COMPARATIVE CONSTITUTIONAL LAW

[Compulsory Paper-I]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
CONSTITUTION & CONSTITUTIONALISM

- Constitutionalism: Concept-Evolution-Limitations on Government Power-Constitutional Supremacy-Separation of Power

UNIT-II
COMPARATIVE CONSTITUTIONS

- Scope of Comparative Constitutional Law: Need for Comparative Study of Constitutional Law in Constitution Making
- Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitutions-England

UNIT-III
JUDICIAL REVIEW & CIVIL RIGHTS

- Judicial Review-Fundamental Rights; Writ Jurisdiction-A Comparative Study
UNIT-IV
FEDERALISM

- Federalism: Concepts of Federalism and Federal Government-Conditions Essential for Federalism; Patterns of Federal Government: U.S.A, Australia, Canada and India
- New Trends in Federalism: Cooperative Federalism-Political factors Influencing Federalism, Central Control v. State Autonomy-Dynamics of Federalism

Suggested Readings:
3. Archibald Cox: *Court and the Constitution*, Houghton Mifflin, Boston.


CRIMINAL LAW STREAM
COMPARATIVE CRIMINAL PROCEDURE
(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT - I
CRIMINAL JUDICIAL PROCESS & FAIR TRIAL
- Criminal Judicial Process Models
  o Crime Control Model and Due Process Model.
  o Adversary Model and Inquisitorial Model.
- Concept of “Fair Trial” in criminal procedure and its essential elements
  o Media Trial v. Fair Trial
  o Broad features of Indian criminal justice procedures

UNIT - II
FUNCTIONARIES IN THE CRIMINAL JUSTICE SYSTEM
- Functionaries in the Criminal Justice System and their Role
  o The Police and Investigation
  o Prosecuting Agencies and Their Role
  o The Defence Counsel
  o The Trial Court
  o Prison Authorities

UNIT - III
FUNDAMENTAL HUMAN RIGHTS & CRIMINAL PROCEDURE
  o Rights of accused and their constitutional protection
  o Rights on Arrest
  o Right to Legal Aid including Right to Speedy trial
  o Right against Double Jeopardy
  o Right to Bail
- Rights of Victims and their Role in Criminal Justice System
  o Compensation to victims
  o Plea Bargaining

UNIT - IV
EVIDENCE & EXTRADITION

- Law relating to Confessions in India and England, USA
- Concept of Dying declaration & its Evidentiary Value in India & UK, USA
- Extradition
  - Kinds of Extradition Treaties
  - Law and Practice as to Extradition
  - Relationship with the Cr.P.C.
  - Extra Territorial Jurisdiction of Cr.P.C.

Suggested Readings:

I) Books:
6. K.I. Vibhuti (Ed.), *Criminal Justice*, Eastern Book Company, Lucknow

II) Reports:
1. Annual Survey of Indian Law on Criminal Procedure by Indian Law Institute, New Delhi.
2. Government of India, *Committee on Reforms of Criminal Justice System* (Ministry of Home Affairs, New Delhi, 2003)
8. Law Commission of India, *Thirty-Sixth Report: Section 497-499 of the Cr.P.C., 1898 Grant of Bail with Conditions* (Government of India, New Delhi, 1967)
10. Report of the Expert Committee on Legal Aid Govt. of India (1973)

**III) Articles:**

CRIMINOLOGY

[Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from m each unit. The candidates shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks.)

UNIT-I
CRIME & CRIMINOLOGY

- Crime: Concept, Origin & Evolution-Psychological, Social and Legal Aspects of Crime; Traditional Crimes-Crime against Property & Persons; Modern Crime, Organised Transnational, Socio-Economic Crime
- Criminology: Definition, Nature and Scope-Relevance in Contemporary Society
- Schools of Criminology: Pre-Classical Ideas-Classical and Neo-Classical School-Positive School-Cartographic School

UNIT-II
THEORIES - I

- Constitution Theories: Body Types, Hereditary Traits, Endocrine Glands
- Behaviourist Theories: Drives, Motives, Attitudes, Frustrations
- Psycso-Analytical Theories: Psychopathic Personality, Mental Health and Criminal Liability

UNIT-III
THEORIES - II

- Sociological Theories: Social Structural Theories and Social Process Theories
- Economic Theories: Contribution of Hegel, Karl Marx and William Aldrian Bonger
UNIT-IV
CRIME CONTROL & PREVENTION

- Development Policies and Crime Control: Inter-Religion, Inter-Caste, Inter-Ethnic, Group Tensions and Conflicts Terrorism and Insurgency
- Technology and Crime
- Crime Prevention and Peace Building: Role of the Family, Social Institutions, Judiciary, Police, Media and Civil Society

Suggested Readings:


GENERAL PRINCIPLES OF CRIMINAL LAW

[Optional Paper-III]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from m each unit. The candidates shall be required to answer four questions in all, selecting one from each unit. All question carry equal marks.)

UNIT-I
INTRODUCTION


• Historical Development of Indian Penal Code: Extent and Operation of the Penal Code-Significant Reform Areas and Trends

UNIT-II
STAGES AND MENTAL ELEMENTS IN CRIME

• Stages in Commission of Crime: Intention-Preparation-Attempt-Commission of Crime; Complicit Criminality and Inchoate Crimes: Abetment-Conspiracy-Group or Joint Liability

UNIT-III
PUNISHMENTS

- Punishment: Theories of Punishment-Retribution-Utilitarian Prevention-Deterrence-Behavioural Prevention-Incapacitation-Rehabilitation; Classical Hindu and Islamic Approaches to Punishment; Individualization of Sentence: Judicial Discretion in Awarding Sentence-Sentence Hearing-Minimum Mandatory Punishment

- Capital Punishment: Rationale-Constitutional Validity-Judicial Law Making-Rarest of Rare Cases; Kinds of Punishment: Imprisonment-Life Imprisonment-Simple-Rigorous-Solitary Confinement; Forfeiture of Property-Fine

UNIT-IV
GENERAL EXCEPTIONS OR CONDITIONS FOR NEGATIVING CRIMINAL LIABILITY

- General Exceptions: Position under English law and IPC-Excusable Defence-Justifiable Defence-Provocation as a Mitigating Factor in Criminal Liability


Suggested Readings:


CORPORATE LAW STREAM
PUBLIC POLICY & CONTROL OF BUSINESS
[Optional Paper-I]

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UNIT-I
LEGAL REGULATION OF BUSINESS ACTIVITIES

- Rationale and Necessity of Public Control of Business: Laissez Faire Model, Controlled Economy, Welfare State Model; Control by Governmental and Non-Governmental Agencies-Counter Veiling Measures against Business-Regulation of Public Sector Companies, Multinational Companies and Small Scale Industries.
- Implication of Supra National Bodies such as the World Trade Organisation (WTO) in Controlling Practices within a Country.
- Regulation of Public Sector Companies: Parliamentary and Ministerial Control-Possibilities of Public Control following Disinvestments and Privatization-Bureau of Public Enterprises.

UNIT-II
REGULATION OF BUSINESS UNDER TAXATION LAWS

- Taxation as a Means to Establish a Just Social Order
- Profits and Gains of Business: Capital Gains-Assessment of Corporate Bodies
- Deduction to Certain Undertakings in Rural, Backward and Other Areas; Additional Income Tax on Undistributed Profits-General Outline.
UNIT-III
REGULATION OF BUSINESS UNDER LABOUR LAWS

- Labour laws as a Means to Protect Human Rights: Outlines of Regulatory Measures under the Heads Covering Areas of Labour Relations, Working Conditions, Safety and Health and Social Security Focusing inter alia on Workers Right to Information, Participation in Management, Role in Safety Regulation, Enforcement Mechanism etc.
- Peculiar Problems of Casual, Contract Workers and Workers in the Unorganized Sector
- India's Labour Framework in the Context of the International Labour Standards of the ILO-Exemptions from Labour Law for Export Processing Zones-Small Scale Business

UNIT-IV
REGULATION OF BUSINESS UNDER ENVIRONMENT PROTECTION LAWS

- Common Law Rights and Remedies: Classical & Common Law Remedies for Environmental Protection-Criminal & Tortious Dimensions
- Environmental Principles: Precautionary Principle-Polluter Pays Principle-Inter-generational Equity-Intra-Generational Equity-Common but Differentiated Responsibilities
- Environment Impact Assessment: Law & Practice-Public Participation

Suggested Readings:
2. C. B. Mamoria and Mamoria: Dynamics of Industrial Relations in India, Himalaya Publishing House, Mumbai.
TAX POLICY AND TAX REFORMS

[Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from m each unit. The candidates shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks.)

UNIT-I

TAXING POWER & CONSTITUTIONAL LIMITATIONS

Articles: 245, 246 & 248; Limitations on Legislative Power, Seventh Schedule, List I Entries 82-92A, List II Entries 46-63; Articles: 265, 27, 205, 280, 289, 301 & 304

Cases:

3. Singerani Colleries Co. Ltd. v. CIT, AIR 1966 SC 563
4. Re Customs Act, AIR 1963 SC 1760
5. Corp. of Calcutta v. Liberty Cinema, (1965) 2 SCR 477

UNIT-II

CENTRE-STATE FINANCIAL RELATIONS

Articles: 266, 268, 269, 270, 275, 276, 277, 280, 281, 282 & 283

UNIT-III

TAX POLICY OBJECTIVES VIS-A-VIS DIRECTIVE PRINCIPLES

UNIT-IV
TAX REFORMS

Taxation of Agricultural Income and Wealth: Family as a Unit for Tax; Tax Evasion and Black Money: Measures Adopted likes Tax Avoidance, Searches, Seizure and Voluntary Disclosure

Suggested Readings:
1. Agricultural Taxation in India – *Economic and Political Weekly*, August 1972
6. Reducing Case Tax Evasion-*Economic Times* (08.06.1997)
7. Challenging in Corporate Tax-*The Hindu* (04.01. 2003)

Books:
COMPETITION LAW OF INDIA: POLICY, ISSUES AND DEVELOPMENT
[Optional Paper-III]

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UNIT-I
POLICY AND PRACTICES

UNIT-II
CONTROL & ABUSE
Anti-Competitive Agreement: Control of Cartels and Other Anti-Competitive Agreements; Abuse of Dominant Position-Enforcement Issues and Approaches-Combination, Mergers Amalgamations and Acquisition

UNIT-III
REGULATORY MECHANISM
Competition Commission of India: Duties, Powers and Functions of Commission and Duties of Director General-Competition Advocacy-Penalties-Competition Appellate Tribunal Efficient and Effective Competition Authority
UNIT-IV

EMERGING TRENDS IN COMPETITION LAW

Intellectual Property Rights and Competition Law - International Trade Law and Competition Law - International Competition Law

Suggested Readings:
1. Abir Roy & Jayant Kumar: *Competition Law in India*, Eastern Law House, Kolkatta
PERSONAL LAW STREAM
ISLAMIC JURISPRUDENCE

[Optional Paper-I]

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UNIT-I
HISTORICAL DEVELOPMENT

History of the Growth of The Muslim Legal System: Nature and Scope of Islamic Legal Theory-Muslim Schools of Thought-Concept, Origin and Development of Islamic Law- Definition of Law under Islam-Analysis of Western Definitions-Comparison-Development of Islamic Law- Khilafat-Elections

UNIT-II
SOURCES

Sources of Islamic Law: Basic Wisdom-Necessity of Revelation-Conflict Between Revelation & Secular Reason; Primary Sources: The Holy Quran-Quran as a source of Islamic Legislation-Interpretation of Quran-Legislative Functions of Quran; Sunnah (Hadith)-Jurisprudential Basis and Legal Validity of Sunnah- Legislative Functions of Sunnah-Ijma: Validity of Ijma as a Source of Islamic Jurisprudence-Qiyas: Arguments For and Against Qiyas; Ijtihad: Necessity of Ijtihad; Secondary Sources: Istihsan-Istadlal-Justice, Equity and Good Conscience-Legislations-Origin and Development of Sunni and Shia Schools
UNIT-III

ISLAMIC CONCEPT OF SOVEREIGNTY

Islamic Concept of Sovereignty: Western Concept of Sovereignty-Islamic Concept of Shura- Democracy and Islamic System of Shura- Fundamental Rights & Duties under Islam-Islamic Economic System-Ownership-Distributive-Power of State to Regulate the Economy

UNIT-IV

CONTEMPORARY CHALLENGES

Contemporary Challenges and Islamic Responses: Islamic Law and Indian Muslims-Scope of Legislation in Islam-Application of Statutory Rules to Muslims in India, Its Dimensions and Co-Relation with the Secular Legislations-Islamic Law and Human Rights

Suggested Readings:


FAMILY PATRIARCHY AND GENDER JUSTICE

[Optional Paper-II]

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UNIT- I
THE CONCEPT OF PATRIARCHY

UNIT- II
PATRIARCHAL ASPECTS OF INDIAN LAW-I
Patriarchal Aspects of Indian Law with regard to Family: Sexuality, Patriarchy and Social Reproduction; Patriarchy in Hindu, Christian, Islamic and Parsi Law and Traditions-Board Overview of Developments and Reforms in these Laws-Matrilineal Systems.
UNIT-III
PATRIARCHAL ASPECTS OF INDIAN LAW-II

Continuation of Separate Discriminatory Personal Laws-Conflict between the Right to Religion and the Right to Equality-Protective Legislations for Women- State Agencies and Women-National Commission for Women-Police-Judiciary

UNIT-IV
FAMILY AND EMERGING TRENDS

Family and Its Changing Patterns: New Emerging Trends-Working Women and their Impact on Spousal Relationship-Retention of Restitution of Conjugal Rights as a Matrimonial Remedy- Concept of Matrimonial Home-Property Rights of Women-Spousal Property; Domestic Violence-Gender based Specifications of Offences-Adultery, Rape, Martial Rape, Wife Beating and Dowry Death

Suggested Readings:
5. Olive Banks: Faces of Feminism: A Study of Feminism as a Social Movement, Martin Robertson, Oxford.


12. Maithreyi Krishnaraj (ed.): *Feminist Concepts : Part 1,2 and 3*, Contribution to Women's Studies Series-7, Research Centre for Women's Studies, SNDT Women's University, Bombay.


GENERAL PRINCIPLE OF HINDU JURISPRUDENCE

[Optional Paper-III]

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UNIT-I

CONCEPTUAL FRAMEWORK OF HINDU JURISPRUDENCE


UNIT-II

SOURCES & SCHOOLS

Sources and School of Hindu Jurisprudence: Sources of Hindu Law with Regional or Other Relevant Variations; School of Hindu Jurisprudence and its Sub-Schools

UNIT-III

CONCEPTUAL FRAMEWORK OF HINDU JURISPRUDENCE

Jurisprudential Concepts under Hindu Law: Right and Duties-Possession and Ownership; Marriage and Divorce-Joint Hindu Family-Inheritance and Succession; Sonship and Adoption-Son’s Pious Obligations
UNIT-IV

COMPARATIVE ANALYSIS OF HINDU & ISLAMIC JURISPRUDENCE

Comparative Analysis of Hindu and Islamic Jurisprudence in terms of Different Anglo-Saxon Schools of Jurisprudence: Natural Law School-Positivist School-Historical School-Sociological School

Suggested Readings:
Semester - II