students with the economic contours of various statutory rules relating to corporate finances.

The finances of a corporation are also directly linked with various governmental regulations regarding industrial development and regarding the issue of capital by way of shares, bonus shares, rights shares, and debentures and also regarding the borrowing by way of deposits from the public at large. Besides, the issues of corporate governance are closely related to industrial policy and taxation structure. The student has to acquaint with the process of the inflow and outflow of corporate finance.

Course content:

Unit I

The formation of a company; Incorporation; Memorandum of Association; Alteration of Memorandum of Association; Articles of Association; Alteration of Articles of Association; Companies registered outside India; Kinds of Companies.

Unit II

Powers of the Company and its agents; The Doctrine of *Ultravires*; Constructive Notice and Indoor Management and recent developments; Corporate ethics and code of conduct; Directors; Constitution of Board of Directors; Managing Directors Position; Powers and Liabilities of Directors; Role of Company Secretary; Powers and Functions of Inspectors.

Unit III

Issue of Shares; Types of Shares; Instrument of Prospectus; Procedure for allotment of Shares and Debentures; Transfer and Transmission of Shares; different types of Shareholders and their privileges; Shares and Debentures as Property; Lien on Shares; Forfeiture of Shares.

Unit IV

Share Capital; Kinds of Share Capital; Debenture Capital; Registration of Charges; Rights and Privileges of Shareholders; Control over Company Management by Shareholders; Majority Powers and Minority Rights; Dividends; Corporate Taxation; Impact of Tax Laws; Labour Participation in Management.

Unit V

Prevention of Oppression and Mismanagement; Winding Up of Companies; Modes: Voluntary Winding Up; Winding Up by Court; Winding Up subject to the Supervision of the Court; The Regulatory Authorities: The Central Government; The Department of Company Affairs; The Company Law Board; The SEBI; The Stock Exchange.

Select Bibliography:

1. Palmer, Company Law, Stevens, London
2. LGB Grover, Principles of Modern Company Law, Sweet and Maxwell, London
3. Pennington, Company Law, Butterworths, London
4. A. Ramaiya, Guide to the Companies Act, Wadhwa and Co. Agra
5. S K Roy, Corporate Image in India, Shah S M Lectures on Company Law, N M Tripathi, Bombay

Intellectual Property Rights Law Branch:

Paper-8: Specialisation Paper-2
LAW OF PATENTS IN INDIA

Objectives: A patent for an invention is a kind of industrial property. The term intellectual property also being used to signify the patents obtained for inventions since invention is a product of thought.

The development of technology and improvements in industrial techniques, which are so essential for the economic welfare of human society, depend largely on the growth of inventions capable of industrial application. In order to encourage the creation and manufacture of new articles and improvements in existing articles or their manufacturing processes, a system of granting a limited monopoly to the inventors in return for the disclosure of the invention to the public called patents has developed in almost all countries and engaged in their protection by entering into international treaties and agreements. The subject of patent law requires its detailed study by the students in view of the above significance attached to the patent legal system.

The Course Content is as follows:

UNIT: I – Basic concepts of inventions and Patents, Indian and International history of inventions and patents, features of inventions and patents, the distinction between the invention and patent, importance of inventions for technological, socio-economic growth of the country in particular and world in general.

UNIT: II – Indian aspects of patent law: Basic principles underlying the patent law in India compared with other national patents systems such as U K, U S and E U, the salient features of the Indian Patents Act, 1970 as amended in 1999, 2002 and 2005: meaning and definitions of patent, invention, newness, inventive step and capable of industrial application, comparison and distinction between the invention and discovery.

UNIT: III – Patentable inventions, procedure to obtain patent, patents of addition, specification: provisional and complete specification, amendments of application and specifications, opposition to grant of patent and grounds for opposition, register of patents.

UNIT: IV – Patent office, powers of controller and central government, appeals and appellate board, rights and obligations of a patentee, transfer of patent rights, use of inventions for the purposes of government and acquisition of invention by central government, abuse of patent rights and remedies, compulsory licence and revocation, grounds of revocation of a patent, infringement of patents, action for infringement, reliefs and remedies upon the infringement of patent.

UNIT: V – International aspects: Salient features of international legal instruments on patents such as Paris Convention for the Protection of Industrial Property, 1883, TRIPs Agreement of GATT/WTO – 1993, Patent Co-operation Treaty, 1970, WIPO Patent Law Treaty (PLT), 2000, WIPO Substantive Patent Law Treaty (SPLT), Budapest Treaty on International Recognition of the Deposit of Micro-organisms for the Purpose of Patent Procedure, 1977 and Strasbourg Agreement Concerning the International Patent Classification, 1971 as amended and revised time to time; Role of international institutions in implementation and harmonisation of patent legal system such as WIPO, WTO, TRIPs Council.

Select Bibliography:

1. Graeme B. Dinwoodie, William O. Hennessey and Shira Perlmutter, International and Comparative Patent Law, LexisNexis, New Jersey (2002).
2. R.M. Gadgaw and T.J. Richards, Intellectual Property Rights: Global Consensus, Global Conflicts?, Westview Press, Boulder, Colorado (1998).
3. Alan S. Gutterman and Bentley J. Anderson, Intellectual Property in Global Markets, Kluwer Law International, London, The Hague, Boston (1997).
4. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Universal Law Publishing Co. Pvt. Ltd., Delhi (2001).
5. P. Narayanan, Patent Law, 4th Edn., Eastern Law House, New Delhi and Kolkata (2006).
6. P. Narayanan, Intellectual Property Law, Eastern Law House, New Delhi and Kolkata (2005).
7. William Cornish and David Llewelyn, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London (2003).
8. Hilary E. Pearson and Clifford G. Miller, Commercial Exploitation of Intellectual Property, Universal Law Publishing Co. Pvt. Ltd., Delhi (1997).
9. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Oxford University Press, New Delhi (2001).
10. Prabuddha Ganguly, Intellectual Property Rights: Unleashing the Knowledge Economy, Tata McGraw-Hill Publishing Company Limited, New Delhi (2001).

11. L. Bently and B. Sherman, Intellectual Property Law, Oxford University Press, Oxford.
12. Vikas Vashishth, Bharat's Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999).
13. Ranabhir Singh, Law relating to Intellectual Property, Vols. 1-3, Universal Law Publishing Co. Pvt. Ltd., Delhi.
14. Bibek Debroy (Ed.), Intellectual Property Rights, B.R. Publishing Corporation (India) Ltd. (1998).
15. Guttina Leela (Ed.) and V.C. Vivekanandan (Series Ed.), International Treaties and Conventions on IPR, Module IV, NALSAR Proximate Education, NALSAR University of Hyderabad.
16. Srividhya Raghavan (Ed.) and V.C. Vivekanandan (Series Ed.), The American and European Patent System, Module III, NALSAR Proximate Education, NALSAR University of Hyderabad.
17. G.S. Srividhya (Ed.) and V.C. Vivekanandan (Series Ed.), Patenting in India, Module III, NALSAR Proximate Education, NALSAR University of Hyderabad.
18. Martin J. Adelman, Randall R. Rader, John R. Thomas and Harold C. Wegner, Cases and Materials on Patent Law, American Case Book Series, West Group, St. Paul, Minnesota (1998).
19. Carlos M. Correa, Intellectual Property Rights, the WTO and Developing Countries: The TRIPs Agreement and Policy Options, Zed Books, Third World Network, Penang Malaysia (2000c).
20. Carlos M. Correa and Abdulqawi A. Yusuf (Eds.), Intellectual Property and International Trade: The TRIPs Agreement, Kluwer Law International, London (1998).
21. John H. Jackson, The World Trade Organisation: Constitution and Jurisprudence, Chatham House Papers, The Royal Institute of International Affairs, London (1998).
22. R.P. Merges, P.S. Menell, M.A. Lemley and T.M. Jorde, Intellectual Property in the New Technological Age, Aspen Law and Business, New York (1997).

23. Edith Penrose, *The Economics of the International Patent System*, John Hopkins Press, Baltimore (1951).
24. Sausan K. Sell, *Power and Ideas: North-South Politics of Intellectual Property and Antitrust*, State University of New York Press (1998).
25. C.T. Taylor and Z.A. Silberston, *The Economic Impact of the Patent System: A Study of the British Experience* Cambridge University Press (1973).
26. I am Muir, Mathias Brande-Dohrn and Stephan Gruber, *European Patent Law: Law and Procedure under EPC and PCT*, Oxford University Press, Oxford.



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ - 580025

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ಸಂಖ್ಯೆ: ಕರಾಕಾವಿ/ವಿದ್ಯಾಮಂಡಳ/2ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್.2020-21/ - 0679

ದಿನಾಂಕ: 01.09.2020

21

ಕಛೇರಿ ಪತ್ರ

ವಿಷಯ: ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್.ಕೋರ್ಸುಗಳಾದ Constitutional Lawಗಳಿಗೆ ಪಠ್ಯಕ್ರಮವನ್ನು ನೀಡುವ ಕುರಿತು.

ಉಲ್ಲೇಖ 1. ಮಾನ್ಯ ಕುಲಪತಿಗಳು ಅನುಮೋದನೆಯ ದಿನಾಂಕ: .09.2020.

ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ತಮಗೆ ಈ ಮೂಲಕ ತಿಳಿಸುವುದೆಂದರೆ ಪ್ರಸ್ತುತ ವರ್ಷದಿಂದ 2019-20ನೇ ಸಾಲಿನಿಂದ ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್. ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಕೋರ್ಸುಗಳನ್ನು ವಿಶ್ವವಿದ್ಯಾಲಯಕ್ಕೆ ಸಂಯೋಜನೆ ಹೊಂದಿರುವ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗಿದೆ. ಸದರಿ ಕೋರ್ಸಿಗೆ ಮೂರನೇ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ. ಮುಂದುವರಿದು ಇನ್ನು ಉಳಿದ ಸಮೀಕ್ಷಾರ್ಥ ಪಠ್ಯಕ್ರಮವನ್ನು ಮುಂಬರುವ ದಿನಗಳಲ್ಲಿ ಕಳುಹಿಸಿಕೊಡಲಾಗುವುದು.

ಆದ್ದರಿಂದ ಸದರಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಸಂಬಂಧಪಟ್ಟಿರುವ ಉಪನ್ಯಾಸಕರಿಗೆ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳ ಗಮನಕ್ಕೆ ತರುವಂತೆ ಪ್ರಾಚಾರ್ಯರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ಗೆ,

1. ಕುಲಸಚಿವರು, (ಪರೀಕ್ಷಾಂಗ), ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ, ಹುಬ್ಬಳ್ಳಿ
2. ನಿರ್ದೇಶಕರು, ಕ.ರಾ.ಕಾ.ವಿ.ಯ ಕಾನೂನು ಶಾಲೆ, ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ
3. ಪ್ರಾಚಾರ್ಯರು, ಕೆ.ಎಲ್.ಇ.ಸಂಸ್ಥೆಯ, ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.
4. ಪ್ರಾಚಾರ್ಯರು, ಎಸ್.ಡಿ.ಎಮ್. ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಮಂಗಳೂರು
5. ಪ್ರಾಚಾರ್ಯರು, ಸಿ.ಬಿ.ಆರ್.ನ್ಯಾಷನಲ್ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಶಿವಮೊಗ್ಗ.
6. ಪ್ರಾಚಾರ್ಯರು, ರಾಮಯ್ಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು

ಅಡಕ: ಎರಡು ವರ್ಷದ Constitutional Laws ಪಠ್ಯಕ್ರಮ ಲಗತ್ತಿಸಲಾಗಿದೆ.

- ಪ್ರತಿ: 1. ಕುಲಪತಿಗಳ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕರಾಕಾವಿ, ಹುಬ್ಬಳ್ಳಿ.
2. ಕುಲಸಚಿವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕರಾಕಾವಿ, ಹುಬ್ಬಳ್ಳಿ / ಕಛೇರಿಯ ಪ್ರತಿ.

ಕುಲಸಚಿವರು

22/9

Syllabus for Constitutional Law for the year 2020-21

III Semester

PAPER 3: UNION-STATE FINANCIAL RELATIONS

Objectives:

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principles, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Course content:

Unit I

Federalism – Essentials; Models of Federal Government - U.S.A., Australia, Canada; Difference between federation and confederation; Evolution of federal government in India; Distribution of Legislative Power/Administrative Power under Indian Constitution; Centre-State relations; Factors responsible for subordination of States; Administrative relations.

Unit II

Distribution of Fiscal Power: Scheme of Allocation of taxing power; Extent of Union power of taxation; Residuary power - inclusion of fiscal power; Restrictions of Fiscal Power; Fundamental Rights: Inter-Government tax immunities; Difference between tax and fee

Unit III

Distribution of Tax Revenues: Tax-Sharing under the Constitution; Finance Commission - Specific purpose grants (Article 282); Borrowing Power of the State; Borrowing by the Government of India; Borrowing by the States.

Unit IV

Inter-State Trade and Commerce: Freedom of Inter-State trade and commerce; Restrictions on legislative power of the Union and States with regard to trade and Commerce; Planning and Financial Relations: NITI Ayog; National Development Council; ; Plan grants.

✓
Unit ~~18~~

Co-operative Federalism: Full faith and credit; Inter-State Council; Zonal Councils; Inter-State disputes; Federal Government in India; Abrogation of Arts.35A and 370; Sarkaria Commission Report; What Reforms are Necessary?

Select bibliography

1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay.
2. Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism: The Legislative Conflicts Chs. 6-7 and 8 (1980).
5. Chandrapal, Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
6. G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
7. Richard M. Pious, The American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elazar, American Federalism, Chs. 3 and 4 (1984)
9. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
10. Report of the Eighth Finance Commission.
11. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
12. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.
13. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections land 11, pp. IS- 168
14. L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
15. Government of Tamilnadu, Report of the Centre-State Relations Inquiry Committee Ch.5 (1971)
16. D.T. Lakadwala, Union-State Financial Relations (1967)
17. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
18. K. Subba Rao, The Indian Federation (1969)
19. K.C. Wheare, Federal Governement (1963)
20. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II) and Journal of Indian Law Institute.

PAPER 4: CONSTITUTIONALISM, PLURALISM AND FEDERALISM

Objectives:

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by subnations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures. The following syllabus prepared with this perspective will be spread over a period of one semester.

Course content:

Unit I

Constitutionalism; Authoritarianism – Dictatorship; Democracy – Communism; Limited Government - concept - Limitations on government power; What is a Constitution? Development of a democratic government in England - Historical evolution of constitutional government; Conventions of constitutionalism - law and conventions; Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India; Separation of powers: Montesquieu; Rule of Law: Concept and new horizons; Marxist concept of constitutionalism; Dictatorship of the proletariat.; Communist State from Stalin to Gorbachov; Fundamental Rights: Human rights; Judicial Review: European Court of Human Rights; Human Rights: International conventions; Limits & doctrine of domestic jurisdiction in international law.

Unit II

Federalism: What is a federal government? Difference, between confederation and federation; Conditions requisite for federalism; Patterns of federal government - U.S.A., Australia, Canada, India; Judicial review - for federal umpiring; New trends in federalism: Co-operative federalism; India - Central Control v. State Autonomy; Political factors influencing federalism; Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam; Dynamic of federalism.

Unit III

Pluralism: What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism; Individual rights - right to dissent; Freedom of speech and expression; Freedom of the press;

Freedom of association; Rights to separateness; Freedom of religion; Rights of the religious and linguistic minorities; Compensatory discrimination for backward classes; Women - rights to equality and right to special protection; Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS - Exclusion from Hindu Law.

Unit IV

Uniform Civil Code; Non-State Law Systems(NSLS) and State Law Systems - Problem of a Uniform Code v personal laws: vertical federalism; Equality in Plural Society: Right to equality and reasonable classification; Prohibition of discrimination on ground of religion, caste, sex, language; Abolition of untouchability; Secularism - constitutional principles; Tribal Groups and Equality

Unit V

Pluralism and International Concerns: International Declaration of Human Rights: Conventions against genocide; Protection of religious, ethnic and linguistic minorities; State Intervention for protection of human rights; Right of self-determination.

Select Bibliography:

1. Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar, "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
3. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299 (1986)
4. M.A. Fazal, "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
5. M.P. Jain, Indian Constitutional Law (1994), Wadhwa
6. Jagat Narain, "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985).
7. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
8. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.
10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute and Journal of Indian Law Institute.
11. P.Ishwara Bhat ed., Constitutionalism and Constitutional Pluralism, 2013, Gurgaon: Lexis Nexis.
- 12.

PAPER 5: LAW AND ADMINISTRATION

Objectives:

The complex responsibilities by the State have necessitated devolution of authority on numerous State functionaries. The number of functionaries in carrying out these tasks has ever been on the increase due to proliferation of human needs. The aggregate of such functionaries is an essential component of modern administration. There is a need of understanding the nature and scope of powers and functions of administration.

This course will deal with the nature, scope and functions of administrative authorities, the nature and control of delegated legislative power, regulation of discretionary powers and general principles of administrative adjudication. One of the perennial problems of the civilized society is to control the exercise of public power. In the course of time a formidable body of law has come into existence for the purpose of exercising control over administration. Law is concerned with controlling the misuse of public power, by laying down general norms of administrative behavior. A course on law and administration must, therefore, lay emphasis on understanding the structure and modus operandi of administration.

This Course further deals with the role played by courts in disciplining the administration. The focus is on their role in protecting the rights of individuals against abuse of administrative power. In addition adjudicatory powers of the administration and liability of administrative authorities are also studied in this course.

Course Content:

Unit I

Public Policy and Administration

Administration Process, Nature and Scope: Rule of Separation of Powers; Control of Delegated Legislation; Administrative Discretion.

Unit II

Judicial Control of administrative Action; Doctrine of Ultra vires; Discretion and Justiciability; Procedural Fairness-Principles of Natural Justice.

Unit III

Constitutional Protection of the Civil Servants; Liability of Police Authorities-Tortious Liability, Contractual Liability; Emerging Trends-Personal Accountability, Compensatory Jurisprudence.

Unit IV

Right to information; Official Secrecy Executive Privilege; Security of Staff and Control on information; Promissory Estoppel.

Unit V

Control on Mal-admission-Ombudsman, Evolving Indian Models; Lokayukta and Lokpal; Commission of Enquiry; Vigilance Commission; The CBI; Inquiries by Legislative Committees; Judicial Enquiries; The Administrative Tribunal.

Select Bibliography:

1. Jain and Jain, Principles of Administrative Law.
2. S. P. Sathe, Administrative Law
3. De Smith, Judicial Review of Administrative Action.
4. M. P. Jain, the Evolving Indian Administrative Law.

PAPER 6: NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Objectives:

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers. The following syllabus prepared with this perspective will comprise 42 units of one hour duration each to be covered over a period of one semester.

Course content:

Unit I

National Security, Public Orders and Rule of Law; Emergency Detention in England - Civil Liberties; Subjective satisfaction or objective assessment? Pre-Independence law.

Unit II

Preventive Detention and Indian Constitution: Article 22 of the Constitution; Preventive Detention and Safeguards; Declaration of Emergencies; 1962, 1965 and 1970 Emergencies; 1975 Emergency

Unit III

Exceptional Legislation: COFEPOSA and other legislation to curb economic offenders; TADA: "the draconian law"-comments of NHRC; Special courts and tribunals; Due process and special legislation

Unit IV

Civil Liberties and Emergency: Article 19; Meaning of "Security of State"; Meaning of "Public Order"; Suspension of Article 19 rights on declaration of emergency; President's Right to suspend right to move any court; Article 21 - special importance - its non-suspendability; Suspendability -44th amendment

Unit V

Access to Courts and Emergency: Article 359: ups and downs of judicial review; Constitution (Forty-fourth), Amendment Act, 1978; Constitution (Fifty-ninth) Amendment Act, 1988. Martial Law: Provisions in English Law; Provisions in the Constitution

Select Bibliography:

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)

3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).



ಕರ್ನಾಟಕ ರಾಜ್ಯ ಕಾನೂನು ವಿಶ್ವವಿದ್ಯಾಲಯ

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ನ್ಯಾಕ 'ಎ' ಶ್ರೇಣಿ ಮಾನ್ಯತೆ

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ಸಂಖ್ಯೆ: ಕರಾಕಾವಿ/ಕುಕಾ/2021-22/

ದಿನಾಂಕ: 8-5-2021

ಸುತ್ತೋಲೆ

ವಿಷಯ: ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್. ಕೋರ್ಸುಗಳಾದ

Constitutional Law and Business & Trade Law ಗಳಿಗೆ

4ನೇ ಸೆಮಿಸ್ಟರ್‌ನ ಪಠ್ಯಕ್ರಮವನ್ನು ನೀಡುವ ಕುರಿತು

ಉಲ್ಲೇಖ: ಬಿ.ಓ.ಎಸ್. (ಪಿ.ಜಿ.) ಸಭೆಯ ನಡಾವಳಿಗಳು ದಿನಾಂಕ

30-3-2021

ಮೇಲ್ಕಾಣಿಸಿದ ವಿಷಯ ಹಾಗೂ ಉಲ್ಲೇಖದನ್ವಯ ಈ ಮೂಲಕ ತಿಳಿಸುವುದೇನೆಂದರೆ, ಶೈಕ್ಷಣಿಕ ವರ್ಷ 2019-20 ನೇ ಸಾಲಿನಿಂದ ಎರಡು ವರ್ಷದ ಎಲ್.ಎಲ್.ಎಮ್. ಸ್ನಾತಕೋತ್ತರ ಪದವಿ ಕೋರ್ಸುಗಳನ್ನು ವಿಶ್ವವಿದ್ಯಾಲಯದ ಕಾನೂನು ಶಾಲೆ ಹಾಗೂ ಸಂಯೋಜಿತ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯಗಳಲ್ಲಿ ಪ್ರಾರಂಭಿಸಲಾಗಿದೆ. ಸದರಿ ಕೋರ್ಸಿಗೆ 4ನೇ ಸೆಮಿಸ್ಟರ್‌ನ ಪಠ್ಯಕ್ರಮವನ್ನು ಈ ಪತ್ರದೊಂದಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

ಆದ್ದರಿಂದ ಸದರಿ ಪಠ್ಯಕ್ರಮವನ್ನು ಸಂಬಂಧಪಟ್ಟಿರುವ ಉಪನ್ಯಾಸಕರಿಗೆ ಮತ್ತು ವಿದ್ಯಾರ್ಥಿಗಳ ಗಮನಕ್ಕೆ ತರುವಂತೆ ಪ್ರಾಚಾರ್ಯರಿಗೆ ಈ ಮೂಲಕ ತಿಳಿಸಲಾಗಿದೆ.

ಅಡಕ: 4ನೇ ಸೆಮಿಸ್ಟರ್‌ನ ಪಠ್ಯಕ್ರಮವನ್ನು ಲಗತ್ತಿಸಲಾಗಿದೆ.

(ಪ್ರೊ. (ಡಾ.) ಪಿ. ಈಶ್ವರ ಭಟ್)
ಕುಲಪತಿಗಳು

ಇವರಿಗೆ

1. ನಿರ್ದೇಶಕರು, ಕ.ರಾ.ಕಾ.ವಿ.ಯ ಕಾನೂನು ಶಾಲೆ, ನವನಗರ, ಹುಬ್ಬಳ್ಳಿ.
2. ಪ್ರಾಚಾರ್ಯರು, ಕೆ.ಎಲ್.ಇ. ಸಂಸ್ಥೆಯ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಬೆಂಗಳೂರು.
3. ಪ್ರಾಚಾರ್ಯರು, ಎಸ್.ಡಿ.ಎಮ್. ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಮಂಗಳೂರು.
4. ಪ್ರಾಚಾರ್ಯರು, ಸಿ.ಬಿ.ಆರ್. ನ್ಯಾಷನಲ್ ಕಾನೂನು ಮಹಾವಿದ್ಯಾಲಯ, ಶಿವಮೊಗ್ಗ.

ಪ್ರತಿ ಇವರಿಗೆ:

1. ಮಾನ್ಯ ಕುಲಪತಿಗಳ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕರಾಕಾವಿ, ಹುಬ್ಬಳ್ಳಿ.
2. ಕುಲಸಚಿವರ ಆಪ್ತಕಾರ್ಯದರ್ಶಿಗಳು, ಕರಾಕಾವಿ, ಹುಬ್ಬಳ್ಳಿ.
3. ಮಾನ್ಯ ಕುಲಸಚಿವರು (ಮೌಲ್ಯಮಾಪನ), ಕರಾಕಾವಿ., ಹುಬ್ಬಳ್ಳಿ.
4. ಕಛೇರಿಯ ಪ್ರತಿ.

IV SEMESTER

PAPER 7: CORPORATE FINANCE AND LAW

Objectives:

Industrial development is regarded as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issues of procuring utilising and managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiently well equipped and adequately trained financial personnel. However the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In view of the above perspectives the broad objectives of this course are formulated as follows:

1. To understand the economic and legal dimensions of corporate finance in the process of industrial development in established social order in the context of constitutional values.
2. To acquaint the students with normative, philosophical and economic contours of various statutory rules relating to corporate finance.
3. To acquaint the students with the organisation, functions, leading and recovery procedures, conditions of lending and accountability of international, national and state financing institutions and also of commercial banks; and
4. To acquaint the students with the process of the flow and outflow of corporate finance

Course content:

Unit I

Corporate Finance: Meaning, importance and scope; Capital Needs: capitalization, Raising of Capital-securities, borrowings, deposits, debentures; Constitutional Perspectives of Corporate Finance: Borrowing Powers of Union and States (Article 292 and 293), Relevant Entries in Union List (List-I) [Entries 37, 43, 44, 45, 46, 52, 82, 85], and Entry 24 of State List [List –2].

Unit II

Equity Finance: Share capital and Retained Earnings; Prospectus: Information Disclosure, Types of Prospectus: Deemed Prospectus, Red Herring Prospectus, Shelf prospectus and Abridged Prospectus. **Debt Finance:** Debentures; Creation of Charges; Mortgages.

Unit III

Protection of Investors: Individual Shareholder Right; Corporate Membership right; Derivative actions; Qualified Membership right; Conversion, Consolidation and Re-organization of Shares; Insider Trading; Resource Mobilisation in Capital Market.

Unit IV

Corporate Fund Raising: Depositories – IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts); Public financing institutions – IDBI, ICICI, IFC & SFC; Mutual fund and other collective investment schemes; Institutional investment – LIC, UTI and Banks; FDI and NRI investment – Foreign Institutional Investment (IMF and World Bank), National Bank for financing infrastructure and development (NBFID)

Unit V

Emerging Issues in Corporate Finance: Derivatives, Mergers and Acquisitions, Behavioural Finance, Entrepreneurial Finance, Financial Modelling, Financial Engineering, Risk Management, Zero-Based Budgeting (ZBB) Corporate Social Responsibility, Insolvency and Bankruptcy Code-Impact on Corporate Finance.

Select Bibliography:

1. Alistair Hondson, The Law on Financial Derivatives (1998), Sweet Maxwell.
2. Will's Ferran, Company Law and Corporate Finance (1999), Oxford
3. Jonathan Charkham, Fair Shares: the Future of Shareholder Power and Responsibility (1999), Oxford.
4. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen, Fords Principle of Corporations Law (1999), Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's Company Law (1998), Butterworths.
7. Austenn R.P., The Law of Public Company Finance (1986), LBC.
8. R.M. Goode, Legal Problems of Credit and Security (1998), Sweet and Maxwell.
9. Altman and Subhramanyan, Recent Advances in Corporate Finance (1985), LBC.
10. Gilbert Harold, Corporation Finance (1956).
11. Henry F. Hoagland, Corporation Finance (1975).
12. Maryin M. Kristein, Corporate Finance (1975).
13. R.C. Osborn, Corporation Finance (1959).
14. S.C. Kuchhal, Corporation Finance: Principles and Problems (6th ed. 1966).
15. V.G. Kulkarni, Corporate Finance (1961).
16. Y.D. Kulshreshta, Government Regulation of Finance Management of Private Corporate Sector in India (1986).
17. Journals – Journal of Indian Law Institute, Journal of Business Law.
18. Chartered Secretary, Company Law Journal, Law and Contemporary Problems.
19. Statutory Materials – Companies Act and laws relating to SEBI, depositories, industrial financing and information technology.

PAPER 8: LAW RELATING TO CONSUMER PROTECTION AND COMPETITION

Objectives:

Ever since the emergence of pervading role of contracts in our daily lives, exploitation of the consumer has been the normal. *Laissez faire* policy juxtaposed for protection of interests of the consumers and the consequent response of the judiciary led to evolving of ‘Protective Devices’ to save the consumers who were caught terribly by giving inevitable so-called free consent under what are popularly called the Unilateral Contracts. While that was a first step in the direction of the consumer protection, today with the emergence of market society there is greater need for protection of the consumer and in this regard there are plethora of legislations and judicial decisions.

Fortunately, there is an increasing awareness among consumers about their right to receive goods and services they contracted for without any lapses and inconvenience. Law in this regard is emerging across the world. Exploitation of the consumer is safeguarded under consumer laws. The consumer protection movement started in the US, gained momentum and spread across the world. Antitrust and competition laws have also developed to protect the consumers interests. A critical and analytical study of these laws for students specialising in business and trade laws is needed to equip them and respond to the challenges that are encountered in implementing these laws in the wake of emerging unethical practices.

Course content:

Unit I

Consumer welfare policy and legislations; Development in the U.K, United States and India; Concept of “Consumer” and “Consumerism”; State Monopoly and Consumer Interest; Consumer Protection under Common Law, Law of Contract and the Sale of Goods Act; Sanctity of Contracts and the Doctrine of *Caveat Emptor* and *Caveat Venditor*; Conditions and Warranties; Fraud and Misrepresentation; Remedies; Exclusion of Liability; Supply of Service.

Unit II

The Consumer Protection Act, 2019: The Definition of Consumer, Judicial interpretations, Consumer Rights, Consumer Disputes, Kinds of Consumer Disputes, Defect in Goods, Deficiency in Services, Liability for Deficiency in Services, Sale of Hazardous Goods, E-Commerce, Electronic Service Provider; Unfair Trade Practices, Restrictive Trade Practices; Composition, Powers and functions of administrative and adjudicative authorities under the Act, Mediation: Consumer Mediation Cell; Product Liability; Exception to Jurisdiction; Remedies available to Consumers under the Act; A Comparative study of Consumer Protection Act 2019 and Consumer Protection Act 1986.

Unit III

Consumer Protection through Voluntary Agencies; International Organisation of Consumer Unions; United Nations Guidelines of Consumer Protection; OECD Guidelines for Consumer Protection in the Context of Electronic Commerce (1999), Making Essential Commodities

available at Fair Prices; Laws governing Prevention of Food Adulteration; Drugs and Cosmetics; Weights and Measures; Standard of Packed Commodities; Bureau of Indian standards. Protection of consumer interest *vis-a-vis* educational activities, medical and legal services.

Unit IV

The Origins and Historical Development of Anti-Trust laws in U.S.A; the Aims, objectives and scope of Anti-Trust law; Restraint of Trade; Rule of Reason; Per Se Rules; Main Provisions of the Sherman Act, Clayton Act and Federal Trade Commission Act; Monopolization; Mergers and Acquisitions; Anti-Trust as an American Policy.

Unit V

The Concept of Competition; Perfect Competition and Imperfect and Monopolistic Competition; Regulation of Unfair Trade Practices, Restrictive trade practices, Combinations, Anti-Competitive Agreements, Cartels, Prohibition of abuse of dominant position, under U.K Competition Act and Competition Act, 2002 of India. Composition powers and functions of CCI, COMPAT under the Competition Act, 2002, landmark decisions of CCI and COMPAT.

Select Bibliography:

1. Surendra Malik and Sudeep Malik, *Supreme Court on Consumer Protection (1986 to 2018)* (in 3 Volumes) Eastern Book Company, 2019
2. Justice D P Wadhwa & N L Rajah *The Law of Consumer Protection*, (Two Volumes) Lexis Nexis, 2017
3. Taxman's, *Consumer Protection Law & Practice*, A Comprehensive Guide to New Consumer Protection Law, 2020
4. Geraint Howells, Stephen Weatherill, *Consumer Protection Law* 2nd Edition, 2005
5. T. T. Ramappa, *Competition Law in India: Policy, Issues, and Developments*, (Oxford University Press; 3rd edition, 2013)
6. S M Dugar, *Guide to Competition Act 2002*, Lexis Nexis, 2020
7. K K Sharma, *Competition Commission Cases—A Compendium of CCI Cases from 2009-2014*, Lexis Nexis 2014
8. Einer Elhauge, Damien Geradin, *Global Competition Law and Economics*, Bloomsbury Publishing 2011
9. Dr. Vivek Kumar, "An study of E-commerce and its legal frame work: With special reference to India, Vol. 3 (3) IJL, 2017 11.
10. Prof.(Dr.) Ashok A Patil & Pratima Narayan, "Protection of Consumers in Cross Border Electronic Commerce" Vol.3 IJCLP, 2015 12.
11. Sushila, *Misleading and Disparaging Advertisement: Is setting up one more Authority the Solution*, Vol.7 (2) VJR 2018 pp.100-116

PAPER 9: INTERNATIONAL TRADE LAW

Objectives:

Establishment of WTO has brought about revolutionary change in the international trade system. Laws relating to international trade have undergone revolutionary change. A specialised study of these developments against the historical background and their impact on international trade in the future is to be studied by Post Graduate students seeking to specialise in Business and Trade Laws.

Course content:

Unit I

An Overview - Concept and Nature of International Trade Law – Origins - Theories of International Trade- Mercantilist Theory, Absolute Advantage theory; Comparative Advantage Theory, Heckscher–Ohlin theory.

Evolution of General Agreement on Trade and Tariff and World Trade Organisation; Organisation Structure; Objective, Functions and Structure of WTO; Interconnection between WTO and UNO

Unit II

Basic principles of International Trade Law- Most Favoured Nation Treatment - Meaning, Scope, Significance and Exceptions to MFN; National Treatment- Meaning, Scope and exceptions to National Treatment Principle; Economic Principles of International Trade

Sanitary and Phyto-sanitary Measures - Agreement on Safeguard Measures- Relationship between Article XIX of GATT and the Agreement on Safeguards; Characteristics of Safeguard measures; Conditions to be satisfied for imposition of Safeguard Measures; Injury requirement in safeguard measures; Causation requirement; Parallelism in imposition of safeguard measures.

Unit III

Trade Related Investment Measures- Meaning of TRIMs; Requirements; General Obligations; Measures inconsistent with TRIMs; Provisions for Developing Country Members.

Anti-Dumping Agreement- Dumping and Anti-dumping Measures; Anti-dumping Duty; Challenging anti-dumping measures; Determination of Injury and demonstration of a causal link; Standard of review in the Anti-Dumping Agreement.

Subsidies and Countervailing Measures. Agreement on Agriculture.

Unit IV

Trade Related Aspects of Intellectual Property (TRIPS) – General Principles, Developing Country concerns and Contemporary Issues.

General Agreement on Trade in Services (GATS) - Meaning of Trade in Services; General Obligations; Specific Obligations, Financial Services, Telecommunication Services, India and the GATS.

Unit V

Settlement of Disputes arising in Foreign Trade: WTO Dispute Settlement - Dispute Settlement Understanding; Principles of dispute settlement; Institutions of WTO settlement; WTO dispute settlement proceedings; Main challenges to the WTO dispute settlement system.

International Commercial Arbitration; Recognition and Enforcement; UNCITRAL Model Law on International Commercial Awards; UNCITRAL Arbitration Rules; Conciliation; UNCITRAL Conciliation Rules.

Select Bibliography:

1. B.Griffin, Day & Griffin, The Law of International Trade 3rd edn, (London: Butterworths Lexis Nexis, 2003).
2. John H Jackson, The World Trading System, (Cambridge: The MIT Press).
3. Bhagirath Lal Das, The World Trade Organisation: A Guide to the New Framework for International Trade, (New York: Zed Books Ltd., 2000)
4. Dr. Neeraj Varshney, Anti-dumping measure- Law, Practice & Procedure, Indian case Laws, 2007 edn.
5. Arun Goyal, WTO in the New Millennium: Commentary, Case Law, Legal Texts, 5th ed.(Bombay: Academy of Business Studies, 2001).
6. Jason C.T. Chauh, Law of International Trade, Fourth Edition, Sweet and Maxwell, South Asian Edition, 2011.
7. Christopher Arup, The New World Trade Organisation Agreement, (Cambridge: University Press).
8. Anil Arora, International Trade-Theories & Current Trends in the Globalised World, (New Delhi: Deep & Deep Publications Pvt. Ltd., 2007)
9. International Legal Materials, 33 ILM 13
10. Raj Bhalla, International Trade Law: Theory and Practice, 2nd edn., (Lexis Publishing, 2001).
11. Jayanta Bagchi, WTO: An India Perspective, 2nd edn., (Eastern Law House).

IV SEMESTER

PAPER 7: LAW RELATING TO WRITS AND PUBLIC SERVICE

Objectives:

Rights without remedy are like empty promises. Along with study of fundamental rights and other rights, it is important to know the remedies for violation of those rights. Prerogative writ remedies having their genesis in United Kingdom have been replicated under Article 32 and Article 226 of the Constitution of India. A student shall study the genesis of these writ remedies, the scope of writ remedies under Article 32 and 226 of the Constitution of India, the context and reasons for the Supreme Court to adopt a narrow construction of writ remedies under Article 32 during 1980s and adopting of liberal construction in the post 1980s period. It is significant to analyze the principles of the British unwritten Constitutional law, which is the source and inspiration for many provisions of the Constitution of India including provisions relating to writ remedies but functioned differently in Indian setting and also to study the comparative analysis of prerogative writs and the present working of writ remedies under Indian and UK law.

Protection of rights of public servants against the mighty State is yet another ever-evolving area of Constitutional law. While the constitutional provisions and the service rules by the Governments at the Union and at the states' level regulate the matter, the principles and doctrines like, the doctrine of pleasure having its origin in UK and finding place in our Constitution as delineated in a catena of decisions by o judiciary assumes significance. The extent and degree of protection of interests of public servants under the constitutional regime needs to be studied. Further, law governing administrative tribunals and judicial interpretation of constitutional provisions pertaining to them and rules and procedure governing disciplinary actions against public servant and the extent of judicial review of the disciplinary committee's decision shall also be studied for the comprehensive understanding of the service law.

Course content:

Unit I

Importance of Constitutional Remedies; Evolution of Writs in UK and India; Nature of writs in England: Prerogative Writs-Meaning and distinction between Prerogative writs and Judicial Writs. Comparative study of English Law and Indian Law on Specific Writs-Habeas Corpus, Mandamus, Prohibition, Certiorari, Quo warranto; Obsolete Writs.

Unit II

General principles of Writ Jurisdiction: Who may apply for Writs and against whom writ may be issued- Government, Local Authority, and Other Authorities. Law relating to exhaustion of local remedies, *Locus Standi*-Exceptions, Public Interest Litigation; Territorial Jurisdiction; Alternative Remedy; Delay and Latches; *Res judicata*.

Procedures- Impleading of proper parties, Dismissal *in limine*, No dismissal of petition without speaking orders, Raising of a new plea, Relief and prayers in petition, Review petition.

Unit III

Writ Jurisdiction of Supreme Court under Art. 32 of the Constitution of India and Jurisdiction of High Courts under Art. 226 and 227; Grounds and Procedure for filing specific writs- *Habeas Corpus*, *Mandamus*, *Prohibition*, *Certiorari*, *Quo warranto*; interpretation of the expression 'for any other purposes' under Art 226.

Practice and Procedure in Writ Petitions: Pleadings, Contents of writ petition, Supreme Court Rules- provisions relating to writ procedure, Application for enforcement of Fundamental Rights; Karnataka High Court Rules governing writ petitions; Applicability of C.P.C; Drafting of writ pleadings; Evidentiary matters.

Unit IV

Service Regulation under the Constitution; Constitutional Safeguards – Rights of Civil Servants – Doctrine of Pleasure and its limitations – Domestic Inquiry – Compassionate Appointments – Voluntary Retirement – Compulsory Retirement.

Unit V

Departmental remedies; Representation, Review, Revision and Appeal under CCA Rules – Procedure for imposing penalties – Remedy before the Administrative Tribunals; Its jurisdiction, scope and procedure – Administrative Tribunals Act. 1985, Articles 323 A and 323B – Exclusion of Judicial Review – Judicial Review of Service Matters – Limited Jurisdiction of Judicial Review against Disciplinary Proceedings.

Select Bibliography:

1. D.D.Basu, Constitutional Remedies and Writs (Kamal Law House, Kolkata, 3rd edn., 2009)
2. Justice C.K. Takker and M.C. Thakker, V.G. Ramachandran's Law of Writs (EBC, Delhi, 6th edn., 2007).
3. M.R. Mallick, Writs Law & Practice (Eastern Law House, New Delhi, 2nd edn, 2009).
4. Justice P.S.Narayana, Law of Writs (Asia Law House, Hyderabad, 6th edn, 2010).
5. P.M. Bakshi, Public Interest Litigation (Ashoka Law House, New Delhi, 3rd edn., 2012).
6. S.A. De Smith, Judicial Review of Administrative Action (Cambridge University Press, 2009).
7. H.M. Seervai, Constitutional Law of India (Universal Law Publishing Co. Ltd., 4th edn., 2015)
8. Halsbury's Laws of England (Lexis Nexis, UK, 5th edn., 2020).
9. Justice M. Rama Jois, Services Under the State (The Indian Law Institute, New Delhi, 2007)
10. G.B. Singh's Commentary on the CCS and CCA Rules
11. ILI – Judicial review through writ petitions.
12. Sharpe – Law of Habeas Corpus.
13. Chaudhury and Chaturvedi – Law of Writs.
14. Samaraditya Pal – Law relating to Public Service – 3rd Edn. Lexis Nexis 2011 Reprint 2017

PAPER 8: MEDIA AND LAW

Objectives:

In an age dominated by media, media law occupies a prominent place. Mass media such as Press, Radio, T.V., Films, Internet play vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as main educators, they are also capable of destructive and harmful effects of promoting criminal and anti-social tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative and harmful potential has to be curbed in public interest. On one hand, the law has to protect the freedom of media and on the other hand, it has to regulate the media so as to avoid possible abuse. This paper will deal with such interaction between law and mass media.

Course content:

Unit I

Introduction to Media

Introduction to Mass Media, Meaning, Evolution and types of media: Press, Television, Radio, Films and Social Media, Patterns of ownership of media, Prasar Bharathi Act 1990, Impact of media on society, Role of media in democracy, Importance of media.

Unit II

Media and the Constitutional Framework

Evolution of freedom of press, Constitutional status of media, Facets of speech and expression under Article 19 (1) (a), Constitutional restrictions on the freedom of speech and expression, Commercial Speech as Fundamental Right, Statutory regulations of advertisements, Cinema as means of expression under Article 19 (1) (a), Constitutionality of Censorship, Guiding Principles on censorship.

Unit III

Media and Regulatory Framework

Morality, Obscenity and Censorship: Decency and Morality as exceptions to Article - 19 (1) (a), Meaning of “Decency”, “Morality” and “Obscenity”, the test of obscenity.

Media and Contempt of Court: Contempt – A reasonable restriction on free speech, trends in India; some important Cases.

Media and Defamation: Essential ingredients of a cause of action, Defences, Remedies, Online defamation.

Hate Speech: Legal provisions in India, Case law, Group defamation, Reporting hate speech, Hate speech and social media.

Unit IV

Media and Ethics

Right to Privacy: Modern media and Privacy, Evolution of the Law on Privacy in US and UK, Law on Privacy in India, Sting operations.

Privileges of the Parliament and the State Assemblies and the Media: What is Legislative Privilege, the Origin, Privileges under Indian Constitution, Landmark decisions.

Reporting Judicial Proceedings: Importance as the open justice rule, Exceptions to the Open Justice rule, Trial by Media and the Judicial Approach, the Media Guidelines case.

Unit V

Regulation of Broadcasting Media and Social Media

Broadcasting Media: Meaning, Judicial recognition of Right to Broadcast, Evolution of Broadcasting law in India, Hero Cup Judgement, Cable Television Networks (Regulations) Act 1995, Code of Ethics and Broadcasting standards.

Evolution of Internet as New Media, Regulation of Social Media, Liability of Internet Service Providers, Information Technology Act, 2000 (relevant provisions), Information Technology (Guidelines for Intermediaries and Digital Media Ethics Code) Rules 2021.

Select Bibliography:

1. D.D. Basu, The Law of the Press, 4th ed. (Nagpur: Wadhwa & Company, 2002).
2. Madhavi Goradia Divan, Facets of Media Law, 2nd Edn., (Lucknow, Eastern Book Company, 2013).
3. Sara Hadwin & Dunean Bloy, Law and the Media, (London, Sweet and Maxwell, 2007,
4. Pooja Kataria, Women and the Media, (New Delhi, Regal Publications, 2007)
5. Ram Jethmalani & Chopra D.S. Cases and Material on Media Law, First edition, (New Delhi, Thomson Reuters, 2012).
6. Rajeev Dhavan, On the Law of the Press in India, 26 J. I.L.I. 288 (1984)
7. Rajeev Dhavan, Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission, 26 J. I.L.I. 391 (1984).
8. Rashmi Sharma, Electronic Media: Issues and Innovations, (New Delhi, Regal Publications, 2007).

PAPER 9: PANCHAYAT RAJ INSTITUTIONS

Objectives:

The Role of Panchayat Raj institutions as institutions of grass roots of democracy and of the planning process is becoming more obvious today for all discerning eyes in the context of modern democracy and development exercise. The Panchayat Raj institutions are unique in the area of governance and their importance has, however, increased enormously after the Constitution (73rd Amendment) Act 1993.

There is a need of understanding the nature and scope of decentralized democracy. Constitutional framework and legal structure of Panchayat Raj institutions whether they are in accordance with the Constitutional philosophy of decentralized democracy. The provisions of Panchayat Raj Act 1993 have to be studied and analysed in the context of working model of the Panchayat Raj institutions. Whether Panchayat Raj institutions have been fully endowed with power by the State Legislatures is a significant point in assessing quality of local governance. In this regard Karnataka Panchayat Raj Act 1993 has to be studied to analyse the devolution of power to Panchayat Raj institutions in Karnataka.

Course content:

Unit I

Democracy and Decentralization; Local Self Government and Federalism; Local Government in Ancient India: During British period; *Panchayat Raj* Institutions in Post Independence period; Constituent Assembly Debates and Local self governance; Thoughts of Mahatma Gandhi and Dr. B.R. Ambedkar on Local Self Governance; Article 40 of the Constitution: Organisation of Village *Panchayat*; Principles of Local Governance.

Unit II

Recommendations of Balwant Rai Committee, Ashok Mehta Committee and L.M. Singhvi Committee on Local Self Governance; Constitutional Framework and Legal Structure governing *Panchayat Raj* institutions: Salient features of 73rd Amendment to Constitution; Eleventh Schedule to the Constitution; Reservation for Women, and Weaker Sections in *Panchayat Raj* institutions; Functioning of Local Self Government and realization of objectives of Socialist State; *Salient features of the Panchayats (Extension to Scheduled Areas) Act 1996*.

Unit III

Powers and Functions to *Panchayats*: Article 243G of the Constitution; Legislative measures for democratization of *Panchayat Raj* institutions; *Karnataka Gram Swaraj and Panchayat Raj Act, 1993* including relevant rules: Directive Principles of *Panchayat* Policy; Structure of rural local government in Karnataka: *Habitation Sabha*, *Ward Sabha* and *Gram Sabha*; Powers and functions of *Gram Panchayat*, *Taluk Panchayat* and *Zilla Panchayat*.

Unit IV

Financial Resources of *Panchayat Raj* Institutions: Revenue generating capacity of *panchayats*; Devolution of revenue to local self government; Recommendations of the State Finance commission and the Finance commission of India; Challenges in ensuring effective local governance: electoral process, criminalization of politics, inadequate personnel, financial resources and caste system.

Unit V

Panchayat raj as a development institution: Planning at grass root level; District Planning Committee; Role of *panchayats* in implementation of centrally sponsored schemes: *Pradhan Mantri Awas Yojana*, *Pradhan Mantri Gram Sadak Yojana* and *Sarva Shiksha Abhiyan*; Role of *Panchayats* in implementation of central legislations: *the Mahatma Gandhi National Rural Employment Guarantee Act 2005*, *the Right of Children to Free and Compulsory Education Act, 2009*, *the National Food Security Act 2010* and *the Disaster Management Act 2005*.

Select Bibliography:

Relevant provisions of constitution of India.

73rd constitutional Amendment Act 1992.

The provision of Panchayats (Extension to the scheduled Areas) Act, 1996.

Eleventh Schedule and 29th subjects therein – Constitution of India.

The Panchayat Raj Act 1993.

1. The Karnataka Panchayat Raj Act 1993.
2. Economic & Political Weekly
3. Case law decisions – HC's and SC
4. Panchayat Raj update – Institute of social science.