

PANJAB UNIVERSITY, CHANDIGARH.

Outlines of Tests, Syllabi and Course of reading for the Master of Laws (One Year Course) 2nd Semester w.e.f. academic session 2014-2015.

2nd Semester

- Paper V Law and Justice in a Globalizing World - Compulsory
Paper VI One optional Group from the following six groups (to be chosen by the candidate)

Paper VI - Group I - International and Comparative Law i) xxx ii) xxx iii) xxx
Paper VI - Group II - Corporate and Commercial Law i) xxx ii) xxx iii) xxx
Paper VI - Group III - Criminal and Security Laws i) International Criminal Law ii) Police Law and Administration iii) Corporate Crimes/White Collar Crimes
Paper VI - Group IV - Family and Social Security Law i) xxx ii) xxx iii) xxx
Paper VI - Group V - Constitutional and Administrative Law i) Centre State Relations and Constitutional Governance ii) Media Law iii) Global Administrative Law
Paper VI - Group VI - Legal Pedagogy and Research i) xxx ii) xxx iii) xxx

Paper VII : Dissertation

In

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PAPER V LAW AND JUSTICE IN A GLOBALIZING WORLD (COMPULSORY)

Section – A

- I. Introduction:- Meaning, Significance & Dimensions of Globalization; Concept of Justice in a Globalized world; Models to Achieve Global justice:- Social justice/Distributive justice-John Rawls Theory of Justice; Gandhian model of justice.
- II. Impact of Globalization & Central Challenges to Global Justice- Impact on sovereignty of States, on federalism and Democratic Law making; Impact on Environment & Natural Resources- Displacement for Development;

Section – B

- I. Globalization and Economic Development in India- Economic development and economic justice; Impact of WTO and TRIP's on Indian Economy- WTO & Indian Agricultural Challenges; Industrial Reforms:- Free enterprise versus State regulation.
- II. Globalization and Reforms in Justice Delivery System in India- Concept of Plea Bargaining, Justice to victims of crime, shift from adversarial system to accusatorial & inquisitorial system, ADR's UNCITRAL Model.

SUGGESTED READING

1. Amartya Sen, *Development of Freedom*, (Oxford University Press, 1999).
2. Amartya Sen, *The Idea of Justice*, (Oxford, 2009).
3. Amit Bhandari, *Development with Dignity*, (National Book Trust of India, New Delhi, 2005).
4. Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions* (OUP, 2006).
5. Anthony McGrew, David Held (eds.), *Governing Globalization: Power, Authority and Global Governance*, (Polity Press, 2002).
6. Ashok Nathan, *Economic Liberalization and its Implication for Employment*, (2002).
7. Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.) *Law and Globalization from Below*, (Cambridge University Press, 2005).
8. David B. Goldman, *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority*, (Cambridge University Press, 2008).
9. David Held, *A Globalizing World? Culture, Economics, Politics*, (2004).
10. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy*, (Cambridge University Press, 2009).

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PAPER VI

GROUP III – CRIMINAL AND SECURITY LAWS

(i) INTERNATIONAL CRIMINAL LAW

Section A

- I. Meaning of International criminal Law
- II. Establishment of International Criminal Court
 - Rome Statute of the ICC
 - Jurisdiction
 - Applicable Law
 - Composition
 - Mandate and Principles – International Criminal Responsibility
- III. The Crime of Genocide
 - Meaning and definition, History
 - Genocide Convention 1948
 - Bosnia and Herzegovina v Yugoslavia
(Serbia and Montenegro)
- IV. Crimes against Humanity
 - Meaning and Definition

Section B

- I. The Laws of war (Armed Conflict)
 - War – its legal character and effects
 - Laws of land warfare
 - Geneva Convention
 - Applicability and Scope
- II. The ICRC (International Committee on Red Cross)
 - Law of Armed Conflict
 - Geneva Convention and Prisoners of war 1949

 - Geneva Convention on Treatment of Dead and Injured members of armed forces

 - Geneva Convention on treatment of civilians/persons in time of war 1949.

 - Additional Protocol on the Geneva Convention on protection of victims of International armed conflict
- III. Prosecution under International criminal Law
 - Special bodies for trying International Crimes
 - ICTR (

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PAPER VI

GROUP III – CRIMINAL AND SECURITY LAWS

(ii) POLICE LAW AND ADMINISTRATION

Section A

Police Law

1. Police as a Law Enforcement Body.
 - Who is Police?
 - Functions of Police
2. Objectives of Police Law
 - Order Maintenance
 - Law Enforcement and Implementation

Policing the Police

Section B

Police Administration

1. A study of Police Procedures and Human Relations
 - Legal Aspects of Police Administration
 - Constitutional and Human Rights
 - Model Police Act
2. Evolution of Policing
3. Community Policing

E-REFERENCES

1. http://www.lacitycollege.edu/academic/departments/law/docs/Revised_0708_AJ_COURSE_DESCRIPTIONS.pdf
2. <http://www.floridatechonline.com/programs/undergraduate/undergraduate-courses/crm-4108-police-organization-and-administration/>
3. http://degreedirectory.org/articles/Bachelors_Degrees_in_Police_Administration_and_Management.html
4. <http://www.questia.com/library/p5152/journal-of-criminal-law-and-criminology?gclid=CMicxdL7scECFVYWjgodUgIAAtA>

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PAPER VI

GROUP III – CRIMINAL AND SECURITY LAWS

(iii) CORPORATE CRIMES/WHILTE COLLAR CRIMES

Section A

Understanding Corporate Crimes and their impacts

Meaning and Forms of Corporate Crimes

- Crimes committed against companies (by own employees/executives)
- Crimes committed by companies against its stakeholders
- White Collar crimes by executives and managers

Historical background of Corporate Crimes

Impacts of these crimes on a corporation's various stakeholders (including direct and indirect industry damage and reputational damage) such as the employees, the public, customers, environment, middlemen, investors, shareholders, government and competing companies.

Section B

Corporate Criminal Liability

Extent of criminal liability

Legal approach

Section B

Defining and Assessing White Collar Crimes

Historical Background

Theories of White Collar Crimes

- Sub-cultural Theory
- Structured Action Theory
- Anomie Theory

Typology of White Collar Crimes

Controlling/Regulating White Collar Crimes

Self Control (special focus on resistance to Insider trading)

Whistle Blowing

Government Control

Legal Control – Prosecution

Media Influence and impact (impact of throwing limelight on these crimes publicly)

SUGGESTED READINGS

1. Is Corporate Crime Serious Crime? Criminal Justice and Corporate Crime Control, by Ronald C. Kramer, Journal of Contemporary Criminal Justice 1984; 2; 7 (Online version available at: <http://ccj.sagepub.com>)

2. Crime and Business, by Edwin H. Sutherland, *Annals of the American Academy of Political and Social Science* Vol. 217, Crime in the United States (Sep., 1941), pp. 112-118 Published by : Sage Publications, Inc. Article Stable URL: <http://www.jstor.org/stable/1023421>
3. Occupational Crime, Occupational Deviance, and Workplace Crime: Sorting Out the Differences, by David O. Fri

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PAPER VI

GROUP V – CONSTITUTIONAL AND ADMINISTRATIVE LAW

(i) CENTRE STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

Section A

Federalism and unitary forms of Constitution
Composition and Functions of Union and State Legislature
Creation of new states.
Special status of certain States.
Tribal Areas, Scheduled Areas.

Section B

Legislative, Administrative and Financial Relations
Union and State Executive
Emergency Provisions
Inter-State Trade and Commerce
Inter-State disputes and Jurisdiction of Supreme Court

SUGGESTED READINGS

1. H. M. Seervai, Constitutional Law of India, Universal Law Publisher, 4

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PAPER VI

GROUP V – CONSTITUTIONAL AND ADMINISTRATIVE LAW

(ii) MEDIA LAW

Section A

Concept of media and its evolution; Constitutional framework and media: Pre and Post-censorship; Issues relating to Privacy; Parliamentary Privileges

Media and criminal Law: Sedition; Obscenity; Defamation; Media and Tort Law: Defamation; Media and Contempt of Courts; Media and official Secrets Act, 1923; Media Trials and administration of justice

Section B

Legislation in Broadcasting Sector: Parsar Bharati Act, 1990; Cable Television Network Regulation Act, 1995, Press Council Act, 1978; Cinematograph Act, 1952; Emerging problem of Social Media and Information Technology Act, 2000.

Concept of advertisement: Legal regulation and Self Regulation of advertisement in India; Comparative and Surrogate advertisement; Advertisement and IPR's.

SUGGESTED READINGS

1. M.P. Jain, Constitutional Law of India; Wadhwa, Nagpur;(1994)
2. H.M. Seervai, Constitutional Law of India 2002 Vol. 1; Universal Law Publishing Co Ltd
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Rodney D. Ryder, Brands, trademarks, and advertising, Lexis Nexis Butterworths, (2003).
5. Soli Sorabjee, Law of Press Censorship in India (1976).
6. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
7. D.D. Basu, The Law of Press of India (1980)
8. Venkat Iyerass, Media Laws And Regulations In India; Bahri Sons (India Research Press) (2000).
9. Monroe Edwin Price, Stefaan G. Verhulst, Broadcasting reform in India: media law from a global perspective, Oxford University Press, (2000).
10. Kiran Prasad, Media Law in India, Kluwer Law International ;(2011).
11. Daxton Stewart (ed.) Social Media and the Law: A Guidebook for Communication Students and Professionals, Routledge, (2013).
12. B. Manna, Mass Media and Related Laws in India, Academic Publishers, (2006).
13. Monroe Edwin Price, Stefaan G. Verhulst, Broadcasting reform in India: media law from a global perspective, Oxford University Press, (2001).

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PAPER VI

GROUP V – CONSTITUTIONAL AND ADMINISTRATIVE LAW

(iii) GLOBAL ADMINISTRATIVE LAW

Section A

Definition, nature and Scope of Administrative Law

Droit Administratif

Separation of Powers and Theory of Checks and Balances. Principle of Judicial Self Restraint

Concept of Fairness:

Rule of Law – Evolution, meaning and evaluation.

Modern Concept of Rule of Law

Principles of Natural Justice : Rule against Bias

Rule of Hearing including Post-decisional hearing and reasoned decision. Exclusion of Principles of Natural Justice tc

8. M. P. Jain - Cases and Materials on Administrative Law, , Lexis Nexis Butterworths, 1994
9. I.P. Massey - Administrative Law, Eastern Book Company, 2011
10. Dr. Devinder Singh, Administrative Law, Allahabad Law Agency, 2007.