

**Courses of Studies  
and  
Regulations**  
FOR  
**MASTER OF LAWS (LL.M) EXAMINATION**  
**TWO YEARS PROGRAMME (SEMESTER PATTERN)**  
**(UNDER CHOICE BASED CREDIT SYSTEM)**

**EFFECTIVE FROM**  
**2021-2022 ACADEMIC SESSION**



**Bhubaneswar Law College**  
**Bhubaneswar**  
**(Affiliated to Madhusudan Law University, Cuttack)**

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# **PART – I**

## **COURSES OF STUDIES**

**FOR**

**MASTER OF LAWS (LL.M.) EXAMINATION**

**TWO YEARS PROGRAMME (SEMESTER PATTERN)**

**(UNDER CHOICE BASED CREDIT SYSTEM)**

**EFFECTIVE FROM**

**2021 – 2022 ACADEMIC SESSION**

**MADHUSUDAN LAW UNIVERSITY  
CUTTACK**

## **MADHUSUDAN LAW UNIVERSITY**

### **COURSES OF STUDIES FOR THE MASTER OF LAWS (LL.M.) EXAMINATION (SEMESTER COURSE) UNDER CHOICE BASED CREDIT SYSTEM**

**(Effective from the 1<sup>st</sup> Semester, LL.M. Admission from the Academic Session 2021-2022)**

This syllabus has been designed on Choice Based Credit System as per the guidelines provided by University Grant Commission and the Curriculum Development Centre of U.G.C. This LL.M. Programme is projected to train future researchers and the students to enquire and also to explore about the legal frame work of the contemporary society.

This syllabus (on Choice Based Credit System) for Master of Laws (LL.M.) examination consists of four semesters. The 1<sup>st</sup> Semester shall cover the period from July to December and 2<sup>nd</sup> Semester from January to June during the first academic session. Similarly, the 3<sup>rd</sup> Semester shall commence from July to December and 4<sup>th</sup> Semester from January to June of the second academic session.

The course design shall be as follows:

<b>Semester</b>	<b>Core Subjects (Compulsory)</b>	<b>Elective Subjects (Special Papers)</b>	<b>Total Papers</b>	<b>Marks @100/Paper</b>
First	2	2	4	400
Second	2+1 (Practical)	2	5	500
Third		2	2	200
Fourth	1 (Dissertation & Viva-Voce equivalent to 2 Papers having 200 marks)		1	200
<b>Total No. of Papers (Core + Elective) = 12</b>		<b>Total Marks = 1300</b>		

The students shall have to do all the Core Courses (four theory courses, the dissertation, and the practical) and six papers from a single Optional (Specialization) Group i.e. Elective Courses. A thorough knowledge in a particular branch of law is the objective of LL.M. Programme.

The Credits specified for LL.M. Programme describe the weightages of various courses of the programme. The number of Credits along with Grade Points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/ her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum Grades in different subjects of the programme. Description of Credit distribution for the course has been given below:

**NO. OF CORE PAPERS:**

**(A) 1<sup>st</sup> SEM 02 + 2<sup>nd</sup> SEM 02 = 04 PAPERS**

**(B) PRACTICAL PAPER (in 2<sup>nd</sup> SEM) = 01 PAPER**

**(B) DISSERTATION AND VIVA-VOCE (in 4<sup>th</sup> SEM) = 01 PAPER**

**[Though it is 01 paper but will be considered as equivalent to 02 papers as it is of 200 marks]**

**NO. OF ELECTIVE PAPERS:**

**1<sup>st</sup> SEM 02 + 2<sup>nd</sup> SEM 02+ 3<sup>rd</sup> SEM 02 = 06 PAPERS**

**[Elective papers are meant for Specialization and Students are to choose, as per their choice, any one of the Specialization Subject (for all the three semesters) mentioned in the syllabus]**

**TOTAL NO. OF SEMESTERS = 04**

**TOTAL PAPERS OF ALL SEMESTERS = 12**

**EACH PAPER CONSISTS OF 04 CREDITS**

**TOTAL NO. CREDITS = 52**

**[11 Papers (10 theory papers + 01 practical paper) x 04 = 44 Credits + Dissertation and Viva-voce (equivalent to 02 papers) = 08 Credits]**

The following shall be the Subjects and the Courses of Study for Master of Laws (LL.M.) Examination. All the Core Subjects are compulsory for Students.

**CORE SUBJECTS (CS)**

1. Judicial Process
2. Legal Education and Research Methodology
3. Indian Constitutional Law: The New Challenges
4. Law and Social Transformation in India
5. Practical
6. Dissertation and Viva-Voce

**ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)**

1. Constitution and Legal Order (Group-1)
2. Business Law (Group-2)
3. Criminal Law (Group-3)
4. International Law and Organization (Group-4)
5. Human Rights (Group-5)
6. Labour, Capital and Law (Group-6)
7. Environment and Legal Order (Group-7)
8. Jurisprudence (Group-8)
9. Feminist Critique of Legal Order (Group-9)
10. Administrative Law (Group-10)
11. Science, Technology and Law (Group-11)

**DISTRIBUTION OF CORE SUBJECTS (CS) AND ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)**

The systematic distribution of core subjects and elective subjects over 4 Semesters shall be as follows:

## **CORE SUBJECTS (CS)**

### **1<sup>st</sup> Semester**

1. LL.M.-CS-01-P-I: Judicial Process
2. LL.M.-CS-02-P-II: Legal Education and Research Methodology

### **2<sup>nd</sup> Semester**

1. LL.M.-CS-03-P-V: Indian Constitutional Law: The New Challenges
2. LL.M.-CS-04-P-VI: Law and Social Transformation in India
3. LL.M.-CS-05-P-VII: Practical

### **4<sup>th</sup> Semester**

1. LL.M.-CS-06-P-XII: Dissertation and Viva-Voce

## **ELECTIVE SUBJECTS (ES) (OPTIONAL GROUPS AS SPECIALIZATION)**

### **1<sup>st</sup> Semester**

#### **1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)**

LL.M.-ES-SP-G01-P-III: Mass Media law

LL.M.-ES-SP-G01-P-IV: Public Utilities law

#### **2. LL.M.-ES-SP-G02: Business Law (Group-2)**

LL.M.-ES-SP-G02-P-III: Law of Industrial and Intellectual Property

LL.M.-ES-SP-G02-P-IV: Legal Regulation of Economic Enterprises

#### **3. LL.M.-ES-SP-G03: Criminal Law (Group-3)**

LL.M.-ES-SP-G03-P-III: Comparative Criminal Procedure

LL.M.-ES-SP-G03-P-IV: Penology: Treatment of Offenders

#### **4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)**

LL.M.-ES-SP-G04-P-III: International Law and Organisation: Law, Practice and Future

LL.M.-ES-SP-G04-P-IV: Disarmament and Peace Strategies

#### **5. LL.M.-ES-SP-G05: Human Rights (Group-5)**

LL.M.-ES-SP-G05-P-III: Concept and Development of Human Rights

LL.M.-ES-SP-G05-P-IV: Human Rights and International Order

**6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)**

LL.M.-ES-SP-G06-P-III: Collective Bargaining

LL.M.-ES-SP-G06-P-IV: Industrial Adjudication

**7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)**

LL.M.-ES-SP-G07-P-III: Environment and Development: Law and Policy

LL.M.-ES-SP-G07-P-IV: Resource Management and the Law

**8. LL.M.-ES-SP-G08: Jurisprudence (Group-8)**

LL.M.-ES-SP-G08-P-III: Comparative Judicial Process

LL.M.-ES-SP-G08-P-IV: Marxian Theory of Law

**9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)**

LL.M.-ES-SP-G09-P-III: Feminist Theorizing and Legal Order

LL.M.-ES-SP-G09-P-IV: Nationalist Struggle and Gender Equality

**10. LL.M.-ES-SP-G10: Administrative Law (Group-10)**

LL.M.-ES-SP-G10-P-III: Administrative Process: Nature and Scope

LL.M.-ES-SP-G10-P-IV: Administrative Process and Judicial Control

**11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)**

LL.M.-ES-SP-G11-P-III: Law, Science and Technology

LL.M.-ES-SP-G11-P-IV: Law, Science and Medicine

**2<sup>nd</sup> Semester****1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)**

LL.M.-ES-SP-G01-P-VIII: Union-state Financial Relations

LL.M.-ES-SP-G01-P-IX: Constitutionalism: Pluralism and Federalism

**2. LL.M.-ES-SP-G02: Business Law (Group-2)**

LL.M.-ES-SP-G02-P-VIII: Law of Export - Import Regulation

LL.M.-ES-SP-G02-P-IX: Banking Law

**3. LL.M.-ES-SP-G03: Criminal Law (Group-3)**

LL.M.-ES-SP-G03-P-VIII: Privileged Class Deviance

LL.M.-ES-SP-G03-P-IX: Drug Addiction, Criminal Justice and Human Rights



**4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)**

LL.M.-ES-SP-G04-P-VIII: International Humanitarian Law

LL.M.-ES-SP-G04-P-IX: Law and Diplomacy

**5. LL.M.-ES-SP-G05: Human Rights (Group-5)**

LL.M.-ES-SP-G05-P-VIII: Protection and Enforcement of Human Rights in India

LL.M.-ES-SP-G05-P-IX: Human Rights of Disadvantaged Groups

**6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)**

LL.M.-ES-SP-G06-P-VIII: Law Relating to Civil Servants

LL.M.-ES-SP-G06-P-IX: Agricultural Labour

**7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)**

LL.M.-ES-SP-G07-P-VIII: Prevention and Control of Pollution

LL.M.-ES-SP-G07-P-IX: Environment and International Legal Order

**8. LL.M.-ES-SP-G08: Jurisprudence (Group-8)**

LL.M.-ES-SP-G08-P-VIII: Socialist Jurisprudence

LL.M.-ES-SP-G08-P-IX: Concepts of Justice

**9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)**

LL.M.-ES-SP-G09-P-VIII: Patriarchal Elements in Indian Law

LL.M.-ES-SP-G09-P-IX: Gender Justice Standards at International Law

**10. LL.M.-ES-SP-G10: Administrative Law (Group-10)**

LL.M.-ES-SP-G10-P-VIII: Public Authorities: Liability

LL.M.-ES-SP-G10-P-IX: Public Authorities and Power Holders: Controls on  
Maladministration

**11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)**

LL.M.-ES-SP-G11-P-VIII: The Electronics Revolution and Legal Order

LL.M.-ES-SP-G11-P-IX: Nuclear Technology: Dilemmas of Legal Controls

**3<sup>rd</sup> Semester**

**1. LL.M.-ES-SP-G01: Constitution and Legal Order (Group-1)**

LL.M.-ES-SP-G01-P-I-X: Human Rights

LL.M.-ES-SP-G01-P-XI: National Security, Public Order and Rule of Law

**2. LL.M.-ES-SP-G02: Business Law (Group-2)**

LL.M.-ES-SP-G02-P-X: Insurance Law

LL.M.-ES-SP-G02-P-XI: Corporate Finance

**3. LL.M.-ES-SP-G03: Criminal Law (Group-3)**

LL.M.-ES-SP-G03-P-X: Juvenile Delinquency

LL.M.-ES-SP-G03-P-XI: Collective Violence

**4. LL.M.-ES-SP-G04: International Law and Organization (Group-4)**

LL.M.-ES-SP-G04-P-X: Law of the Sea

LL.M.-ES-SP-G04-P-XI: International Law and Contemporary Issues

**5. LL.M.-ES-SP-G05: Human Rights (Group-5)**

LL.M.-ES-SP-G05-P-X: International Humanitarian Law and Refugee Law

LL.M.-ES-SP-G05-P-XI: Science, Technology and Human Rights

**6. LL.M.-ES-SP-G06: Labour, Capital and Law (Group-6)**

LL.M.-ES-SP-G06-P-X: Wages

LL.M.-ES-SP-G06-P-XI: Social Security Law

**7. LL.M.-ES-SP-G07: Environment and Legal Order (Group-7)**

LL.M.-ES-SP-G07-P-X: Biological Diversity and Legal Order

LL.M.-ES-SP-G07-P-XI: Environmental Legislation

**8. LL.M.-ES-SP-G08: Jurisprudence (Group-8)**

LL.M.-ES-SP-G08-P-X: Law and Society

LL.M.-ES-SP-G08-P-XI: Theories of Rights

**9. LL.M.-ES-SP-G09: Feminist Critique of Legal Order (Group-9)**

LL.M.-ES-SP-G09-P-X: Labour, Gender and the Law

LL.M.-ES-SP-G09-P-XI: Population Planning and Gender Justice

**10. LL.M.-ES-SP-G10: Administrative Law (Group-10)**

LL.M.-ES-SP-G10-P-X: Local Self-government Law

LL.M.-ES-SP-G10-P-XI: Comparative Administrative Law

**11. LL.M.-ES-SP-G11: Science, Technology and Law (Group-11)**

LL.M.-ES-SP-G11-P-X: Bio-technology and Legal Regulation

LL.M.-ES-SP-G11-P-XI: Epidemiological and Public Health Aspects of Science and Technology

Students are to elect any one of the Specialization Subject for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> semesters. Once they elect any one specialization in 1<sup>st</sup> Semester, it cannot be changed in subsequent semesters. However, the University/Colleges reserves/reserve the right to offer specializations, subject to availability of teaching and other logistic facilities. The Head of the Department/Principal will notify the availability of specializations before the commencement of the class of 1<sup>st</sup> Semester. Each student shall apply in writing to the Head of the Department/Principal expressing his/her options for specialization subjects within the first week of the 1<sup>st</sup> Semester of that academic session. The Head of the Department/Principal shall then notify the names of the students and their respective specializations in the Notice Board.

# **LL.M. SYLLABUS**

## **SEMESTER – I**

### **CORE SUBJECTS (CS) FOR 1<sup>ST</sup> SEMESTER**

#### **PAPER - I**

**LL.M.-CS-01-P-I: JUDICIAL PROCESS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Nature of judicial process**

- 1.1. Judicial process as an instrument of social ordering
- 1.2. Judicial process and creativity in law - Common law model - Legal Reasoning and growth of law - change and stability
- 1.3. The tools and techniques of judicial creativity and precedent
- 1.4. Legal development and creativity through legal reasoning under statutory and codified systems

##### **Unit – II : Judicial Process in India**

- 2.1. The “independence” of judiciary and the “political” nature of judicial process
- 2.2. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity
- 2.3. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 2.4. Institutional liability of courts and judicial activism - scope and limits

##### **Unit – III : The Concepts of Justice**

- 3.1. The concept of justice or Dharma in Indian thought

- 3.2. Dharma as the foundation of legal ordering in Indian thought
- 3.3. The concept and various theories of justice in the western thought
- 3.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition

#### **Unit – IV : Relation between Law and Justice**

- 4.1. Equivalence Theories - Justice as nothing more than the positive law of the stronger Class
- 4.2. Dependency theories - For its realisation justice depends on law, but justice is not the same as law
- 4.3. The independence of justice theories - means to end relationship of law and justice  
- The relationship in the context of the Indian constitutional ordering
- 4.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice

#### **Select Bibliography**

- 1. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi
- 2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
- 3. Henry J. Abraham, The Judicial Process (1998), Oxford
- 4. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
- 5. W. Friedmann, Legal Theory (1960), Stevens, London
- 6. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
- 7. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
- 8. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
- 9. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
- 10. John Rawls, A Theory of Justice (2000), Universal, Delhi
- 11. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago

**PAPER - II****LL.M.-CS-02-P-II: LEGAL EDUCATION AND RESEARCH METHODOLOGY****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I : Legal Education System in India**

- 1.1. Objectives and Status of Legal Education in India
- 1.2. Role of Bar Council of India and University Grants Commission
- 1.3. Continuing Legal Education
- 1.4. Globalization and future of Legal Education

**Unit – II : Law Curriculum, Teaching Methods and Examination System**

- 2.1. Present Curriculum Model – Defects and possible alternatives
- 2.2. Methods of Law Teaching – Lecture Method, Seminar Method, Problem Method, Discussion Method
- 2.3. Clinical Legal Education
- 2.4. Examination system and Evaluation Process – The Problems and its Solution

**Unit – III : Research Methods and Identification of Research Problem**

- 3.1. Research methods: Socio-legal research, Doctrinal and non-doctrinal research, Relevance of empirical research, Induction and Deduction
- 3.2. Identification of research problem
- 3.3. Survey of available literature and bibliographical research
  - 3.3.1. Legislative materials including subordinate legislation, notification and policy statements
  - 3.3.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof

3.3.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals

3.4. Compilation of list of reports or special studies conducted relevant to the problem

#### **Unit – IV : Preparation of the Research Design**

4.1. Formulation of the Research problem and Hypothesis

4.2. Devising tools and techniques for collection of data: Methodology

4.2.1. Methods for the collection of statutory and case materials and juristic literature

4.2.2. Use of historical and comparative research materials

4.2.3. Use of observation studies

4.2.4. Use of questionnaires/interview

4.2.5. Use of case studies

4.2.6. Sampling procedures - design of sample, types of sampling to be adopted.

4.2.7. Use of scaling techniques

4.3. Classification and tabulation of data - Use of cards for data collection - Rules for tabulation; Explanation of tabulated data

4.4. Analysis of data

#### **Select Bibliography**

1. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

2. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay

3. N.R. Madhava Menon, (Ed.) A Handbook of Clinical Legal Education, (1998), Eastern Book Company, Lucknow

4. M.O.Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)

5. Pauline V.Young, Scientific Social Survey and Research,(1962)

6. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London

7. H.M.Hyman, Interviewing in Social Research (1965)

8. Payne, The Art of Asking Questions (1965)

9. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)

10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Havard Law Review Association, Uniform System of Citations
12. ILI Publication, Legal Research and Methodology

### **ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 1<sup>ST</sup> SEMESTER**

#### **PAPER – III**

**LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)**

**LL.M.-ES-SP-G01-P-III: MASS MEDIA LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Mass media - Types of - Press Films, Radio & Television**

- 1.1. Ownership patterns - Press - Private - Public
- 1.2. Ownership patterns - Films - Private
- 1.3. Ownership patterns - Radio & Television, Public
- 1.4. Difference between visual and non- visual Media - impact on people's minds

##### **Unit – II : Press - Freedom of Speech and Expression - Article 19 (1) (a)**

- 2.1. Freedom of the Press and Constitution of India
- 2.2. Laws of defamation, obscenity, blasphemy and sedition
- 2.3. Advertisement - is it included within freedom of speech and expression?
- 2.4. Press and the Monopolies and Restrictive Trade Practices Act.

##### **Unit – III : Films and electronic media and Law**

- 3.1. Censorship of films - constitutionality
- 3.2. Difference between films and Press - why pre-censorship valid for films but not for the press?
- 3.3. Censorship under the Cinematograph Act



### 3.4. State and Control of electronic media

## **Unit – IV : Mass Media Regulating Authorities**

- 4.1. Role of Press Council under the Press Council Act, 1978
- 4.2. Role of Board of Film Censors under the Cinematograph Act, 1952
- 4.3. Role of Prasar Bharati Board under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990
- 4.4. Regulation under the Cable Television Networks (Regulation) Act, 1995

## **Select Bibliography**

- 1. M.P. Jain, Constitutional Law of India (1994) Wadhwa
- 2. H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay
- 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. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972)
- 5. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984)
- 6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391(1984)
- 7. Soli Sorabjee, Law of Press Censorship in India (1976)
- 8. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984)
- 9. D D. Basu, The Law of Press of India (1980)
- 10. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.(Constitutional Law 1 & 11, Administrative Law and Public Interest litigation)

## **PAPER - III**

### **LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

### **LL.M.-ES-SP-G02-P-III: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introduction**

- 1.1. IPR and International Perspectives
- 1.2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)
- 1.3. Special Problems of the Status of Computer Software in Copyright and Patent Law:  
A Comparative Study
- 1.4. Patent Search, Examination and Records
  - 1.4.1. International and global patent information retrieval systems (European Patent Treaty)
  - 1.4.2. Patent Co-operation Treaty (PCT)
  - 1.4.3. Differences in resources for patent examination between developed and developing societies
  - 1.4.4. The Indian situation

### **Unit – II : The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property**

- 2.1. United Nations approaches (UNCTAD, UNCITRAL)
- 2.2. EEC approaches
- 2.3. Position in U.S.
- 2.4. The Indian situation

### **Unit – III : Biotechnology Patents**

- 3.1. Nature and types of biotechnology patents; Patent over new forms of life: TRIPS obligations
- 3.2. Sui generis protection for plant varieties
- 3.3. Plant patenting and Multinational ownership

3.4. Regulation of environment and health hazards in biotechnology patents; Indian policy and position

#### **Unit – IV : Intellectual Property and Human Right**

4.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996)

4.2. Legal status of hazardous research protected by the regime of intellectual property law

4.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

4.4. 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. Terenee 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 (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

#### **PAPER – III**

**LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)**

**LL.M.-ES-SP-G03-P-III: COMPARATIVE CRIMINAL PROCEDURE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I : Organisation of Courts and Prosecuting Agencies**

- 1.1. Hierarchy of Criminal Courts and their jurisdiction
- 1.2. Nyaya Panchayats in India, Panchayats in tribal areas
  - 1.2.1. Grama Nyayalaya Act, 2008
- 1.3. Organisation of prosecuting agencies for prosecuting criminals
  - 1.3.1. Prosecutors and the police
- 1.4. Withdrawal of prosecution

**Unit – II : Pre-trial Procedures**

- 2.1. Arrest and questioning of the accused
- 2.2. The rights of the accused, Right to counsel
- 2.3. The evidentiary value of statements / articles seized / collected by the police
- 2.4. Roles of the prosecutor and the judicial officer in investigation

**Unit – III : Trial Procedures**

- 3.1. The accusatory system of trial and the inquisitorial system
- 3.2. Role of the judge, the prosecutor and defence attorney in the trial
- 3.3. Admissibility and inadmissibility of evidence
  - 3.3.1. Expert evidence
- 3.4. Plea bargaining

**Unit – IV : Correction and Aftercare services and Preventive Measures in India**

- 4.1. Institutional correction of the offenders
- 4.2. General comparison - After care services in India and France
- 4.3. The role of the court in correctional programmes in India
- 4.4. Preventive Measures in India

4.4.1. Provisions in the Criminal Procedure Code

4.4.2. Provisions in Special enactments

**Select Bibliography**

1. Celia Hampton, Criminal Procedure
  2. Wilkins and Cross, Outline of the Law of Evidence
  3. Archbold, Pleading, Evidence and Practice in Criminal Cases
  4. Sarkar, Law of Evidence
  5. K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow
  6. Patric Devlin, The Criminal Prosecution in England
  7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China
  8. John N. Ferdico, Criminal Procedure (1996), West
  9. Sanders & Young, Criminal Justice (1994)
  10. Criminal Procedure Code, 1973
  11. The French Code of Criminal Procedure
  12. 14th and 41st Reports of Indian Law Commission
- (The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China)

**PAPER – III**

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)**

**LL.M.-ES-SP-G04-P-III: INTERNATIONAL ORGANISATIONS: LAW, PRACTICE AND  
FUTURE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I : Introduction**

- 1.1. Evolution of International organization: The Concert of Europe, the League of Nations and the United Nations
- 1.2. United Nations peace-keeping functions
- 1.3. Constitution and functions of specialized agencies
- 1.4. International Commission of Jurists

### **Unit – II : United Nations as a Constitutional and Political System**

- 2.1. Organs and Their functions
- 2.2. Law creating processes including Resolutions and Declarations of the General Assembly and Specialized Agencies
- 2.3. Financing and Problems of financial crisis
- 2.4. Secretary General of the United Nations

### **Unit – III : The Political Process**

- 3.1. Blocks and Alliances
- 3.2. Non-aligned movement and its impact on voting in the various organs of the United Nations
- 3.3. India and the United Nations
- 3.4. The Big Two and the United Nations

### **Unit – IV : Peaceful Change through United Nations**

- 4.1. Dispute settlement machinery of the United Nations
- 4.2. The Role of ECOSOC in bringing about peaceful change
- 4.3. UN Operational Programmes in the Social and Economic Field
- 4.4. Disarmament and Human Rights

### **Select Bibliography**

1. D.W. Bowett, Law of International Institutions, (1982)

2. Ingrid Detter, Law Making by the International Organisation, (1965)
3. Stephen S.Goodspeed, Nature and Function of International Organisation, (1967)
4. Wilfred Jenks, The proper Law of International Organisations, (1962)
5. E.P.Walters, History of the League of Nations (1965)
6. D.W.Bowett, United Nations Forces: A Legal Study (1969)
7. Leland M. Goodrich, Charter of the United Nations (1969)
8. Leland M. Goodrich, United Nations in a Changing World (1974).
9. Rosalyn Higgins, Development of International Law through Political Organs of the United Nations (1963)
10. Hans Kelsen, Law of the United Nations (1954)
11. Rahmathullah Khan, Implied Powers of the United Nations (1970)
12. Edward Macwhinney, United Nations Law Making (1984)
13. M.S.Rajan, United Nations and Domestic Jurisdiction (1961)

### **PAPER - III**

**LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)**

**LL.M.-ES-SP-G05-P-III: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I : Human Rights: Concept**

- 1.1. Human rights in Indian tradition: ancient, medieval and modern; Human rights in western tradition
- 1.2. Development of natural rights.
- 1.3. Human rights in international law
- 1.4. Classification of Human Rights - First, Second and Third Generations: Historical Development

**Unit – II : Constitution, Legislations and Human Rights Protection**

- 2.1. Constitutional Guarantees and Legislative measures for promotion and protection of human rights in India
- 2.2. Displacement and human rights protection
- 2.3. Emergence of basic need oriented human rights jurisprudence in India
- 2.4. Human Rights protection agencies

**Unit – III : Human Rights: Politics and Society**

- 3.1. Colonization, imperialism and human rights
- 3.2. Power, practices, accountability and transparency
- 3.3. Liberalization, privatization and globalization
- 3.4. Human duties: responsibilities and obligations

**Unit – IV : Human Rights and Judicial Process**

- 4.1. Judicial activism and Human Rights
- 4.2. Role of Supreme Court, High Courts, Civil and Criminal Courts, Statutory Tribunals and Special Courts
- 4.3. Survey of judicial pronouncements protecting human rights in India
- 4.4. Evolution of PIL and liberalization of locus standi

**Select Bibliography**

1. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
2. Lalit Parmer, Human Rights, (1998)
3. Rama Jois, Human Rights: Bharatiya Values, (1998).
4. David P. Forsythe, Human Rights in International Relations
5. Lon L. Fuller, The Morality of Law
6. John Finnis, Natural Law and Natural Rights, (1980)
7. Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi
8. M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996)
9. V.D. Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)



10. Robert Lewngat, The Classical Law of India (1998), Oxford

**PAPER – III**

**LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)**

**LL.M.-ES-SP-G06-P-III: COLLECTIVE BARGAINING**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I : Freedom of Organization and Collective Bargaining**

- 1.1. International norms: right to association of industrial and unorganised labour
- 1.2. Right to association in India: the constitutional and legal aspects
- 1.3. Conception of collective bargaining: A comparative appraisal
- 1.4. Methodological aspects

**Unit – II : Collective Bargaining and Political Processes**

- 2.1. Types of bargaining: plant level, industry level and national level
- 2.2. Problem of outsiders in the union
- 2.3. Affiliation of unions to political parties
- 2.4. Policies towards workers, participation in management - role of state

**Unit – III : Legal Control of Collective Bargaining Endeavours**

- 3.1. Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing)
- 3.2. Gherao
- 3.3. Lock out
- 3.4. Empirical Indian studies

**Unit – IV : Factors Affecting on Collective Bargaining and Economic Implications**

- 4.1. Multi-unionism and other factors
- 4.2. Conditions for successful functioning: Comparative analysis

4.3. Work discipline

4.4. Wage policy; National income and profit

### **Select Bibliography**

1. Gillian S.Morris and Timothy J.Archer, Collective Labour Law (2000), Oxford
2. Nick Humphrey, Trade Union Law (1997), Blackstone, London
3. John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London
4. Stephen Dery and Richard Mitchell, Employment Relations Individualisation and Union Exclusion (1999), Blackston,London
5. Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised Market Economies (1999) Kluver
6. Indian Law Institute, Labour Law and Labour Relations, (1987)
7. ILO, Collective Bargaining
8. ILO, Collective Bargaining in Industrialised Market Economies
9. R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
10. Otto Kahn-Freund, Labour and the Law, (1977)
11. A.V. Rajagopalan, "Approaches to collective Bargaining - Intricacies" 1982 Vol. II Labour Law Notes P.J. 42
12. B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore" 20 Indian Journal of Industrial Relations 44. (1985)
13. Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
14. Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of industrial Relations 329 (1982)

### **PAPER – III**

**LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)**

**LL.M.-ES-SP-G07-P-III: ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I : Environment and development**

- 1.1. Idea of environment in ancient and medieval writings, traditions, natural and biological sciences
- 1.2. Theories of development
- 1.3. Right to development vis-à-vis protection of environment
- 1.4. Sustainable development - National and International perspectives

### **Unit – II : Policy and Law**

- 2.1. From Stockholm to Rio and after
- 2.2. International scenario: Laws and Policies
- 2.3. Post - Independence Era - The state of India's environment
- 2.4. Role of government
  - 2.4.1. Five Year Plans
  - 2.4.2. Forest Policy
  - 2.4.3. Conservation strategy
  - 2.4.4. Water policy

### **Unit – III : Population, Environment and Development**

- 3.1. Population explosion and environmental impact
- 3.2. Population and development
- 3.3. Population and sustainable development
- 3.4. International strategies for population control and United Nations Environment Programme (UNEP)

### **Unit – IV : Constitutional Perspectives**

- 4.1. Fundamental Rights - Right to environment and enforcement of the right
- 4.2. Directive principles and fundamental duties
- 4.3. Legislative power
- 4.4. Environment: Emerging concepts and challenges

- 4.4.1. Polluter pay principle: absolute liability of hazardous industry
- 4.4.2. Precautionary principle
- 4.4.3. Public Trust doctrine

### **Select Bibliography**

1. C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer
2. Madhav Gadgil and Ramachandra Guha, This Fissured Island: An Ecological History of India (1996), Oxford
3. R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi
4. Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi
5. Richard L. Riversz, et. al. (eds.), Environmental Law, the Economy and Sustainable Development (2000), Cambridge
6. Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press
7. Charles A.R. Webster, Environmental Health Law (1981)
8. Leelakrishnan, P et. al. (eds.) Law and Environment (1990), Eastern
9. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India
10. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)
11. Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc. Westbury, New York
12. Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3, pp.353-801
13. Khosho, Environmental Concerns and Strategies (1988), Ashish, Delhi
14. Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000
15. World Commission on Environment and Development, Our Common Future (1987), Oxford

**PAPER – III**

**LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)**

**LL.M.-ES-SP-G08-P-III: COMPARATIVE JUDICIAL PROCESS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I : Types of Judicial Processes**

- 1.1. Nature of judicial process in pre-industrial society
  - 1.1.1. Self -help
  - 1.1.2. Kin-based redress
  - 1.1.3. Mediation
  - 1.1.4. Elder's Councils: Panchayats
  - 1.1.5. Paramount chieftainships
- 1.2. Judicial process in the western legal traditions prior to industrialization
  - 1.2.1. Judicial process in canon law
  - 1.2.2. Judicial process in feudal customary law
  - 1.2.3. Common law adjudication: Early history
  - 1.2.4. Adjudication and law merchant
  - 1.2.5. Urban law and dispute handling
  - 1.2.6. Growth of royal and imperial law
- 1.3. Judicial process and colonization
  - 1.3.1. Common law judicial process in America
  - 1.3.2. Common law judicial process in India
  - 1.3.3. Common law judicial process in Anglophonic and Civil Law adjudication in Franco-phonic Africa
- 1.4. Adjudication in revolutionary and post-revolutionary situations: An over view of Soviet and Chinese experiences

**Unit – II : Contemporary Natures of Judicial Process and Institutional Structuring of Courts**

- 2.1. The Rule of Law and the doctrine of independence of judiciary as an aspect of Separation of Powers Division of Functions
- 2.2. The Notion of the independence of judiciary and of legal professions
  - 2.2.1. Appointment of judges
  - 2.2.2. Transfer of judges
- 2.3. Judicial personnel planning: India and elsewhere
  - 2.3.1. Comparative pattern of workload and alternatives to adjudication
- 2.4. Current crises of Indian adjudicatory system

**Unit – III : Staple Controversies Surrounding Judicial Roles**

- 3.1. Notions of "Role, "Role Conflict", "Status and Role" and Notions of judicial review; Democratic "Character" of judicial review
- 3.2. Legalism and Interpretivism
- 3.3. Ronald Dworkin's theory of judicial role
- 3.4. Varieties of judicial and juristic activism; Problem of accountability of justices

**Unit – IV : The Indian Judicial Process**

- 4.1. Indian debates on the role of justices (suppression, commitment, transfer and all that)
- 4.2. The socio-economic background of the Indian judiciary
- 4.3. The 'politics' of judiciary
- 4.4. Impact of public opinion on judicial process

**Select Bibliography**

- 1. Verinder Grover (Ed.) Political Process and Role of Courts, (1997) Deep & Deep Publications, New Delhi
- 2. B.P.Sigh Seghal (Ed.) Law, Judiciary and Justice (1993) Deep & Deep, N.Delhi
- 3. E. Adamson Hoebel, The Law of the Primitive Man (1968)
- 4. Upendra Baxi, Towards the Sociology of Indian Law (1986)

5. Harold J. Berman, Law and Revolutions the Formation of the Western Legal Tradition (1983)
6. Henry J. Abraham, The Judicial Process (1995), Universal
7. John Hart Ely, Democracy and Distrust. A Theory of Juridical Review (1980)
8. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985)
9. Upendra Baxi, The Indian Supreme Court and Politics (1980)
10. Upendra Baxi, Courage, Craft and Contention: The Indian Supreme Court in Mid-Eighties (1986), Tripathi, Bombay
11. Rajeev Dhavan, The Supreme Court of India: A Study of its Socio-Juristic Techniques (1977), Tripathi, Bombay
12. Rajeev Dhavan and P. Kalpakam, The Supreme Court under Strain: The Challenge of Arrears (1979)
13. Simon Shetret & Jules Descheness (Ed.), Judicial Independence: A Contemporary Debate, Martinus Highoff Pub., Dordrecht, (1985)
14. Martin Shapiro, Courts: A Comparative and Political Analysis (1981), University of Chicago
15. H.R.Khanna, Judiciary in India and Judicial Process, (1985), S.C. Sarkar and Sons, Calcutta

### **PAPER – III**

**LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)**

**LL.M.-ES-SP-G09-P-III: FEMINIST THEORIZING AND LEGAL ORDER**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I : Introductory**

- 1.1. Distinction between "sex" (nature) and "gender" (culture)
- 1.2. The notion of patriarchy
  - 1.2.1. Patriarchy as referring male-dominance ("biologistic" conception of patriarchy)

- 1.2.2. Patriarchy as denoting historical/social dimension of women's exploitation (historical sociological conception)
- 1.3. Notion of Discrimination, paternalism and division of labour
- 1.4. Androgyny (transcendence from traditional masculine/feminine stereotypes concerning 'human' nature)

## **Unit – II : Legal Theory and Practice in the Light of Feminist Critiques**

- 2.1. Critique of natural law ideologies
- 2.2. Critique of Legal Positivism: especially in terms of patriarchal conceptions of rule of law (as lawyers law, equality before law)
- 2.3. Critiques of affirmative or preferential discrimination programmes
- 2.4. Law reform and patriarchy

## **Unit – III : Radical Feminism and Traditional Marxist strategies**

- 3.1. Patriarchy is perceived as a total male control of female bodies
  - 3.1.1. Forced motherhood
  - 3.1.2. Sex-based murders: dowry, Sati
- 3.2. Critique of state and law as being based on legitimizing and reinforcing patriarchal domination
- 3.3. Strategies of transformation
  - 3.3.1. Repudiation of Marriage (e.g. Brahmakumaris, other worldly feminism, lesbianism)
  - 3.3.2. Women's enterprises serving their needs without hierarchy and domination
  - 3.3.3. Direct action against symbols of patriarchy (e.g. burning of pornographic bookstores, destruction of blue films)
  - 3.3.4. Attack on the "public" and "private" law distinction
- 3.4. Traditional Marxist strategies for overcoming women's oppression

## **Unit – IV : Liberal Feminism and Socialist Feminism**

- 4.1. The legal/political strategies of liberal feminists
  - 4.1.1. Focus on opposition to sex-based discriminatory laws



- 4.1.1.1. Suffragette struggles
- 4.1.1.2. Equality in wages
- 4.1.1.3. Equality in work-place
- 4.1.1.4. Equality in access to public services
- 4.1.1.5. Equality in matrimonial remedies - equality in inheritance and property rights
- 4.2. Active uses of law to expose other forms of sex-based discrimination
  - 4.2.1. Struggle against "protective" legislation
  - 4.2.2. Struggle against customary law based discrimination
  - 4.2.3. Struggle against impoverishment of women struggle for equality in public participation
  - 4.2.4. Struggle to constrain the state to eliminate sex-based administration and adjudication
  - 4.2.5. Struggle for "preferential discrimination"
- 4.3. Economic independence, Women empowerment and equality
- 4.4. Strategies for transformation of socialist feminism
  - 4.4.1. How internationalised repression of women should be eliminated
  - 4.4.2. State and law should recognize the full value of procreational and household labour
  - 4.4.3. Struggle against de-professionalisation and proleterinization of women's work
  - 4.4.4. Forging political unity among oppressed groups
  - 4.4.5. Demand for participatory democracy.
  - 4.4.6. Demand for nuclear families, with equalisation of domestic labour between men and women (democratisation of procreation)

### **Select Bibliography**

1. Alison M. Jaggar, Feminist Thought and Human Nature (1983), Harvester Press Sussex
2. Maria Mies, Patriarchy and Accumulation on a World Scale: Women in the International Division of Labour (1986), Zed Books, London.
3. Lawrence A. Babbm Redemptive Encounters: Three Modern Styles in the Hindu Tradition 93-158, (1987)

4. K.N. Venkatarayappa, Feminine Roles (1980)
  5. Susan Atkins & Brend Hogett, Women and the Law (1984)
  6. Julia Brophy & Carol Smart (ed.), Women in Law: Explorations in Law, Family and Sexuality (1985)
  7. Susan Edwards (ed.), Gender, Sex and Law (1985)
  8. Michael D.A. Freeman (ed.), The State, the Law and the Family (1984)
  9. Katherine O' Donovan, Sexual Divisions in Law (1985)
  10. E.Diane Pask, Kathleen E.Mahency and Catherine A. Brown (ed.), Women, the Law and Economy (1985)
  11. Carol Smart, The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations (1984)
  12. Catherine A. Mackinnon, Feminism Unmodified: Discourse on Life and Law (1987)
  13. Catherine A. Mackinnon, Toward a Feminist Theory of the State (1989)
- (These readings should be contextualized by reference to: Manushi Special Numbers of EPW on Women's studies and publications of Kali)

### **PAPER – III**

**LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)**

**LL.M.-ES-SP-G10-P-III: ADMINISTRATIVE PROCESS: NATURE AND SCOPE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I : Administrative Process**

- 1.1. Nature and meaning
- 1.2. The role of civil service
- 1.3. The role of administrative agencies
- 1.4. Judicial review of administrative action

**Unit – II : Administrative Process: Regulation to De-regulation and Control to Decontrol Globalization and Liberalization**

- 2.1. Constitutional standards
- 2.2. Comparative aspects
- 2.3. Changing dimensions
- 2.4. Regulation of administrative process

**Unit – III : Power and duty**

- 3.1. Doctrine of police power
- 3.2. Doctrine of eminent power
- 3.3. Taxing power
- 3.4. Responsibility and accountability

**Unit – IV : Miscellaneous**

- 4.1. Separation of powers: From Rigidity to Flexibility
- 4.2. Delegated Legislation: Problems, Process and Control
- 4.3. Structuring and limiting
- 4.4. Impact of technological development

**Select Bibliography**

- 1. Friedman, The State and the Rule of Law in a Mixed Economy
- 2. Dicey, Introduction to the Law of the Constitution,
- 3. Davis, Discretionary Justice
- 4. Jain & Jain, Principles of Administrative Law (1986) Tripathi
- 5. De Smith, Judicial Review of Administrative Action (1995)
- 6. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur

**PAPER - III**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-III: LAW, SCIENCE AND TECHNOLOGY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I : Introductory: Science and Technology**

- 1.1. Conceptions of "Science" Science as natural philosophy and modern science
- 1.2. Scientific thought in ancient, medieval and modern India
- 1.3. The emergence of western technology (1500-1750)
  - 1.3.1. The renaissance
  - 1.3.2. The steam engine
  - 1.3.3. Metallurgy and mining
  - 1.3.4. New commodities
  - 1.3.5. Agriculture
  - 1.3.6. Transport and communications
  - 1.3.7. Chemistry
- 1.4. The industrial revolution and Power technology

### **Unit – II : Colonization, Science and Technology**

- 2.1. Industrial revolution and colonization
- 2.2. Creation of the political economy of backwardness through colonizing powers and processes
- 2.3. Displacement of indigenous science and technology during colonization
- 2.4. Colonial legal order and its role in 2.1 to 2.3 as mentioned above

### **Unit – III : Technology in the Twentieth Century**

- 3.1. The second industrial revolution: Computers
- 3.2. The Nuclear technology for peace and war
- 3.3. Biotechnology
- 3.4. Space technology

#### **Unit – IV : The Emergence of Technological Society and State**

- 4.1. Technology and practice of politics
- 4.2. Law as social technology
- 4.3. Notions of technological society
- 4.4. "Scientism" and notions of scientific temper

#### **Select Bibliography**

1. Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi
2. Helen Reece (ed.), "Law and Science" in Current Legal Issues (1998) Oxford
3. Philip Grubb, Patents for Chemicals, Pharmaceuticals and Biotechnology (1999) Oxford
4. John Zinian et.al.(ed.) World of Science and the Rule of Law (1986), Oxford
5. Ann Johnston et.al. (ed.) New Technologies and Development (1986) UNESCO
6. Maie-Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business (1997) RESTE, New Delhi
7. Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage

#### **PAPER – IV**

**LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)**

**LL.M.-ES-SP-G01-P-IV: PUBLIC UTILITIES LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Public Utility Services**

- 1.1. Growth and evolution of public utilities and their legislation
- 1.2. Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc.
- 1.3. Necessity and Rationality of public utility services in India
- 1.4. Characteristics of Large Service Organizations in a developing country like India

## **Unit – II : Public Utilities and Fundamental Rights**

- 2.1. The right to equality: the airhostess case
- 2.2. Are Public utilities "State" for the purpose of article 12 of the Constitution?
- 2.3. Extension of the concept of State
- 2.4. The Essential Services Maintenance Act, 1968

## **Unit – III : Public Utilities and Consumer Protection**

- 3.1. Exclusion from M.R.T.P. Act
- 3.2. Rights of consumers protected by the Consumer Protection Act
- 3.3. Rights Arising from law of Contract and law of Torts
- 3.4. Liabilities and special privileges of public utilities
  - 3.4.1. In Contract
  - 3.4.2. In Tort
  - 3.4.3. In Criminal law

## **Unit – IV : Public Utilities - Government Monopoly and patterns of Utilities Legislation**

- 4.1. Government and Parliamentary Control
- 4.2. Constitutional division of power to legislate
- 4.3. Administrative Authorities and its Structure
- 4.4. Subordinate legislation

## **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.PA. 77 (1986)
4. Nalini Paranjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171-180 (1985)

5. Arvind K. Sharrna "Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy" 33 I.J.PA. p. 99-113
6. S.P. Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law, (1986)
8. Jagdish UI, 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 1 & 11, Administrative Law, Consumers' Protection Law and Labour law)

#### **PAPER – IV**

**LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

**LL.M.-ES-SP-G02-P-IV: LEGAL REGULATION OF ECONOMIC ENTERPRISES**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : The Rationale of Government Regulation**

- 1.1. Constitutional perspectives
- 1.2. The new economic policy - Industrial policy resolutions, declarations and statements
- 1.3. The place of public, small scale, co-operative, corporate, private and joint sectors in the changing context
- 1.4. Regulation of economic activities
  - 1.4.1. Disclosure of information
  - 1.4.2. Fairness in competition
  - 1.4.3. Emphasis on consumerism

**Unit – II : Regulation; Management and Control**

- 2.1. Development and Regulation of Industries
- 2.2. Take-over of Management and Control of Industrial Units
- 2.3. Sick Undertakings: Nationalisation or Winding Up?
- 2.4. Licensing Policy and Legal Process - Growing Trends of Liberalisation

**Unit – III : Legal Regulation of Multi-Nationals and Selected Public Enterprises**

- 3.1. Collaboration agreements for technology transfer
- 3.2. Development and regulation of foreign investments
  - 3.2.1. Investment in India: FDIs and NRIs
  - 3.2.2. Investment abroad
- 3.3. Telecom Regulatory Authority
- 3.4. Insurance Regulatory Authority

**Unit – IV : Miscellaneous**

- 4.1. Deregulation of essential commodities: developmental sign or a social mishap?
- 4.2. Financial Services: Changing Techniques of Regulation
- 4.3. Critical Issues Regarding the Capital Issues
  - 4.3.1. Equity and debt finance
  - 4.3.2. Global depositories
  - 4.3.3. De-materialised securities
- 4.4. Problems of Control and Accountability: Regulation of Hazardous Activity
  - 4.4.1. Mass disaster and environmental degradation: legal liability and legal remedies
  - 4.4.2. Public Liability Insurance: adequacy
  - 4.4.3. Issues in zoning and location of industrial units

**Select Bibliography**

- 1. S.Asواني Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi
- 2. Industrial Policy Resolutions of 1948, 1956, 1991
- 3. Industrial Licensing Policy 1970, 1975



4. Industrial Policy Statements 1973, 1977, 1980
5. Reports of Committees on Public Undertakings of Parliament
6. Industries (Development and Regulation) Act, 1951
7. U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe: The Bhopal Case, (1986)
8. U. Baxi & T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
9. U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
10. Indian Law Institute, Law of international Trade Transactions, (1973)

#### **PAPER – IV**

**LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)**

**LL.M.-ES-SP-G03-P-IV: PENOLOGY: TREATMENT OF OFFENDERS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Penology and Theories of Punishment**

- 1.1. Concept and definition of Penology
- 1.2. Theories of Punishment
- 1.3. Responsibility and Punishment
- 1.4. Classical Hindu and Islamic approaches to punishment

##### **Unit – II : The Problematic of Capital Punishment**

- 2.1. Constitutionality of Capital Punishment
- 2.2. Judicial Attitudes towards Capital Punishment in India - An inquiry through the statute law and case law
- 2.3. Law Reform Proposals – 35<sup>th</sup> Report of the Law Commission of India
- 2.4. International Covenant on Civil and Political Rights, 1966; 2<sup>nd</sup> Optional Protocol to the International Covenant on Civil and Political Rights, 1989; Conventions and

Covenants Prohibiting Capital Punishment for offences committed by Persons under the age of 18

### **Unit – III : Approaches to Sentencing**

3.1. Alternatives to Imprisonment

3.1.1. Probation

3.1.2. Corrective labour

3.1.3. Fines

3.1.4. Collective fines

3.1.5. Reparation by the offender/by the Court

3.2. Principal types of sentences in the Penal Code and special laws

3.3. Sentencing in white collar crime

3.4. Sentencing for habitual offender

### **Unit – IV : Imprisonment**

4.1. The state of India's jails today; The disciplinary regime of Indian prisons

4.2. Classification of Prisoners; Open Prisons

4.3. Rights of prisoner and duties of custodial staff; Deviance by custodial staff

4.4. Judicial surveillance - basis - development reforms

### **Select Bibliography**

1. S. Chhabbra, The Quantum of Punishment in Criminal Law (1970)

2. H.L.A. Hart, Punishment and Responsibility (1968)

3. Herbert L. Packer, The Limits of Criminal Sanction (1968)

4. Alf Ross, On Guilt, Responsibility and Punishment (1975)

5. A. Siddique, Criminology (1984) Eastern, Lucknow

6. Law Commission of India, Forty-Second Report Ch. 3 (1971)

7. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)

8. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

**PAPER – IV**

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)**

**LL.M.-ES-SP-G04-P-IV: DISARMAMENT AND PEACE STRATEGIES**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I : Conceptions of Disarmament and Dynamics of the Arms Race**

- 1.1. Disarmament and world security, military alliances, arms trade
- 1.2. Changing conceptions of disarmament
- 1.3. The reasons of arms race, including nuclear weapons
- 1.4. Consequences of arms race in terms of resources and economic development; International implications of the arms race

**Unit – II : Disarmament and the United Nations**

- 2.1. History of the failure of disarmament efforts
- 2.2. UN Disarmament Commission, its achievements and limitations.
- 2.3. U.N. Disarmament Decades of 1970's and 1980's
- 2.4. Negotiations leading to the signing of SALT - I and SALT - II

**Unit – III : Nuclear Disarmament and International Regulation**

- 3.1. Nuclear Non-Proliferation treaty and Intermediate range Missile Treaty
- 3.2. International regulation of nuclear weapons
- 3.3. International Regulation of Biological and Chemical or Weapons of Mass Destruction
- 3.4. International regulation and Control of Militarization of Outer Space and the Ocean Bed

**Unit – IV : Conserving the world's resources**

- 4.1. Assisting the economic development of less developed countries

- 4.2. Harnessing science and technology for development
- 4.3. Peaceful settlement of international disputes
- 4.4. Towards a balanced world trade

**Select Bibliography**

- 1. Burns H. Weston, Toward Nuclear Disarmament and Global Security: A Search for Alternatives (1980)
- 2. J. Schell, The Fate of the Earth (1982)
- 3. J.N. Singh, Use of Force under International Law (1984)
- 4. Julius Stone, Legal Controls of International Law (1954)
- 5. M. Walzer, Just and Unjust Wars (1979)
- 6. R. Kothari, Transformation and survival: In Search of Human World Order (1988)
- 7. R. Falk, et.al., International Law: A Contemporary Perspective pp.473-519 (1985)
- 8. R. Falk, The End of World Order pp.155-276 (1983)
- 9. Report of the Secretary General: Chemical and Bacteriological (Biological weapons and the effects of their Possible Use. [UN Doc.A/7575 Rev.1 S/9292 Rev. I (1969)]

**PAPER – IV**

**LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)**

**LL.M.-ES-SP-G05-P-IV: HUMAN RIGHTS AND INTERNATIONAL ORDER**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS****Unit – I : Development of the Concept of Human Rights under International Law**

- 1.1. Role of International Organization and Human Rights
- 1.2. Universal Declaration of Human Rights (1948)
- 1.3. Covenant on Political and Civil Rights (1966); Covenant on Economic, Social and Cultural Rights (1966)
- 1.4. ILO and other Conventions and Protocols dealing with human rights

## **Unit – II : Role of Regional Organizations**

- 2.1. European Convention on Human Rights
  - 2.1.1. European Commission on Human Rights/Court of Human Rights
- 2.2. American Convention on Human Rights
- 2.3. African Convention on Human Rights
- 2.4. Other regional Conventions

## **Unit – III : Protection agencies and mechanisms**

- 3.1. International Commission of Human Rights; National and State Human Rights Commissions
  - 3.1.1. Amnesty International
  - 3.1.2. Non-Governmental Organizations (NGOs)
- 3.2. U.N. Division of Human Rights
- 3.3. International Labour Organization
- 3.4. UNESCO and UNICEF

## **Unit – IV : International enforcement of Human Rights**

- 4.1. International Court of Justice – Its functioning and settlement of disputes
- 4.2. Role of Regional institutions
- 4.3. Perspectives of Human Rights Development in International level
- 4.4. The African Commission on Human Rights and People's Rights

## **Select Bibliography**

- 1. Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997)
- 2. Francisco Forrest Martin, International Human Rights Law and Practice, (1997)
- 3. Luck Clements, European Human Rights Taking a Case under the Convention, (1994)
- 4. Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996)
- 5. R.K.Sinha, Human Rights of the World,(1997)

6. Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992)
7. R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997)
8. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford
9. B.P.Singh Seghal, Human Rights in India, (1996)
10. Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes,(1997)

#### **PAPER – IV**

**LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)**

**LL.M.-ES-SP-G06-P-IV: INDUSTRIAL ADJUDICATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Introduction**

- 1.1. Constitutional Perspectives and Foundations
- 1.2. Constitutional authorization for institutional framework (legislative entries, Article 323. B)
- 1.3. Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles
- 1.4. Futuristic Industrial Jurisprudence and ILO

##### **Unit – II : Access to Adjudicatory Justice**

- 2.1. Threshold control by government: reference
  - 2.1.1. Extent of governmental discretion: time, expediency and matters for adjudication
  - 2.1.2. Limitations on discretion
  - 2.1.3. Political overtones and pressure tactics
  - 2.1.4. Judicial restraint or liberalism, the ideal juristic approach
- 2.2. Direct access to adjudicatory authority by employer and employee: problems and perspectives

2.3. International norms

2.4. Comparative overview of access to adjudicatory process in the U.K. and Australia

### **Unit – III : Adjudicatory Process**

3.1. Industrial adjudication as a modality of harmonizing interests of capital and labour

3.2. Impact on employer's prerogatives and employee's rights

3.3. Silence of the statute on criteria for adjudication; Equity and justice as guiding principle

3.4. Post-natal control by government over adjudication

### **Unit – IV : Judicial Review of the Adjudicatory Process**

4.1. Finality of decision making in adjudicatory process: a myth

4.2. Jurisprudence of industrial adjudication: formulations through constitutional remedies of writs and appeal

4.3. Jurisdiction of the adjudicatory authority in respect of dismissal of workmen

4.4. Juridical formulation of the concept of industry

### **Select Bibliography**

1. Malhotra, The Law of Industrial Disputes, Vol. 1, (1988)
2. ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX, and XI
3. Rideout, Principles of labour Law (1983), Ch. 4, 5 & 6
4. Russel A. Smith, et al. Collective Bargaining and Labour Arbitration, (1970) Part-II
5. Robert A. Gorman, Basic Text on Labour Law, Ch. 23, 24 and 25 (1976)
6. Relevant portions of the Report of the National Commission on labour
7. I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972)
8. S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981)
9. Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966)
10. D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal 1
11. T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15

12. Chaturvedi.R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997)

**PAPER – IV**

**LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)**

**LL.M.-ES-SP-G07-P-IV: RESOURCE MANAGEMENT AND THE LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS****Unit – I : Water**

- 1.1. Salinity
- 1.2. Bund and spill ways
- 1.3. Aquaculture and fishing: regulation
- 1.4. Ground water management and Irrigation

**Unit – II : Land**

- 2.1. Controls on land development
- 2.2. Eco-friendly land planning: conservation, utilisation and conversion.
- 2.3. Mining and quarrying
- 2.4. Wet lands: Wise use concept

**Unit – III : Concepts of Common Property and State Property**

- 3.1. Forest
- 3.2. Wildlife
- 3.3. Common facilities and the right to use: roads, parks, pathways, lakes, rivers
- 3.4. Natural heritage - Tribal habitat; Historical monuments

**Unit – III : Energy**

- 4.1. Sources



- 4.2. Energy related environmental problems: tapping, transmission and utilization, indiscriminate use
- 4.3. Utilization of conventional energy: hydro-electric, thermal and nuclear
- 4.4. Non-conventional energy: Solar, wind, tidal and biogas

**Select Bibliography**

1. Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep publications, New Delhi
2. WCED, Our Forest, Our Future (1999), Cambridge
3. Abraham C.M. Environmental Jurisprudence in India (1999), Cluwer
4. Diwedi, India's Environmental Policies, Programmes and Stewardship (1999), Mc.Millan
5. Enid M.Barron, et.al. (eds.), Royal Commission on Environmental Pollution, London, U.K.(1998), Kluwer
6. David B Wilkins, Animal Welfare in Europe (1997), Kluwer
7. Mark Austen and Tamara Richards, Basic Legal Documents on International Animal Welfare and Wild Life Conservation (2000), Kluwer
8. Jack Grosse, Protection and Management of Our Natural Resources, Wild Life and Habitat (1997), Oceana
9. Leelakrishnan, P et. al. (eds.), Law and Environment (1990)
10. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths - India
11. Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3
12. David Hughes, Environmental Law, (1999) Butterworths, London
13. Standing Committee on Environmental Law American Bar Association, Common Boundary/ Common Problems: The Environmental Consequences of Energy Production (1982)
14. S.K.Jain and A.R.K.Sastry, Threatened Plants of India: A State of the Art Report (1980)
15. Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (1988), Butterworths, India

**PAPER – IV****LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)****LL.M.-ES-SP-G08-P-IV: MARXIAN AND THEORY OF LAW****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I : Introductory: Stereotypes of Marxian Jurisprudence**

- 1.1. The Law is a tool of the ruling classes
- 1.2. The law being located in superstructure is determined by the base of economic structure
- 1.3. Accordingly, law mirrors but cannot initiate or accomplish social transformation
- 1.4. Accordingly, all adjudication and legislative action is in the short and long term class biases in favour of the ruling classes

**Unit – II : Beyond the Stereotypes: Marx's own Views on the Nature of Law**

- 2.1. Marx's critique of Hegel's Philosophy of Right
- 2.2. Marx on customary law: Debates on the Theft of Wood
- 2.3. Marx on human rights (on the Jewish Question)
- 2.4. Law and property relations

**Unit – III : Law as Ideology and Ideology in law**

- 3.1. Notions of ideology; Law as ideological apparatus (Althusser)
- 3.2. The form of ideology
- 3.3. The content of ideology
- 3.4. Legal thought and lawyers as articulators of ideology

**Unit – IV : New Perspectives Arising out of Marxian Approaches**

- 4.1. Marx on Justice: Critique of natural law
- 4.2. Adjudication as a site of contradiction between fractions of capital

4.3. Progressive legislation serving interest of subordinated classes

4.4. Understanding Social Action Litigation

### **Select Bibliography**

1. Upendra Baxi, Marx, Law and Justice: Some Indian, Perspectives (1992)
2. Progress Publishers, Moscow, Theory of State and Law (1987)
3. Maureen Gain & Alan Hunt, Marx and Engles on Law (1979)
4. Y. Chirkin; Yu Yudin and O. Znidkov, Fundamentals of Socialist Theory of the State and Law (1987)
5. Hugh Collins, Marxism and Law (1982)
6. Bob Fine, Democracy and the Rule of Law: Liberal Ideals and Marxist Critiques (1984)
7. Yash Ghai, et. al. The Political Economy of Law. A Third World Reader (1987)
8. Lloyd and Freeman, Lloyd's Introduction to Jurisprudence (1994), Sweet and Maxwell
9. E.P. Thompson, Whigs and Hunters; The Origin of the Black Act, (1977)

### **PAPER – IV**

**LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)**

**LL.M.-ES-SP-G09-P-IV: NATIONALIST STRUGGLE AND GENDER EQUALITY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I : Position of Women in Early Societies and afterwards**

- 1.1. Position of Women in early societies
  - 1.1.1. Matriarchal societies
  - 1.1.2. Advent of private property and change in the position of women
  - 1.1.3. Position of women under Shastric laws and bias against women
  - 1.1.4. The role of interpretation and custom on Shastric law

- 1.2. Policy of non-interference with the personal laws of Hindus and Muslims and its effect on custom
- 1.3. The concern of Indian social reformers like Raja Ram Mohan Roy on the plight of women - Position of sati in Bengal; Contextual setting of the Regulation against Sati
- 1.4. Social Legislation to Ameliorate the Position Subsequent to Regulation against Sati
  - 1.4.1. Legislation against female infanticide
  - 1.4.2. The Hindu Widow Remarriage Act, 1856
  - 1.4.3. Emphasis on education of women by Indian Social reformers as a means to elevate the status of women
  - 1.4.4. Education, widow remarriage and other reforms within the patriarchal structure their weaknesses

## **Unit – II : Developments Subsequent to 1887 and Reform of Other Personal Laws**

- 2.1. End to social reforms at the initiative of the British Administration
- 2.2. Developments Subsequent to 1887
  - 2.2.1. Special Marriage Act, 1872
  - 2.2.2. Married Women's Property Act, 1874
  - 2.2.3. Child Marriage Restraint Act, 1929
  - 2.2.4. The Hindu Law of Inheritance (Removal of Disabilities) Act, 1928 and The Hindu Law of Inheritance (Amendment) Act, 1929, The Hindu Women's Rights to Property Act, 1938
  - 2.2.5. Muslim Personal Law (Shariat) Application Act, 1937; Dissolution of Muslim Marriages Act, 1939
- 2.3. Married Women's Property Act, 1974 and its applicability to Parsi & Christian married women
- 2.4. Indian Succession Act, 1925 and its application to the Parsis and the Christians; Parsi Marriage and Divorce Act, 1936.

## **Unit – III : Women's Participation**

- 3.1. Partition of Bengal - Participation of women in the movement against
- 3.2. Gandhiji and Involvement of the Women in the Non-violent Movement

3.3. Resolution of Karchi Congress on equality of status and equality of opportunities for women.

3.4. Appointment of National Planning Committee with sub-committee on women's role in planned economy.

#### **Unit – IV : Gender Equality**

4.1. Independence and the Constitutional guarantee of equality

4.2. Monogamous marriage with equal rights of divorce

4.3. Right of daughters to share equally with sons in separate property of father recognized and limited right of ownership abolished

4.4. The future of gender equality in 21<sup>st</sup> century

#### **Select Bibliography**

1. E.M.S. Namboodiripad, History of Indian Freedom Struggle (1980)

2. J.Nehru, Autobiography (1936-80)

3. M.Nehru, Discovery of India (1956)

4. Lata Mani "Production of Official Discourse on Sati in Nineteenth Century Bengal", 21 E.P.W. 32 (1986)

5. Ajit Ray, Widows are not for Burning (1985)

6. Ranjit Sinha, "Chandra's death" 5 Subaltern of Independence - Gender, Caste and Class in India (1986)

7. Amrit Srinivasan, "Women and Reform of Indian Tradition", Gandhian Alternative to Liberals 22 E.P.W. 2225 (1987)

8. R. Dunayevsjaya, Women's Liberation and the Dialectics of Revolution (1985)

9. A.S. Altekar, Position of Women in Hindu Civilization from Prehistoric Times to the Present Day (1962)

10. Madhu Kishwar, Gandhi on Women (1986)

11. Manmohan Kaur, Women in India's Freedom Struggle (1985)

12. Andre Beteille "Position of Women in Indian Society" in Devaki Jain (ed.) Indian Women (1975)

13. Bharati Roy, Swadeshi Movement and Women's Development Studies Navjivan Trust
14. Angeles Almenas Lipowsky, The Position of Indian Women in the Light of Legal Reform (1975).
15. S.N. Jafri, "Women in India", 34 Asia Review 91 (1938)

**PAPER – IV****LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)****LL.M.-ES-SP-G10-P-IV: ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I : Judicial Review in India**

- 1.1. Historical development
- 1.2. Powers of the Supreme Court
- 1.3. Powers of the High Court
- 1.4. Role of subordinate judiciary

**Unit – II : Grounds of Review**

- 2.1. Doctrine of ultra vires
- 2.2. Violation of fundamental rights
- 2.3. Extraneous consideration and/or irrelevant grounds
- 2.4. Malafides and bias; Lack of rationality and proportionality

**Unit – III : Procedural fairness**

- 3.1. Legitimate Expectation
- 3.2. Natural justice and duty to act fairly
- 3.3. Bias and personal interest
- 3.4. Fair hearing

#### **Unit – IV : Limits of judicial review**

- 4.1. Locus standi and public interest litigation
- 4.2. Laches
- 4.3. Res judicata
- 4.4. Alternative remedies

#### **Select Bibliography**

1. S.P. Sathe, Administrative Law (1998), Butterworths, India.
2. De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell
3. I.P. Massey, Administrative Law (1995), Eastern, Lucknow
4. Bagawati Prosad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur
5. M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi, Bombay
6. Jain & Jain, Principles of Administrative Law (1986), Tripathi
7. M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I, Wadha, Nagpur

#### **PAPER – IV**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-IV: LAW, SCIENCE AND MEDICINE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Profession and Professionals Self Regulation**

- 1.1. The varieties of medical profession in India
- 1.2. Self Regulation through codes of conduct and disciplinary proceedings
- 1.3. Self Regulation through education
- 1.4. Self-Regulation through institutional discipline: Hospital regulation

##### **Unit – II : The Regulation of Pharmaceutical Industry**

- 2.1. Regulation of research and development

- 2.2. Public sector in pharmaceuticals; MRTP Aspects
- 2.3. Regulation of drug-testing procedures in India
- 2.4. Multinational drug industry in India: Patent law aspects and dumping of unsafe drugs

### **Unit – III : Experimentation and Regulation**

- 3.1. The Doctrine of "Informed Consent"
- 3.2. Experimental Abuses
- 3.3. Experimentation on Foetuses and Children; Experimentation on People in Custody, including psychiatric Custody
- 3.4. Proper Role for Experimentation on Animals

### **Unit – IV : The Physician-Patient Relationship**

- 4.1. Confidentiality and Privilege
- 4.2. Patient's right of full disclosure of course of therapy including side effects of drugs
- 4.3. Medical malpractice; Health insurance
- 4.4. The law relating to medico-legal cases with special reference to (i) road accidents, (ii) sexual assaults and (iii) mass disasters

### **Select Bibliography**

- 1. Charles Modwal, Injury? An Enquiry into the Marketing and Advertising of British Food and Drug Products in India and Malaysia (1981)
- 2. Lokojan Bulletin, Special Issue. Bhopal -An Interim Appraisal (Jan-April, 1988)
- 3. Centre for Science and Environment, The State of India's Environment, The Second Citizen's Report (1985)
- 4. Socialist Health Review (published from Bombay)
- 5. Dkina Melrose, Bitter Pills: Medicines and The Third World Poor (1982), Proceedings of the World
- 6. Congress on Law and Medicine held at Delhi (1984)
- 7. Pragya Kumar, Medical Education in India (1987)
- 8. Government of India, Report of Working Group on Health for All by 2000 A.D.



## **SEMESTER – II**

### **CORE SUBJECTS (CS) FOR 2<sup>ND</sup> SEMESTER**

#### **PAPER - V**

**LL.M.-CS-03-P-V: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I : Federalism**

- 1.1. "State": Need for widening the definition in the wake of liberalization; Creation of new states
- 1.2. Federal Comity: Relationship of trust and faith between Centre and State
- 1.3. Allocation and share of resources - distribution of grants in aid
- 1.4. The inter-state disputes on resources

##### **Unit – II : Separation of powers: stresses and strain**

- 2.1. Judicial activism and judicial restraint
- 2.2. PIL: Implementation
- 2.3. Judicial Independence; Appointment, transfer and removal of judges
- 2.4. Accountability: executive and judiciary

##### **Unit – III : Emerging regime of new rights and remedies**

- 3.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
- 3.2. Freedom of press and challenges of new scientific development
- 3.3. Right to equality: privatization and its impact on affirmative action
- 3.4. Right of minorities to establish and administer educational institutions and state control

#### **Unit – IV : Democratic process**

- 4.1. Nexus of politics with criminals and the business
- 4.2. Election; Election commission: status and Electoral Reforms
- 4.3. Coalition government, 'stability, durability, corrupt practice'
- 4.4. Grass root democracy

#### **Select Bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

#### **PAPER - VI**

**LL.M.-CS-04-P-VI: LAW AND SOCIAL TRANSFORMATION IN INDIA**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I: Law and Social Change**

- 1.1. Law as an instrument of social change
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India
- 1.3. Modernization and the law
  - 1.3.1. Modernization as a value: Constitutional perspectives reflected in the fundamental duties
  - 1.3.2. Modernization of social institutions through law

1.3.3. Reform of family law; Agrarian reform; Industrial reform; Reform of court processes and Prison reforms

1.4. Alternative approaches to law

1.4.1. The jurisprudence of Sarvodaya; Concept of Grama Nyayalayas

1.4.2. Socialist thought on law and justice

1.4.3. Indian Marxist critique of law and justice

### **Unit – II: Religion, Language and the law**

2.1. Religion as a divisive factor.

2.2. Secularism as a solution to the problem.

2.3. Language as a divisive factor: formation of linguistic states

2.4. Constitutional guarantees to linguistic minorities

### **Unit – III: Community, Regionalism and the law**

3.1. Caste as a divisive factor

3.2. Non-discrimination on the ground of caste.

3.3. Protective discrimination: Scheduled castes, Scheduled tribes and backward classes; Reservation; Statutory Commissions., Statutory provisions

3.4. Regionalism as a divisive factor

### **Unit – IV: Women, Children and the law**

4.1. Crimes against women and Women's Commission

4.2. Empowerment of women: Constitutional and other legal provisions

4.3. Sexual exploitation of children

4.4. Adoption and related problems

### **Select Bibliography**

1. Marc Galanter (Ed.), Law and Society in Modern India (1997) Oxford

2. Robert Lingat, The Classical Law of India (1998), Oxford

3. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi

4. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay

5. Manushi, A Journal About Women and Society
6. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi
7. H.M. Seervai, Constitutional Law of India (1996), Tripathi
8. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi
9. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi
10. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
12. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
13. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
14. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

**PAPER - VII****LL.M.-CS-05-P-VII: PRACTICAL****FULL MARKS – 100 (There will be no Internal Assessment)****NO. OF CREDITS – 4****Practical examination**

The practical examination shall be held at the end of the second semester on Research Methodology and Law Teaching carrying 50 marks each. There shall be 25 marks each for doctrinal research and for non- doctrinal research and 50 marks for law teaching. How the components of practical shall be evaluated shall be left to a Committee consisting of Head of the Department/Principal, one Associate Professor and one Assistant Professor. They shall formulate their own models of assessment. However, for

making the practical examination objective and meaningful, the following guidelines shall be adhered to:

### **A. Research Methodology**

#### ***(i) Doctrinal research (25 marks)***

Each student will be assigned in advance a separate topic and asked to collect materials. A period of two weeks can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing which shall be evaluated by a Committee consisting of Head of the Department/Principal and Supervisor/Teacher Guide. The Committee will be made and notified by the Head of the Department/Principal.

#### ***(ii) Non-doctrinal research (25 marks)***

Here the candidate will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, legal or political dimension. Field data can be collected through any method of data collection. Finally the candidates shall be required to submit a write up (just like a project work) which shall be within 50 typed pages in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. The results are to be assessed by a team of faculty members. The Head of the Department/Principal will constitute such team.

### **B. Law Teaching (50 marks)**

A Unit of a Course will be assigned to the candidate in advance. He/she shall be required to deliver lecture for one hour on each topic of that unit for a period of one week (total 4 classes). Where LL.B. Programme (3 years/Integrated 5 years) co-exists with LL.M. Programme, the candidates shall be asked to teach these 3 years LL.B./5 years LL.B. students only through lecture method of law teaching. In legal education practical, the candidates shall be evaluated internally by a committee of faculty members as prescribed in the Regulations.

**ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 2<sup>ND</sup> SEMESTER****PAPER – VIII****LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)****LL.M.-ES-SP-G01-P-VIII: UNION-STATE FINANCIAL RELATIONS****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Distribution of Legislative Power/Administrative Power**

- 1.1. Indian Constitution
- 1.2. Centre-State relations
- 1.3. Factors responsible for subordination of States
- 1.4. Administrative relations

**Unit – II: Distribution and Restriction of Fiscal Power**

- 2.1. Scheme of Allocation of taxing power
- 2.2. Extent of Union power of taxation; Difference between tax and fee
- 2.3. Residuary power - inclusion of fiscal power
- 2.4. Fundamental Rights; Inter-Government tax immunities

**Unit – III: Distribution of Tax Revenues and Borrowing Power of the State**

- 3.1. Tax-Sharing under the Constitution
- 3.2. Finance Commission - Specific purpose grants (Article 282)
- 3.3. Borrowing by the Government of India
- 3.4. Borrowing by the States

**Unit – IV: Inter-State Trade and Commerce, Planning and Financial Relations**

- 4.1. Freedom of Inter-State trade and commerce

- 4.2. Restrictions on legislative power of the Union and States with regard to trade and commerce
- 4.3. Planning Commission; Plan grants
- 4.4. National Development Council; Inter-State Council and Zonal Councils

**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. K.P. Krishna Shetty, The Law of Union-State Relations and the Indian Federalism Ch.9 (1981)
8. Report of the Eighth Finance Commission
9. Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)
10. Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342
11. Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections 1 and 11, pp. 15- 168
12. L.M. Singhvi (ed.), Union-State Relations in India 124-154 (1969)
13. D.T. Lakadwala, Union-State Financial Relations (1967)
14. M.P. Jain, Indian constitutional Law (1994), Wadhwa.
15. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law - II)

**PAPER – VIII**

**LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

**LL.M.-ES-SP-G02-P-VIII: LAW OF EXPORT IMPORT REGULATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introduction**

- 1.1. Concept of Export and Import
- 1.2. State control over import and export of goods - from rigidity to liberalisation
- 1.3. Impact of regulation on economy
- 1.4. The Basic Needs of Export and Import Trade
  - 1.4.1. Goods
  - 1.4.2. Services
  - 1.4.3. Transportation

### **Unit – II: International Regime**

- 2.1. WTO agreement; WTO and tariff restrictions; WTO and non-tariff restrictions
- 2.2. Investment and transfer of technology
- 2.3. Quota restriction and anti-dumping; Dumping of discarded technology and goods in international market
- 2.4. Permissible regulations and Quarantine regulation

### **Unit – III: General Law on Control of Imports and Exports**

- 3.1. General scheme
- 3.2. Legislative control
  - 3.2.1. Power of control: Central government and RBI
  - 3.2.2. Foreign Trade Development and Regulation Act 1992
  - 3.2.3. Restrictions under customs law
    - 3.2.3.1. Prohibition and penalties
- 3.3. Export-Import formulation: guiding features
  - 3.3.1. Control under Foreign Exchange Management Act (FEMA)
  - 3.3.2. Foreign exchange and currency



- 3.3.2.1. Import of goods
- 3.3.2.2. Export Promotion councils and Export Inspection council
- 3.4. Marine Products Export Development Authority Act 1972

#### **Unit – IV: Miscellaneous**

- 4.1. Control of Exports
- 4.2. Exim Policy: Changing Dimensions
- 4.3. Law Relating to Customs
- 4.4. Regulation on Investment and Technology transfer

#### **Select Bibliography**

- 1. Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
- 2. Government of India Import and Export Policy (1997 -2002)
- 3. The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi
- 4. Foreign Trade Development and Regulation Act 1992 and Rules
- 5. Foreign Exchange Management Act 1999
- 6. Marine Products Export Development Authority Act 1972
- 7. Customs Manual (Latest edition)
- 8. Final Treaty of GATT, 1994

#### **PAPER - VIII**

**LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)**

**LL.M.-ES-SP-G03-P-VIII: PRIVILEGED CLASS DEVIANCE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I: Introduction**

- 1.1. Concept classification of white collar crimes
- 1.2. Indian approaches to socio-economic offences
- 1.3. Classification of Privileged Class Deviance
- 1.4. Indian approaches to Privileged Class Deviance

### **Unit – II: Privileged Class Deviance - I**

- 2.1. The Nature and Dimensions of Privileged Class Deviance
- 2.2. Landlord deviance (class/caste based deviance)
- 2.3. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
- 2.4. Gender-based aggression by socially, economically and politically powerful

### **Unit – III: Privileged Class Deviance - II**

- 3.1. Official deviance (deviance by legislators, judges, bureaucrats)
- 3.2. Police deviance
  - 3.2.1. Unconstitutionality of "third-degree" methods and use of fatal force by police
  - 3.2.2. "Encounter" killings
  - 3.2.3. Police atrocities
  - 3.2.4. Reform suggestions especially by the National Police Commissions
- 3.3. Trade Union deviance (including teachers, lawyers, urban property owners)
- 3.4. Professional deviance (deviance by journalists, teachers, doctors, lawyers, engineers, architects and publishers)

### **Unit – IV: Response of Indian Legal Order to the Deviance of Privileged Classes**

- 4.1. Vigilance Commission
- 4.2. Public Accounts Committee; Commissions of Enquiry
- 4.3. Ombudsman/Lokpal
- 4.4. Prevention of Corruption Act, 1947 and Whistleblower Protection Law

### **Select Bibliography**

1. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi

2. Upendra Baxi (ed.), Law and Poverty: Essays (1988)
3. Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
4. Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
5. A.R. Desai (ed.) Violation of democratic Rights in India (1986)
6. A.G. Noorani, Minister's Misconduct (1974)
7. B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed.)
8. Indira Rothermund, "Patterns of Trade Union Leadership in Dhanbad Coal fields" 23 J.I.L.I 522 (1981)

### **PAPER – VIII**

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)**

**LL.M.-ES-SP-G04-P-VIII: INTERNATIONAL HUMANITARIAN LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: International Movement for Humanization of Warfare**

- 1.1. Contributions of classical writers
- 1.2. History of the Red Cross
- 1.3. Geneva conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, St. Petersburg Declaration, 1868
- 1.4. The Hague Conventions of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick persons and Civilian Persons

#### **Unit – II: International Efforts**

- 2.1. International Efforts to outlaw Slavery, Slave Trade and Practices similar to Slavery
- 2.2. International Efforts on Forced Labour and Trafficking in Human Beings
- 2.3. United Nations and Humanitarian Law: The Role of ECOSOC and ILO

2.4. Crusade against discrimination in respect of employment and occupation; Racial Discrimination

**Unit – III: International Refugees**

3.1. The UN Relief and Rehabilitation Administration and other International Refugee Organizations

3.2. Conventions relating to Status of Refugees and State-less persons

3.3. Regional Organizations in Africa and Asia

3.4. Genocide Convention

**Unit – IV: Implementation of the Right to Self-determination**

4.1. Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships

4.2. Eliminating discrimination against Women and Children through International Co-operation

4.3. Eliminating discrimination against minorities through International treaties

4.4. National implementation of International Humanitarian Law

**Select Bibliography**

1. C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986)

2. G.Tunkin, Theory of International Law (1974)

3. G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)

4. J.Stone, Legal Controls of International Conflicts (1959)

5. R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)

**PAPER - VIII**

**LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)**

**LL.M.-ES-SP-G05-P-VIII: PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS  
IN INDIA**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: History and Development of Human Rights in Indian Constitution**

- 1.1. Constitutional Philosophy - Preamble
- 1.2. Fundamental Rights
- 1.3. Directive Principles of State Policy
- 1.4. Fundamental Duties

### **Unit – II: Development of Human Rights Jurisprudence**

- 2.1. Judicial Activism and development of Human Rights Jurisprudence in India
- 2.2. Human Rights and Politics in India
- 2.3. Human Rights in the changing world
- 2.4. Landmark and recent cases on Human Rights Jurisprudence

### **Unit – III: Enforcement of Human Rights**

- 3.1. Formal enforcement mechanisms
- 3.2. Role of Supreme Court and High Courts
- 3.3. Role of Civil and Criminal Courts
- 3.4. Statutory Tribunals and Special Courts

### **Unit – IV: Miscellaneous**

- 4.1. Role of India in implementing international norms and standards
- 4.2. Universal Declaration of Human Rights (UDHR); International Covenant on Civil and Political Rights (ICCPR); International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 4.3. United Nations Convention against Torture (UNCAT)
- 4.4. Convention on Elimination of All forms of Discrimination against Women (CEDAW)

### **Select Bibliography**

- 1. D.D.Basu, Human Rights in Indian Constitutional Law, (1994)

2. Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997)
3. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993)
4. James Vadakkumchery, Human Rights and the Politics in India, (1996)
5. D.R.Saxena, Tribals and the Law, (1997)
6. Poornima Advani, Indian Judiciary: A Tribute, (1997)
7. Justice Venkataramiah, Human Rights in the Changing World, (1998)
8. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996)

**PAPER – VIII****LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)****LL.M.-ES-SP-G06-P-VIII: LAW RELATING TO CIVIL SERVANTS****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Civil Servants: Constitutional Dimensions**

- 1.1. Civil servants and the fundamental rights - Historical and comparative perspectives
- 1.2. Equality and protective discrimination: principles and practices
- 1.3. Service Regulations - the constitutional bases - formulation of service rules – doctrine of pleasure
- 1.4. Limitations on doctrine of pleasure
  - 1.4.1. Action only be an authority not subordinate to the appointing authority
  - 1.4.2. Opportunity of being heard and its exceptions

**Unit – II: Recruitment, Promotion and Conditions of Service**

- 2.1. Central and state agencies for recruitment; Methods and qualification
- 2.2. Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission; Kinds of leave and conditions of eligibility

2.3. Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance

2.4. Civil and criminal immunities for action in good faith; Comparative evaluation with private sector; Comparative evaluation between the state government employees and the central government employees

### **Unit – III: Special Categories of Services**

3.1. Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service

3.2. Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action

3.3. All India services: objects, regulation of recruitment and conditions of service, disciplinary proceedings

3.4. Civil service and politics, politicisation of government servants' organisation and inter-union rivalry

### **Unit – IV: Settlement of Disputes over Service Matters**

4.1. Departmental remedies: representation, review, revision and appeal: role of service organisations

4.2. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure merits and demerits - exclusion of jurisdiction of courts

4.3. Judicial review of service matters -jurisdiction, of the Supreme Court and High Courts

4.4. Comparative position in England, United States and France

### **Select Bibliography**

1. Students are to study the state laws and rules relating to service matters, make empirical investigations and write a paper on a significant problem

2. ILI (by Justice M. Rama Jois), Services under the State (1987)

3. N. Narayanan Nair, The Civil Servant under the Law and the Constitution (1973)

4. K. K. Goyal, Administrative Tribunals Act (1985)
5. Seervai, Constitutional Law of India
6. Arjun P. Aggarwal Freedom of Association in Public Employment", 14 JILI (1972)
7. C.K. Kochukoshy, "All India Services-Their Role and Future", 1972 I.J.P.A. 67
8. Douglas Vass, "The Public Service in modern Society", 1983 I.J.P.A. 970
9. Z.M.S. Siddiqi, "Sanctions for the breach of contracts of service," 25 J.1.L.I. 359 (1983)
10. O.P. Motilal, "Compulsory Retirement", 1975 I.J.P.A. 247
11. D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 I.J.P.A.92
12. G. C. V. Subba Rao, "The O.N.G.C. Case and New Horizons in Public Services Law", 1975 S.C.J. 29

**PAPER – VIII****LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)****LL.M.-ES-SP-G07-P-VIII: PREVENTION AND CONTROL OF POLLUTION****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Pollution**

- 1.1. Meaning, Kinds of pollution and their impact
- 1.2. Kinds of wastes; Disposal of Waste
- 1.3. Disposal agencies: local bodies and other agencies
- 1.4. Disposal and recycling of wastes

**Unit – II: Pollution of Water**

- 2.1. Definition
- 2.2. Ground water pollution
- 2.3. Sources



- 2.4. Critique of existing laws
  - 2.4.1. Machinery
  - 2.4.2. Powers
  - 2.4.3. Function
  - 2.4.4. Offences and penalties

### **Unit – III: Pollution of Air and Noise Pollution**

- 3.1. Pollution of Air: Pollutants and effects
- 3.2. Modalities of control of Air Pollution; Critique of the existing legal frame work
- 3.3. Noise Pollution; Sources and effects
- 3.4. Different legal controls and Need for specific law

### **Unit – IV: Sanctions against Pollution**

- 4.1. Efficacy of criminal and civil sanctions
- 4.2. Corporate liability: Civil and Criminal
- 4.3. Civil liability: Compensatory and Penal
- 4.4. Administrative compensation system; Incentives to pollution control

### **Select Bibliography**

- 1. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi
- 2. Enid.M.Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998), Kluwer
- 3. John F.Mc. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press
- 4. Leelakrishnan, P et. al. (eds.), Law and Environment (1990)
- 5. Leelakrishnan, P. The Environmental Law in India (1999), Butterworths
- 6. Frodorick R.Anderson, et.al. Environmental Improvement through Economic Incentives (1977)
- 7. David Hughes, Environmental Law (1999), Butterworths, London

8. Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs-Merril, New York
9. Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal Case (1986)
10. Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)
11. Armin Rozencranz, et.al. (eds.) Environmental Policy and Law in India (2000), Butterworths, India

**PAPER – VIII****LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)****LL.M.-ES-SP-G08-P-VIII: SOCIALIST JURISPRUDENCE****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Introductory**

- 1.1. The Evolution of the notion of socialist legality
- 1.2. The retreat of law: Stalinist "Jurisprudence"
- 1.3. The retreat of law: Cultural Revolution in China
- 1.4. The resurgence of socialist legality
  - 1.4.1. The 1977 Soviet Constitution
  - 1.4.2. Glasnost and Perestroika: The Soviet jurisprudence of the mid-1980s.
  - 1.4.3. Restoration of law in post Mao-China

**Unit – II: Legal Institutions Ownership**

- 2.1. Theoretical point of departure in socialist law
- 2.2. Socialist nationalization
- 2.3. Social ownership and commodity production
- 2.4. Socialist "private- property" and Socialist "co-operatives"

### **Unit – III: Legal Institutions: Contract, Civil Liability and Criminal Liability**

- 3.1. The nature of contractual obligation in socialist jurisprudence
- 3.2. Legal institutions: Civil Liability
  - 3.2.1. Differentiation of liability: Moral, political, legal
  - 3.2.2. Socialist conceptions of fault/strict liability
  - 3.2.3. State liability
- 3.3. The rights of the accused in socialist jurisprudence
- 3.4. Socialist theories of punishment and sentencing

### **Unit – IV: Legal Institutions: Courts and Tribunals**

- 4.1. Ideological bases of structuration of judicial powers in socialist societies (pedagogic paternalist functions)
- 4.2. Public participation in administration of justice
- 4.3. Settlement of economic disputes; Social courts
- 4.5. Administrative penal jurisdiction in European socialist societies

### **Select Bibliography**

- 1. U. Baxi, Marx, Law and Justice: Some Indian Perspectives (1992)
- 2. O. Bihari, Constitutional Models of Socialist Organization (1979)
- 3. G.Y. Eorsi, Comparative Civil (Private) Law (1979)
- 4. Kalman Kulesar, People's Assessors in the Courts: A Study on the Sociology of Law (1982)
- 5. E. Lontai, The Research Contracts (1977)
- 6. A. Raz, Courts and Tribunals: A Comparative Study (1980) Also Consult the leading comparative law journals: e.g. American Journal of Comparative Law, The International and Comparative Law Quarterly for contemporary development

### **PAPER – VIII**

**LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)**

**LL.M.-ES-SP-G09-P-VIII: PATRIARCHAL ELEMENTS IN INDIAN LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introductory**

- 1.1. Concept of Patriarchy
- 1.2. Right of feminists against Patriarchy
- 1.3. Changing nature of feminist struggle challenges the very notion of femininity and masculinity as mutually exclusive biologically determined categories
- 1.4. Patriarchy and Jurisprudence
  - 1.4.1. Patriarchy in "Utilitarian Jurisprudence"
  - 1.4.2. Legalism: Equality before law and patriarchy

### **Unit – II: Patriarchy and Colonial Law**

- 2.1. Gender based rules doctrines in laws of evidence
- 2.2. Gender based specification of offences - adultery - rape
- 2.3. Gender based notions of property (e.g. unit for purposes of land reform male headed family: discrimination between adult son and daughter)
- 2.4. Gender based notions of matrimonial law - divorce, maintenance, guardianship

### **Unit – III: The Patriarchal Character, Constitution and Legislative Process**

- 3.1. The Patriarchal Character of Public/Private Law Dichotomy
- 3.2. Patriarchal Character of Criminal Law
- 3.3. Constitution and Patriarchy
- 3.4. Legislative Process and Patriarchy

### **Unit – IV: Miscellaneous**

- 4.1. Judiciary and Patriarchy
- 4.2. Government, Public Undertaking and Patriarchal Values

- 4.2.1. Government rules - Administrative Service and Foreign Service regarding married women-discriminatory treatment
- 4.2.2. Indian Air Lines and Air India Service rules governing air hostesses
- 4.3. Patriarchal Character of Legal Administration
- 4.4. Patriarchal character of Judicial Administration

### **Select Bibliography**

- 1. Bina Agarwal (ed.), Structures of patriarchy (1988)
- 2. Kamia Bhasin and Nighat Said Khan, Some Questions of Feminism and its Relevance in South Asia (1986)
- 3. Madhu Kishwar and Ruth Vanita, In Search of Answers Chap. 1 (Women's Lives), chap.3 (Violence against Women), (1986)
- 4. R. Aininova, The October Revolution and Women's Liberation Movement (1977). Constituent Assembly Debates Vol. 7(3.12.48)
- 5. Kumari Jayawardene, Feminism and Rationalism in the Third World (1986)
- 6. Claire Duchen, Feminism in France (1986)
- 7. Varda Bunslyn, "Masculine Dominance and the State" 46 in Socialist Register (1983).
- 8. P. Andiappan, "Public Policy and Sex Discrimination in Employment in India" - 14 IJIR 395 (197879)
- 9. Kay Macpherson, "International Aspects of Feminism" in Status on Women News, Vol. 6, NO. 302 (1980)
- 10. Govind Kelkar, Women in Post-Liberation Societies: A Comparative Analysis of Indian & Chinese Experiences
- 11. Rhoda Reddock, "Women's Liberation & National Liberation" in Maria Mies & Rhoda Reddock(eds.), National Liberation & Women's Liberation (1982)

### **PAPER – VIII**

**LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)**

**LL.M.-ES-SP-G10-P-VIII: PUBLIC AUTHORITIES: LIABILITY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Tortious and Contractual Liability**

- 1.1. Sovereign immunity
- 1.2. Commercial and non-commercial function
- 1.3. Processual justice: Privilege - right dichotomy
- 1.4. Terms in government contract as instruments of social justice

### **Unit – II: Emerging Liability**

- 2.1. Personal accountability
- 2.2. Compensatory jurisprudence and right to life
- 2.3. Accountability under consumer law
- 2.4. The liability of Public Authorities and statutory provisions

### **Unit – III: Privilege against Disclosure**

- 3.1. Right to information and official secrecy
- 3.2. Executive privilege
- 3.3. Security of state and control on information
- 3.4. Judicial review

### **Unit – IV: Promissory Estoppel**

- 4.1. Legitimate expectation
- 4.2. Constitutional dimensions
- 4.3. Promissory estoppels and State liability
- 4.4. The goals ahead

### **Select Bibliography**

1. Jain & Jain, Principles of Administrative Law (1986), Tripathi

2. De Smith, Judicial Review of Administrative Action (1995)
3. B.Schwartz, An Introduction to American Administrative Law

### **PAPER - VIII**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-VIII: THE ELECTRONICS REVOLUTION AND LEGAL ORDER**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Introductory**

- 1.1. Growth of computer science and technology; "Hardware" and "Software"
- 1.2. Notion of artificial intelligence; Artificial Intelligence and Human Resources
- 1.3. Organization of R & D and of international market for computer systems
- 1.4. The overall Indian position

#### **Unit – II: The Law: Intellectual Property**

- 2.1. Law relating to protection of computer software
- 2.2. Law relating to patenting of hardware
- 2.3. Regulation of transfer of computer technology (Unfair Means, Restrictive Trade Practices)
- 2.4. New and advanced technologies and need for specific legislation; Judicial approach

#### **Unit – III: Computer Systems and Renovation of Legal Order**

- 3.1. Legal information retrieval systems
- 3.2. Computerized retrieval of judicial decision
- 3.3. Jurimetrics and computer analysis
- 3.4. Computer analysis and computerization; Criminological analysis and computerization

**Unit – IV: Miscellaneous**

- 4.1. Central data banks and privacy rights
- 4.2. Consumer Credit, privacy rights and computer systems
- 4.3. Computer fraud
- 4.4. Computer non-feasance and liability for damages

**Select Bibliography**

1. Cees J. Hamelink, The Ethics of Cyberspace (2001), Sage
2. Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi
3. John Zinian et.al.(ed.) World of Science and the Rule of Law (1986), Oxford
4. Ann Johnston et.al. (ed.) New Technologies and Development (1986) UNESCO
5. Maie-Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business (1997) RESTE, New Delhi

**PAPER – IX**

**LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)**

**LL.M.-ES-SP-G01-P-IX: CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS****Unit – I: Constitutionalism**

- 1.1. Authoritarianism – Dictatorship; Democracy - Communism
- 1.2. Development of a democratic government in England - Historical evolution of constitutional government; Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India
- 1.3. Conventions of constitutionalism - law and conventions
- 1.4. Marxist concept of constitutionalism



## **Unit – II: Federalism**

- 2.1. Difference between confederation and federation; Conditions requisite for federalism; what is a federal government?
- 2.2. Patterns of federal government - U.S.A., Australia, Canada, India
- 2.3. Judicial review - for federal umpiring
- 2.4. New trends in federalism: Co-operative federalism; Political factors influencing federalism

## **Unit – III: Pluralism**

- 3.1. What is a pluralistic society?
- 3.2. Ethnic, linguistic, cultural and political pluralism
- 3.3. Individual rights - right to dissent
  - 3.3.1. Freedom of speech and expression
  - 3.3.2. Freedom of the press
  - 3.3.3. Freedom of association
- 3.4. Rights to separateness
  - 3.4.1. Freedom of religion
  - 3.4.2. Rights of the religious and linguistic minorities
  - 3.4.3. Compensatory discrimination for backward classes
  - 3.4.4. Women - rights to equality and right to special protection
  - 3.4.5. Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS – Exclusion from Hindu Law.

## **Unit – IV: Pluralism and International Concerns**

- 4.1. International Declaration of Human Rights; Conventions against genocide
- 4.2. Protection of religious, ethnic and linguistic minorities
- 4.3. State Intervention for protection of human rights
- 4.4. Equality in Plural Society

## **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

### **PAPER – IX**

**LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

**LL.M.-ES-SP-G02-P-IX: BANKING LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Introduction**

- 1.1. Nature and development of banking
  - 1.1.1. History of banking in India and elsewhere
  - 1.1.2. Indigenous banking
  - 1.1.3. Evolution of banking
  - 1.1.4. Different kinds of banks and their functions
- 1.2. Multi-functional banks - growth and legal issues
- 1.3. Controls by government and its agencies
  - 1.3.1. On management

- 1.3.2. On accounts and audit
- 1.3.3. Lending
- 1.3.4. Credit policy
- 1.3.5. Reconstruction and reorganisation
- 1.3.6. Suspension and winding up
- 1.4. Banker and Customer Relationship
  - 1.4.1. Contract between banker and customer: their rights and duties
  - 1.4.2. Banker's lien
  - 1.4.3. Special classes of Customers: Lunatics, Minor, Partnership, Corporation, Local authorities

### **Unit – II: Social Control; RBI and Recent Trends in Banking System in India**

- 2.1. Social control over Banks and Nationalisation
- 2.2. Reserve Bank of India (RBI) as the Central Bank
  - 2.2.1. Functions of RBI
  - 2.2.2. Control of RBI over Non-banking companies, Financial and Non-financial companies
- 2.3. Recent Trends in Banking System in India
  - 2.3.1. New technology and Information technology
  - 2.3.2. Automation and legal aspects
  - 2.3.3. Automatic teller machine and use of internet
  - 2.3.4. Smart card and Credit cards
  - 2.3.5. Use of expert system
- 2.4. Reforms in Indian Banking Law and Recommendations of different Committees: A Review

### **Unit – III: Deposit Insurance; Lending by Banks and SARFAESI Act**

- 3.1 The Deposit Insurance Corporation Act 1961: Objects and Reasons
- 3.2. Establishment of Capital of Deposit Insurance Corporation (DIC); Liability of DIC to depositors; Relations between Insured Banks, DIC and RBI

3.3. Lending by Banks; Good lending principles; Repayment of loans; Default and recovery; Debt Recovery Tribunal: Constitutions, Powers and Functions

3.4. Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (SARFAESI Act, 2002)

3.4.1. Regulation of securitisation and reconstruction of financial assets of banks and financial institutions

3.4.2. Enforcement of security interest

3.4.3. Offences and Penalties

#### **Unit – IV: Negotiable Instruments**

4.1. Meaning, Types and Characteristics of Negotiable Instruments

4.2. Transfer and Negotiation

4.3. Holder and holder in due course; Parties to negotiable instruments

4.4. Presentment and liability of parties; Dishonour of a Negotiable Instrument, Notice of dishonor; discharge from liability

#### **Select Bibliography**

1. Basu, A. Review of Current Banking Theory and Practise (1998) Mac Millan
2. M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
3. R. Goode, Commercial Law, (1995) Penguin, London.
4. Ross Cranston, Principles of Banking Law (1997) Oxford
5. L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
6. M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes
7. K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd., New Delhi
8. J. Dermine (ed.), European Banking in the 1990s' (1993), Blackwell, Oxford
9. C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
10. S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
11. K. Subrahmanyam, Banking Reforms in India (1997) Tata Macgraw Hill, New Delhi

12. R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad
13. M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi
14. Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
15. Narasimham Committee report on the Financial System (1991)- Second Report (1999)

### **PAPER – IX**

**LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)**

**LL.M.-ES-SP-G03-P-IX: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Drug Addiction; Anagraphic and Social Characteristics of Drug Users**

- 1.1. Basic conceptions
  - 1.1.1. Drugs: “narcotics” “psychotropic substances”
  - 1.1.2. “Dependence”, “addiction”
  - 1.1.3. “Crimes without victims”
  - 1.1.4. “Trafficking” in “drugs”
  - 1.1.5. “Primary drug abuse”
- 1.2. Anagraphic and Social Characteristics of Drug Users - I
  - 1.2.1. Gender, Age, Religiousness, Socio-economic level of family, Residence patterns (urban/rural/urban), Educational levels, Occupation
- 1.3. Anagraphic and Social Characteristics of Drug Users - II
  - 1.3.1. Age at first use, Type of drug use, Reasons given as cause of first use, Method of Intake, Pattern of the Use, Average Quantity and Cost
- 1.4. Consequences on addict's health (physical/psychic)

**Unit – II: The International Legal Regime**

- 2.1. Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972
- 2.2. Analysis of the Convention on Psychotropic Substances, 1972; United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988
- 2.3. International collaboration in combating drug addiction
- 2.4. The SARC, and South - South Cooperation

**Unit – III: The Indian Regulatory System**

- 3.1. Approaches to narcotic trafficking during colonial India
- 3.2. India's role in the evolution of the two international conventions
- 3.3. Judicial approaches to sentencing in drug trafficking and abuse
- 3.4. The penal provisions under the Narcotic Drugs and Psychotropic Substances Act, 1985, Indian Penal Code and Customs Act; Patterns of resource investment in India: policing adjudication, treatment, aftercare and rehabilitation

**Unit – IV: Human Rights Aspects and the Role of Community in Combating Drug Addiction**

- 4.1. Deployment of marginalized people as carrier of narcotics
- 4.2. The problem of juvenile drug use and legal approaches
- 4.3. Possibilities of misuse and abuse of investigative prosecutory powers
- 4.4. The Role of Community in Combating Drug Addiction
  - 4.4.1. The role of educational systems
  - 4.4.2. The role of medical profession
  - 4.4.3. The role of mass media
  - 4.4.4. Initiatives for compliance with regulatory systems
  - 4.4.5. Law reform initiatives

**Select Bibliography**

- 1. H.S. Becker, Outsiders : The Studies in Sociology of Deviance (1966)
- 2. J.A. Incard, C.D. Chambers, (eds.), Drugs and the Criminal Justice System (1974)
- 3. R. Cocken, Drug Abuse and personality in Young Offenders (1971)

4. G. Edwards Busch, (ed.) Drug Problems in Britain: A Review of Ten Years (1981)
  5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime : A Preliminary Study" 7 Indian Journal of Criminology, 65-68 (1979)
  6. P.R. Rajgopat Violence and Response: A Critque of the Indian Criminal System (1988) United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations
  7. Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and Related Crimes (Rome, July 1984, Publication No. 21)
  8. Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances
- Useful Journals in this area are:

- (i) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New York)
- (iv) British Journal of Criminology
- (v) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vi) Journal of Criminal Law and Criminology (Chicago, Ill)
- (vii) International Journal of Offender Therapy and Comparative Criminology (London)
- (viii) Bulletin on Narcotics (United Nations)

### **PAPER – IX**

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)**

**LL.M.-ES-SP-G04-P-IX: LAW AND DIPLOMACY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Contemporary International System**

- 1.1. International stratification
- 1.2. Neo-colonialism
- 1.3. Dependence and domination

1.4. Geopolitical considerations

**Unit – II: Diplomacy**

2.1. Beginning of Diplomacy: Various Diplomatic Traditions, Greek, Byzantine and Indian; Golden age of Classical Diplomacy of 18th and 19th Centuries in Europe

2.2. Transition from "old" to "new" diplomacy, Impact of the First World War and the Russian Revolution

2.3. Impact of Technology on the Conduct of Diplomacy, Impact of the Nuclear Weapons, Military Alliance

2.4. Secret v. Open Diplomacy, Democratic Control of Foreign Policy

**Unit – III: Diplomacy in contemporary world.**

3.1. Diplomacy in the United Nations

3.2. Development and diplomacy

3.3. Diplomacy through mass media and propaganda

3.4. Diplomacy and Resources

**Unit – IV: Diplomacy and Crisis Management**

4.1. Diplomacy in the Law of the Sea Convention

4.2. Diplomacy and new human rights conceptions

4.3. Diplomacy and Right to Development Declaration

4.4. The Stockholm Declaration on Environment

**Select Bibliography**

1. A.Ball, Modern Intentional Negotiations (1969)

2. I.Clark, Reform and Resistance in International Order (1980)

3. I.Clark, "The Satisfied and the Dissatisfied States Negotiate International Law: A Case Study," 18 World Politics 20-41 (1965)

5. H.Nicolson, Diplomacy (1969)

6. J.Stone, Law and Nations (1974)

7. L.Hanken, How Nations Behave (1968)



8. R.L.Friedheim, Parliamentary Diplomacy - A Survey (1976)
9. R.P. Anand, International Courts and Contemporary Conflict (1979)

### **PAPER – IX**

**LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)**

**LL.M.-ES-SP-G05-P-IX: HUMAN RIGHTS OF DISADVANTAGED GROUPS:  
PROBLEMS AND ISSUES IN THE PROTECTION AND  
ENFORCEMENT**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Introduction**

- 1.1. Concept of Disadvantaged Groups
- 1.2. Enforcement of Human Rights
- 1.3. Protection Laws of the Disadvantaged Groups: Problems and Issues
- 1.4. Future Perspectives of the Human Rights of the Disadvantaged

#### **Unit – II: Emerging Human Rights Jurisprudence - I**

- 2.1. Rights of women and children
- 2.2. Rights of the aged and disabled persons
- 2.3. Rights of prisoners
- 2.4. Rights of minorities and societal violation

#### **Unit – III: Emerging Human Rights Jurisprudence - II**

- 3.1. The tribal and other indigenous people
- 3.2. The mentally ill
- 3.3. The unorganised labour
- 3.4. 'Aids' victims

**Unit – IV: Protection and Enforcement of Human Rights**

- 4.1. Role of Society and NGOs
- 4.2. Role of State
- 4.3. Role of Judiciary
- 4.4. Role of International agencies

**Select Bibliography**

- 1. G.S Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)
- 2. Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
- 3. Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
- 4. Paras Diwan and Piyush Diwan, Women and Legal Protection
- 5. Philip Alston (et.al.), Children, Rights and the Law
- 6. Kelly D. Askin, Doreen M. Koenig, Women and International Human Rights Law, (1999)
- 7. N.K.Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999)
- 8. Rebecca Wallace, International Human Rights, Text and Materials, (1997)
- 9. Janaki Nair, Women and Law in Colonial India, (1996)
- 10. Simon Creighton, Vicky King, Prisons and the Law, (1996)

**PAPER – IX**

**LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)**

**LL.M.-ES-SP-G06-P-IX: AGRICULTURAL LABOUR**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS****Unit – I: Agricultural Labour Relations**

- 1.1. Agricultural labourer - The Concept
- 1.1.1. Early stages - the traditional ties between the landlord and the workers

- 1.1.2. Non-exploitative fair relation with the feudal hegemony - share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence
- 1.1.3. Exploitation of labour by the landlord
- 1. 2. Bonded labour
- 1. 3. Tribal labour in forest settlements
- 1.4. Migrant agricultural labour

### **Unit – II: Trade Unionism and Collective Bargaining among Agricultural Labour**

- 2.1. Unorganised nature
- 2.2. Seasonal character
- 2.3. Political movements
- 2.4. State, regional and macro-regional disparities in collective bargaining, organization and remuneration

### **Unit – III: Labour Welfare**

- 3.1. Assessment of existing measures: statutory and non-statutory
- 3.2. Agrarian reform as agricultural labour protection measure - land to the tiller doctrine
- 3.3. Environmental impact of distribution of forest land among agricultural labourers
- 3.4. Need for State initiative, support and Futuristic perspectives

### **Unit – IV: Industrial "Hour Norms" in the Agricultural Labour Area and Dispute Settlement Mechanism**

- 4.1. Problems: multi-employer - employment situation
- 4.2. Workmen's compensation and Minimum wages
- 4.3. Practices: settlements; Comparative study of state practices and laws
- 4.4. Statutory measures: conciliation, adjudication

### **Select Bibliography**

- 1. V.V. Giri, Labour Problems in Indian Industry (1972)
- 2. R.R. Singh, Labour Economics (1971)

3. ILO, Conventions and Recommendations
4. Reports of National Commissions on Labour 1969 (relevant portions)
5. State legislation and other welfare schemes relating to agricultural labour
6. Abdul Aziz, "Unionizing Agricultural Labourers in India . A Strategy", 13 Indian Journal of industrial Relations 307 (1977)
7. L.C. Sharma, "Forestry Sector Generate More Employment", 15 Indian Journal of Industrial Relations 577 (1979)
8. Kalpana Bardhan, "Rural employment Wages and Labour Market in India: A Survey of Research
9. Economic and Political Weekly 1 June 25, 1977, 11 July 2, 1977 and 111 July 9, (1977)
10. Government of India, Agricultural Labour Enquiry (1954)
11. Government of India, Report on the Second Agricultural Labour Enquiry (1958)
12. Government of India, Report on III Agricultural Labour Enquiry
13. Bardhan & Rudra "Types of Labour Attachment in Agriculture", 15 Economic and Political Weekly August 30, 1980
14. Report of the National Commission on Rural Labour (1991) New Delhi, Govt. of India, Ministry of labour; See especially Volume 11, Part 11 for the Study Group Report

### **PAPER – IX**

**LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)**

**LL.M.-ES-SP-G07-P-IX: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Environment Protection and Sustainable Development**

- 1.1. World environment movement
- 1.2. Natural and cultural heritage
- 1.3. Role of international and regional organizations

1.4. International Obligations towards Sustainable Development

1.4.1. International financing policy

1.4.2. World environment fund

1.4.3. Global Environmental Facility (GEF)

1.4.3.1. International co-operation

1.4.3.2. Poverty alleviation

**Unit – II: Marine Environment**

2.1. Marine resources: conservation and exploitation

2.2. Scientific research and exploration

2.3. International Seabed Authority

2.4. Pollution from ships; Dumping of oil and other wastes into the sea

**Unit – III: Trans-Boundary Pollution Hazards**

3.1. Oil and Chemical pollution

3.2. Space pollution; Nuclear fall outs and accidents

3.3. Acid rain

3.4. Green house effect; Depletion of ozone layer

**Unit – IV: Control of Multinational Corporations and Containment of Environmental Hazards**

4.1. Problems of liability and control mechanisms

4.2. Disaster management at international level

4.3. Monopoly of biotechnology by MNCs

4.4. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control

**Select Bibliography**

1. Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi

2. Sir Elworthy and Jane Holder, Environmental Protection: Text and Materials (1997), Butterworths

3. Nathali L.T.J. Horbach, Contemporary Developments in Nuclear Energy Law (1999), Kluwer
4. Henrick Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer
5. Jean-Pierre Beurier, New Tehnologies and Law of Marine Environment (2000), Kluwer
6. Richard L.Reversz et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge
7. Dovor Vidas, Protecting the Polar Marine Environment (2000), Cambridge
8. Aynsley Kellor, International Toxic Risk Management (1999), Cambridge
9. Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer
10. Indian Law Institute, Legal Control of Environmental Pollution (1980)
11. Varshney, C.K. (ed.), Water Pollution and Management (1983), Wiley Esatern, New Delhi
12. World Commission on Environment and development, Our Common Future (1987), Oxford

**PAPER – IX****LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)****LL.M.-ES-SP-G08-P-IX: THEORIES OF JUSTICE****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: The Concepts of Justice**

- 1.1. The nature, meaning and varieties of justice
  - 1.1.1. Karl Mark
  - 1.1.2. John Austin
  - 1.1.3. Hans Kelson
  - 1.1.4. C.K.Allen
  - 1.1.5. Karl Renner

- 1.2. The objectivity of Justice
- 1.3. Justice as social norms; Justice as absolute moral principles
- 1.4. Justice as appropriative; Justice as obligatory

### **Unit – II: The Basis of Justice**

- 2.1. The Liberal contractual tradition
- 2.2. The liberal utilitarian tradition
- 2.3. The liberal moral tradition
- 2.4. The socialist tradition

### **Unit – III: The Relation between Law and Justice**

- 3.1. Equivalence Theories: Justice is nothing other than the positive law of the stronger classes.
- 3.2. Dependency theories: For its realization justice depends on law justice, however, is not the same as law
- 3.3. The Independence of justice theories
- 3.4. The conformity of law to justice

### **Unit – IV: Miscellaneous**

- 4.1. Treaties on justice
- 4.2. Rights, justice and bounds of liberty
- 4.3. Justice and injustice; justice and justification
- 4.4. Restorative and Distributive Justice

### **Select Bibliography**

- 1. M.D.A. Freeman (ed.), Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell
- 2. Bodenheimer, Jurisprudence: The Philosophy & Method of Law (1997) Universal, N.Delhi
- 3. Freedman, Legal Theory (1960) Stevens and Sons, London
- 4. John Rawls, A Theory of Justice (2000) Universal, Delhi
- 5. C.K. Allen, Law in the Making, (1961)

6. H. Kelsen, What is Justice? (1957)
7. R.P. Mckeon, "The Meanings of Justice and the Relations among Traditions of Thought", 41 Revue
8. F. Olafson, (ed.), Justice and Social Policy, (1961)
9. C. Perelman, "Justice and Justification", 10 Natural Law Forum, 1-20 (1965)
10. N. Rescher, Distributive Justice (1966)
11. Henry Stuart Private Justice, (1983)
12. Joel Feinbeing, Rights, Justice and the Bounds of Liberty, (1980)
13. Burton M. leiser, Liberty, Justice and Morals, (1979)
14. R.G. Chaturvedi, Natural and Social Justice, (1975)
15. Jeremy Bentham, An Introduction to the Principles of Morals and Legislation (1789).
16. Edmund Bergler and Noost Meerloo, Justice and Injustice, (1963)

**PAPER – IX****LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)****LL.M.-ES-SP-G09-P-IX: GENDER JUSTICE STANDARDS AT INTERNATIONAL  
LAW****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Introduction**

- 1.1. Concept of Gender Justice
- 1.2. The League of Nations and women's equality.
- 1.3. Women's issue in the formulation of the U. N. Charter.
- 1.4. The U.N. Sub-Commission on Status of women since 1946 and the Role of the NGOs.

**Unit – II: The International Labour Organization and Rights of Women hour**

- 2.1. Equal pay for equal work.



- 2.2. Women and part-time work; Regulation of Night Work for women
- 2.3. Protective for women
- 2.4. Maternity protection

### **Unit – III: Political Rights of Women**

- 3.1. Article of Universal Declaration of Human Rights
- 3.2. The 1952 Convention on Political Rights of Women
- 3.3. The 1979 Convention on the Abolition of all Forms of Discrimination against Women
- 3.4. Political Rights of Women: The future perspective

### **Unit – IV: Sexual Exploitation of Women**

- 4.1. The International Agreement for the Suppression of White Slave Traffic, 1910, and 1921 League of Nations Activity
- 4.2. The Programme of Action by the United Nations; Convention on Traffic in Women and Children, 1949.
- 4.3. Recommendation for World Tourism Organization (WTO) on Sex Oriented Tourism
- 4.4. Nationality of Married Women: Convention on the subject dated January 29, 1957

### **Select Bibliography**

- 1. S.K. Kuba's work status of Women in International Law
- 2. Other relevant literature is to be found in Paper – III, Paper – IV and Paper X of this group. Here see the prospective Plan on Women. Govt. of India, 1988 and compare it with standards emergent at contemporary international law.

### **PAPER – IX**

**LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)**

**LL.M.-ES-SP-G10-P-IX: PUBLIC AUTHORITIES AND POWER HOLDERS:  
CONTROLS ON MALADMINISTRATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introduction**

- 1.1. Definition and concept of Maladministration; Maladministration in the public sector;  
Types of public maladministration
- 1.2. Corruption and Maladministration in Administrative Law
- 1.3. Administrative ethics vis-à-vis Maladministration
- 1.4. Causes and remedies of Maladministration: Need for promotion of good governance

### **Unit – II: Ombudsman**

- 2.1. The concept and its comparative perspectives
- 2.2. Ombudsman in Scandinavian countries
- 2.3. International Scenario – Common law and Civil law
- 2.4. Evolving Indian Models –Lokpal and Lokayukt Institutions

### **Unit – III: Inquiry and Investigation**

- 3.1. Commission of Inquiry; Vigilance Commissions
- 3.2. Judicial Inquiries
- 3.3. Inquiries by Legislative Committees
- 3.4. Investigation Agencies: The CBI

### **Unit – IV: Controls on Maladministration**

- 4.1. Legislative Control
- 4.2. Financial Control - Comptroller and Auditor General
- 4.3. Right to Information and Doctrine of Public Accountability
- 4.4. Controls on Maladministration: The International Scenario

### **Select Bibliography**

- 1. K.S. Shukla and S.S.Singh, Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, N.Delhi

2. Jain & Jain, Principles of Administrative Law (1986) Tripathi
3. Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto

### **PAPER – IX**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-IX: NUCLEAR TECHNOLOGY: DILEMMAS OF LEGAL  
CONTROLS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Introduction**

- 1.1. Nuclear Fission/Fusion; Nuclear fuel
- 1.2. Radioactivity
- 1.3. "Thermal" and "Fast" reactors
- 1.4. Heavy-water reactors

#### **Unit – II: India's Atomic Energy Programme**

- 2.1. India's overall energy needs and planning
- 2.2. India's Nuclear Energy Programme
- 2.3. The Atomic Energy Commission Act
- 2.4. Technology transfer and India's nuclear programme

#### **Unit – III: Hazard Aspects of Nuclear Power**

- 3.1. Uranium mining associated hazards
- 3.2. Accidents Potential: e.g. fuel failure, re-circulation pump failures, control valve leaks, failure of shut-down device, metal failure, of electronic monitoring and control systems
- 3.3. Occupational hazards for workers at research institutes and nuclear plants
- 3.4. The Regime of legal liability

3.4.1. Right to information as to levels of radioactivity

3.4.2. Right to compensation

3.4.3. Right to meaningful "rehabilitation"

#### **Unit – IV: Legal Aspects**

4.1. Secrecy and Right to information

4.2. Minimum public participation

4.3. Regimes of liability for mass disasters and personal injuries

4.4. Environmental: Law regulation of the hazardous aspects of nuclear energy production

#### **Select Bibliography**

In addition to official documents (e.g., Report of the DAE and Regulative Texts, consult, Centre for Science and Environment, The State of India's environment : 1984-1985 : The Second Citizen's Report (1985), also see relevant articles in Economic and Political Weekly; and the recent Supreme Court decision on the EEC radioactive butter case.

## **SEMESTER – III**

### **ELECTIVE SUBJECTS (ES)(SPECIALIZATION) FOR 3<sup>RD</sup> SEMESTER**

#### **PAPER - X**

**LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)**

**LL.M.-ES-SP-G01-P-X: HUMAN RIGHTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

#### **SYLLABUS**

##### **Unit – I: Panoramic View of Human Rights**

- 1.1. Human Rights in Non-western Thought
- 1.2. Awareness of Human rights during the nationalist movement
- 1.3. Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process
- 1.4. Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants)

##### **Unit – II: Right not be subject to Torture, Inhuman or Cruel Treatment**

- 2.1. Conceptions of torture, third-degree methods; "Justifications" for it
- 2.2. Outlawry of torture at international and constitutional law level
- 2.3. Incidence of torture in India
- 2.4. Judicial attitudes; Law Reform - proposed and pending

##### **Unit – III: Minority Rights**

- 3.1. Conception of minorities
- 3.2. Scope of protection
- 3.3. The position of minority "Woman" and their basic rights

### 3.4. Communal Riots as Involving violation of Rights

#### **Unit – IV: Miscellaneous**

- 4.1. People's Participation in Protection and Promotion of Human Rights
- 4.2. Development Agencies and Human Rights
- 4.3. Protection of the rights of indigenous peoples
- 4.4. European Convention of Human Rights

#### **Select Bibliography**

- 1. M.J. Akbar, Riots After Riots (1988)
- 2. U.Baxi (ed.), The Right to be Human (1986)
- 3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
- 4. F.Kazmi, Human Rights (1987)
- 5. L.Levin, Human Rights (1982)
- 6. Madhavtirtha, Human Rights (1953)
- 7. W.P. Gromley, Human Rights and Environment (1976)
- 8. H. Beddard, Human Rights and Europe (1980)
- 9. Nagendra Singh, Human Rights and International Co-operation (1969)
- 10. S.C. Kashyap, Human Rights and Parliament (1978)
- 11. S.C. Khare, Human Rights and United Nations (1977)
- 12. Moskowitz, Human Rights and World Order (1958)
- 13. J.A. Andrews, Human Rights in International Law (1986)
- 14. I. Menon (ed.), Human Rights in International Law (1985)
- 15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
- 16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of international law 279 (1978)

#### **PAPER – X**

**LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

**LL.M.-ES-SP-G02-P-X: INSURANCE LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introduction**

- 1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity, double insurance and re-insurance
- 1.2. Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance
- 1.3. Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III
- 1.4. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

### **Unit – II: General Principles of Law of Insurance**

- 2.1. Definition, nature and history
- 2.2. The risk - commencement, attachment and duration
- 2.3. Assignment and alteration
- 2.4. Settlement of claim and subrogation

### **Unit – III: Different types of Insurance**

- 3.1. Life Insurance
- 3.2. Marine Insurance
- 3.3. Insurance against Accidents
- 3.4. Property Insurance

### **Unit – IV: Insurance against Third Party Risks and Miscellaneous Insurance Schemes**

- 4.1. The Motor Vehicles Act, 1988
- 4.2. Liability Insurance

4.3. Group life insurance

4.4. Medi-claim, sickness insurance

### **Select Bibliography**

1. John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong
2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
3. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad
4. Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad
5. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
6. Birds, Modern Insurance Law (1997) Sweet & Maxwell
7. Colinvaux's Law of Insurance (1997), Sweet & Maxwell
8. O'Mary on Marine Insurance (1993), Sweet & Maxwell.
9. International Labour Office, Administration Practice of social Insurance (1985)
10. E.R. Hardy Ivamy, General Principles of insurance Law (1979)
11. Edwin W. Patterson, Cases and Materials on Law of insurance (1955)
12. M. N. Sreenivasan Law and the Life Insurance Contract (1914)

### **PAPER – X**

**LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)**

**LL.M.-ES-SP-G03-P-X: JUVENILE DELINQUENCY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: The Basic Concepts**

- 1.1. The conception of 'child' in Indian Constitution and Penal Code.
- 1.2. Delinquent juvenile



1.3. "Neglected" juvenile

1.4. The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)

## **Unit – II: Determining Factors of Juvenile Delinquency and Legislative Approaches**

2.1. Determining Factors of Juvenile Delinquency

2.1.1. Differential association

2.1.2. Anomie

2.1.3. Economic pressure

2.1.4. Peer group influence

2.1.5. Gang sub-culture

2.1.6. Class differentials

2.2. Legislative approaches during the late colonial era.

2.3. Legislative position in various States

2.4. The Juvenile Justice Act

## **Unit – III: Indian Context of Juvenile Delinquency**

3.1. Neglected juveniles - below poverty line, physically and mentally disabled, orphans, destitutes, vagrants

3.2. Delinquent - number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background

3.3. Drug addicts

3.4. Victims

3.4.1. Of violence - sexual abuse, battered, killed by parents

3.4.2. Of criminal activities like bootlegging, drug pollution as a response of protective approach

## **Unit – IV: Judicial Contribution, Implementation and Preventive Strategies**

4.1. Social action litigation concerning juvenile justice

4.2. Role of legal profession in juvenile justice system; Salient judicial decisions

4.3. Juvenile justice institution; Coordination among related agencies; Accountability - Annual Reports and accessibility of public to juvenile justice institution

4.4. Preventive Strategies

4.4.1. State Welfare programmes health, nutrition, ICWS, grants-in-aid

4.4.2. Compulsory education

4.4.3. Role of community, family, voluntary, bodies, individuals

### **Select Bibliography**

1. National institute of Social Defence, Model Rules under the Juvenile Justice Act, 1986, (1986)
2. K.S. Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offenders (1985)
4. Myron Weiner, The Child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials

### **PAPER – X**

**LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)**

**LL.M.-ES-SP-G04-P-X: LAW OF THE SEA**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Historical introduction to the law of the Sea**

- 1.1. Contributions of Seldon, Grotius, Bynkershock and others to the development of the early law; The Anglo-Norwegian Fisheries case and its aftermath
- 1.2. The technological revolution and utilization of the new resources of the sea
- 1.3. The U.N. Conferences on the Law of the Sea
- 1.4. Developing nations and the uses of sea

**Unit – II: Changing concepts of Maritime Frontiers**

- 2.1. Rights of states over territorial waters and contiguous zone
- 2.2. Continental Shelf
- 2.3. Exclusive Economic Zone
- 2.4. Principles for determination of maritime frontiers and Maritime Boundaries under the customary and conventional law

**Unit – III: Exploitation of Deep Sea-Bed Resources**

- 3.1. International Sea Bed Authority, its functions and powers
- 3.2. Decision-making; settlement of disputes
- 3.3. Principles governing joint ventures; transfer of data and training of personnel of the Authority
- 3.4. Problems and Perspectives of exploitation of Deep Sea-Bed Resources

**Unit – IV: Miscellaneous**

- 4.1. Conservation of Living Resources of the High Sea: Problems of Maritime Pollution
- 4.2. Land-locked States and the Law of the Sea
- 4.3. Sea as Common Heritage of Mankind; the Future of the Law of the Sea
- 4.4. International Sea Tribunal to Settle Disputes

**Select Bibliography**

1. Orrego Vicuna, The Changing International Law of the High seas Fisheries (1999), Cambridge
2. Ian Brownlie, Principles of Public International Law (1998), Clarendon press, Oxford
3. P. Chandrasekhara Rao, The New law of Maritime Zones (1983) Miling Publications, New Delhi
4. Samir Mankababy, The International Shipping Rules (1986), Croom Helm, London
5. Nagendra Singh, International Maritime law Conventions, Vol.I Navigation (1983) Stevens & Maxwell, London
6. Myron H. Nordquist and John Norton Moor (eds.), Ocean Policy - New Institutions, Challenges and Opportunities (1999), Kluwer

7. R.P. Anand, Law of the Sea, . Caracas and beyond (1978)
8. D.W. Bowett, Law of the Sea
9. D.W. Bowett, Legal Regime of Islands in International Law
10. John Colombos, International Law of the Sea (1962)
11. J.H. Hargrove, Who Protects the Ocean: Environment and the Development of the Law of the Sea
12. Devendra Kaushik, Indian Ocean towards a Peace Zone (1983)
13. Myres S. McDougal and W. Burke, The Public Order of the Oceans (1962)
14. D.P. P'Connel, International Law of the Sea, Vols. 1 & 11 (1982)

**PAPER – X****LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)****LL.M.-ES-SP-G05-P-X: INTERNATIONAL HUMANITARIAN LAW AND REFUGEE  
LAW****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Humanization of Warfare and Implementation of Humanitarian law**

- 1.1. Amelioration of the wounded and sick
  - 1.1.1. Armed forces in the field
  - 1.1.2. Armed forces at sea
- 1.2. Protection and facilities
  - 1.2.1. Prisoners of war
  - 1.2.2. Civilians in times of War
  - 1.2.3. Cultural properties
- 1.3. Implementation of Humanitarian Law and role of Red Cross
- 1.4. National Legislation

## **Unit – II: Control of weapons**

- 2.1. Conventional
- 2.2. Chemical
- 2.3. Biological
- 2.4. Nuclear

## **Unit – III: The Concept of refugees**

- 3.1. Definition of refugees and displaced persons - their problems
- 3.2. The UN Relief and Rehabilitation Administration and other International Refugee organizations: International protection
- 3.3. Protection under National laws
- 3.4. The problem of refugees in the light of contemporary International law issues

## **Unit – IV: Strategies to combat refugee problem**

- 4.1. Repatriation, resettlement local integration and rehabilitation.
- 4.2. Role of United Nations High Commissioner for Refugees (UNHCR)
- 4.3. UNHCR and India
- 4.4. Long term strategies and common responsibility; Role of NGOs in helping United Nations High Commissioner for refugees (UNHCR)

## **Select Bibliography**

- 1. B.S.Chimni, International Refugee Law, (2000).
- 2. Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
- 3. Kelly Dawn Askin, War Crimes Against Women, (1997).
- 4. M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997).
- 5. Guy S. Goodwin-Gill, The Refugee in International Law, (1996)
- 6. Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996)
- 7. Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)

8. Resettlement Handbook, The United Nations High Commissioner for Refugees
9. James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

**PAPER – X****LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)****LL.M.-ES-SP-G06-P-X: WAGES****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Constitutional Perspectives on Wages and International Standardisation**

- 1.1. Denial of minimum wage as forced labour
- 1.2. Constitutionalisation of legal rights: elevation of legal rights to fundamental rights
- 1.3. The constitutional ideals
  - 1.3.1. Right to work
  - 1.3.2. Right to living wage
  - 1.3.3. Right to equal pay for equal work
  - 1.3.4. Workers participation in management: impact on wage determination
- 1.4. International Standardization
  - 1.4.1. Role of ILO: Conventions and Recommendations relating to wages

**Unit – II: Theories and Facets of Wages**

- 2.1. Theories of wages
- 2.2. Wages, bonus and dearness allowance
  - 2.2.1. Basic wage
  - 2.2.2. Bonus as deferred wage or share of profits - eligibility
- 2.3. Allowances and concessions
  - 2.3.1. House rent allowance
  - 2.3.2. City compensatory allowance

- 2.3.3. Educational allowance
- 2.3.4. Conveyance allowance
- 2.3.5. Cash incentives: percentage on turn-over
- 2.3.6. Medical allowance
- 2.3.7. Leave travel concessions
- 2.3.8. Free and subsidized food and products
- 2.3.9. Leave encashment
- 2.3.10. Overtime allowances
- 2.4. Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages

### **Unit – III: Wages, Price and Tax**

- 3.1. Increase of wages - impact on price
- 3.2. Increase in price - impact on wages
- 3.3. Tax - impact on price and wages
  - 3.3.1. Taxation on goods and increase of prices
  - 3.3.2. Taxation on wage income - a cut on real wages
- 3.4. Wages and the consumer

### **Unit – IV: National Wage Policy: Problem and Perspectives**

- 4.1. National wage policy
- 4.2. Need for integrated approach: income, price and wage
- 4.3. Problems of mixed economy
  - 4.3.1. Capital intensive sector
  - 4.3.2. Labour intensive sector
- 4.4. Wages in Multi-national Corporations: Impact of Globalisation

### **Select Bibliography**

- 1. O.P. Malhotra, Law of industrial Disputes (1999)
- 2. R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)
- 3. Y.B. Singh, Industrial Labour in India Part I, (1960)

4. V.V. Giri, Labour Problem in Indian Industry Ch. 6 (1972)
5. Report of the National Commission on Labour 1969 (Relevant Portions)
6. International Labour Office, Wages (1968)
7. International Labour Office, Wage Fixing (1981)
8. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India - Problems and Prospects" 23 J.I.L.I. 495 (1981)
9. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
10. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India: An Evaluation of selected Empirical Implications". 15 Indian Journal of Industrial Relations 295 (1977)
11. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
12. Deepak Lal, Theories of Industrial Wage Structures: A Review" 15 Indian Journal of Industrial Relations 167 (1979)
13. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985)
14. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.I.L.I 444 (1973).
15. R.L. Chawla, "Wage Policy and Industrial Relations: A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27 (1981)

**PAPER – X****LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)****LL.M.-ES-SP-G07-P-X: BIOLOGICAL DIVERSITY AND LEGAL ORDER****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Bio-diversity**

- 1.1. Meaning, Need for protection of bio-diversity



- 1.2. Dependence of human life on the existence in flora and fauna
- 1.3. Significance of wild life, Plant and micro-organism; Medicinal plants
- 1.4. Development Projects and Destruction of Bio-diversity: Concept of Sustainable Development

**Unit – II: Bio-diversity and Legal Regulation**

- 2.1. Utilization of flora and fauna for bio-medical purposes
- 2.2. Experimentation on animals: Legal and ethical issues
- 2.3. Genetic mutation of seeds and micro-organisms; Genetic engineering
- 2.4. Legal mechanisms of control; Recognition of regional and local agencies

**Unit – III: Problems in Legal Regulation of Medicinal Plans**

- 3.1. Cosmetic plants
- 3.2. Animal products
- 3.3. Utilization of flora and fauna for bio-medical purposes by Multi-national corporations: Problems of control
- 3.4. Regulation of trade in wild-life products

**Unit – IV: Legal framework for Development and Protection of Sanctuaries**

- 4.1. Parks
- 4.2. Zoos
- 4.3. Biosphere resources
- 4.4. Protection of genetic resources for agriculture

**Select Bibliography**

- 1. Arjun Prasad Nagore, Bibliological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi
- 2. Project Large, Plant Variety Protection and Plant Biotechnology - Options for India (1999), Allied
- 3. M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983

4. Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982)
5. K.L.Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi
6. P.N. Bhat et.al., Animal Genetic Resources in India (1981)
7. P.N. Bhat, "Conservation of Animal Genetic Resources in India, "Animal Genetic Resources, Conservation and Management FAO, Rome, (1981)

**PAPER – X****LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)****LL.M.-ES-SP-G08-P-X: LAW AND SOCIETY****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Introduction**

- 1.1. The idea of social sciences; Law as a social science
- 1.2. Sociology of law as a relatively autonomous discipline
- 1.3. Place of law in the history of development of social science theory: Durkheim, Weber, Marx
- 1.4. The Idea of legal system (Normative, Behavioural, Institutional and Cultural) and the idea of social system (Consensus approach and Conflict approach)

**Unit – II: Functions of Law**

- 2.1. The law maintains legitimate monopoly of force in society
- 2.2. The law plays important role in resource allocation in society
- 2.3. The law provides resources for orderly and pacific handling of disputes and conflicts
- 2.4. The law is an important instrumentality of social control

### **Unit – III: The impact of Society on Law**

- 3.1. The law as volksgiest (Savigny)
- 3.2. The impact of public opinion on the making, unmaking, and implementation of laws
- 3.3. Pluralism: Control by elite, class domination and the law
- 3.4. Pressure groups, lobbying and legal policies; Lobbying for the poor

### **Unit – IV: Law as Instrument of Social Control - Impact of Law in Society**

- 4.1. Notions of social control
- 4.2. Religion, education and law as key instrumentalities of social control.
- 4.3. Distinctive features of law as a means of social control.
  - 4.3.1. Imposition of obligation to obey the law
  - 4.3.2. Incentives to compliance: Bentham's conception of relevance of the law to social expectations.
  - 4.3.3. Varieties of sanctions
  - 4.3.4. Legal administration as an aspect of social control
- 4.4. Limits of effective legal action

### **Select Bibliography**

- 1. U. Baxi, Towards Sociology of the Indian Law, (1987)
- 2. J. Bentham, Theory of Legislation, (1985)
- 3. Yash Ghai et al., The Political Economy of the Law: A Third World Reader, (1987)
- 4. Lawrence M. Friedman & Stewart Macoulay (eds.), Law, and Behavioural Sciences, (1977)
- 5. Charles E. Reardon & Robert M. Rich, The Sociology of Law. A Conflict Perspective, (1978)
- 6. Julius Stone, Social Dimensions of Law and Justice (1999) Universal
- 7. Upendra Baxi, "Durkheim and Legal Evolution: Some Problems of Disproof", 8 Law & Society Review, 645 (1974)
- 8. Katherine S. Newman, Law and Economic Organization: A Comparative Study of Preindustrial Societies (1983)
- 9. B.M. Shukla, Law and Social Justice (1998) Rawat Pub., Nagpur

10. W. Friedman, Law in a Changing Society (1996), Universal
11. Richara S. Schwartz, "Legal Evolution and Societal Complexity: A Reply to Professor Baxi" in 8 Law and Society Review 53 (1974)
12. Markanday Katju, Law in the Scientific Era (2000), Universal
13. Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas, New Delhi
14. Upendra Baxi, Towards a Sociology of Indian Law. (1986)

**PAPER - X****LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)****LL.M.-ES-SP-G09-P-X: LABOUR, GENDER AND THE LAW****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Women Labour: Introductory**

- 1.1. Sex ratio in employment in modern sectors
- 1.2. Female labour in unorganized subsistence sector
- 1.3. Self-employed women
- 1.4. "Housewification" process: Quantification of domestic and family work and services

**Unit – II: Paternalistic Legislation and Employment of women**

- 2.1. Hours of work legislation and exclusion of women from the labour force
- 2.2. Hazardous operations and women labour exclusion
- 2.3. Home-based production and exploitation of women's labour, with special reference to Beedi and Cigar Workers' Act
- 2.4. Female Agricultural Labour

**Unit – III: Legal and Jurisprudential Questions Arising from the Case Studies**

- 3.1. The anti-women model of development and planning - Consonance with constitutional obligations with the state

- 3.2. The enforcement of equalitarian laws
- 3.3. Associational rights of working women, legal repression and fundamental rights
- 3.4. Law reform and social action for amelioration of the situation

#### **Unit – IV: Self -Employed Women**

- 4.1. Conceptions of self-employment
- 4.2. SEWA: A success story?
- 4.3. Position of self-employed women at laws
- 4.4. Need for law reform

#### **Select Bibliography**

- 1. U. Baxi, Law and Poverty: Critical Essays (1988)
- 2. Government of India, National Commission on Self - Employed Women (1988)
- 3. Government of India, Towards Equality: Report of the Committee on the Status of Women (1975), Ministry of Social welfare
- 4. Manisha Gupta & Anita Borkar, Women's Work Fertility and Access to Health Care (1988) , the Foundation for Research in Community Health, Bombay
- 5. A. Mitra, L. Pathok, S. Mukedi, The Status of Women: Shift in Occupational Participation (1980)
- 6. Maria Mies, The Lace-makers of Narsapur: Indian Housewives Prepare for the World Market, (1982)
- 7. Maria Mies, Indian Women in Subsistence and Agricultural Labour (1987)

#### **PAPER – X**

**LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)**

**LL.M.-ES-SP-G10-P-X: LOCAL SELF - GOVERNMENT LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Historical Perspectives and Constitutional Scheme**

- 1.1. Early period
- 1.2. Gram Swaraj: the Gandhian concept
- 1.3. Directive Principles
- 1.4. Structure and powers of local bodies

### **Unit – II: Legislative and Quasi-legislative Powers**

- 2.1. Direct democracy and grass root planning
- 2.2. Municipalities and corporation
- 2.3. Gram Sabha
- 2.4. Rule making power of the State Government; Regulations and Bye-laws

### **Unit – III: Financial, Judicial and Quasi-judicial powers**

- 3.1. Levying taxes
- 3.2. Licensing power
- 3.3. Financial resources and powers
- 3.4. Judicial and Quasi-judicial powers of the Local Bodies

### **Unit – IV: Miscellaneous**

- 4.1. Election to Local Bodies
- 4.2. Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha
- 4.3. Democratic decentralization: Merits and Demerits
- 4.4. Institutional and Judicial Control

### **Select Bibliography**

1. Friedman, The State and the Rule of Law in a Mixed Economy
2. Neville L. Brown and J.F. Garner, French Administrative Law
3. Dicey, Introduction to the Law of the Constitution,

4. Ivor Jennings, Law and the Constitution
5. Schwartz & Wade, Legal Control of Government
6. Davis, Discretionary Justice
7. Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
8. De Smith, Judicial Review of Administrative Action (1995)
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10. W. Thornhill (ed.), The Growth and Reform of English Local Self-government (1971), Weidenfeld and Nierlson, London
11. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi
12. M. Venketarangaiya & M. Pattabhiram, Local Government in India (1969) Allied, New Delhi

**PAPER – X**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-X: BIOTECHNOLOGY AND LEGAL REGULATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I: Introductory**

- 1.1. Decoding the Structure of the DNA/RNA
- 1.2. The Technology of Splicing
- 1.3. Cloning; Cell-Fusion
- 1.4. Genetic Engineering

**Unit – II: Biotechnology Agro-business and Biological Diversity**

- 2.1. Plant Genetic Resources in Nature: Abundance of biological diversity
- 2.2. The Genetic mutation of Seed: Seed industry at global level: Indian Seeds Act, 1966

2.3. The Impact of Biotechnology on Biological Diversity: Erosion of plant genetic resources

2.4. The green revolution and biotechnology

2.4.1. Growth of fertilizer and pesticide industry

2.4.2. Impact of fertilizer and pesticides on agricultural workers

2.4.3. Bhopal green revolution and biotechnology

2.4.4. Agro-business and reckless commercial exploitation of biotechnology

### **Unit – III: Biotechnology and Human Health**

3.1. Genetic Markers: Diagnostic biotechnology

3.2. Conquest of disease

3.3. Genetic screening

3.3.1. Prevention of genetic disease and mental retardation

3.3.2. Uses and abuses of amniocentesis;

3.4. Cloning of human beings

### **Unit – IV: Legal Regulation of Biotechnology**

4.1. Regulation of government sponsored research

4.2. Regulation of Private Research and Development

4.3. Regulation of deliberate and accidental release of genetically mutated micro-organisms

4.4. Progress of biotechnology and legal regulation in India

### **Select Bibliography**

1. U.Baxi, Biotechnology and Legal Order: Dilemmas of the Future of Law and Human Nature (1993)

2. D. Bull, A Growing Problem: Pesticide and the Third World Poor (1982)

3. J. Doyle, Altered Harvest, Agriculture, Genetics and Fate of The World's Food Supply (1986)

4. Z. Harsanyi & R. Hutton, Genetic Prophecy: Beyond the Double Helix (1987)



5. United Nations, Our Common Future : The World Commission on Environment and Development (1987)
6. Symposium on Biotechnology and Law, 11 Rutgers Computer and Technology Law Journal (1985)

### **PAPER - XI**

**LL.M.-ES-SP-G01: CONSTITUTION AND LEGAL ORDER (GROUP-1)**

**LL.M.-ES-SP-G01-P-XI: NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF  
LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **Syllabus**

#### **Unit – I: National Security, Public Orders and Rule of Law**

- 1.1. Concept of Civil Liberties; Meaning of “Security of State” and “Public Order”
- 1.2. Emergency Detention in England - Civil Liberties; Protection of Civil Liberties in U.S.A.
- 1.3. Pre-Independence law
- 1.4. International Conventions for Protection of Civil Rights

#### **Unit – II: Preventive Detention and Indian Constitution**

- 2.1. Legality of Preventive Detention
- 2.2. Protection against Preventive Detention: Article 22 of the Constitution
- 2.3. Preventive Detention and Safeguards
- 2.4. Declaration of Emergencies: 1962, 1965, 1970 and 1975 Emergencies

#### **Unit – III: Exceptional Legislation**

- 3.1. COFEPOSA and other legislation to curb economic offenders
- 3.2. TADA: "the draconian law"-comments of NHRC
- 3.3. Special courts and tribunals

3.4. Due process and special legislation

**Unit – IV: Access to Courts under Emergency and Martial Law**

- 4.1. Article 359: ups and downs of judicial review
- 4.2. Constitution (Forty-fourth), Amendment Act, 1978
- 4.3. Constitution (Fifty-ninth) Amendment Act, 1988
- 4.4. Martial Law
  - 4.4.1. Provisions in English Law
  - 4.4.2. 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)

**PAPER - XI**

**LL.M.-ES-SP-G02: BUSINESS LAW (GROUP-2)**

**LL.M.-ES-SP-G02-P-XI: CORPORATE FINANCE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**Syllabus**

**Unit – I: Introduction**

- 1.1. Meaning, importance and scope of corporation finance
- 1.2. Capital needs - capitalisation - working capital - securities-borrowings-deposits  
Debentures
- 1.3. Objectives of corporation finance - profit maximisation and wealth maximisation

1.4. Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; entry 24 of List 11 - State List

**Unit – II: Equity Finance; Debt Finance; Conservation of Corporate Finance; Protection of Creditors and Investors**

- 2.1. Equity Finance
- 2.2. Debt Finance
- 2.3. Conservation of Corporate Finance
- 2.4. Protection of Creditors and Investors

**Unit – III: Corporate Fund Raising**

- 3.1. Depositories - IDR (Indian Depository Receipts), ADR (American Depository Receipts), GDR (Global Depository Receipts)
- 3.2. Public Financing Institutions - IDBI, ICICI, IFC and SFC
- 3.3. Mutual Fund and other collective investment schemes
- 3.4. Institutional investments - LIC, UTI and Banks; FDI and NRI investment - Foreign institutional investments (IMF and World Bank)

**Unit – IV: Administrative Regulation on Corporate Finance**

- 4.1. SEBI
- 4.2. Central Government control
- 4.3. Control by Registrar of Companies
- 4.4. Control by Reserve Bank of India

**Select Bibliography**

- 1. Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.
- 2. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III
- 3. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999), Butterworths
- 4. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
- 5. Austen R.P., The Law of Public Company Finance (1986) LBC

6. R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
7. Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
8. Gilbert Harold, Corporation Finance (1956)
9. Henry E. Hoagland, Corporation Finance (1947)
10. Maryin M. Kristein, Corporate Finance (1975)
11. S.C. Kuchhal Corporation Finance: Principles and Problems (6th ed. 1966)
12. Y.D. Kulshreshta, Government Regulation of Financial management of Private Corporate Sector in India (1986)
13. Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems
14. Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology

**PAPER - XI****LL.M.-ES-SP-G03: CRIMINAL LAW (GROUP-3)****LL.M.-ES-SP-G03-P-XI: COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE  
SYSTEM****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: Introductory**

- 1.1. Concept of collective violence; Distinctions: "symbolic" violence, "institutionalised" violence, "structural violence"
- 1.2. "Constitutional" and "Criminal" speech: Speech as incitement to violence
- 1.3. "Collective political violence" and legal order
- 1.4. Changing dimensions of collective violence

**Unit – II: Approaches to Violence in India**

- 2.1. Religiously sanctioned structural violence: Caste and gender based

- 2.2. Gandhiji's approach to non-violence; Ahimsa in Hindu, Jain, Buddhist, Christian, and Islamic traditions in India
- 2.3. Discourse on political violence and terrorism during colonial struggle
- 2.4. Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

### **Unit – III: Agrarian Violence and Repression**

- 3.1. The nature and scope of agrarian violence in the 18-19 centuries India
- 3.2. Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3. The Telangana struggle and the legal order
- 3.4. The Report of the Indian Human Rights Commission on Arwal Massacre

### **Unit – IV: Violence against the SCs, STs, Women, Minorities and Communal Violence**

- 4.1. Violence and Atrocities against SCs, STs, Women and Minorities
- 4.2. Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 4.3. Incidence and courses of "Communal" violence
- 4.4. The role of Police and Para-military systems in dealing with communal violence; Operation of criminal justice system tiring, and in relation to, communal violence

### **Select Bibliography**

- 1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo - American Reflections 92 (1988)
- 2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
- 3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
- 4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
- 5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
- 6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983)
- 7. Ranjit Guba, (ed, ) Subaltern Studies Vol. 1-6 (1983-1988)
- 8. T. Honderich, Violence for Equality (1980)

9. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
10. Rajni Kothari, State Against Democracy (1987)
11. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
12. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

**PAPER - XI****LL.M.-ES-SP-G04: INTERNATIONAL LAW AND ORGANIZATION (GROUP-4)****LL.M.-ES-SP-G04-P-XI: INTERNATIONAL AND CONTEMPORARY ISSUES****FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)****NO. OF CREDITS – 4****SYLLABUS****Unit – I: The New International Economic Order (NIEO)**

- 1.1. Background
- 1.2. Essential component of the NIEO
- 1.3. State acceptance and practice of NIEO principles.
- 1.4. Critique of NIEO

**Unit – II: The Right to Development**

- 2.1. The 1979 G.A. Resolution
- 2.2. Progress towards enunciation of the Declaration of Right for Development
- 2.3. Basic Concepts of right to development
- 2.4. State acceptance and practice.

**Unit – III: Towards Sustainable Development**

- 3.1. The Context of U.N. Commission on Environment and Development
- 3.2. Our Common Future: the Report of the Commission.
- 3.3. Proposed legal principles for environmental protection and sustainable development.

3.4. State acceptance and practice

**Unit – IV: Miscellaneous**

- 4.1. Changing dimension of International law
- 4.2. International Trade law
- 4.3. International Criminal law and Terrorism
- 4.4. Climate change and Sustainable Development Goals: The International Scenario

**Select Bibliography**

- 1. H.W. Singer & J.A. Ansari, Rich and Poor Countries (1982)
- 2. P. Alston, "Development and the Rule of Law; Prevention Versus Cure as a Human Rights Strategy" in Human Right and Rule of law 83 (1981)
- 3. R. Falk, The End of the World Order (1983)
- 4. S. Gwrge, How the other Half Dies: The Real Persons for World Hunger (1976)
- 5. U. Bad, "The New International Economic Order, Basic Needs and Rights: Notes towards Development of the Right to Development": in Role of Law and Judiciary in Transformation of Society: India G.D.R. Experiments 178-205 (1984) D.A. Desai ed.) And see the literature there in cited. This paper is also published in the J. of the Indian Society of international Law.
- 6. UN Report of the Secretary General: "The International Dimensions of the Right to Development as a Human Right with other Human Right Based on International Cooperation, including the Right to Peace, Taking into Account the Requirement of the New International Economic Order and the Fundamental Human Needs". EICN - 41374.
- 7. U.N., Our Common Future: The World Commission on Environment and Development (1987)

**PAPER - XI**

**LL.M.-ES-SP-G05: HUMAN RIGHTS (GROUP-5)**

**LL.M.-ES-SP-G05-P-XI: SCIENCE, TECHNOLOGY AND HUMAN RIGHTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

## **SYLLABUS**

### **Unit – I: Introductory**

- 1.1. Interrelationship of Science, Technology and Human Rights
- 1.2. Implication of Development of Science and Technology on Human Rights
- 1.3. Right to environment in the development of science and technology; Right to development in the advancement of science and technology
- 1.4. Right to human health and impact of developments in medical sciences

### **Unit – II: Medicine and the Law**

- 2.1. Organ transplantation
- 2.2. Experimentation on human beings
- 2.3. Euthanasia (mercy killing)
- 2.4. Gene therapy

### **Unit – III: Issue of Human Rights Ethics in Scientific and Technological Development**

- 3.1. Sex determination test; Induced abortion
- 3.2. Reproductive technology
- 3.3. Cloning
- 3.4. Surrogate motherhood

### **Unit – IV: Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community**

- 4.1. Development in Information Technology and Human Rights
- 4.2. Right to life; Right to adequate standard of living; Right to privacy and Right to information
- 4.3. Right to Physical integrity
- 4.4. Right to benefit from scientific and technological progress



### **Select Bibliography**

1. Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997)
2. Suresh T. Viswanathan, The Indian Cyber Law, (2000)
3. D.P.Mittal, Law of Information Technology (Cyber Law), (2000)
4. Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
5. Kamenka, E., Ideas and Ideologies Human Rights (1978)
6. Kazmi, F., Human Rights, (1987)
7. Gromley W.P., Human Rights and Environment, (1976)
8. Swarup J., Human Rights and Fundamental Freedoms, (1975)
9. Nagendra Singh, Human Rights and International Cooperation, (1969)
10. Khare S.C., Human Rights and United Nations, (1977)
11. Moskowitz, Human Rights and World Order, (1958)
12. Robertson, A.B. (ed.), Human Rights in National and International Law, (1970)
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### **PAPER - XI**

**LL.M.-ES-SP-G06: LABOUR, CAPITAL AND LAW (GROUP-6)**

**LL.M.-ES-SP-G06-P-XI: SOCIAL SECURITY LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Social Security**

- 1.1. Meaning
- 1.2. Distinction with labour welfare
- 1.3. Modality: social prescription, social assistance and social insurance
- 1.4. Labour social security as part of the general social security in the welfare state

**Unit – II: Origin and Development**

- 2.1. Western countries - charitable institutions - professional guilds – philanthropic organisations - workmen's compensation law in England
- 2.2. Eastern societies - India: joint family system, statutory schemes
- 2.3. International norms on social security for labour : the ILO measures
- 2.4. From Compensation to Insurance
  - 2.4.1. Judicial interpretation of the expression "arising out of and in the course of employment"
  - 2.4.2. Employees' state insurance benefits: an improvement over workmen's compensation

**Unit – III: Constitutional Perspectives and Social Security: Law and Practices**

- 3.1. Fundamental Rights: realization of the rights through meaningful social security measures: right to life, the wider dimensions
- 3.2. Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement, maternity relief
- 3.3. Social Security: Law and Practices - The Comparative Perspectives
  - 3.3.1. The United Kingdom
  - 3.3.2. The United States
- 3.4. Some Aspects of social security measures in developing and developed countries

**Unit – IV: Towards an Ideal Social Security Scheme: the Futuristic**

- 4.1. Quality of Working Life and Quality of Life
- 4.2. Comprehensive and integrated social security: An Utopian concept or a pragmatic approach?
  - 4.2.1. Funding
  - 4.2.2. Benefits and beneficiaries
- 4.3. Role of Trade Unions
  - 4.3.1. Social security clauses in collective agreements
  - 4.3.2. Trade union schemes with its own fund
- 4.4. Social Security Measures in India

### **Select Bibliography**

1. R.N.Choudhry, Commentary on the Workmen's Compensation Act 1923 (2000), Orient
2. S.C. Srivastava, Social Security and Labour Laws (1985).
3. R.W. Rideout Principles of Labour Law (1988), Chs. 12,13.
4. H.K. Saharay, Industrial and labour Laws of India (1987) Chs. 7 and 8
5. Munkman, Employers' Liability (1985), Chs. 1, 2, 3, 22 and 23
6. Harry Calvert, Social Security Laws (1978)
7. Reports of the National Commission on Labour 1969 (relevant portions)
8. Neeru Sehgal, "Employment of Women and Reproductive Hazards in Workplace", 29 J.I.LI 201 (1987)
9. Prakash Sinha, "Quality of Working Life and Quality of Life", (1982) Indian Journal of Industrial Relations, p. 373
10. Mallik Jyotsna Nath, "Workmen's compensation Act and some Problems of Procedure", 3 J.I.L.I. 131 (1961)
11. V.R. Bhattacharya, Some Aspects of Social Security Measures in India (1970)

### **PAPER - XI**

**LL.M.-ES-SP-G07: ENVIRONMENT AND LEGAL ORDER (GROUP-7)**

**LL.M.-ES-SP-G07-P-XI: ENVIRONMENTAL LEGISLATION**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: General Laws on Environmental Concern**

- 1.1. Code of Criminal Procedure: Public nuisance
- 1.2. Provisions in the Indian Penal code
- 1.3. Local bodies law: an overview
- 1.4. Environment (Protection) Act, 1986

## **Unit – II: Coastal Zone Management**

- 2.1. Sea erosion
- 2.2. Coastal Regulation Zone (CRZ) Notification
  - 2.2.1. Prohibitions and exemptions
  - 2.2.2. Permissible activities
- 2.3. Classification of zones and Coastal zone management plans
- 2.4. Regulation of sea resorts
  - 2.4.1. Eco-tourism

## **Unit – III: Emerging Legal Controls**

- 3.1. Eco-mark
- 3.2. Environmental audit
- 3.3. Environment Impact Assessment
- 3.4. Public participation in environmental decision making

## **Unit – IV: Miscellaneous**

- 4.1. Laws on Hazardous Substance
- 4.2. Preparedness on Environmental Disasters
- 4.3. Environment Information
- 4.4. Aquaculture

## **Select Bibliography**

- 1. Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow
- 2. Leelakrishnan, P, The Environmental Law in India (1999), Butterworths, India
- 3. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)
- 4. Indian Law Institute, Environment Protection Act: An Agenda for Implementation (1987)
- 5. Indian Journal of Public Administration, Special Number on Environment and Administration, July - September 1988, Vol. XXXV, No.3

6. Findley, R.W. and Farber, D.A., Environmental Law
7. David Hughes, Environmental Law (1999), Butterworths, London
8. Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (2000), Oxford
9. Jaiswal, P.S. and Jaiswal, N, Environmental Law

### **PAPER – XI**

**LL.M.-ES-SP-G08: JURISPRUDENCE (GROUP-8)**

**LL.M.-ES-SP-G08-P-XI: CONCEPTS OF RIGHTS**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

### **SYLLABUS**

#### **Unit – I: Classification and Categorization of Rights**

- 1.1. Constitutional Rights
- 1.2. Rights protected by the IPC and Cr. P.C.; New rights generated in case law
- 1.3. Types of rights: positive, negative, natural, legal, and absolute in rem, in personam
- 1.4. Correlation of rights with duties

#### **Unit – II: History of Legal Discourse on Rights**

- 2.1. French Revolution and the Rights of man: Locke, Thomas Paine, Rousseau, Kant
- 2.2. The British Bill of Rights; The emergence of the American Bill of Rights
- 2.3. Declaration of Human Rights: The Soviet and Arab opposition
- 2.4. The Karachi Resolution and the First Indian Bill of Rights; The Constitutional debates in India: 'due process', rights of minorities, rights to property

#### **Unit – III: Nature and Structure of Rights**

- 3.1. What are Rights?
  - 3.1.1. Rights as Trumps. (Ronald Dworkin)
  - 3.1.2. Rights as Utility: David Lyons.

- 3.1.3. Rights as entitlement (Robert Nozick)
- 3.1.4. Rights as values. (Allen Buchanan)
- 3.2. Natural Rights and Absolute Rights
- 3.3. Correlation of Rights with other legal concepts - the Hohfeldian concept
- 3.4. Generation of Rights: The internal logic of the number of rights

#### **Unit – IV: The Basis of Rights**

- 4.1. Why do people have rights; Rights, Options and Entitlements
- 4.2. Grounds for claiming rights
  - 4.2.1. Explanations emerging from theory of self
- 4.3. Explanations emerging form theories of society
- 4.4. Explanations emerging from theories of morality

#### **Select Bibliography**

1. Upendra Baxi, The Crisis of the Indian Legal System (1985), Vikas Publishing House, New Delhi
2. Bentham on Legal Rights, in Oxford Essays in Jurisprudence, Second Series, (1973)
3. W.N. Hohfeld, Fundamental Legal Conceptions (1923)
4. D. Miller, Social Justice ch. 2, (1976)
5. R. Perry, 'A Paradigm of Philosophy: Hohfeld on Legal Right', 14 American Phil. Quarterly, 41 (1977)
6. M. Cranston, What are Human Rights? (1973)
7. R.M. Dworkin, Taking Rights Seriously (1996), Universal, New Delhi
8. J. Finnie, Natural Law And Natural Rights (1980), Clarendon Press
9. C. Fledrich, 'Rights, Liberties and Freedoms - A Reappraisal', 57 American PoL Sci. Rev. 841 (1963)
10. H.J., McCloskey, 'Human Needs, Rights and Political Values 134 American Philosophical Quarterly (1976)
11. R. Wasserstorm, 'Rights, Human Rights and Racial Discrimination', 628 (1964) 61 Journal of Philosophy
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**PAPER - XI**

**LL.M.-ES-SP-G09: FEMINIST CRITIQUE OF LEGAL ORDER (GROUP-9)**

**LL.M.-ES-SP-G09-P-XI: POPULATION PLANNING AND GENDER JUSTICE**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I: Introductory**

- 1.1. About demography as a social science; Demography and human and cultural geography
- 1.2. Poverty and population
- 1.3. Population policy perspectives
- 1.4. Constitutional Aspects of Population Policy

**Unit – II: Law as a Factor - Affecting Fertility**

- 2.1. Notions of fertility.
- 2.2. Raising the minimum age of marriage through the law: Problems and prospects
- 2.3. Population planning and equal inheritance rights for women, as factor affecting fertility
- 2.4. Adverse sex ratio and legal order
  - 2.4.1. Infant mortality rate of girls
  - 2.4.2. Nutritional sex discrimination
  - 2.4.3. Amniocentesis
  - 2.4.4. "Social sterilization" of widows
  - 2.4.5. Polygamous marriages
  - 2.4.6. Uniform Civil Code and population planning

**Unit – III: Sterilization**

- 3.1. Vasectomy v. Tubectomy: Discrimination against women in family welfare programmes
- 3.2. Incentives and disincentives for family planning
- 3.3. Abortion law and services
- 3.4. Injectable contraceptives, women's health and wellbeing, and judicial response

**Unit – IV: Laws on Economic Factors Affecting the Family**

- 4.1. The incidence of income tax and family planning
- 4.2. Maternity benefits
  - 4.2.1. Factories Act
  - 4.2.2. Maternity Benefits Act, 1961
  - 4.2.3. Workmen's Compensation Act, 1923
  - 4.2.4. The Minimum Wages Act, 1948
- 4.3. Child labour regulation and population planning
- 4.4. Migration, Law, Population Planning

**Select Bibliography**

- 1. Ashoka Mitra, The India's Population: Aspects of Quality Control, (1978)
- 2. S. Chandrasekhar, Population and Law in India, (1976)
- 3. Govt. of India, Towards Equality Report of the National Committee on the Status of Women (1975)
- 4. Govt. of India, The Shah Commission Report on Emergency Excesses (1978)  
Relevant Articles from The Economic and Political Weekly

**PAPER - XI**

**LL.M.-ES-SP-G10: ADMINISTRATIVE LAW (GROUP-10)**

**LL.M.-ES-SP-G10-P-XI: COMPARATIVE ADMINISTRATIVE LAW**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**



## **SYLLABUS**

### **Unit – I: Evolution and Significance of Administrative Law in Various Systems of Governance - From Ancient to Modern**

- 1.1. French system
- 1.2. England and US
- 1.3. Indian system
- 1.4. Other systems

### **Unit – II: Doctrine of Separation of Powers; Delegated Legislation and Administrative Discretion**

- 2.1. Comparative survey - Common law and Continental systems: English, US, French, German and Indian
- 2.2. Comparative approaches - widening contours: classification, controls over delegated legislation
- 2.3. Need for discretionary powers
- 2.4. Nature, scope and limits

### **Unit – III: Processual Fairness**

- 3.1. Evolution and significance of natural justice
- 3.2. England: judicial process - doctrine of fairness and doctrine of legitimate expectation - legislation
- 3.3. US: due process and judicial decisions - legislation India: through judicial process doctrine of fairness: Articles 14, 19 and 21 - doctrine of legitimate expectation
- 3.4. Access to information

### **Unit – IV: Liability of Administration - England, US and Indian Practices**

- 4.1. Contractual liability
- 4.2. Tortious liability
- 4.3. Federal Tort Claims Act, 1946; Crown Proceedings Act 1947
- 4.4. Indian attempts at legislation

**Select Bibliography**

1. Peter H. Schuck, Foundations of Administrative Law (1994), Oxford, New York
2. Friedman, The State and the Rule of Law in a Mixed Economy
3. Neville L. Brown and J.F. Garner, French Administrative Law
4. Ivor Jennings, Law and the Constitution
5. Schwartz & Wade, Legal Control of Government
6. Davis, Discretionary Justice
7. De Smith, Judicial Review of Administrative Action (1995)
8. Neil Hawke and Neil Papworth, Introduction to Administrative Law (1996), Lawman, New Delhi
9. D.D.Basu, Comparative Administrative Law, (1998)

**PAPER - XI**

**LL.M.-ES-SP-G11: SCIENCE, TECHNOLOGY AND LAW (GROUP-11)**

**LL.M.-ES-SP-G11-P-XI: EPIDEMIOLOGICAL AND PUBLIC HEALTH ASPECTS OF  
SCIENCE AND TECHNOLOGY**

**FULL MARKS – 100 (Theory – 60 and Internal Assessment – 40)**

**NO. OF CREDITS – 4**

**SYLLABUS**

**Unit – I: Generation of Human resources through the exploitation of medical science and technology**

- 1.1. Biomedical concept - health as absence of disease
- 1.2. Ecological concept - health as a state of balance between man and environment
- 1.3. Bio-social and bio-cultural concept - health includes the consideration of social, cultural and psychological factors
- 1.4. Health as Basic human Right

**Unit – II: Impediments to Public Health**

- 2.1. Undue emphasis on curative medicine as the basis of primary health care (as a result of uncritical acceptance of the western model of medical health care)
- 2.2. Concentration of health care services in urban areas

- 2.3. Meagre resource allocations to cover the hitherto uncovered rural population
- 2.4. Neglect of preventive, promotive and rehabilitative aspects of health care

### **Unit – III: Public Health: A Key to National Socio-Economic Development**

- 3.1. Health for all: Alma-Ata Declaration
- 3.2. Sectors serving as inputs to public health
  - 3.2.1. Drugs and pharmaceuticals
  - 3.2.2. Education and social welfare
  - 3.2.3. Housing; Potable water; Sanitation
  - 3.2.4. Prevention of food adulteration
  - 3.2.5. Immunization
  - 3.2.6. Conservation of environment
- 3.3. Laws Relating to Public Health and Convenience
  - 3.3.1. Anti-Smoking Laws - The Cigarettes and other Tobacco Products (Prohibition of Advertisements and Regulation of Trade and Commerce, Production, Supply and Distribution) Act, 2003
  - 3.3.2. The Food Safety and Standards Act, 2006 and Relevant Provisions of Chapter XIV of IPC 1860
  - 3.3.3. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013
- 3.4. Reproductive and Therapeutic Technology – Surrogacy; Organ Transplantation Technology and the Transplantation of Human Organs and Tissues Act, 1994

### **Unit – IV: Miscellaneous**

- 4.1. Correlation between population stability and primary health care
- 4.2. Modes of enforcing small-family norms
- 4.3. Health care to self-inflicted diseases such as oral cancer due to tobacco chewing
- 4.4. Universal primary health care versus specialized medical care

### **Select Bibliography**

- 1. Report of Working Group on Health for All by 2000A.D. (1981)

2. M.J. Roberts, "The Logical and Philosophical Problems of Allocation of Scarce Health Care Resources", in Health Policy towards the 21st Century 47-72 (1984)
3. V. Ramalingaswami, "Medicine, Health and Human Development", The Ninth Jawaharlal Nehru Lecture, New Delhi, Nov. 1975
4. D.D. Kulpati, "The Basic Concepts of Health", in Dilemmas in Health Policy, at C-9, C-13 (1986)
5. Pragya Kumar & Virendra Kumar, "Health as a Fundamental Human Right", in Dilemmas in Health Policy, at C-1 C-8 (1986)

## **SEMESTER – IV**

### **CORE SUBJECTS (CS) FOR 4<sup>TH</sup> SEMESTER**

#### **PAPER – XII**

**LL.M.-CS-06-P-XII: DISSERTATION AND VIVA-VOCE (Equivalent to 02 papers)**

**FULL MARKS – 200 (There will be no Internal Assessment)**

**08 CREDITS**

The topics for dissertation along with the Teacher Guides/Supervisors for each student shall be notified by the Head of the Department/Principal within a week from the commencement of 4<sup>th</sup> semester. During the Dissertation work for the purpose of attendance a candidate shall meet the Teacher Guide/Supervisor twice a week in the class allotted there for. A candidate shall prepare the dissertation (Minimum 100 pages and Maximum 150 pages) as per guidance of the Teacher and submit his/her soft copy (in a Compact Disc) and four hard copies of the dissertation on the date of examination. The dissertation should be neatly typed in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. Proper research methodology should strictly be followed at the time of preparing the dissertation.

Viva Voce examination shall be conducted by a Board of Examiners as prescribed in the Regulations.

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# **PART – II**

## **REGULATIONS**

**FOR**

**MASTER OF LAWS (LL.M.) TWO YEARS PROGRAMME**

**(SEMESTER PATTERN)**

**( UNDER CHOICE BASED CREDIT SYSTEM )**

**EFFECTIVE FROM**

**2021 – 2022 ACADEMIC SESSION**

**MADHUSUDAN LAW UNIVERSITY**

**CUTTACK**

# **MADHUSUDAN LAW UNIVERSITY**

## **REGULATIONS FOR THE MASTER OF LAW (LL.M.) PROGRAMME (SEMESTER COURSE) UNDER CHOICE BASED CREDIT SYSTEM**

**(Effective from the 1<sup>st</sup> Semester, LL.M. Admission  
from the Academic Session 2021-2022)**

### **1. NAME OF THE PROGRAMME: MASTER OF LAWS (LL.M.)**

### **2. APPLICABILITY:**

These Regulations for Master Degree (LL.M.) Programme shall be applicable to the P.G. Department of Law, Madhusudan Law University and all other affiliated law colleges having P.G.(LL.M.) Programme under the Madhusudan Law University, Cuttack. It shall come into effect from the Academic Session 2021-2022.

### **3.ELIGIBILITY:**

**3.1.** A candidate who has passed the Bachelor Degree of Law Examination (three years LL.B./five years integrated LL.B.) with minimum 50% marks in the aggregate shall only be eligible for admission to this Programme.

**3.2.** From among the eligible candidates selection for admission to the Programme shall be made on the basis of the procedure to be decided by the Govt. of Odisha from time to time (as per practice) which shall be applicable to the P.G. Department of Law, Madhusudan Law University as well as all affiliated law colleges of this University imparting LL.M. Programme. Reservation of seats will be as per the Government Rules.

**3.2.** However, in case the joint entrance examination for the Programme is being conducted by the Government agency, then the rules, regulations, notifications, orders

etc. issued by the Government from time to time for this purpose shall be applicable for the whole admission process.

**3.4.** No student shall be ordinarily admitted as a matter of right or provisionally to the 1<sup>st</sup> Semester Class of the Programme unless he/she fulfills the criteria for admission. Admission to subsequent semesters is subject to fulfillment of Rules and Regulations set by the Madhusudan Law University from time to time.

**4. NO. OF SEATS:** The total number of seats will be 60.

**5. FEES:** The fees for admission shall be as prescribed by the University from time to time.

**6. KEY WORDS:**

**6.1. Programme:** An educational programme leading to award of a Degree.

**6.2. Academic Year:** Two consecutive (one odd + one even) semesters constitute one Academic Year.

**6.3. Duration:**

**6.3.1.** The duration of the Programme shall spread over for a period of two academic years which shall consist of four semesters.

**6.3.2.** In all semesters each class/period shall be of one hour duration.

**6.4. Semester:** Each semester will consist of 15 -18 weeks of academic work equivalent to 90 actual teaching days which shall include lecture, tutorial, seminar, library work etc. The odd semester may be scheduled from July to December and even semester from January to June.

**6.5. Course:** Courses in LL.M. Programme may be of two kinds: Core course and Elective course. Core course is the course which is to be compulsorily studied by a



student as a core requirement to complete the requirement of the programme. Elective course is a course which can be opted from a group of papers. **Course is usually referred to as 'Papers' of a Programme.**

**6.7. Medium of Instruction:** The medium of instruction will be English.

**6.8. Choice Based Credit System (CBCS):** The CBCS provides choice for students to select from the prescribed courses (Elective Courses).

**6.9. Credit:** A unit by which the course work is measured. It determines the number of hours of instructions required per week. One credit is equivalent to one hour of teaching (lecture or tutorial).

**6.10. Credit Point:** It is the product of Grade point and No. of Credits for a course.

**6.11. Credit Index:** It is the sum of Credit points in a Semester (i.e. total credit points).

**6.12. Grade Point:** It is a numerical weight allotted to each letter grade on a 10-point scale. It is the value assigned to the marks obtained by a candidate in a paper.

**6.13. Letter Grade:** It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, F and Abs.

**6.14. Semester Grade Point Average (SGPA):** It is a measure of performance of work done in a semester. It is the ratio of Credit Index (i.e. total Credit Points) secured by a student in various courses registered in a semester and the total course credits taken during that semester. It shall be expressed up to two decimal places.

**6.15. Cumulative Grade Point Average (CGPA):** It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total Credit Points secured by a student in various courses in all semesters (i.e. sum of total Credit

Index) and the sum of the total Credits of all courses in all the semesters. It is expressed up to two decimal places.

**6.16. University:** University means Madhusudan Law University, Cuttack.

**6.17. Controller of Examinations:** It means the Controller of Examinations, Madhusudan Law University, Cuttack.

## 7. COURSE DESIGN:

There shall be six Core Papers which are compulsory in nature and six Optional Papers which shall be opted by the students from a pool of various Elective Subjects (Specialization Groups). Students are to elect any one of the Specialization Subject for 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> semesters. Once they elect any one Specialization Group in 1<sup>st</sup> Semester, it cannot be changed in subsequent semesters. The students shall have to do all the Core Courses (four theory courses, the dissertation, and the practical) and six papers from a single Optional (Specialization) Group i.e. Elective Courses. The Course design is given below:

Semester	Core Subjects (Compulsory)	Elective Subjects (Special Papers)	Total Papers	Marks @ 100/Paper
First	2	2	4	400
Second	2+1 (Practical)	2	5	500
Third		2	2	200
Fourth	1 (Dissertation & Viva-Voce equivalent to 2 Papers having 200 marks)		1	200
<b>Total No. of Papers (Core + Optional) = 12</b>		<b>Total Marks = 1300</b>		

## **8. COURSE CODE:**

**8.1.** Each course shall have a unique alphanumeric code.

**8.2.** Every course offered by the University is identified by a unique alphanumeric code. For example LL.M.-CS-01-P-I is the alphanumeric code in which LL.M. is the Course Code; CS stands for Core Subject; 01 is the Serial number of the Course and P-I is Paper –I.

**8.3.** Similarly, LL.M.-ES-SP-G01-P-I stands for alphanumeric code for Elective Subjects. Here LL.M. is the Course code; ES stands for Elective Subject; SP stands for Specialization Paper; G stands for Group; 01 stands for Serial number of the Group and P-I is Paper –I.

## **9. ATTENDANCE:**

**9.1.** A student in order to qualify him/her self to appear at the end semester examination shall have to secure at least 75% of classroom attendance in all the subjects taken together for each semester including lecture, tutorial, seminar, library work etc.

**9.2.** A student shall prefer an application before the Vice-Chancellor citing a reasonable ground for failure to attend 75% of the classes.

**9.3.** The Vice-Chancellor shall enjoy the prerogative to grant not more than 9 per cent of class room attendance to a student in such case (as mentioned under Regulation 9.2) i.e. every student must attend at least minimum 66% of the classes in aggregate. In the case of affiliated colleges, the case shall be forwarded to the Vice-Chancellor through the Principal of the concerned college/ institution for condoning of the shortage of attendance.

**9.4.** A student who represents the University/Institution in any International/National/State/zonal level Academic activities/Sports competition with prior permission of the Authority, their absence in the class shall be considered as present for

the period attended/participated during that semester on production of relevant Certificates.

#### **10. PROMOTION RULES:**

**10.1.** A candidate who appears in the examination and fails to obtain pass marks in any course in the first semester, shall be permitted to proceed to the second semester but shall not be permitted to proceed from the second to the third semester without appearing in the examination and having qualified 50% of the total number of courses prescribed for first and second semester taken together. However, the candidate is eligible for provisional admission to third semester subject to the outcome of the result.

**10.2.** A candidate who appears in the examination and fails to obtain pass marks in any course in the third semester, shall be permitted to proceed to the fourth semester.

#### **11. QUALIFICATION FOR ADMISSION INTO SEMESTER EXAMINATIONS OF MASTER OF LAW (LL.M.):**

**11.1.** Any Regular student may be admitted into the Semester Examination if he fulfills the conditions as laid in the Regulations and completed the Semester Course of study provided he/she is not otherwise ineligible to appear the said examination.

**11.2.** Enrollment for 1<sup>st</sup> Semester is compulsory. He/she has to first enroll for 1<sup>st</sup> Semester Examination and then only he/she will be allowed to appear at the subsequent semesters' examinations.

**11.3.** An examinee may appear odd semester examination and even semester examinations simultaneously (i.e. 1<sup>st</sup> & 3<sup>rd</sup>, 2<sup>nd</sup> & 4<sup>th</sup> can be taken together), provided he/she fulfills the criteria mentioned in 10.2.

**11.4.** If a candidate could not appear in the University Examination at the end of any semester due to shortage of attendance, he/she may take admission in the same semester at the beginning of the next academic session over and above the sanctioned

strength with prior permission of the Authority.

**11.5.** In order to clear a semester, a candidate is required to secure 50% (Grade Point 6.0) in each paper and in aggregate.

**11.6.** Notwithstanding anything contained in the foregoing Regulations, a candidate shall appear and pass in all examination for the Master of Law (LL.M.) degree within a period of 5 years from the date of his/her first registration in the LL.M. Programme.

**12. APPLICATION FOR ADMISSION TO THE EXAMINATION:**

A candidate for admission to the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> semester examination shall specify the Papers and Subject/Group allotted to him/her in which he/she is to be examined in the prescribed application form provided by the University along with other relevant documents and fees as prescribed by the University from time to time, provided he/she is eligible to appear at the Semesters' examinations as per Regulations.

**13. SYSTEM OF EXAMINATION:**

**13.1.** The candidates shall have to do all the Core Subjects (four theory papers, the dissertation, and the practical) and six papers from a single Optional Group (Specialization/Elective Subjects).

**13.2.** A candidate for MASTER OF LAWS (LL.M.) Degree shall be required to appear in the examinations in Four Semesters.

**13.3.** The Controller of Examinations shall notify the Examination Schedule on completion of all the courses and Internal Assessments.

**13.4.** Every theory paper (Total 10 nos.) shall carry 100 marks each out of which 60 marks are for the End Semester Examination and 40 marks for Internal Assessment. For every theory paper total eight questions shall be set with two questions from each unit. The candidates should be required to attempt only four questions, selecting one

question from each unit. Each question will carry 15 marks. There shall be no Internal Assessment for the Practical paper and Dissertation.

**13.5.** The time for the end semester theory examination will be of 3 hours duration and for mid-term test it shall be of 45 minutes.

**The Criteria for Internal Assessment will be as follows:**

- (i) Seminar participation and Presentation of Paper = 15 marks
- (ii) Written Assignment = 10 marks
- (iii) Mid-term Test = 15 marks

**Total = 40 marks**

**13.6.** The question papers shall be set by the Question Setters fixed by the Controller of Examinations. Similarly the answer scripts shall be evaluated by the Board of Examiners appointed by the Controller of Examinations.

**13.7.** The Controller of Examinations will publish the result taking into account both marks obtained in the Internal Assessment and in the End Semester Examination by the candidates.

**13.8.** Every theory paper of 60 marks shall be evaluated externally (by the examiner appointed by the Controller of Examinations) whereas the internal assessment of 40 marks, as described above, shall be evaluated internally. The Mid-term test shall be conducted after the completion of Unit-I and Unit-II of each theory paper. The dates for Seminar and Mid-term test shall be fixed by the Head of the Department/Principal in consultation with the Dean. In Written Assignment the students are required to prepare a Research Project (not more than 20 pages) on any topic of that Semester to be decided by a Committee consisting of Head of the Department/Principal, and the Supervisor/Teacher Guide and submit it on a date fixed by the Authority. After the

completion of all these tests and evaluation the concerned authority shall forward the awards of marks to the Controller of Examinations within 15 days.

**13.9.** Where a candidate fails to appear in the examination in any one or more subjects or having taken the examination has failed to secure the minimum pass marks (50%) in any one or more subjects or in aggregate, his/her Internal Assessment marks shall be carried forward to the subsequent examination.

**13.10.** A candidate will be allowed to appear the Internal Assessment once in every method of assessment. There shall be no pass mark or provision for improvement, repeat or back.

**13.11.** If a candidate remains absent in any method of evaluation of Internal Assessment, he/she shall not be debarred from appearing the other theory papers / Practical / Dissertation of the end semester examination.

**13.12.** Dissertation and Viva-voce carrying 200 marks shall be evaluated externally and internally with 150 marks for the written work and with 50 marks for presentation and viva-voce. For this purpose Head of the Department in consultation with the Dean shall prepare a list of External Examiners, not below the rank of the Professor (minimum 3 names), which shall be placed before the Vice Chancellor for approval. After such approval the Controller of Examinations shall notify the names of External Examiners for both dissertation and viva-voce examination. External Examiners must be from any other University/Institution imparting LL.M. Course.

The Viva-voce shall be conducted by a Board of Examiners consisting of the following members:

- A. Head of the Department/Principal – Chairman of the Board
- B. External Examiner – Member
- C. Supervisor/Teacher Guide of the Candidate – Member

**13.13.** The remuneration including T.A. D.A. for the members of the Board shall be made in accordance with the University rules and it shall be borne by the respective Institution.

**13.14.** The Board of Examiners shall evaluate the performance of the candidate on the basis of presentation, domain knowledge, communication skill, research methodology used/applied and accordingly award the marks.

**13.15.** The dissertation should be neatly typed in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. Proper research methodology should strictly be followed at the time of preparing the dissertation.

**13.16.** The topics for dissertations along with Teacher Guides/ Supervisors for each candidate shall be notified by the Head of the Department/Principal within a week from the commencement of 4<sup>th</sup> Semester. During the dissertation work for the purpose of attendance a candidate shall meet a Supervisor/ Teacher Guide at least twice a week in the class allotted there for.

**13.17.** At the end of 4<sup>th</sup> semester a candidate shall submit four typed copies of the dissertations and its soft copy (in a compact disc) in the office of the Controller of Examinations through the Head of the Department/Principal on the scheduled date fixed by the Controller. After the evaluation of the dissertation by the examiners the Controller of Examinations shall notify the date for viva-voce test.

**13.18.** The **practical examination** shall be held at the end of the second semester on Research Methodology and Law Teaching carrying 50 marks each. There shall be 25 marks each for doctrinal research and for non- doctrinal research and 50 marks for law teaching. How the components of practical shall be evaluated shall be left to a Committee consisting of Head of the Department/Principal, one Associate Professor and one Assistant Professor. They shall formulate their own models of assessment. However, for making the practical examination objective and meaningful, the following guidelines shall be adhered to:



## **A. Research Methodology**

### ***(i) Doctrinal research (25 marks)***

Each student will be assigned in advance a separate topic and asked to collect materials. A period of two weeks can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing which shall be evaluated by a Committee consisting of Head of the Department/Principal and Supervisor/Teacher Guide. The Committee will be made and notified by the Head of the Department/Principal.

### ***(ii) Non-doctrinal research (25 marks)***

Here the candidate will be asked to go out of the class room and library and make an empirical study of a problem which has social, economic, legal or political dimension. Field data can be collected through any method of data collection. Finally the candidates shall be required to submit a write up (just like a project work) which shall be within 50 typed pages in A4 size paper in Times New Roman style with font size 12 and 1.5 line spacing. The results are to be assessed by a team of faculty members. The Head of the Department/Principal will constitute such team.

## **B. Law Teaching (50 marks)**

A Unit of a Course will be assigned to the candidate in advance. He/she shall be required to deliver lecture for one hour on each topic of that unit for a period of one week (total 4 classes). Where LL.B. Programme (3 years/Integrated 5 years) co-exists with LL.M. Programme, the candidates shall be asked to teach these 3 years LL.B./5 years LL.B. students only through lecture method of law teaching. In legal education practical, the candidates shall be evaluated internally by a committee constituted for the purpose. In this committee only the Head of the Department/Principal and other two teaching faculties will be there. The H.O.D./Principal will constitute and notify this committee.

#### **14. EVALUATION PROCESS:**

A panel of examiners for different purposes/examinations of the LL.M. Programme should be prepared and submitted by the Chairman, Board of Studies to the Controller of Examinations for approval. Accordingly the Controller will appoint the examiners for the evaluation of answer scripts and for other purposes as stated in these regulations. Central evaluation should be preferred for the evaluation of answer scripts.

#### **15. PASS MARK AND CLASSIFICATION OF SUCCESSFUL CANDIDATES:**

**15.1.** A candidate is required to secure minimum 50% marks in each paper and aggregate (Grade B with Grade Point 6.0 and above) in order to pass in a semester.

**15.2.** Aggregate marks for passing the degree examination shall be sum total of the aggregates of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Semester Examinations taken together (i.e. CGPA).

**15.3.** (a) If a candidate is marked absent in any paper(s) in an examination, such a candidate shall have to appear in that paper(s) in order that his/her results are declared within subsequent chance only as prescribed. Otherwise his/her result will be declared as Withheld/Result Awaited.

(b) A candidate failing to secure 50% in any paper or in aggregate in any of the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> Semester Examinations of this University may be allowed to appear in those subjects in subsequent examinations of the same semesters for which he/she was registered to clear-up back paper(s) on payment of requisite fees within stipulated time period as prescribed in regulation no. 11.6.

**15.4.** A candidate may improve his/her Score/Division/Grade by appearing the examination in one subsequent chance only within that prescribed period of five years.

#### **16. LIMITATION:**

**16.1.** If a candidate eligible to appear at the examination does not fill up the application

for the examination at the end of one semester or if he/she remains absent or fails in the examination may be allowed to appear at the subsequent examination(s) once only.

**16.2.** If a candidate does not pass the examination at the end of two subsequent examinations within the stipulated time of his admission into the course, he/she shall be declared to have failed and shall not be allowed to re-appear at the examination thereafter.

### **17. THE CREDIT SYSTEM:**

The credits specified for MASTER OF LAWS (LL.M.) Programme describe the weightages of various courses of the programme. The number of credits along with grade points that the student has satisfactorily completed, measures the performance of the student. Satisfactory progress of a student is subject to his/ her maintaining a minimum Cumulative Grade Point Average (CGPA), as well as minimum grades in different subjects of the programme. Description of credit distribution for the course has been given below.

#### **NO. OF CORE PAPERS:**

**(A) 1<sup>st</sup> SEM 02 + 2<sup>nd</sup> SEM 02 = 04 PAPERS**

**(B) PRACTICAL PAPER (in 2<sup>nd</sup> SEM) = 01 PAPER**

**(B) DISSERTATION AND VIVA-VOCE (in 4<sup>th</sup> SEM) = 01 PAPER**

**[Though it is 01 paper but will be considered as equivalent to 02 papers as it is of 200 marks]**

#### **NO. OF ELECTIVE PAPERS:**

**1<sup>st</sup> SEM 02 + 2<sup>nd</sup> SEM 02+ 3<sup>rd</sup> SEM 02 = 06 PAPERS**

**[Elective papers are meant for Specialization and candidates are to elect, as per their choice, any one of the Specialization Subject (for all the three semesters) mentioned in the syllabus]**

**TOTAL NO. OF SEMESTERS = 04**

**TOTAL PAPERS OF ALL SEMESTERS = 12**

**EACH PAPER CONSISTS OF 04 CREDITS**

**TOTAL NO. CREDITS = 52**

**[11 Papers (10 theory papers + 01 practical paper) x 04 = 44 Credits + Dissertation and Viva-voce (equivalent to 02 papers) = 08 Credits]**

#### **18. GRADING SYSTEM:**

GRADE		MARK SECURED	GRADE POINT
Outstanding	O	90 - 100	10
Excellent	A+	80 - 89	9
Very Good	A	70 - 79	8
Good	B+	60 - 69	7
Satisfactory	B	50 - 59	6
Fail	F	Less than 50	0
Absent	Abs	---	0

To calculate the Grade Point in case of Dissertation and Viva-voce (which is equivalent to 2 papers having 200 marks) the marks secured by the candidate will be divided by 2 and accordingly the Grade Point will be determined.

[For example if the mark secured is 163, then according to the Grading System the Grade Point will be 9 (i.e.  $163 / 2 = 81.5$  and its respective Grade Point is 9].

#### **19. CALCULATION OF SGPA AND CGPA:**

**Each paper consist of 4 Credit.**

**Credit Point for each Paper = Grade Point Secured X No. of Credits for a Paper**

[For example, if a candidate has secured 75 marks in an Individual Paper the corresponding Credit Point of 75 is Grade - A with Grade Point 8 and his/her Credit Point in that paper shall be  $8 \times 4 = 32$ ]

**Credit Index = Sum of Credit Points in a Semester.**

**SGPA (Semester Grade Point Average) =** 
$$\frac{\text{Credit Index}}{\text{Total No of Credits of a Semester}}$$

**CGPA (Cumulative Grade Point Average) =** 
$$\frac{\text{Sum of Credit Index of All Semesters}}{\text{Sum of Credits in All Semesters}}$$

**ILLUSTRATION OF SGPA AND CGPA:**

Semester	Paper	Marks Secured	Grade Point	Credit per Paper	Credit Point (Grade Point X Credit per Paper)	Credit Index (Sum of Credit Points in a Semester)
<b>I</b>	<b>I</b>	<b>68</b>	<b>7</b>	<b>4</b>	<b>7 X 4 = 28</b>	<b>28 + 32 + 36 + 24 = 120</b>
	<b>II</b>	<b>79</b>	<b>8</b>	<b>4</b>	<b>8 X 4 = 32</b>	
	<b>III</b>	<b>82</b>	<b>9</b>	<b>4</b>	<b>9 X 4 = 36</b>	
	<b>IV</b>	<b>55</b>	<b>6</b>	<b>4</b>	<b>6 X 4 = 24</b>	
<b>II</b>	<b>V</b>	<b>80</b>	<b>9</b>	<b>4</b>	<b>9 X 4 = 36</b>	<b>36 + 32 + 36 + 28 + 32 = 164</b>
	<b>VI</b>	<b>76</b>	<b>8</b>	<b>4</b>	<b>8 X 4 = 32</b>	
	<b>VII</b>	<b>83</b>	<b>9</b>	<b>4</b>	<b>9 X 4 = 36</b>	
	<b>VIII</b>	<b>64</b>	<b>7</b>	<b>4</b>	<b>7 X 4 = 28</b>	
	<b>IX</b>	<b>70</b>	<b>8</b>	<b>4</b>	<b>8 X 4 = 32</b>	
<b>III</b>	<b>X</b>	<b>69</b>	<b>7</b>	<b>4</b>	<b>7 X 4 = 28</b>	<b>28 + 32 = 60</b>
	<b>XI</b>	<b>74</b>	<b>8</b>	<b>4</b>	<b>8 X 4 = 32</b>	
<b>IV</b>	<b>XII</b>	<b>163</b>	<b>9</b>	<b>8</b>	<b>9 X 8 = 72</b>	<b>72</b>

**TOTAL NOS. OF CREDITS = 16 + 20 + 8 + 8 = 52**

**[ I Semester = 4 + 4 + 4 + 4 =16; II Semester = 4 + 4 + 4 + 4 + 4 = 20; III Semester = 4 + 4 = 8; and IV Semester = 8 ]**

**TOTAL CREDIT INDEX = 416**

**[ I Semester = 120; II Semester = 164; III Semester = 60; and IV Semester = 72 ]**

**SGPA [ Credit Index divided by total nos. of Credits of a Semester] =**

**I Semester : 120 / 16 = 7.50**

**II Semester : 164 / 20 = 8.20**

**III Semester : 60 / 8 = 7.50**

**IV Semester : 72 / 8 = 9.00**

**CGPA [Sum of Credit Index of all Semesters divided by Sum of Credits in all Semesters] =**

**Sum of Credit Index of all Semesters = 120 + 164 + 60 + 72 = 416**

**Sum of Credits in all Semesters = 16 + 20 + 8 + 8 = 52**

**Hence CGPA = 416 / 52 = 8.00**

## **20. PUBLICATION OF RESULTS:**

**20.1.** The results of the MASTER OF LAWS (LL.M.) Degree Examination and the Division to be awarded shall be determined on the basis of combined results of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, & 4<sup>th</sup> Semester examinations taken together. In aggregate the minimum passing Grade shall be B with Grade point 6.0.

**20.2.** A candidate who has passed in all the papers/courses of 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> Semesters of two year LL.M. Programme taken together shall be declared as 'Passed'. Such passed candidates may be awarded with the Division according to the following criteria:

(i) First Division : CGPA 6.5 and above

(ii) Second Division : CGPA 5.5 and above, but below 6.5.

**20.3.** Percentage of marks will be calculated by subtracting 0.50 from the CGPA and then multiplying it by 10 i.e.  $[(CGPA - 0.50) \times 10]$ . For example if the CGPA is 8.00 then its percentage will be  $(8.00 - 0.50) \times 10$  i.e.  $7.50 \times 10 = 75$  percent.

**20.4.** The list of candidates who passed in 1<sup>st</sup> Division shall be arranged in order of merit. Candidates who passed all the examinations in first attempt will be placed above those who passed with back paper/repeat clearance in the merit list.

**20.5.** The candidates who passed all the examinations in first attempt with 1<sup>st</sup> Division shall only be eligible for University Gold Medals in order of merit.

## **21. MISCELLANEOUS:**

(i) **Grace Rule:** The Conducting Board of Examiners may provide grace mark to the candidates basing on the performance of the results as deems proper. But it should not exceed 1% of the total marks in a semester in which he/she is appearing. This rule shall be for the award of division only.

(ii) In case of any ambiguity, the Controller of Examinations shall take the final decision with the consultation of the Dean and final approval of the Vice Chancellor.

## **22. DEGREE:**

Each successful candidate at the end of Semester examinations of the course shall receive a DEGREE OF MASTER OF LAWS (LL.M.) provided by the University.

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