

Chanakya National Law University, Patna

Academic Session: 2023-24

LL.M. II Semester

Course Title:	COMPARATIVE CONSTITUTIONAL LAW
	(England, U.S.A., Canada and India)

Group A:	COMPARATIVE CONSTITUTIONAL LAW
	(England, U.S.A., Canada and India) –: Credits: 5

Course Overview

We have witnessed the renaissance of comparative constitutional law as a field of research. Despite such a flourishing, the methodological foundations and the ultimate ratio of comparative constitutional law are still debated among scholars, who are divided among many different methodological approaches. Moreover, even the most traditional approaches to comparative law are challenged by new phenomena, such as globalization, the migration of constitutional ideas and the so-called judicial dialogue among courts all over the world. Are we witnessing a process of convergence of the systems of the world towards a global dimension of constitutional law? And if so, what is the role and the meaning of comparative constitutional law in the new changing contours of legal systems around the world? In order to tentatively address such basic issues in the field of comparative constitutional law, going back to its foundation, the essence and the methods of comparative constitutional law, seems to be inevitable.

Learning Outcomes

The objects of comparative constitutional law have traditionally been the constitutions of modern States. The aim of comparative constitutional law is to study and confront the plurality of constitutional rules and to highlight similarities and differences in order to create models or ideal-types able to explain the ultimate values that underpin the constitutional agreements. Ultimately, if the aim of comparative law is to 'acquire knowledge of the different rules and institutions that are compared' comparative constitutional law is vested with a particular task: to acquire knowledge of the fundamental principles that forge the relationship between sovereign power and citizen's freedom in different constitutional systems. Comparative constitutional law is a fascinating field of research, dealing with one of the most engaging human challenges: built-up legal orders that may face and govern the complexity of a given society. Looking at the differences and similarities developed by different legal systems, comparative legal scholars aim to better understand the ultimate reasons of certain institutional choices and their transformations over time, in a phrase the 'constitutional life' of a legal system.

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module: 1	Concept of Constitution – Constitutional Law – General Constitutional Objectives	8 Lectures
Module: 2	Making of the Constitution: United Kingdom, USA, Canada and India	7 Lectures
Module: 3	The Constitution and its relationship with Statehood, Territoriality and Citizenship	7 Lectures
Module: 4	Forms of Government: Federal and Unitary	7 Lectures
Module: 5	Federal – USA, India, Australia, Canada etc.	7 Lectures
Module: 6	Unitary – UK, France	4 Lectures
Module: 7	Constitutionalism and Rule of Law: Rights Regime and their Protection	7 Lectures
Module: 8	Separation of Powers and Checks and Balances: Executive, Legislature and Judiciary	7 Lectures
Module: 9	Judicial Review	7 Lectures
Module: 10	Constitutional Law and Millennium Development Goals – Globalization and	7 Lectures
Module: 11	Amending Powers – Limits	7 Lectures

SUGGESTED READINGS*

Books

1. D.D.Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur, 2008).
2. D.D.Basu, *Comparative Federalism* (Lexis Nexis, 2007).
3. DD Basu, *Introduction to the Constitution of India* (Lexis-Nexis-Butterworth-Wadhwa, 2008).
4. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004).
5. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006).
6. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP, 2008).
7. M.P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 2011).
8. M.P.Jain, *Indian Constitutional Law* (6th ed., Wadhwa, Nagpur).
9. Mark Tushnet, *Why the Constitution Matters* (Yale University Press, 2010).
10. *Methods of Comparative Law* (Edward Elgar Publishing, 2012).

11. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford, 2010).
12. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A study of the Basic Structure Doctrine* (Oxford University Press, 2009).
13. Vicki C. Jackson, Mark V. Tushnet, *Comparative Constitutional Law* (2nd ed. Foundation Press, 2006).

* Suggested Readings are not exhaustive. Need to be supplemented with additional readings.

Articles

1. Bruce Ackerman, "The New Separation of Powers" 113 (3) *Harv. L. Rev.* 634-72 (2000).
2. Levinson, Daryl J. and Richard H. Pildes, "Separation of Parties, Not Powers." 119(8) *Harvard Law Review* 2311-2386 (2006).
3. Mark Tushnet, "Returning With Interest: Observations on Some Putative Benefits of Studying Comparative Constitutional Law", 1 *U. Pa. J. Const. L.* 325
4. Mark Tushnet, "The Inevitable Globalization of Constitutional Law", 49 *Va. J. Int'l L.* 985 (2008-2009).
5. Mark Tushnet, "The Possibilities of Comparative Constitutional Law" 108 *Yale.L.J.* 1225 (1999).
6. Michael J. Klarman, "What's so Great About Constitutionalism?" 93 *Nw. U.L. Rev.* 145

Note: This syllabus is subject to changes. Appropriate cases and acts will be discussed during the lectures. If necessary additional information on reading and reference sourcing will be provided as the course proceeds.

Chanakya National Law University, Patna
LL.M- 2023-24; SEMESTER- II

Course Title: Corporate Finance

Credit- 5

Course Overview: The course is designed to provide a legal understanding of the essential elements of ‘Corporate Finance’ and the ‘Corporate Environment’ in which the corporate business operates. The paper will examine the objective of shareholder wealth maximisation, which encompasses much of modern corporate finance, its implication for legal and ethical decision-making, and the manipulation strategy in the present context. This study of the paper has been prepared to provide an understanding of Corporate Restructuring, and Valuation which have a direct bearing on the functioning of companies. The paper on corporate finance has been divided into mainly four parts consisting of six modules- Part I deals with Corporate Finance Part II deals with Corporate Restructuring Part III deals with Valuation, and Part IV dealing with Tax Planning.

Learning Outcomes:

The paper Corporate Finance has been introduced to provide the blended knowledge of implementation of various strategies in the competitive environment with various sources of finance available to raise funds in the Indian as well as international markets along with the legislative framework for raising such funds. Corporate Funding is the area of finance dealing with the sources of funding and the capital structure of corporations, the actions that decision makers take to increase the value of the firm to the shareholders, and the tools and analysis used to allocate financial resources. Following outcomes of corporate finance are as follows:

1. Understanding the evolution and growth of the finance function. Elaborates on the conceptual and legal framework of corporate finance like Equity, Debt, Public Funding, Private funding, Fund-based, non-fund-based funding,
2. Make Strategic arrangements for foreign funding- instruments, laws and procedures,
3. Corporate restructuring is a permanent feature of this change and can take different forms such as amalgamation, merger or acquisition and takeover, in terms of restructuring at the company level, although there may be sector and/or company-specific driving forces behind and reasons for restructuring, companies always restructure to improve their performance and profitability.

4. To develop a reservoir of knowledge on valuation which can assist the Company decision maker. Valuation is essential for strategic partnerships, mergers or acquisitions of shares of a company and/or acquisition of a business. The main objective in carrying out a valuation is to conclude a transaction reasonably without any room for any doubt or controversy about the value obtained by any party to the transaction. Undertaking valuation assignments as a Registered Valuer under Companies Act, 2013 including for Mergers and Acquisitions, Issue of Shares, Winding up of Business and during Distressed Sale.
5. The last two units covers tax planning concerning corporate and business entities. The concept of Tax Planning and Tax Management, Tax Avoidance and Tax Evasion. Tax planning is an exercise undertaken to minimize tax liability through the best use of all available allowances, deductions, exemptions etc. Practical problems covering tax planning of Corporate Finance.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Theoretical Framework of Corporate Finance	<ul style="list-style-type: none"> • Law of Corporate Finance -Meaning, Importance and scope of Corporate Finance. • Capital needs – Capitalization, Working capital, Mezzanine Finance • Securities borrowings - deposit debentures • Sources of corporate finance under company law- Equity, Preference and Debentures. • Working capital and Working capital finance • Case study 	1-15
Module II: Sources of External Corporate Funding	<ul style="list-style-type: none"> • Corporate Fund Raising • IDR, ADR, GDR, • Euro-issues-Public financing Institution • Foreign Funding – Instruments • External -Commercial Borrowing (ECB) • Foreign Currency Convertible Bonds (FCCB) • Foreign Currency Exchangeable Bonds (FCEB) 	16-26
Module III: Corporate	<ul style="list-style-type: none"> • Law relating to Corporate Restructuring, 	27-38

Restructuring and Business Valuation.	<ul style="list-style-type: none"> • Overview of Business Valuation: Genesis of Valuation; Need for Valuation; Hindrances/ Bottlenecks in Valuations. • Business Valuation Approaches. • Principles of Valuation (Cost, Price and Value). • International Valuation Standards Overview • Case Study 	
Module IV: Merger and Acquisitions under Corporate Finance Alternatives	<ul style="list-style-type: none"> • Mergers & Acquisitions, • Joint Venture, • Valuation during Mergers & Acquisitions. • Buy-back of shares and • Leverage buy-out, • Case Study. 	39-48
Module V: Corporate Tax Planning and Management.	<ul style="list-style-type: none"> • Corporate Tax Planning & Tax Management- Scope and Objectives. • Tax Avoidance v/s Tax Evasion. • Areas of Corporate Tax Planning. • Income Tax Implication on specified transactions. • Implications of Tax benefits • Incentives for corporate decisions in respect of setting up a new business, 	49-61
Module VI: Corporate Tax Planning and Management.	<ul style="list-style-type: none"> • Tax Planning for location of business and nature of business. • Tax planning regarding financial management decisions. • Capital structure decisions. • Dividend Policy; Bonus Share. • Investments and Capital Gains. • Case Study 	62-75

Evaluation Criteria

Components	Description	Weightage in %
Attendance		05
Project Report		20
Presentation		05
End-Semester Examination		70
	TOTAL	100

Recommended/Reference Textbooks and Resources:

Text Book:

1. Eil's Ferran : Company Law and Corporate Finance, Oxford
2. Jonathan Charkham : Fair Shares : The Future of Shareholder Power and Responsibility Oxford
3. Ramaiya A : Guide to the Companies Act (Current Edition). Vol. I, II and I11 H.A.J. Ford and A.i'.
4. Austen : Ford's principle of Corporations Law (1999). Butterworths ten R.P.: The Law Of Public Company Finance (1986), LBC R.M. Goode : Legal Problems of Credit and Security (1988), Sweet and Maxewll
5. Maryin M. Kristein : Corporate Finance (1975) R.C. Osborn : Corporation Finance (1959)
6. S.C. Kuchhal : Corporation Finance: Principles and Problems.
7. V.G. Kulkarni : Corporate Finance (current edition)

References:

- ASWATH DAMODARAN: Applied Corporate Finance
- Y.D. Kulshreshta : Government Regulation of Financial Management of Private Corporate
- Corporate Restructuring: Bryan de Caires
- Case Studies for Corporate Finance: By Harold Bierman.
- Bare Act.
- IFRS Bulletin.
- FEMA 1999

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<http://www.>

Instructor Details

Name of the Instructor:	ASHOK KUMAR SHARMA
Telephone:	9234813647, 7488519466.
WhatsApp Number:	9234813647
Email:	ashokkumarsharma@cnlu.ac.in

Signature

CHANAKYA NATIONAL LAW UNIVERSITY, PATNA
LL.M. Second Semester
Academic Year 2023-24
GROUP E: CRIMINAL LAW
CRIMINAL JUSTICE SYSTEM, PENOLOGY AND VICTIMOLOGY

Course Overview:

The administration of criminal justice requires striking a balance between the rights and responsibilities of the offender, the victim, the state, as well as society as a whole. When the state decides that certain behaviours should be classified as crimes, it also gains the authority to investigate, apprehend, prosecute, and punish those who have committed those behaviours. If the law does not include certain safeguards to guarantee that no one is exposed to arbitrary arrests, prosecution, or punishment, the individuals who have been charged will be in a precarious position when confronted with the authority and strength of the state.

This course examines the intricate components of the criminal justice system, penology, and victimology, offering students a multidimensional understanding of the interconnected realms of law, punishment, and the experiences of crime victims. Students will explore the various theories and practices of punishment, as well as the social, psychological, and economic impacts of crime on individuals and communities.

Learning Outcome

This paper takes a critical look at the relationships and conflicts that exist between some of the most important components of the criminal justice system, the state, the accused, the offenders, and the victims of their crimes. Students will acquire an in-depth understanding and awareness of the criminal justice system and its components. The course will also give students a good understanding of the correctional system as it relates to the administration of the criminal justice system.

Module 1: CRIMINAL JUSTICE SYSTEM

[25 Lectures]

- Criminal Justice System: Meaning, purpose and relevance
- The Criminal Law Courts
- Crime Trends and Crime Prevention
- White Collar Crimes, Crimes against Women and Children, Terrorism
- Recommendations of Malimath Committee Report
- Human Rights and Criminal Justice System
- Custodial Violence
- Rights of the Accused
- Victims Protection
- White Collar Crimes, Crimes against Women and Children, Terrorism

Module 2: Penology**[25 Lectures]**

- Concept
- Theories of Punishment
- Type of Punishment
- Changing Notions of Penal Policy
- Policing and the Police
- The Prison System
- Open Prison
- Probation

Module 3: Victimology**[10 Lectures]**

- Concept
- Theories of Victimology
- Impact of Victimization
- Safeguarding Victim's Rights through legal reforms
- Compensation under various Law

SUGGESTED READINGS:

- Vibhute K.I., Criminal Justice, EBC, Lucknow
- Siddique Ahmad, 2018, Criminology & Penology with Victimology, EBC, Lucknow
- Paranjape NV, 2014, Criminology and Penology, 2nd edition, Central Law Publication, Allahabad, U.P.
- Sirohi, JPS, (2014), Criminology and Penology, Allahabad law agency
- Sutherland, E. H., & Cressey, D. R. (1974). Principles of Criminology. Philadelphia, PA: Lippincott.
- Ph.D. Schmallegger, Frank (Author)Criminology Today: An Integrative Introduction ,9th edition, Pearson, 2014
- Siegel, L. (2017). Criminology: Theories, patterns and typologies (13th ed.). Sydney: Cengage Learning.
- Vibhuti K.I. 2008, PSA Pillai's Criminal Law 10th Edition, Lexis Nexis, Butter Worth Publishers.
- Ratanlal and Dhiraj Lal: Indian Penal Code, Wadhwa & Co.
- Gour K.D.: Criminal Law - Cases and Materials, Butterworth Co.
- Kenny's: Outlines of Criminal Law, Cambridge University Press.
- Maguire Mike, Morgan Rod and Reiner Robert, 2007. The Oxford Handbook of Criminology, Oxford University Press.
- Ahuja Ram, 2000, Criminology, Rawat Publication, New Delhi.
- Brien, Martin O, 2008, Criminology, Routledge Publishers.
- Chaturvedi J.C, 2006, Penology and Correctional Administration, Isha Books Delhi.
- Kumari, V. (2017). The Juvenile Justice (Care and Protection of Children) Act 2015: Critical analyses. Gurgaon, Haryana, India: Universal Law Publishing, an imprint of LexisNexis.
- Whitehead, J. T., & Lab, S. P. (2013). Juvenile justice: An introduction. Waltham, MA: Lexis Nexis Matthew Bender.

REPORTS:

- Law Commission of India 262nd Report on Death Penalty
- NLUD Report on Death Penalty, 2016
- 47th Law Commission Report on "The Trial and Punishment of Social and Economic Offences" (1972)
- Malimath Committee Report
- Justice J. S. Verma Committee Report Amendments to the Criminal Law
- Report of All India Committee on Jail Reforms (1980-83) Vol.I Ch.IV

CASES:

- *Rama Murthy v. Karnataka*, AIR 1997 SC 1739 253
- *Prakash Singh v. Union of India* (2006) 8 SCC 1 242
- *State of Punjab v. Ajaib Singh*, AIR 1995 SC 975 222
- *Dr. Jacob George v. State of Kerala* (1994) 3 SCC 430 226
- *Chairman, Railway Board v. Chandrima Das*, AIR 2000 SC 988 232
- *Rachhpal Singh v. State of Punjab*, AIR 2002 SC 2710 238
- *Jogi Nayak v. State*, AIR 1965 SC 106
- *Abdul Qayum v. State of Bihar*, AIR 1972 SC 214 190
- *Dalbir Singh v. State of Haryana* (2000) 5 SCC 82 193
- *M.C.D. v. State of Delhi* (2005) 4 SCC 605 196
- *Chhanni v. State of U.P.* (2006) 5 SCC 396 203
- *Raghubir v. State of Haryana*, AIR 1981 SC 2037
- *Sanjay Suri v. Delhi Administration*, AIR 1988 SC 414
- *Pratap Singh v. State of Jharkhand* 2005 (1) SCALE 763
- *Sudesh Kumar v. State of Uttarakhand* (2008) 3 SCC 111
- *Union of India (UOI) and Ors. v. Ex-GNR Ajeet Singh* (2013) 4SCC186

Note: The topics, cases and materials mentioned above are not exhaustive. The teacher teaching the course shall be at liberty to add new topics/cases.

Instructor Details:

Name of the Instructor:	Hrishikesh Manu
Email:	hrishikeshmanu@cnlu.ac.in

INSURANCE LAW

LL.M. 2nd Semester Course

Faculty

Mr. Abhishek Kumar



Chanakya National Law University, Patna

Module I: Introduction

- Definition of Insurance Law
- Nature and Characteristics of Insurance
- Role of Insurance in Globalized Economy
- Growth and Development of Insurance in India

Module II: General Principles of Law of Insurance

- Essential Elements of Insurance Contracts
- Formation of Insurance Contracts
- Principle of Insurable Interest
- Principle of Utmost Good Faith
- Warranties and Disclosures
- Double Insurance and Re-insurance

Module III: Life Insurance

- Nature and Scope of Life Insurance
- Essential Features of Life Insurance
- Function of Life Insurance
- Kinds of Life Insurance

Module IV: Marine Insurance

- Nature and Scope of Marine Insurance
- Basis of Marine Insurance
- Marine Insurance Act, 1963
- Essential Elements of Marine Insurance

Module V: Fire Insurance

- Nature and Scope of Fire Insurance
- Meaning of 'Fire'
- Insurance Claim

Module VI: Regulatory Framework of Insurance

- Nationalization of Insurance Business
- Insurance Regulatory and Development Authority Act, 1999
- Powers and Functions of Insurance Regulatory and Development Authority Act, 1999

- **Reading Materials:**

1. Murthy & K V S Sarma, *Modern Law of Insurance*, (Butterworth's Wadhwa Publications, Nagpur).
2. SV Joga Rao, *MN Srinivasan's Principles of Insurance Law*, (Lexis Nexis Butterworths Wadhwa, Nagpur).
3. M. N. Sreenivasan, *Law and the Life Insurance Contract*, (Butterworth's Wadhwa Nagpur).

Chanakya National Law University, Patna
LL.M. Criminal Law 2023-24; SEMESTER-2

Course Title: Juvenile Delinquency

Faculty Name-Dr.Vijay kumar Vimal

Course Overview

This course critically examines juvenile delinquency and the juvenile justice system in India. Students will be exposed to the theories that help professional understanding and the development of delinquency within the context of individuals, families and communities. This course will focus on some of the important issues that face the juvenile justice system and the social work professionals who are working within this system. The course is designed for lawyers, social work students interested in working in juvenile justice.

Learning Outcomes

- Know and recognise the law related Juvenile.
- Know the Indian legal provisions and landmark cases relating to Juvenile.
- Know the International and Indian legal provisions for the development of Child protection laws.
- Know theories of Juvenile Delinquency.

On completion of the course, students will be able to:

1. Understand how life events and social conditions (risk and protective) contribute to delinquency and goal and objective of juvenile justice system in India.
2. Analyse the development of Juvenile Law in India and International development.
3. Will be able to critically evaluate the law and procedure of Indian juvenile system and other countries development of Juvenile law.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: INTRODUCTION	<ul style="list-style-type: none">• Jurisprudential foundations of Juvenile Justice	1-6

	<ul style="list-style-type: none"> • History and evolution of Juvenile Justice in India • International Conventions & Instruments • Minimum Age of Criminal Responsibility (MACR) • Constitutional Provisions • Juvenile Justice System Vs. Criminal Justice System • Laws relating to children in India 	
<p>Module II: THEORETICAL UNDERSTANDING OF JUVENILE DELINQUENCY</p>	<ul style="list-style-type: none"> • Meaning of Juvenile Delinquency • Theories of Juvenile Delinquency • Childhood Disorders • Causal Factors in Juvenile Delinquency • Juvenile Delinquency in India - Nature, Incidence and Characteristics • 	7-14
<p>Module III: ACT AND RULES ON JUVENILE JUSTICE IN INDIA</p>	<ul style="list-style-type: none"> • The Juvenile Justice (Care And Protection of Children) Act, 2015 • Important Definitions • General Principles of Care and Protection of Children • Juvenile Justice Board 	15-25

	<p>Procedure in Relation To Children In Conflict With Law Child Welfare Committee Procedure In Relation To Children In Need of Care and Protection</p> <ul style="list-style-type: none"> • Rehabilitation and Social Re-Integration • Adoption • Other Offences against Children • Brief Overview of Bihar Juvenile Justice (Care And Protection Of Children) Rules, 2017 	
<p>Module IV: : ROLE OF THE SOCIETAL INSTITUTIONS</p>	<ul style="list-style-type: none"> • Role of the family in delinquency prevention • Dual role of police- as an agency of Criminal Judicial Administration and as protector of Juvenile interest • NGO's role in custodial institutions and as a friend of every child in need of care • Media to expose instances of child exploitation and abuse in public domain as well as remain sensitive to privacy of children and their families 	<p>26-42</p>

Recommended/Reference Text Books and Resources:

Text Books

1. Donald J. Shoemaker
2. Ved Kumari

References

- Juvenile Delinquency: Causes and Control by Robert Agnew
- Juvenile Delinquency: Theory, Practice, and Law by Larry J. Siegel

Web Resources

https://www.mlsu.ac.in/econtents/1076_Juvenile%20Justice%20Act.pdf
<http://www.penacclaims.com/wp-content/uploads/2020/07/Kushmitha-Ganesh.pdf>
<https://biblioteca.cejamerica.org/bitstream/handle/2015/3519/eeuu-century-juvenile-justice.pdf?sequence=1&isAllowed=y>
https://serialsjournals.com/abstract/40148_ch_5_f_-_venudhar_routiya.pdf
<https://journal.rostrumlegal.com/the-minimum-age-of-criminal-responsibility-in-india-is-it-to-be-blamed-for-the-increasing-youth-crime-by-stuti-bhatia/#:~:text=The%20present%20age%20of%20criminal,Act%2C%202000%20is%2018%20years.>

Instructor Details

Name of the Instructor:	Dr. Vijay Kumar Vimal
Email:	vkvimal@cnlu.ac.in

**Chanakya National Law University, Patna
Master of Laws Group: (C) 2023-24;
SEMESTER-II**

Course Title: Legal Regulation of Economic Enterprises

Course Overview

India suffers from 'regulatory cholesterol' that is getting in the way of doing business. The legislations, rules and regulations enacted by the Union and State governments have over time created barriers to the smooth flow of ideas, organisations, money, entrepreneurship and through them the creation of jobs, wealth and GDP. The presence of hostile clauses in these laws, rules and regulations has grown since Independence, surviving three decades of economic reforms initiated in 1991. The biggest challenges come from the continuance of imprisonment as a tool of control. As automation increases in the coming years, the pre-Independence 1940s-style administrative controls meant to protect labour will prove counter-productive in 21st-century India. There are 1,536 laws that govern doing business in India, of which 678 are implemented at the Union level. Within these laws is a web of 69,233 compliances, of which 25,537 are at the Union level.

These compliances need to be communicated to the governments through 6,618 annual filings, 2,282 (34.5 percent) at the Union level and at the states, 4,336. These changes in compliance requirements occur constantly and add to business uncertainty. In the 12 months up to 31 December 2021, there have been 3,577 regulatory changes; over the three years from 1 January 2019 to 31 December 2021, there were 11,043 changes in compliance requirements. This translates to an average of 10 regulatory changes every single day. Of the 1,536 laws that govern doing business in India, more than half carry imprisonment clauses. Of the 69,233 compliances that businesses have to follow, 37.8 percent (or almost two out of every five) carry imprisonment clauses. More than half the clauses requiring imprisonment carry a sentence of at least one year. Several of these clauses criminalise process violations, while some of them punish inadvertent or minor lapses rather than wilful actions to cause harm, defraud, or evade. For some laws, delayed or incorrect filing of a compliance report is an offence whose punishment stands on par with sedition under the Indian Penal Code, 1860

Learning Outcomes

India's business regulation framework needs a 21st-century rethink. The course aims to provides the basis for it. It seeks to deepen the debate around economic reforms in the world's fifth-largest economy, which is headed towards becoming the world's third largest before 2030.

On completion of the course, students will be able to:

Course Title: Legal Regulation of Economic Enterprises

1. Gain a comprehensive understanding of the legal framework governing economic enterprises.
2. Develop expertise in the regulatory mechanisms that shape business operations within the legal context.
3. Acquire the ability to analyze and interpret the legal obligations and responsibilities imposed on economic enterprises.
4. Explore the practical application of legal regulations in managing and mitigating business risks.
5. Demonstrate proficiency in navigating the complexities of legal compliance to ensure ethical and lawful conduct in economic enterprises.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	<p>The Rationale of Government Regulation in Market economy</p> <p>Unit-1 Role of Regulators in a Market Economy</p> <p>Unit-2 Historical Development and Evolution of Regulatory Authorities</p> <p>Unit-3 Design, Establishment, Resources, Powers, and Duties of Independent Regulatory Authorities, including their Relationship with Other Agencies. Additionally, a Case Study is included for practical application.</p> <p>Unit-4 Quasi-legislative Functions, Executive Functions, including Inspection and Investigation</p> <p>Suggested Readings</p> <ol style="list-style-type: none"> a. Ackerman, Susan Rose. "The Regulatory State." The Oxford Handbook of Comparative Constitutional Law, edited by Rosenfeld and Sajo, Oxford University Press. b. Krishnan, KP, and Anirudh Burman. "Statutory Regulatory Authorities: Evolution and Impact." Regulation in India, edited by Kapur and Khosla. c. Somanathan, TV. "The Administrative and Regulatory State." The Oxford Handbook of the Indian Constitution, edited by Choudhry et al, Oxford University Press. d. Sahoo, MS. "Reforming the Regulatory State." Journal of Indian School of Political Economy, vol. XXXI, no. 3, 2019. 	1-10

Course Title: Legal Regulation of Economic Enterprises

	e. Roy, Shubho, Ajay Shah, B.N. Srikrishna, and Somasekhar Sundaresan. "Building State Capacity for Regulation in India." NIFPF Working Paper Series, 2018.	
Module II:	<p>Industrial Development</p> <p>Unit-5 Development and Regulation of Industries; Take - over of Management and Control of Industrial Units Unit-6 Sick Undertakings: Nationalization or Winding Up; Licensing Policy and Legal Process -Growing Trends of Liberalization Unit-7 Deregulation agricultural market in India</p> <p>Suggested Readings: Types Of Enterprises - Main Risk And Impact Factors Specific To The Complex Business Area Available At https://Www.Jopafl.Com/Uploads/Issue7/Types_Of_Enterprises_Main_Risk_And_Impact_Factors_Specific_To_The_Complex_Business_Area.Pdf</p>	11-20
Module III:	<p>Problems of Control and Accountability</p> <p>Regulation of Hazardous Activity Unit-8 Mass disaster and environmental degradation: legal liability and legal remedies Unit-9 Public Liability Insurance: adequacy; Issues in zoning and location of industrial units</p>	21-30
Module IV:	<p>Legal Regulation</p> <p>Unit-10 Collaboration agreements for technology transfer Unit-11 Investment in India: FDIs and NRIs; Investment abroad Unit-12 Legal regulation of selected public enterprises – Telecom regulatory authority and insurance regulatory authority</p>	31-40
Module V:	<p>Legal Regulation of Select Public Enterprises</p> <p>Unit-13 : Public Enterprises for Transport, Mining and Energy. Telecom Regulatory Authority. Insurance Regulatory Authority. Broadcasting Regulatory Authority. Legal Regulation of Multi-Nationals.</p>	41-50
Module VI:	<p>Critical Issues Regarding the Capital Issues</p> <p>Unit-14 Equity and debt finance Global depositories De-materialised securities</p>	51-60

Course Title: Legal Regulation of Economic Enterprises

Recommended/Reference Text Books and Resources:

- S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
- Dr. C.L Bansal, Corporate Governance Law, Practice & Procedures with Case Studies, EBC, 2006
- Dr. Sanjeev Kumar, Corporate Offences Director's Liability, Prosecution, Punishment, Remedies & Procedures, Bharat Law House Pvt Ltd, 2005
- Dr. J.C.Verma and Dr Sanjeev Kumar, Corporate merger, Amalgamation and Take Overs, Bookshop of India
- Aggarwal, V.K. : Consumer Protection- Law and Practice.
- Myeni, S.R. : Corporate Law-II
- Sharma, Gokulesh : financial and Economic Laws Cherunilam,
- Francis : Business Environment

Suggested Readings

- a. 272 Law Commission of India Report on Assessment of Statutory Framework of Tribunals in India (October, 2017)
- b. Robert Baldwin, Martin Cave, Martin Lodge, Understanding Regulation: Theory, Strategy, and Practice, chapters 11 and 12
- c. Baldwin Robert, Cave Martin, and Lodge Martin. 2011. Understanding Regulation: theory, strategy, and practice. Oxford University Press (Chapters 7 & 8)
- d. Kirkpatrick Colin and Parker David (eds.). 2007. Regulatory Impact Assessment: Towards Better Regulation? UK: Edward Elgar – Chapters, 1, 2, 3 & 4.
- e. Harold Demestz, Why regulate Utilities?, Journal of Law and Economics, Vol. 11, No. 1, (Apr., 1968), pp. 55-65.
- f. Navroz K Dubash, Independent Regulatory Agencies: A Theoretical Review with Reference to Electricity and Water in India., EPW, Vol 43, Issue No. 40,)4 Oct 2008. .
- g. Jaivir Singh, Regulation, Institution and the Law, Legal and Institutional Dimensions, Social Science Press, 2007.
- h. Alok Kumar and Sushanta K. Chatterjee, Electricity Sector in India: Policy and Regulation, Oxford University Press, 2012.
- i. Sachin Warghade and Subodh Wagale, Rationale for Independent Regulatory Agency for Water in India, Reconceptualising Credible Commitment, in India's Water Futures, Routledge 2018.
- j. Arner D. W., Barberis J. & Buckley R.P. (2017a) FinTech, RegTech, and the Reconceptualization of Financial Regulation, 37 NW. J. INT'L L. & BUS. 371. Available at: <https://scholarlycommons.law.northwestern.edu/njilb/vol37/iss3/2>
- k. Lee, J. (2020). Access to finance for artificial intelligence regulation in the financial services industry. European Business Organization Law Review, 21(4), 731–757.
- l. Banisar, David, and Simon Davies. "Global trends in privacy protection: An international survey of privacy, data protection, and surveillance laws and developments." J. Marshall J. Computer & Info. L. 18 (1999): 1.

Course Title: Legal Regulation of Economic Enterprises

- m. Wilson, Benjamin. "Data Privacy in India: The Information Technology Act." Available at SSRN 3323479 (2010).
- n. Dobkin, Ariel. "Information fiduciaries in practice: data privacy and user expectations." *Berkeley Technology Law Journal* 33, no. 1 (2018): 1-52.
- o. Annual Reports of SEBI for last three years
- p. NSE: The Indian Securities Market Review (2023)
- q. Sankar Gopikuttan, Gopi and Naik, Gopal, Deregulation of Agricultural Markets in India (February 8, 2021). IIM Bangalore Research Paper No. 631, Available at SSRN: <https://ssrn.com/abstract=3781388> or <http://dx.doi.org/10.2139/ssrn.3781388>
- r. Deregulation in the Energy Sector and Its Economic Effects on the Power Sector: A Literature Review Available at <https://doi.org/10.3390/su13063429>

Legislations:

- Companies Act, 2013 & SEBI Act, 1992.
- Industrial (Development and Regulation) Act, 1951.
- Essential Commodities Act, 1955
- Competition Act, 2002
- Securities Contracts (Regulation) Act, 1956
- Insurance Regulatory and Development Authority Act, 1999.
- Foreign Trade (Development and Regulation) Act, 1992.
- Depositories Act, 1996.
- TRAI

Policies :

- Industrial Policy Resolutions of 1948, 1956, 1991
- Industrial Licensing Policy 1970, 1975
- Industrial Policy Statements 1973, 1977, 1980
- Reports of Committees on Public Undertakings of Parliament.

Suggested Reading

70 POLICIES THAT SHAPED INDIA 1947 to 2017, Independence to \$2.5 Trillion available at https://www.orfonline.org/wp-content/uploads/2018/07/70_Policies.pdf

Instructor Details

Name of the Instructor:	Dr. Nandita S Jha
Email:	nanditasjha@cnlu.ac.in

Chanakya National Law University, Patna
LL.M Second Semester-

National Security, Public order and Rule of Law
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Course Overview

The Code of Criminal Procedure provides the machinery for the detection of crime, apprehension of suspected criminals, collection of evidence, determination of the guilt or innocence of the suspected person, and the imposition of suitable punishment on the guilty. It is further aimed at trying to provide a balance between the needs of the investigating and adjudicatory bodies to detect crime, maintain law and order and the rights of the accused.

With the increasing complaints regarding abuse of powers of arrest by the police, custodial torture and death, denial of bail, etc., the course particularly focuses on investigation, arrest, bail and principles of fair trial.

The provision relating to plea bargaining has been included to critically examine its operation under the criminal law which may be oppressive unless all the stakeholders are equally positioned.

Module one deals with Comparative criminal justice administration in countries like England and France.

Module two focuses on Importance of Criminal Procedure.

Module three deals with Investigation

Module four covers Procedure for Investigation

Module five covers Bail- Ss. 436 - 439 of the Cr PC.

Module six deals with Pre-Trial Proceedings

Module seven covers Trial .

Module Eight focuses on Rights of Accused and Victims

Module Nine deals with Appeals, Inherent Powers of the High Court –

Learning Outcomes .Though the emphasis of this course would be on administration of criminal justice system in India but the students would also be familiarised with aspects of criminal justice system in countries like England , France et.

1.On completion of the course, students will be able to understand in a better way the Administration of criminal justice system in other countries like England and France.

2. Analyse crucial aspects relating to investigation and trial of offences (like initiation of criminal cases, powers and duties of police during investigation of offences, stages of criminal trial, functions, duties, and powers of criminal courts)

3. Critically analyse issues in administration of criminal justice (like protection of human rights of accused, victims, principles of fair trial)

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I:	This would be introductory module where evolution of certain principles which evolved in these countries would be discussed and how far these principles , rules etc have been adopted in India.	1-5
Module II:	A general overall view of investigation will be given to the students with special emphasis on the essentials	6-14

	<p>of F.I.R and its evidentiary value, police officer's powers to investigate cognizable cases, procedure for investigation, police officer's powers to require attendance of witnesses, examination of witnesses by the police, recording of confessions and statements and report of police officer on completion of investigation</p>	
Module III:	<p>How the investigation of cases are carried out. What are the statutory provisions related to investigation. Powers of the [police officers and limitation on such powers.</p>	15-21
Module IV:	<p>Arrest – procedure and rights of arrested person Search and seizure(sections 165, 166 read with section 100)</p>	22-29
Module V:	<p>Criminal offences are further classified under the Cr.P.C. into bailable and nonbailable offences.</p>	30 -35

	<p>In case of bailable offences, an accused is entitled to bail as a matter of right on furnishing of surety. In case of non-bailable offences, bail is a matter of discretion with the courts and the discretion becomes narrower depending upon the severity of the punishment that an offence entails. How this discretion is to be exercised and what are the principles governing grant of bail in such cases is discussed in the cases given below. The concept of anticipatory bail and the principles governing its grant are also a subject matter of study . Further, principles governing cancellation of bail will also be discussed here.</p>	
Module VI:	Cognizance of Offences, Committal Proceedings, Framing of Charges	36-40
Module VII:	Differences among warrant, summons, and summary trials, Production of Witnesses - Summons and warrants, S.321- Withdrawal of Prosecution	41-46

Module VIII:	Features of Fair Trial – Ss.273, 300, 303-304, 313, 316, 317, 319, 321, 327, 406, 409; Articles 20 (1) (3), 22(1), 39A of the Constitution, Rights of Victims – Ss.357, 357A, 357B, 357C, 372, Proviso, Witness Protection - Guidelines for Protection of Vulnerable Witnesses.	46-55
Module IX	Appeals, Inherent Powers of the High Court –	56-60

Recommended/Reference Text Books and Resources:

Text Books .

1. Criminal Procedure . Matthew Lippman. Sage Publication.
2. The Code of Criminal Procedure. K D Gaur.

References

- Constitution of India. Articles on Comparative Criminal Procedure.
-

Web Resources

<http://www.> <http://www.>

Instructor Details

Name of the Instructor:	Dr. G P Pandey
Email:	gppandey@cnlu.ac.in
Website:	

Signature

Chanakya National Law University, Patna
LL.M. 2023-24; SEMESTER - II

Course Title: Privileged Class Deviance

Course Overview

This course focuses on the deviance by the privileged classes. The definition of “privileged classes” in a society like India should not pose major problems at all; the expression nearly includes wielders of all forms of state and social (including religious) power. Accordingly, the course focuses on the relation between privilege power and deviant behaviour. The traditional approaches which highlight “white-collar offences”, “socio-economic offences” or “crimes of the powerful” deal mainly with the deviance of the economically resourceful. The dimension of deviance associated with bureaucracy, the new rich, religious leaders and organizations, professional classes and the higher bourgeoisie are not fully captured here. A tentative overview of the syllabus of the course of Privileged Class Deviance along with the learning outcomes is given below.

Learning Outcomes

After completing the course of Privileged Class Deviance, the students will be able to:

1. Understand the concept, basis, and forms of deviance by several privileged classes;
2. Dispel the commonly held belief that deviance is usually associated with the impoverished or improvident;
3. Critically analyse the legal system’s response and
4. Understand the Issues and dilemmas in penal and sentencing policies regarding the privileged class deviance.

List of Topics/ Modules

Topic/ Module	Contents/ Concepts	Sessions / Lectures
Module I: Introduction	<ul style="list-style-type: none"> • Meaning of Deviance and Deviant Behavior. • Privileged Class Deviance: Concept and Nature • Understanding Privileged Class Deviance in Context of Indian Development. • Typical Forms – Official and Professional Deviance • Gender Based Aggression 	1-12
Module II: Official Deviance	<ul style="list-style-type: none"> • Concept of Official Deviance – Permissible Limits of Discretionary Powers. • The Chambal Valley Dacoit Vinoba Mission and Jai Prakash Narain Mission in 1959 and 1971. • The Chagla Commission Report on LIC –Mundra Affair • The Das Commission Report on Pratap Singh Kairon • The Grover Commission Report on Dev Raj Urs • The Maruti Commission Report • The Ibakkar – Natarajan Report Commission Report on Fairfax. 	13-24

Module III: Police Deviance	<ul style="list-style-type: none"> • Restraints on the Powers of Police in Indian legal system • Various Forms of Police Deviance • Police Reforms 	25-36
Module IV: Professional Deviance	<ul style="list-style-type: none"> • Unethical Practices at the Indian Bar, • The Press Council on Unprofessional and unethical Journalism, • Medical Malpractice, 	37-48
Module V: Legal and Judicial Response to Privileged Class Deviance	<ul style="list-style-type: none"> • Right to information • Prevention of Corruption Act – Investigation and Trial • Vigilance Commission • Ombudsman, Public Accounts Committee 	49-60

Instructor Details

Name of the Instructors:	Dr. Manoranjan Kumar
Email:	manoranjankumar@cnlu.ac.in