

LL.M. ONE YEAR SYLLABUS


Second Semester

2017-18



International Centre of Legal Studies

Maharaja Surajmal Brij University, Bharatpur (Raj.)


अकादमिक प्रभारी

Paper I: Law and Justice in Globalising World

Paper Code: M 201

Unit – I: Concept of Globalization and Theories of Law

- Meaning and Significance of Globalization
- Concept of Law: Nature, Meaning and Definition of Law
- Law & Morality (Hart-Fuller Controversy)
- Legal Theories: Natural Law School, Analytical School, Historical School, Sociological School and American Realist School

Unit – II: Concept of Globalization and Theories of Justice

- Relationship of Law & Justice: Justice as function & Purpose of Law.
- Concept of Global Justice, Theories of Justice: Justice by Utilitarianists, Marxist Approach to justice, Rawls theory of Justice, Amartya Sen's theory of Justice, Types of Justice
- The Radical free market Philosophy of Robert Nozick.

Unit – III: Critical Legal Studies

- Critical Legal studies (CLS) movements, Legal Realism and CLS movement
- Feminist Jurisprudence: Meaning, Origin, School and Criticism.
- Andrew Dworkin's theory of Adjudication, Judges and Discretion
- Accountable and Transparent governance in a Democracy.

Unit – IV: Role of Judiciary and Judicial Process

- Judicial process an instrument of social ordering..
- International Judicial Institutions-ICJ and ICC
- Judicial Review, Judicial Activism and Judicial Accountability
- Doctrine of Judicial Precedent, Judge-made Law,

Unit – V: Law and Social Justice

- Law as an instrument of social change.
- Welfare state and sociological jurisprudence.
- Environmental Jurisprudence and Sustainable development in a Globalizing World.
- Rule of Law, Procedure established by Law and Due Process of Law

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Paper II: Interpretation of Statutes and Legislative Drafting

Paper Code: M 202

Part A- Interpretation of Statutes

Unit-I

- Meaning of Interpretation, Interpretation and Construction, Intention of legislature, Statute must be read as a whole in its context. The General Clauses Act, 1897: Even the Constitution of India has to be read with the provisions of this Act. Certain provisions like Sec. 6 have far reaching importance.

Unit-II

- Modes of Interpretation –
 - (i) Literal Rule
 - (ii) Golden Rule
 - (iii) Mischief Rule
 - (iv) Sensible Meaning Rule/Reasonable Construction
 - (v) Rule of Harmonious Construction
 - (vi) Interpretation of fiscal/ taxing Statutes.
 - (vii) Interpretation of Remedial and Penal Statutes.

Unit-III

- Internal aids to Construction:
Short Title, Long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretation Clause, Proviso, Explanation, Schedules.
- External Aids to Construction
Parliamentary History, Historical facts and Surrounding, Circumstances, Dictionaries, Text-books, Use of foreign decisions.
- Maxims
 - (i) Noscitur a Sociis
 - (ii) Expressio Unius Est Exclusio Alterius
 - (iii) Ejusdem Generis

Unit-IV

- Beneficial and Liberal Construction.
- Interpretation of Constitution.
- Repeal of Statutes.

Part B-Legislative Drafting

Unit V:

- Introduction to Legislative Drafting
- Meaning and Objectives of Legislative Drafting
- Types of Legislation
- Classification of Legislation (Bills and Acts)
- Structure and Format of Bills and Acts

Unit VI:

- Techniques of Legislative Drafting, Equipment, Raw Material-Words & Language
- Style of Drafting: Role of Words, Legislative Sentences
- Precision and Simplicity, Deliberate Vagueness

Unit VII:

- Drafting Process, Design-Pre Writing/ Post Writing, Steps in Drafting
- Composition of Bill, Referential Legislation

Paper III: Economic, Corporate & White Collar Crimes

Paper Code: M 203

Unit-I: White Collar Crimes

- Nature and Scope of White Collar Crime.
- Growth of White Collar Crime in India and Western Countries.
- Mens rea and White Collar Crime.
- Vicarious liability in White Collar Crime
- Strict liability in White Collar Crime.

Unit –II: Economic Crimes

- Tax Evasion
- Illicit trafficking in contraband goods-smuggling (COFEPOSA, 1974)
- Illicit drug trafficking (NDPS Act)
- Breach of Foreign Exchange Regulations (FEMA)
- Corruption in government and politics (The Prevention of Corruption Act, 1988)

Unit –III: Corporate Crimes


- Corporate Crimes-Meaning and Nature.
- Psychological and Socio-economic Factors underlying corporate frauds.
- Types of Corporate Crimes.
- Offences Relating to Statutory Noncompliance under Companies Act
- Vicarious Liability of Corporation

Unit IV: Statues dealing with White Collar Offences.

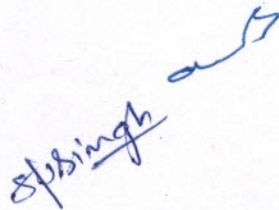
- The Essential Commodities Act, 1955
- The Prevention of Food Adulteration Act, 1954
- The Food Safety and Standards Act, 2006
- Food Safety and Standards Authority of India.

Unit V: Investigating agencies

- Central Bureau of Investigation (CBI) - Powers and Functions
- Central Vigilance Commission (CVC)- Powers and Functions
- Economic Offences Wing (EOW)


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Paper IV: Competition and Law of Securities and Finance

Paper Code: M 204

Unit-I: Competition Law- Introduction

- **Basic Concept:** Difference between MRTP Act and Competition Act, Salient feature of Competition Act, Important Definitions under the Competition Act, 2002, Relation between Competition Policy and Competition Law.
- **Anti-Competitive Agreements:** Horizontal and Vertical agreement, Rule of Perse and Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption, Prohibition of Anti competitive agreement/ Cartel/bid rigging.
- **Abuse of Dominance:** Enterprise, Relevant Market, Dominance in Relevant Market, Abuse of dominance, Predatory Pricing.
- **Combinations:** Merger, Acquisition, Amalgamation and Takeover - Horizontal, Vertical and Conglomerate Mergers - Combinations covered under the Competition Act, 2002 – Regulations, Penalties.

Unit-II: Institutional Framework and Emerging Trends in Competition Law

- **Enforcement Mechanism:** Establishment and Constitution of Competition Commission of India, Powers and Functions- Jurisdiction of the CCI – adjudication and appeals, Director General of Investigation (DGI) - Penalties and Enforcement.
- **Emerging Trends (National and International):** Intellectual Property Rights and Competition Law, International Trade and Competition Law, The Competition (Amendment) Bill, 2012, Draft National Competition Policy, 2011.

Unit-III: Law of Securities

- **Securities and Exchange Board of India (SEBI):** Composition, Powers and Functions, Procedure
- **Securities Appellate Tribunal (SAT):** Composition, Powers and Functions, Procedure, Appeal
- **Depositories Act, 1996-** Definitions, Setting up of Depository, Its type, Role and Functions
- **Law relating to Insider Trading and Takeover-** Introduction, Provisions in Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements)Regulations, 2015


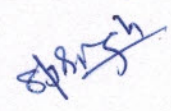
Unit-IV: Public Issue of Shares

- **Prospectus-** Definition, Contents, Abridged Prospectus, Red- Herring Prospectus, Statement in lieu of Prospectus, Deemed Prospectus, Registration, Civil & Criminal Liabilities, Misrepresentations and penalties
- **Shares-** Classes and Types of Shares, Allotment of Shares, Equity shares with differential rights, Issue of Shares at Par, Premium and Discount, Right Issue, Bonus Issue, Transfer & Transmission of Shares, Statutory Restrictions, Share Certificate- Its Objects & Effects, Kinds of Share Capital

Unit-V: Debenture and Charges

- **Debt Capital-** Debentures, Debenture Stock, Bonds; Recent Trends and Dynamics of Corporate Debt Financing; Debenture Trust Deed and Trustees; Conversion & Redemption of Debentures
- **Securing of Debts-** Charges, Creation, Modification & Satisfaction of Charges
- **Inquiry:** Power to call for information; Grounds of Investigation; Powers of Inspectors; Consequences and Effects; Judicial Review.


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Paper VI: Taxation including GST Law

Paper Code: M 206

Part A- Direct Taxes

Unit I: Introduction to Income Tax

2 units

- Basic Concepts of income, Importance of income Tax and Annual Finance Act, exempted income, person, Non-Resident Indian, previous year, Assessment year. agricultural income,
- Scope of total income, basis of charge, capital and Revenue
- Computation of income under: a) Income from salary b) Income from business or profession. c) Income from house property. d) Capital gains. e) Income from other sources, Deduction admissible in computing income.
- Taxation and assessment of firms, companies and HUF
- Tax Authorities, their powers and jurisdiction, collection and recovery of tax, Assessment: Procedure and kinds of assessment.

Unit II: Introduction to Corporate Tax

1 unit

- Features, importance, economic and legal aspects of companies and corporations, special features affecting incidence of taxation
- Assessment procedure, features and problems.
- Minimum Alternative Tax.

Part B- Indirect Taxes

Unit III: GST Law

2 units

- Levy and Collection of Taxes
- Registration
- Payment of Tax, Returns, Refunds
- Assessment, Audit, Search, Seizure, Arrest
- Appeals and Revision
- Offences and Penalties

Unit IV: Law relating to Sales Tax

1 unit

- Introduction to Sales Tax and VAT Laws
- Introduction to The Central Sales Tax law

Unit V: Law relating to Central Excise and Customs Duty

1 unit

(A) Central Excise Act- Introduction to Central Excise Duty

(B) Customs Act

- Definition
- Kinds of Duties.

this is tentative. Topics can be added. Final would be notified by 10 April 2018.

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