

**DEPARTMENT OF LAW
KURUKSHETRA UNIVERSITY KURUKSHETRA**



SCHEME AND SYLLABUS REVISED IN 2022-23

FOR

**Choice Based Credit System (CBCS)
(w. e. f. Academic Session 2016-17)
LL.M. 2-Year Degree Course**

Under

This syllabus is only implemented in University Teaching Department

DEPARTMENT OF LAW

Scheme and syllabus for LL.M. 2-Year Degree Course under Choice Based Credit System w.e.f. Academic Session 2016-17

Credit Matrix for LL.M. 2-Year Programme w.e.f. 2016-17

SEMESTER	CORE PAPER	ELECTIVE PAPER	OPEN ELECTIVE PAPER (INTERDISCIPLINARY)	MAX. MARKS	TOTAL CREDITS
I	4(100 marks each)	NIL	NIL	400	20
II	2(100 marks each)	2(100 marks each)	1(40 marks each)	440	22
III	2(100 marks each)	2(100 marks each)	1(40 marks each)	440	22
IV	1-Dissertation (200Marks)	2(100 marks each)	NIL	400	20
TOTAL	9	6	2	1680	84

TOTAL CREDITS FOR LL.M. TWO YEAR DEGREE COURSE= 84 (1 credit= 20 marks)

Total Core Papers in LL.M. 2-Year Degree Course = 09(8+1(Dissertation))

Total Elective Papers in LL.M. 2-Year Degree Course = 06

Total Open Elective Papers in LL.M. 2-Year Degree Course = 02 (As per the list of the open elective papers supplied by the faculty of social science)

SEMESTER-WISE SCHEME OF LL.M. 2-Year Degree Course

LL.M. course shall consist of four semesters of 2 years duration. Semester-I and II for first year and semester-III and IV for second year. In semester-I there shall be four core papers of 5 credits each. In Semester-II there shall be two core papers of 5 credits each and two elective papers of 5 credits each. The student is required to opt any one group out of the groups mentioned in the syllabus for the purpose of Elective Papers. The group opted by the student in Semester-II shall not be changed at any subsequent stage. There shall also be one open elective paper of maximum 40 marks and having 2 credits. This paper shall be opted out of the list of open elective papers supplied by the faculty of social science. In Semester-III there shall be two core papers of 5 credits each and two elective papers of 5 credits each of the group already opted by the student in Semester-II. There shall also be one open elective paper of 2 credits and of maximum 40 marks. This paper shall be opted out of the list of open elective papers supplied by

the faculty of social science. In Semester-IV there shall be one core paper of Dissertation of maximum 200 marks and of 10 credits and two elective papers of 5 credits each of the group already opted by the student in Semester-II.

The entire syllabus has been divided into four units but the question paper shall be divided into five units. The student is required to attempt five questions in all. Unit-I shall contain one compulsory question having four parts. Each part shall carry five marks. This question shall be fairly spread over the entire syllabus. The student is required to attempt four more questions by selecting one question from each unit i.e. Unit-II to Unit-V having two questions in each unit. Each question shall carry twenty marks.

The medium of instructions and examination shall be English.

Note: Only those groups shall be opened by the Department in which there is arrangement for teaching in Department of Law.

LL.M. FIRST SEMESTER

LL.M. 1ST SEMESTER				
PAPER CODE	NOMENCLATURE OF PAPER	Hours per Week	MAX. MARKS	CREDITS
101-Paper-I (Core Paper)	Legal Theory	5	100	5
102-Paper-II (Core Paper)	Indian Constitutional Law and the New Challenges	5	100	5
103-Paper-III (Core Paper)	Principles of Statutory Interpretation	5	100	5
104- Paper- IV (Core Paper)	Legal and Constitutional History	5	100	5

Total Credits=20

LL.M. 2ND SEMESTER

LL.M. 2ND SEMESTER				
PAPER CODE	NOMENCLATURE OF PAPER	Hours per Week	MAX. MARKS	CREDITS
201- Paper- I (Core Paper)	Law, Social Transformation and Judicial Process in India	5	100	5
202- Paper- II (Core Paper)	Comparative Law	5	100	5

ELECTIVE PAPERS 203-Paper-1 204-Paper- II	(The candidate is required to opt any one group out of the following groups)			
	GROUP –A: INTERNATIONAL LAW & ORGANIZATIONS			
	203-Paper-1 : International organization : Law , Practice and Future	5	100	5
	204-Paper- II: Disarmament and peace strategies	5	100	5
	Group- B: CRIMINAL LAW			
	203-Paper –I: History and principles of criminal Law	5	100	5
	204-Paper –II: Comparative Criminal Procedure	5	100	5
	GROUP- C: BUSINESS LAW			
	203- Paper- I: Corporate Law and Management	5	100	5
	204- Paper- II: Law of Contractual Transactions	5	100	5
	GROUP-D: LABOUR, CAPITAL AND LAW			
	203-Paper –I: Law relating to Labour Management Relations	5	100	5
	204-Paper -II: Industrial Adjudication	5	100	5
	GROUP-E: ENVIRONMENT AND LEGAL ORDER			
	203-Paper-I: Environment and Development: Law and Policy	5	100	5
	204-Paper-II: Resource Management and the law	5	100	5
	GROUP-F: JURISPRUDENCE			
	203-Paper-I: Comparative Judicial Process	5	100	5
	204-Paper-II: Marxian and Theory of Law	5	100	5
	GROUP-G: CONSTITUTION & LEGAL ORDER			
203- Paper- I : Mass Media and Democracy Constitutional	5	100	5	
204- Paper- II : Public Utilities and Welfare State	5	100	5	
GROUP-H: FEMINIST CRITIQUE OF LEGAL ORDER				
203-Paper-1: Feminist Theorizing and Legal Order	5	100	5	

	204-Paper-II: Nationalist Struggle and Gender Equality	5	100	5
	GROUP: I SCIENCE , TECHNOLOGY AND LAW			
	203-Paper-1: Law , Science and Technology	5	100	5
	204-Paper-II: Law, Science and Medicine	5	100	5
	GROUP- J: HUMAN RIGHT LAW			
	203-Paper-I: Concept and Development of Human Rights.	5	100	5
	204-Paper-II: Human Rights and International Order	5	100	5
	GROUP K: ADMINISTRATIVE LAW			
	203-Paper-I: Administrative Process: Nature and Scope	5	100	5
	204-Paper-II: Administrative Process and Judicial Control	5	100	5
205- Paper-V(Open Elective Paper)	One paper shall be opted out of the list of open elective papers supplied by the Faculty of Social Science	2	40	2

Total Credits=22

LL.M. 3rd SEMESTER

LL.M. 3rd SEMESTER

PAPER CODE	NOMENCLATURE OF PAPER	Hours per Week	MAX. MARKS	CREDITS
301- Paper- I (Core Paper)	Research Methodology	5	100	5
302- Paper-I (Core Paper)	Law of Equity and Trust	5	100	5
ELECTIVE PAPERS	(The candidate is required to opt any one group out of the following groups)			
	GROUP –A :INTERNATIONAL LAW & ORGANISATIONS			
303-Paper-1	303-Paper –III: International Humanitarian Law.	5	100	5
304-Paper- II	304-Paper –IV: Law and Diplomacy	5	100	5
	Group- B: CRIMINAL LAW			

303-Paper –III : Criminology	5	100	5
304-Paper –IV : Penology	5	100	5
GROUP-C: BUSINESS LAW			
303- Paper- III: Law of Banking and Negotiable Instruments	5	100	5
304- Paper- IV: Law of Industrial and Intellectual Property	5	100	5
GROUP-D: LABOUR, CAPITAL AND LAW			
303-Paper –III: Law Relating to Social Security	5	100	5
304-Paper –IV: Law Relating to Wages & Monetary Benefits	5	100	5
GROUP-E: ENVIRONMENT AND LEGAL ORDER			
303-Paper-III: Prevention and Control of Pollution	5	100	5
304-Paper-IV: Environment and international Legal Order	5	100	5
GROUP-F: JURISPRUDENCE			
303-Paper-III: Socialist Jurisprudence	5	100	5
304-Paper-IV: Theories of Justice	5	100	5
GROUP-G: CONSTITUTION & LEGAL ORDER			
303- Paper- III: Constitutionalism: Power of Judicial Review	5	100	5
304- Paper- IV: Federalism: Union-State Relations	5	100	5
GROUP-H: FEMINIST CRITIQUE OF LEGAL ORDER			
303-Paper-III: Patriarchal Elements in Indian Law	5	100	5
304-Paper-IV: Gender Perspective in International Law	5	100	5
GROUP: I SCIENCE , TECHNOLOGY AND LAW			
303-Paper-III: The Electronics Revolution and Legal Order	5	100	5
304-Paper-IV: Nuclear Technology: Dilemmas of Legal Controls	5	100	5
GROUP- J: HUMAN RIGHT LAW			
303-Paper-III: Protection and Enforcement of Human Rights	5	100	5
304-Paper-IV Human Rights of Disadvantaged Groups: Problems and issues	5	100	5

	in the Protection and Enforcement			
	GROUP K: ADMINISTRATIVE LAW			
	303-Paper-III: Administrative Process-Delegated Legislation and Adjudication	5	100	5
	304-Paper-IV: Administrative Process: Controls of Discretion and Maladministration.	5	100	5
305- Paper-V(Open Elective Paper)	One paper shall be opted out of the list of open elective papers supplied by the Faculty of Social Science	2	40	2

Total Credits=22

LL.M. 4th SEMESTER

LL.M. 4th SEMESTER

PAPER CODE	NOMENCLATURE OF PAPER	Hours per Week	MAX. MARKS	CREDITS
401- Paper-I (Core Paper)	Dissertation	--	200	10
ELECTIVE PAPERS	(The candidate is required to opt any one group out of the following groups)			
402-Paper-II	GROUP –A : INTERNATIONAL LAW & ORGANIZATIONS			
403-Paper- III	402-Paper –V : Law of the Sea.	5	100	5
	403-Paper–VI : International and contemporary issues	5	100	5
	Group- B: CRIMINAL LAW			
	402-Paper –V : Drug Addiction, Criminal Justice and Human Rights	5	100	5
	403-Paper –VI : Juvenile Delinquency	5	100	5
	GROUP-C: BUSINESS LAW			
	402- Paper- V : Insurance Law	5	100	5
	403- Paper- VI : Legal Regulation of Economic Enterprises	5	100	5
	GROUP-D: LABOUR, CAPITAL AND LAW			
	402-Paper –V:Law Relating to Unorganised Labour	5	100	5
	403-Paper –VI: Law Relating to Civil Servants	5	100	5
	GROUP-E: ENVIRONMENT AND LEGAL ORDER			

402-Paper-V: Biological Diversity and Legal order	5	100	5
403-Paper-VI: Environmental Legislation	5	100	5
GROUP-F: JURISPRUDENCE			
402-Paper-V: Law and Society	5	100	5
403-Paper – VI: Concepts of Rights	5	100	5
GROUP-G: CONSTITUTION & LEGAL ORDER			
402- Paper- V: Human Rights: Constitution of India	5	100	5
403- Paper- VI: Constitutional Pluralism: Protection of Special National Interests	5	100	5
GROUP-H: FEMINIST CRITIQUE OF LEGAL ORDER			
402-Paper-V:Labour, Gender and Law	5	100	5
403-Paper-VI: Population Planning and the Role of Women	5	100	5
GROUP: I SCIENCE , TECHNOLOGY AND LAW			
402-Paper-V: Biotechnology and Legal Regulation	5	100	5
403-Paper-VI: Epidemiological and Public Health aspects of Science and Technology	5	100	5
GROUP- J: HUMAN RIGHTS LAW			
402-Paper-V: International Humanitarian Law and Refugee Law	5	100	5
403-Paper-VI: Science, Technology and Human Rights	5	100	5
GROUP K: ADMINISTRATIVE LAW			
402-Paper-V: Public Authorities: Liability	5		
403-Paper-VI: Comparative Administrative Law	5	100	5

Total Credits=20

101- Paper- I (Core Paper): Legal Theory

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about the growth and development of law.

Outcome: The students shall be well versed about the historical development of the law.

Unit-I

1. Nature, Value and Province of Jurisprudence
2. Positivism:
 - (a) Bentham and Positivism
 - (b) John Austin and Analytical Jurisprudence
3. Modern Positivism
 - (a) Kelsen's Pure Theory of Law
 - (b) Hart's Concept of Law
 - (c) Dworkin's Criticism of Positivism and his theory of Law

Unit-II

1. Historical Jurisprudence:
 - (a) Savigny and the Historical School
 - (b) Henry Maine and the Anthropological School
2. Natural Law
 - (a) Revival of Natural Law
 - (b) Lon L. Fuller- Morality of Law
 - (c) Stammler- 'Natural Law with a variable content'
3. The Theory of Precedent in India

Unit-III

1. Modern Realism.
2. Sociological Jurisprudence:
 - (a) Ihering, Ehrlich and Duguit
 - (b) Roscoe Pounds' Social Engineering
3. Theory of Social Justice:
 - (a) John Rawls
 - (b) Indian Approach to socio-economic justice

Unit-IV

Legal Concepts:

1. Legal Rights

2. Legal Personality
3. Possession and Ownership

Select Bibliography:

Paton: A Textbook of Jurisprudence

Dias: Jurisprudence

Friedmann: Legal Theory

Hart : Concept of Law

Llloyd : Introduction to Jurisprudence

Fuller : The Morality of Law

Basu : Modern Theories of Law(TLL)

Austin : The Province of Jurisprudence Determined

Bodenheimer : Jurisprudence

Ludr, Amit : Law of Personal Autonomy (2012 ed)

Stone : Social Dimensions of Law and Justice

Jennings : Modern Theories of Law

Allen : Law in the Making

Pound : Jurisprudence Vol.. I-IV

Weermantrury : Equality and Freedom: Some Third world Prospective

Hilaire Mc Coubery : Text Book of Jurisprudence

& Nigel D. White

Dworkin : Taking Rights Seriously (1972), Law's Empire (1986)

Bentham : Limits of Jurisprudence Defined (Ed. By Evertt) 1945.

Savigny : Law of Possession

Stone, Julius : The Province & Function of Law

Sir Henry Maine : Ancient Law

Rawls, John : Theory of Justice

Cardoza : Nature of Judicial Process

102- Paper- II (Core Paper): Indian Constitutional Law and the New Challenges

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about each and every aspect of the Constitution of India particularly in the context of its federal structure, legislature, executive and the judiciary.

Outcome: The students shall be well versed about each and every aspect of the Constitution of India.

102- Paper- II (Core Paper): Indian Constitutional Law and the New Challenges

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about each and every aspect of the Constitution of India particularly in the context of its federal structure, legislature, executive and the judiciary.

Outcome: The students shall be well versed about each and every aspect of the Constitution of India.

Unit-I

1. Federalism, Co-operative federalism.
2. Fundamental Rights in general; Definitions of State and Law.
3. Right to Equality.
4. Right to Freedom & Reasonableness of Restrictions.
5. Right to Life & Personal Liberty and its various dimensions.

Unit-II

1. Right to Freedom of Religion and Secularism.
2. Cultural & Educational Rights.
3. Right to Constitutional Remedies.
4. Directive Principles of State Policy; Enforcement and relationship between Directive Principles & Fundamental Rights.
5. Fundamental Duties of the Citizen.
6. Right to Property & Doctrine of Eminent Domain.

Unit-III

1. The Parliamentary & Presidential form of Governments and their Suitability, Coalition Government & Power Politics.
2. The President, the Governor and Council of Ministers along with their Relationships.
3. The Parliament & the State Legislatures; Composition, Elections, Powers & Corrupt Practices. Establishment, Composition, Powers & Functions of the Election Commission of India. Parliamentary Privileges & Fundamental Rights.
4. Judiciary in India; Appointment & Removal of the Judges, Code of Conduct for Judges, Power of Judicial Review, Writ Jurisdiction & other powers of the Courts.
5. Judicial Activism, Separation of Powers and Independence of Judiciary.

Unit-IV

- (c) Relations between the Union and the States; Legislative, Administrative & Financial.
- (d) Freedom of Trade, Commerce & Commercial Intercourse.
- (e) Emergency Provisions under Indian Constitution.
- (f) Amendment of the Constitution & Theory of Basic Structure.

Selected Bibliography:

- Seervai, H.M. : Constitutional Law of India (3 Volumes).
Jain, M.P. : Indian Constitutional Law
Shukla, V.N. : Constitution of India
Basu, D.D. : Constitution of India
Bar Council of India : Constitution of India
(Edited by Hidayatulla)
Ex. C.J. of India
Wheare, K.C. : Federal Government (1963)
Chauhan, K.S. : Parliament; Powers, Functions & Privileges
Mane, Suresh. : Indian Constitutional Law; Dynamics and Challenges
Pal, Chander : Centre-State Relation and Co-operative Federalism.
Gupta, R.K. : Centre State Fiscal Relation under the Indian Constitutional Law.

103- Paper- III (Core Paper): Principles of Statutory Interpretation

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: This paper aims to discuss various principles of statutory interpretation with the help of case law.

Outcome: The students shall be well versed about various principles which are of utmost concern for the courts for the purpose of interpretation of statutes.

Unit-I

1. Basic Principles of Interpretation:
Meaning of Interpretation, Interpretation and Construction, Intention of Legislature, Statute must be read as a whole in its context, Presumption in favour of constitutionality of a statute. If meaning plain, effect must be given to it irrespective of consequences.
2. Rule of Literal Construction.
3. Golden Rule of Construction.
4. Mischief Rule of Construction

Unit-II

1. Internal Aids to Construction:
Short Title, long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretations Clause, Proviso, Explanation, Schedules.
2. Maxims
(i) Ejusdem Generis (ii) Expressio Unius Est Exclusio Alterius
(iii) Noscitur A Sociis
3. Interpretation of Constitution.

Unit-III

1. External Aids to Construction
Parliamentary History, Historical Facts and Surrounding Circumstances, Dictionaries, Text-books, Use of Foreign Decisions, Statutes in Pari-materia.
2. Codifying and Consolidation Statutes.
3. Mandatory and Directory Provisions.
4. Commencement and Repeal of Statutes.

Unit-IV

1. Beneficial and Liberal Construction.
2. Construction of Remedial and Penal Statutes.

3. Construction of Taxing Statutes.
4. Presumption as to Jurisdiction of the Courts.
5. Construction to Prevent, Evasion and Abuse.

Select Bibliography:

Maxwell	: Interpretation of Statutes.
Craies	: Statute Law.
Sutherland	: Statutory Construction.
Singh, G.P.	: Principles of Statutory Interpretation.
Swarup, Jagdish	: Legislation and Interpretation.
Sarathi, V.P.	: Interpretation of Statutes.
Bindra	: Interpretation of Statutes.

104- Paper- IV (Core Paper): Legal and Constitutional History

Max. Marks : 100

Credit : 5

Time : 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about the legal and constitutional history of India.

Outcome: The students shall be well versed about the legal and constitutional development in India.

Unit – I

Establishment of East India Company – Administration of Justice in Presidency

Towns (1600-1726) and the development of Courts and Judicial Institutions under the East India Company.

Establishment of Mayor's Courts under the Charter of 1726 and Changes Introduced by Charter of 1753

Regulating Act of 1773 and Establishment of Supreme Court at Calcutta. Act of Settlement 1781; Charter Act,1883 and Codification

Unit – II

Adalat System, Role of Warren Hastings, Cornwallis and William Bantinck in Law Reforms

History of Privy Council; Federal Court of India; Evolution of High Courts.

History of Law Reporting in India

Legal Education in India: History and Development

Law Commissions in India

Unit-III

Government of India Act, 1935: Introductory; The Federation of India: Establishment of

Federation and Accession of Indian States, The Federal executive, The Federal Legislature ,

Legislative Powers of Governor-General, Provisions in Case of Failure of Constitutional

Machinery; The Governor's Provinces: The Provincial Executive , The Provincial Legislature,

Legislative Powers of Governor; Legislative Powers: Distributions of Powers, Restrictions on Legislative Powers, Provisions with respect to discrimination; Administrative Relations Between Federation, Provinces and States: General, Broadcasting, Inter-Provincial Co-operation; The Judicature : The Federal Court and The High Courts in British India.

Unit – IV

Constitutional Development, 1935 to 1947

Transfer of Power and Indian Independence Act, 1947

Prerogative Writ System in India,

Development of Criminal Law: Ancient Hindu and Muslim Criminal Law

The Integration of States and Making of the Constitution of India.

Books Recommended:

1. Jain, M.P. : Outline of Indian Legal History
2. Mittal, J.K. : India Legal History
3. Kulsherehtha, V.D. : Land marks in Indian Legal and Constitutional History.
4. Kailash Rai : History of Courts Legislature & Legal Profession in India
5. S.K. Puri, Indian Legal and Constitutional History
6. Alexandrowicz, Charles H : Constitutional Development in India
7. Banerjee, A.C., The Making of the Indian Constitution, 1939-47
8. Banerjee, T.K. : Background of Indian Criminal Law
9. Bar Association of India, Challenges to the Legal Profession, Law and Investment in Developing Countries (Eastern Book Company, Lucknow),
10. Luthora, V.P. : The Transfer of Power in India, 1945-47

LL.M.-2nd Semester

201- Paper- I (Core Paper): Law, Social Transformation and Judicial Process in India

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to make the students aware about principles of legislation, legislative and judicial process in India.

Outcome: The students shall be well versed about the impact of law on society in addition to judicial process in India.

Unit-I

Principle of Legislation

1. Principles of Utility
2. Principles of Civil Code

3. Principles of Penal Code
4. Constitutional Utilitarianism, Modern Trends

Unit-II

Legislative Process in India

1. Legislative Procedure, ordinary and money Bills joint session, Assent to Bills.
2. Procedure in the House, Committees of the House, need for reforms.
3. Delegated Legislation- Need for delegated legislation, classification of delegated legislation. Constitutionality of delegated legislation and control mechanism of administrative rule making in India
4. Failure of the executive/Administration to enforce the law, civil disobedience of law.

Unit-III

1. Law and Social Transformation- Law as an instrument of social change- Law as the product of tradition and culture.
2. Responses of law to social institutions
 - (a) Religion and Law
 - (b) Language and Law
 - (c) Community and Law
3. Women and Law
4. Children and Law
5. Modernization trends in different areas
 - (a) Family Law
 - (b) Local Self Government
 - (c) Court Processes- Civil Law and Criminal Law

Unit-IV

Judicial Process

1. Judicial Legislation as an instrument of social ordering.
2. Power of Judicial Review under the Constitution of India, Judicial activism, Dworkin's Theory of Adjudication.
3. Concept of Justice, Relation between law and justice, Equivalence theories, Dependence theories, Independence of Justice theories.

Select Bibliography:

- Galanter, March (Ed.) : Law and Society in Modern India (1997), Oxford.
- Lingat, Robert : The Classical Law of India (1998).
- Baxi, U. : The Crisis of the Indian Legal System (1998), Vikas, New Delhi.
- Baxi, U. (Ed.) : Law and Poverty Critical Essay (1988), Tripathi, Bombay.
- Derret, Duncan : The State, Religion and Law in India (1999), Oxford University Press, New Delhi.
- Seervai, H.M. : Constitutional Law of India (1996), Tripathi.
- Basu, D.D. : Shorter Constitution of India (1996) Prentice-Hall of India(P.) Ltd.) New Delhi.
- Destha, Sunil and : Law and Menace of Child Labour (2000).
- Destha, Kiran : Anmol Publications, Delhi
- Gunasekhere, Savitri : Children, Law and Justice (1997), Sage.

Indian Law Institute : Law and Social Change: Indo-American Reflections, Tripathi (1988)
Kripalani, J.B. : Gandhi: His Life and Thought (1970), Ministry of Information and
Broadcasting, Government of India.
Jain, M.P. : Outlines of Indian Legal History (1993)
Flavia, Agnes : Law and Gender Inequality: The Politics of women's right in
India(1999), Oxford.

202- Paper- II (Core Paper): Comparative Law

Max. Marks : 100

Credit : 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to discuss various methods for the study of law and research.

Outcome: The students shall be well versed about various methods for the study of law and research.

Unit – I

Introduction and Province of Comparative Law; Origin and Development of Comparative Law; Value of Comparative Law
Comparative Law and the Conflict of Laws.

Unit – II

Comparative Law and the Law of Nations; The process of comparison; Comparative view of Rule of Law; Unification of Trade Law.

Unit – III

The Comparative approach to case law; The Comparative approach to interpretation of Statutes; The Comparative approach to sources of law; Nature and characteristics of unified law.

Unit – IV

The problem of Legal Terminology; Comparative law and legal education; Unification of private law The Mechanism of Unification.

Books Recommended:

1. H.C. Gutteridge: Comparative Law (Wildy & Sons Ltd. London, 1971)
2. M.P. Tandon : Comparative Law (Allahabad Law Agency, 1993)
3. Mathias Siems: Comparative Law(Cambridge University Press,2014)
4. Tom Ginsburg: Comparative Constitutional Law (Edward Elgar Publishing Ltd.)
5. Alan Watson: Roman Law & Comparative Law (The University of Georgia Press, Atlens and London)

6. Ugo Mattei : Comparative Law and Economics (The University of Michigan Press)
7. John Henry Merryman: Comparative Law and Social Change(American Journal of Comparative Law, Vol. 25, No. 3, Summer 1977)
8. Rodolfo Sacco: Legal Formants: A Dynamic Approach to Comparative Law (The American Journal of Comparative Law, Vol. 39, No. 1, Winter 1991)

LL.M.-3rd Semester
301- Paper-I (Core Paper): Research Methodology

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The syllabus has been designed for the purpose of imparting the students the complete knowledge regarding the research in legal field, various methods used while conducting the research and its utility.

Outcome: The student shall acquire the complete knowledge regarding legal research, various methods of it in addition to its utility and relevance.

Unit-I

1. Meaning; Objectives and Scope of Legal Research.
2. Socio-legal Research in India
3. Kinds of Legal Research, Doctrinal and non-doctrinal legal research
4. Legal Research and law Reform
5. Legal Reasoning: Use of Deductive and inductive method.

Unit-II

1. Legal knowledge- Meaning of Law, Sources of Law and where to find law.
2. Major steps involved in doing legal research
3. Identification & Formulation of Research Problem.
 - (a) Survey of available literature and bibliography.
 - (b) Legislative materials including subordinate legislation, notification and policy statement.
 - (c) Decisional material
 - (d) Juristic Writings, compilation of list of reports or special studies.
4. Hypothesis: Meaning, Importance, Characteristics, Types, sources and its Formulation

Unit-III

1. Legal Research Design
Meaning of Research Design, Aspects to be considered in Research design, Contents, Steps, Characteristics, Need Significance of good research Design Types of Research Design.
2. Sampling Design for Legal Research- Census and sampling methods, Merits and Demerits of Sampling, Characteristics of a good sampling unit, procedure to select a sample, size of a sample and types of sampling, sampling error and standard error.
3. Data to collection and its Methods.
 - (a) Use of observation studies, questionnaires and schedules.
 - (b) Interview techniques
 - (c) Surving method

- (d) Case study method
 - (e) Scaling techniques
 - (f) Project Technique
4. Analysis and Interpretation of legal Research DATA

Unit-IV

1. Generalization in Legal Research
2. Sociometry in Socio-Legal Research
3. Preparing Legal Research Report
4. Report Writing
5. Computer Application and Legal Research

Select Bibliography:

- Price, M.O. Bitner, H. and : Effective Legal Research (1978)
 Bysiewiez
 Young, Pauline V. : Scientific Social Survey and Research (1962)
 Grade, William J. and : Methods in social Research, McGraw-Hill Book
 Paul, K. Hatt Company, London
 Hyman, H.M. : Interviewing in Social Research (1965)
 Erwin, C. Surrency, B. Fieif : A Guide to Legal Research (1959)
 and J. Cera
 Morris, L. Cohan : Legal Research in Nuishelc (1996)
 West Publishing House Co.
 Havard Law Review : Uniform System of Citations.
 Association,
 ILI Publication, : Legal Research and Methodology
 Baxi, Upendra : Social Legal Research in India.

302- Paper-I (Core Paper): Law of Equity and Trust

Max. Marks: 100

Credit : 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Object: The object of this paper is to discuss certain legal maxims evolved and applied by common law courts and other courts across the world. It also aims at discussing each and every aspect of Indian Trusts Act.

Outcome: The student shall be having the complete knowledge regarding the equitable principles, legal maxims initially applied by the equity courts and the provisions of Indian Trusts Act.

Unit – I

Equity : Definition, nature and origin of equity; Equity as a Court of conscience, Transformation of Equity; the relation between law and equity; Judicature Acts, 1873 and 1875; The nature of equitable rights. The Equitable Doctrines; Conversion and Reconversion; Election; Performance and Satisfaction.

Unit – II

The Maxims of Equity :

Equity will not suffer a wrong to be without a remedy; Equity follows the law; Where equities are equal, the law shall prevail; Where equities are equal, the first in time shall prevail; He who seeks equity must do equity; He who comes to equity, must come with clean hands; Delay defeats equity; Equality is equity; Equity looks to the intent rather than to the form; Equity looks on that as done which ought to have been done; Equity imputes an intention to fulfill an obligation; Equity acts in personam.

Unit – III

The Indian Trusts Act, 1982 :

Definition (Sec. 3); Creation of Trusts (Secs. 4 to 10); Duties and Liabilities of Trustees (Secs. 11 to 30); Public and Private Trust and Doctrine of Cypers.

Unit – IV

Rights and Powers of Trustees (Secs. 31 to 45); Disabilities of Trustees (Secs. 46 to 54); Rights and Liabilities of Beneficiary (Secs. 55 to 69); Extinction of Trusts (Secs. 77 to 79).

Books Recommended:

- | | |
|------------------|-----------------------------------------------------------------------------|
| Aggarwal, D.P. | : Indian Trust Act, 1882. |
| Hanbury's | : Modern Equity. |
| Ketton | : Equity |
| Singh, G.P. | : Principles of Equity(with special reference to Trust and Specific Relief) |
| Snells | : Principles of Equity. |
| Subbarao, G.C.V. | : Equity, Trust, Fiduciary Relations, Law of Mortgages and Specific Relief. |

GROUP –A : INTERNATIONAL LAW & ORGANIZATIONS

Object: The object of this group is to make the students aware about evolution, nature and composition of International Labour Organization. It also aims to discuss disarmament, peace strategies, law and diplomacy and the law of sea.

Outcome: The students shall be acquiring the knowledge regarding international and contemporary issues in addition to nature and functioning of ILO.

203-Paper-I (ELECTIVE PAPER): International organization: Law, Practice and Future

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Evolution of International Organization: The concert of Europe, the League of Nations and the United Nations United Nations as a Constitutional and Political System : Organs and their Functions. Law creating processes including Resolutions and Declarations of the General Assembly and Specialized Agencies, Financing and Problem of Financial Crises. Amendment process. Secretary – General of the United Nations.

Unit-II

Political process of the International Organizations: Blocks and Alliances: Non- aligned movement and its impact on voting in the various organs of the United Nations. African and Latin American groups. Indian and the United Nations. U.N. peace- making functions, U.N peace keeping force – case studies. Problem of peace enforcement through the U.N.

Unit - III

Special Agencies and Non- Governmental Organizations: Constitution and Functions of specialized Agencies. Case Studies of some agencies such as FAO, and UNDP as illustrative organizations within the U.N system. Select studies of NGOs serving as consultants. Amnesty International. International Commission of Jurists.

Unit – IV

Peaceful change through U.N Dispute Settlement Machinery of the U.N. The Role of ECOSOC in bringing about peaceful change. U.N. Operational Programmers in the Social and the Economic Field. Anti- Colonial Consensus, Disarmament and Human Rights.

Select Bibliography:

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

Deter, Ingrid: Law Making by the International Organization (1965)
Good speed, Stephen S: Nature and Function of International Organisation (1967)
Jenks , Wilfred : The Proper Law of International Organization (1962)
Walter , E.P. : History of the League of Nations (1965)
Bowett, D.W.: United Nations Forces : A Legal Study (1969)
Goodrich , Leland M. : Charter of the United Nations (1969)
Goodrich , Leland M. : United Nations in a Changing World (1974).
Rosalyn- Higgins: Development of International Law through Political Organs of the United Nations (1963)
Kelsen , Hans : Law of United Nations (1954).
Khan, Rahmathullah : Implied Powers of the United Nations (1974).
Machinney, Edward : United Nations Law Making (1984)
Rajan , M.S : United Nations and Domestic Jurisdiction (1961).

204-Paper- II (ELECTIVE PAPER): Disarmament and Peace Strategies

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

The Conceptions of Disarmament : Disarmament and World Security , Military Alliances, Arms Trade. Changing Conceptions of Disarmament. The Dynamics of the Arms Race. The Reasons of Arms Race, including Nuclear Weapons. Consequences' of Arms Race in terms of Resources and Economic Development. International Implications of the Arms Race.

Unit- II

Disarmament and the U.N. : History of the failure of disarmament efforts. U.N. Disarmament Commission its achievement and limitations. U. N. Disarmament , decades of 1970's and 1980's. Negotiations leading to the signing of SALT –I and SALT – II.

Unit -III

Nuclear Disarmament: Problems and Perspectives: Nuclear War Proliferation Treaty and Intermediate Range Weapons. International Regulation of Nuclear Weapons. International Regulation of Biological and Chemical or Weapons of Mass Destruction. International Regulation and Control of Militarization of Enter Space and the Ocean Bed.

Unit – IV

Conserving the world's resources: Assisting the economic development of less developed countries. Harnessing science and technology for development. Protection of human rights. Peaceful settlement of International disputes, towards a balanced world trade. Peace research and its significance.

Select Bibliography:

Weston Burns H: Toward Nuclear Disarmament and Global Security: A Search for Alternatives 1980

Schell, J. : The Fate of the Earth (1982)

Singh, J.N. : Use of Force under International Law (1984)

Stone , Julius : Legal Controls of International Law (1954)

Walzer , M. : Just and Unjust Wars (1979)

Kothari , R. : Transformation and Survival : In Search of Human World Order (1985)

Falk , R. et, al: International Law : A Contemporary Perspective , pp. 473-519 (1985)

Falk, R.: The End of World Order, pp. 155-276(1983).

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. 1(1969)

Group-B: CRIMINAL LAW

Object: This group is designed to discuss history and principles of criminal law, comparative criminal procedure, criminology, penology and juvenile delinquency.

Outcome: The students shall be well versed with each and every aspect of criminal law in addition to Juvenile Justice Law.

LL.M. 2nd Semester

203- Paper-I (ELECTIVE PAPER); History and Principles of Criminal Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-1

1. Principles of Criminal Law
2. General Principles of Criminal liability.
3. Crime: definition: nature: elements of crime: Different levels of Mensrea and their relevance in constitution of Crime: History of Mensrea as an essential element of crime in criminal jurisprudence.
Differences: Crime and Civil Wrong
Crime and Moral Wrong
Inter-relationship of Crimes and Torts.
4. Theories of Criminal Liability
5. Theories of Causation of Crime
6. Actus Reus Non Facit Reum Nisi Mens Sit Rea
7. Actus mi envictu reus, nisi mens facit reum.

Unit-II

1. Constructive joint Liability:
 - (a) Common intention
 - (b) Common Object
2. Stages of Crimes
3. Concepts of Individualization of Punishment
4. Modern view of Punishment and Indian Penal Code
5. Executive Clemency: Meaning; Historical development; types
 - Power of Executive Clemency under constitution of India.
 - Clemency Petition: Procedure; scope before trial, during trial and after conviction.
 - Is executive clemency derogatory or supplementary to Administration of Justice.

Unit-III

1. General defenses: Excusable and Justifiable
 - Difference between two types of defenses
 - Excusable defenses under IPC
 - Justifiable defenses under IPC
2. Inchoate Criminal Offences
 - Attempt
 - Criminal Conspiracy
 - Abetment
3. Reforms in Criminal Law: Role of Judiciary Legislature and Law Commission in India.

Unit-IV

1. Presumptions and Burden of Proof under Indian Penal Code
2. Criminal Liability: An overview
3. Corporate criminal liability: History of evolution of corporate criminal liability in India.
4. Vicarious liability under criminal law in India; Vicarious liability of state; Vicarious liability under special statutes

Select Bibliography:

1. William, Glanville : Criminal Law (General Part)
2. Kennys : Outlines of Criminal Law (edited by J.W.C. Turner)
3. Stuwart, S.W : A Modern View of the Criminal Law(Pergamon Press Ltd. Oxford, 1969)
4. Nigam, R.C. : Law of Crimes in India Vol. I (Principles of Criminal Law)
5. Gour, Hari Singh : Penal Law of India.
6. Bhatt, V.R. : Essays in Criminal Law (Karnataka University, Dharwar, 1979)
7. Bhattacharya, B.K : Insanity & Criminal Law (Eastern Law House, Calcutta).
8. Ftizgerlard, P.J. : Criminal Law & Punishment.
9. Colin, Howard : Strick Responsibility (Sweet & Maxwell Ltd., London, 1963)
10. Law Commission of India, Reports: 29,42,43,and 47
11. Radzinowicz and Turner: Modern Approach to Criminal Law.
12. Edwards : Mens Rea in Statutory Offences.
13. Hall : General Principles of Criminal Law.
14. Stephen, James F. : History of Criminal Law (Vols. I, II &III).
15. Chaturvedi, A.N. : Rights of the Accused under the Indian Constitution (1984)

204-Paper –II: (ELECTIVE PAPER): Comparative Criminal Procedure

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e., Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e., Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Organization of Courts & Prosecuting Agencies: Comparison with U.S.A. and U.K.

1. Hierarchy of Criminal courts and their jurisdiction.
2. Nyaya Panchayats in India.
3. Organization of Prosecuting agencies for prosecuting criminals.
4. Prosecutors and Police.
5. Withdrawal of Prosecution.

Unit – II

Pre-trial Procedures: Comparison with U.S.A. and U.K.

1. Arrest and questioning of the accused.
2. The rights of the accused.
3. The evidentiary value of statements/article seized/collected by the police.
4. Right to Council.
5. Role of the prosecutor and the judicial officer in investigation.

Unit – III

Trial Procedure: Comparison with U.S.A. and U.K.

1. The accusatory system of trial and inquisitorial system.
2. Role of the judge, the prosecutor and defence attorney in the trial.
3. (i) Admissibility and inadmissibility of evidence. (ii) Expert evidence
4. Appeal to the court in awarding appropriate punishment
5. Plea bargaining.

Unit – IV

Correction and Aftercare Services: Comparison with U.S.A. and U.K.

- i. Institutional Correction of the Offenders.
- ii. Role of the Court in Correctional Programmes.
- iii. General Comparisons – Aftercare Services.
- iv. Preventive Measures

Select Bibliography:

1. Hampton, Celia : Criminal Procedure.
2. Wilkins and Cross : Outlines of the Law of Evidence.
3. Archbold : Pleading, Evidence & Practice in Criminal Cases.
4. Sarkar : Law of Evidence.
5. Pillai, K.N. Chandra- : R.V. Kelkar's Outlines

- sekharan (ed): : Criminal Procedure (2000) Ed.
6. Deevlin, Patric : The Criminal Procedure in England.
American Series of Foreign Penal Codes, Procedural Code of People's Republic of China.
7. Ferdico, John N. : Criminal Procedure (1996), West.
8. Sanders & young : Criminal Justice (1994).
9. Criminal Procedure Code, 1973.
10. 14th & 41 Reports of the Indian Law Commission
11. Rattanlal & Dhirajlal : The Code of Criminal Procedure.

GROUP-C: BUSINESS LAW

- Object:** The object of this group is to study legal and quasi legal problems connected with corporate sector. It also aims to study and evaluate relevant case law with a view to the evolution of a sound code of company practice.
- Outcome:** The students shall come out with complete knowledge of legal provisions regarding corporate sector and its role in the growth and development of the society.

203- Paper- I (ELECTIVE PAPER): Corporate Law and Management

Max. Marks: 100

Credits: 5

Time: 3 Hours

- Note: (1)** There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Prescribed Course of Studies:

To study the legal and quasi-legal problems connected with the corporate sector with particular references to the laws, regulations and administrative framework relating to the organization and working of joint stock enterprise and the regulations of the capital market in India.

To give an appreciation of the significance of the law of corporate enterprises in industrializing of India and a comprehension of the economic and social values which economy and evaluation of the Indian Company law and practice in that context.

To study and evaluate the relevant case law with a view to the evolution of a sound code of company practice, and

To make a comparative study of the law and practice in other countries on important aspect of Company law and its administration.

Unit-I

- History of jurisprudential aspects of company Legislation in India.
- Concept of corporate personality and limited liability advantages of Incorporation; Doctrine of Piercing the Corporate Veil, Corporation and Fundamental Right.
- Kinds of companies and other Forms of Business Organization.
- Registration and in-corporation, Memorandum of Association, Doctrine of Ultra Vires, Articles of Association, doctrine of constructive notice and indoor management .
- Promoters- position, importance, duties and liabilities.
- National Company Law Tribunal-Constitution, Powers and Functions.

Unit-II

- Prospectus; Liability for mis-statements.
- Shares- Meaning and Nature, Kinds, Allotment, Transfer and Transmission, Effects of irregular Allotment, Right issues, Bonus Shares, Purchase of its own shares, Borrowing Powers of Companies- Debentures, Kinds of Debentures, Charges, Classification of Charges, Regulation of Charges.
- Securities and Exchange Board of India Act, 1992- Salient Features;
- Dividend- Meaning and Nature, power to pay dividend, mode of payments, Limitations on payments.
- Charitable and political contributions by companies.

Unit-III

- Meetings- Meaning and kinds of meeting, Procedure and conduct of meeting- Notice; quorum, Voting Resolutions and Minutes.
- Directors- Concepts of Directors and its evolution, Philosophy for the emergence of Board of Directors, Position and status of directors, kinds of directors, Appointment of Directors and their retirement.
- Directors- qualifications, disqualifications, powers and duties including fiduciary obligations, removal of directors.
- Managing Director, Whole-time Directors and Manager appointment, Powers and Functions, Managerial Remuneration; Statutory Limits and Restrictions.
- Investigation and inspection-powers of Central Government and National Company Law Tribunal.

Unit-IV

- Control- Share-holders Control over the management and Government Control over management.
- Majority powers and Minority rights, oppression and mismanagement.
- Winding up and distribution- Meaning and scope, kinds of winding up :
- Effects of Liquidation proceedings on the company and its organs, members, creditors and workers.
- Liquidator and official liquidator- position, power and duties.

Select Bibliography:

Thomson, J.M.	: Palmer's Company Law.
Gower, L.C.B.	: Principles of Modern Company Law.
Ramiya	: Guide to the Companies Act.
Devedasan, B.D. & Devedasan, T.S.V.	: Company Meetings and Resolution
Indian Law Institute	: Current Problems of Corporate Law
Shah, S.M.	: Lectures on Company Law
Topham and Ivamy	: Company Law
Ghosh, M.K.	: Indian Company Law
Arya	: Company Directors.
Sen, S.C.	: The New Frontier of Company Law
Sahgal, P.S.	: National and Multi-national Companies, Some Legal Issues.
Palmer's	: Company Law
Pennigton's	: Company Law

204- Paper- II (ELECTIVE PAPER): Law of Contractual Transactions

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Prescribed Course of Studies:

The students would be expected to be well conversant with the general principles of contract and the law relating to specific contracts in India. They should also be well familiar with the evolution of law, leading judicial decisions (English and Indian) with important comparative developments elsewhere.

Unit-I

- Genesis and Philosophy of Contracts and its importance in a commercial developing society.
- Freedom of Contract; Nature and basis of contractual obligation.
- Formation of Contract- Agreement and Contract, Intention to create legal obligation; Requirements of valid contract.
- Proposal and Acceptance- Essential elements, communication and revocation, proposal and invitation for proposal standing order, Tenders and Auction sale.
- Standard Forms of Contract- Exclusion clauses and their effects.
- Unilateral and bilateral contracts.
- Capacity to Contract- Meaning and Scope, Contractual Capacity of a Minor, Corporation, Government, Consequences of Minor's Agreement and Stopple, Ratification.
- Contract by a person of unsound mind- Legal effects.
- Other Legal disabilities.
- Free consent- Meaning and Scope: Vitiating elements- Coercion, Fraud, Misrepresentation, Undue influence and Mistake, Distinction between Fraud and innocent misrepresentation, Coercion and Duress, Mistake of Law and Mistake of Fact, Common, Mutual and Unilateral Mistake, Remedies available when agreement is vitiated by mistake.

Unit-II

- Consideration- *Nudum pactum*- Its need, meaning and essential; Adequacy of consideration, privity of contract and consideration- its exceptions; past; executed

and executory consideration, Doctrine of Consideration and Promissory Estoppels; Essentiality of consideration with exceptions.

- Legality of objects and consideration- Unlawful consideration and objects; void, voidable and unlawful agreements and their effects. Concept of immoral and public policy, Heads against public policy.
- Void Agreements, Agreement in restraint of Marriage, Agreement in restraint of Trade Agreement in restraint of legal proceedings, Uncertain Agreement and Wagering Agreement.
- Contingent Contract- Meaning and scope, Reciprocal Promises.
- Discharge of Contract- Meaning and modes of discharge; performance and Tender- place and time of performance, time as essence of contract performance of joint promises.
- Discharge by Agreement- Novation Remission of performance, Accord and Satisfaction.
- Discharge by Impossibility of performance and Frustration- Nature and scope of the doctrine of Frustration, Specific ground of frustration.

Unit-III

- Restitution;
- Quasi-Contracts or certain relation resembling those created by contract.
- Breach of contract and remedies, Meaning of breach and Anticipatory breach; Damages- Meaning and Nature, Kinds, Rule in Hadly v. Baxendable- Remotences of Damage.
- Contract of Indemnity- Definition and Nature, distinction between Indemnity and Guarantee, Rights of the Indemnity Holder.
- Contract of Guarantee- Definition and scope, Specific and Continuing Guarantee; Creditors Right against Principal Debtor and Surety, Discharge of Surety; Surety's Rights against the principal debtor and Co-surety, Principal of Contribution by co-surety.

Unit-IV

- Bailment- Definition and Essential Features, Bailment for Reward and gratuitous Bailment, Right and duties of Bailor and bailee.
- Finder of lost goods- Rights and Duties of finder; Rights and Liabilities of owner.
- Pledge- Definition, Nature and Scope; who can pledge, Rights and duties of pawnor and pawnee.
- Kinds of Agents- Factory, Brokers, Auctioneers, Del-Cordere agents, etc.
- Agency- Nature, Distinction from other transactions; Contractual basis of Agency.
- Modes of Creation of Agency- Express, implied, ratifications by operation of law.
- Scope of Agent's Authority; Rights and Liabilities of the Agent as against principal and third party; Rights and Liabilities of Principal and third party as against each other and as against agent.
- Delegation by Agent- Sub-agent and substituted Agent- Distinction and Legal Effects.
- Termination of Agency, modes of termination, Agency couple with interest.

Select Bibliography:

- Chaturvedi, A.N. : Lectures on Indian Contract Act.
Cheshire and Fifoot : The Law of Contract.
Anson : Principles of the English Law of Contract
Chitty : On Contracts (General Principles).
Pollock and Mulla : Indian Contract and Specific Relief Act.

GROUP-D: LABOUR, CAPITAL AND LAW

Object: The course is designed to acquaint the students about legal relationship between labour and capital, industrial adjudication, law of social security and other labour laws dealing with wages, working hours and other monetary benefits.

Outcome: The students shall be acquiring complete knowledge regarding organized sector, unorganized sector, their wages, social security and other protective laws.

203-Paper –I (ELECTIVE PAPER): Law Relating to Labour Management Relations

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Regulations Relating to Industrial and Individual Dispute: Definitions of Industry, Workmen and Employer; Authorities for the Settlement of Disputes, Works Committee, Conciliation, Court of Inquiry and Arbitration; Workers' participation in the Management. Govt. Power of Reference: Statutory Definition of Strike and Lockout: Restrictions on the Right to Strike and Lockout: Illegal Strike and Lockout; Meaning and Concept of Layoff and Retrenchment, with or without the permission of Government, procedure of retrenchment, compensation, Quantum of compensation, Retrenchment compensation on transfer or closure of undertaking; Prohibition against change of service conditions pending proceeding, Recovery of money due to a workman from employer.

Unit –II

Collective Bargaining – Nature, scope, definition, concept , Methodological aspects, advantages, disadvantages; Types of bargaining , Plant level; Industry Level and national level ; Conditions form successful functioning of collective bargaining : Major issues in bargaining : Wage policy and work discipline Voluntary Settlement and Collective bargaining : Impact of Law on Collective Bargaining and grievance procedure.

Unit –III

Role of Trade Unions and Unfair Labour Practices , Judicial and statutory definition of trade union : Registration , Recognition , dissolution of Trade Union , Rights and Liabilities of Registered Trade Unions , Office bearers and outsiders, Funds, Immunities – Criminal and Civil Unfair Labour Practice and Victimization.

Unit – IV

Standing orders: Nature and scope of Standing Orders; Procedure for certification of standing orders ,and operation thereof Duration and modification of Certified standing orders; Temporary application of model standing orders, Interpretation and enforcement of Standing

orders and , penalties , Definition of Apprentice, Appointment of apprentices and their training , Standard of Physical fitness for training , authorities and constitution of councils: Payment of stipend and grant of leave to apprentices, submission of record and returns.

Select Bibliography:

- Srivastava, S.C. : Industrial Relations and Industrial Law.
- Srivastava, S.C. : Industrial Disputes and Labour Management Relations.
- Malhotra, O.P : Commentaries on the Law of Industrial Disputes Act, 1947
- Varandian, G. : Workers', Participation in Management with Special Reference to India
- Yadav, Sunil : Labour and Industrial Laws,Central law Publications.
- Morris, Gillian S. and : Collective Labour Law (3000), Oxford.
- Archer, Timothy J.
- Nick Humphrey : Trade 'Union Law (1997), Blackstone , London.
- Bowers John and : Text: Book on Labour Law (1998), Blackstone , London.
- Hentyball Simon
- Stephen Dery and : Employment Relations : Individualization and Union Exclusion
Richard Mitchell (1999), Blackstone, London.
- Roger Blanpain : Comparative Labour Union Law and Industrial Relations in Chris
Engels (Eds.) Industrialized Market Economies (1999), Kluver.
- Indian Law Institute : Labour Law and Labour Relations (1987)
- ILO : Collective Bargaining.
- ILO : Collective Bargaining in Industrialised market Economies
- Sur, Mary : Collective Bargaining (1965)
- Rideout, R.W. : Principles of Labour Law, Chs. 8,9 and 10(1983)
- Freund, Otto Kahn : Labour and the Law (1977)
- Rajagopalan, A.V. : Approaches to Collective Bargaining –Intricacies 1982, Vol. II.
Labour Law Notes, P.J. 42
- Patil, B.R. : Sectionalized Bargaining in Textile Industry in Coimbatore, 20
Indian Journal of Industrial Relations 44. (1985)
- Ramos Elias T. : Growth of Collective Bargaining in the Philippines, 1983-74,
14 Indian Journal of Industrial Relations 559(1987)
- Ekeehukwn, T.O. : Collective Bargaining and Process of Setting Industrial
Disputes in Nigeria, 18 Indian Journal of Industrial Relations
607(1983)
- Reddy, Y.R.K. : Determination of Collective Bargaining Agency, Search For
procedure, 14 Indian Journal of Industrial Relations 73 (1978).
- Dayal , Sahab : Revival of Collective Bargaining in India: Some recent
Evidence, 17 Indian Journal of Industrial Relations 329 (1982).

204-Paper –II (ELECTIVE PAPER): Industrial Adjudication

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Constitutional Perspective and Foundations

Constitutional authorization for institutional framework (legislative entries , Article 323 B)

Constitutional Goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles.

Unit – II

Origin and Growth of Adjudication System

Reference of Dispute to Labour Adjudication.

Advantages and Disadvantages of reference.

Need for Labour Adjudication

Limitations on discretion of the Govt. to refer the dispute.

Direct access to adjudicatory authority by employer and employee : problems and perspectives.

Impact on employer's prerogative and employee's rights

Unit – III

Adjudicatory Authorities: Bound by the rules of equity and natural justice; Application of the rule of resjudicata composition , jurisdiction and functions of adjudicatory bodies e.g. Labour Court, Industrial Tribunal and National Tribunal, Appointment , Powers and duties of Presiding officer, pendency of proceedings before adjudicating authorities.

Unit- IV

Award of adjudicating authority (ies); Signing submission, publication, period of the operation and enforcement of award, removal of doubts and difficulties in the award. Administrative finality of decision –making –a myth, judicial review of the adjudicatory process : Constitutional remedies by writs and appeals.

Select Bibliography:

Malhotra, O.P. : The Law of Industrial disputes, Vol. I (1988)

Srivastava, S.C. : Industrial Relations and Labour Law(2001).

ILI , Labour Law and Labour Relations, Parts II, IV, VI, VII, IX and XI.

Rideout : Principles of Labour Law (1983), Ch. 4,5 & 6

- Smith , Russel A. : Collective Bargaining and Labour arbitration(1970) Part-II
- Gorman, et. al. Robert A: Basic Text on Labour Law, ch. 23,24 and 25 (1976)
- Relevant portions of the Report of the National commission on Labour.
- Massey, L.P. : A Legal Conundrum in Labour Law, 14 JILI 386(1972)
- Yadav, Sunil : Labour and Industrial Laws, Central Law Publications.
- Srivastava, S.C. : Voluntary Labour Arbitration : Law and Policy, 23 JILI 349 (1981).
- Aggarwal, Arjun P. : Conciliation and Arbitration of Labour Disputes in Australia, J.I.L.I 30 (1966)
- Jain, D.C. : Meaning of Industry Wilderness of Conjectural Justice (1986), 3 S.C.C. Journal 1.
- Singh, T.N. : Futuristic Industrial Jurispudece, a Poser (1986) , 3 S.C.C Journal 15
- Chaturvedi, R.G. : Law and Procedure of Departmental Enquires and Disciplinary Actions (1977)
- Sabharwal, R.K : Job Security of Industrial Workers (2001)

GROUP-E: ENVIRONMENT AND LEGAL ORDER

Object: This course is framed with the object of discussing all the laws relating to environment, resource management the International conventions dealing with environment from time to time.

Outcome: The students shall be well acquainted with complete legal provisions relating to environment in addition to the knowledge of international legal provisions regarding protection of environment.

203-Paper-I (ELECTIVE PAPER): Environment and Development: Law and Policy

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Environment – Definition and background; Issues and Importance; Ancient and medieval writings; Traditions; Religious and Cultural practices in India.

Unit-II

Development – Theories of development; Right to Development Developing economics Sustainable Development – Concept; National and international perspectives; industrial development and sustainable development.

Population, Environment and Development- Population explosion and environmental impact; Populations and development, population; Industrial development ; Migration of Population.

Unit –III

Policy and Law- form Stockholm to Rio and after; Post- Independence India ; Role of Government ; Five year plans; Forest Policy; Conservation Strategy ; Water Policy; Early Environmental Legislation in India.

Unit -IV

Constitutional Perspectives-

Fundamental Right to environment; Enforcement of the right; Directive principles and fundamental duties; legislative power; Environment; Emerging Concepts and challenges; Polluter pay principle: absolute liability of hazardous industry; precautionary principle; public trust doctrine.

Select Bibliography :

Abraham, C.M : Environmental Jurisprudence in India (1999), Kluwer

- Gadgil Madhav and : This fissured Island: An Ecological History of India, Ramachandra (1996), Oxford.
- Singh R.B.& : Environmental Law in India (1996), Concept Publishing Misra ,
Suresh Co., New Delhi.
- Thakur, Kailash : Environmental Protection: Law and policy in India(1997),
Deep & Deep Publications, New Delhi
- Riversz, Richard L. : Environmental Law, the Economy and sustainable
Et al. (eds.) Development (2000), Cambridge.
- Stone, Christopher D. : Should Trees Have Standing and other Essays on Law,
Morals and the Environmental (1996), Oceana.
- Bell Stuart : Environmental Law (2000)
and Donald, McGilivray: Blackstone Press.
- Webster, Charles A.R : Environmental Health Law (1981)
- Leelakrishan P. : Law and Environment
Et al. (eds.) (1990), Eastern.
- Leelakrishan P. : The Environmental Law in India (1999) , Butterworth- India
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)
- Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc, Westbury,
New York. Darryl D'Monte, Temples or Tombs Industry Versus Environment; Three
Controversies (1985) , Centre for Science and Environment, New Delhi.
- Indian Journal of Public Administration, Special Number on Environment and Administration,
July- September 1988 Vol XXXV, No. 3, pp.- 353-801
- Khosho, Environmental Concerns and strategic (1988). Ashish , Delhi.
- Centre for Science and Environment, The State of India's Environment 1982, The State of
India's Environmental 1982, The State of India's Environment 1984-85 and the State of Indian
Environment 1999-2000.
- World Commission on Environment and Development, Our Common Future (1987), Oxford.
- Garrett Hardin, The Ostrich Factor: our Population Myopia (1998), Oxford.
- Desai, Ashok A. : Environmental Jurisprudence, Modern Law House, 2nd (ed.)
(2002)

204-Paper-II (ELECTIVE PAPER): Resource Management and the Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Water- salinity; Bund and spill ways; Aquaculture and fishing ; regulation : irrigation ; Ground water management; interstate water management and disputes; River water resources and disputes with India's neighboring states.

Unit –II

Land- Controls on land development; Eco- friendly land planning; conservation, utilization and conversion; Mining and quarrying; Exploitation of natural resources; Need and greed.

Unit-III

Concepts of Common property and State property- Forest ; Wildlife; Common facilities and the right to use; roads, parks, pathways lakes, rivers ; Natural heritage – Tribal habitat, Historical monuments; wet lands ; wise use concept.

Unit- IV

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

Select Bibliography:

- Thakur, Kailash : Environmental Protection: Law and Policy in India (1977),
Deep& Deep Publications, New Delhi.
- WCED : Our Forest, Our Future (1999) , Cambridge.
- Abraham C.M. : Environmental Jurisprudence in India (1999), Kluwer.
- Diwedi : India's Environmental policies, Programmers and Stewardship
(1999), McMillan
- Enid M. Barron : Royal Commission on Environmental Pollution, London, U.K
Et al (eds.) (1998), Kluwer.
- David B. Wilkins : Animal welfare in Europe (1997), Kluwer.
- Mark Austen and : Basic legal Documents on International Animal Welfare and

Tamara Richards : Wild Life Conservation (2000), Kluwer.

Jack Grosse : Protection and Management of our Natural Resources, Wild Life and Habitat (1997), Oceana.

Enid, M. Barson and Liga Nielson (eds.) : Agriculture and Sustainable Use in Europe (1998), Kluwer

Trever Hellawell : Blackstone's Guide to Contaminated Land (2000) , Blackstone Press.

Leelakrishnan, P. et al. (eds) : Law and Environmental Law (1990)

Leelakrishnan, P. : The Environmental Law in India (1999) , Butterworth- India

Froderick : Environmental Improvement through Economics Incentives (1977).

R. Anderson, et.al : Indian Journal of Public Administration July and September 1988, Vol. XXXV, No.3

David Huges : Environmental Law (1999) Butterworth, London.

Ram, A.R. and Gautam, P.N. : Natural Heritage of India (1989), R.K. Publishers, Delhi.

Standing committee on Environmental Law, American Bar Association, Common Boundary Common Problems: The Environmental consequences of Energy Production (1982)

Jain, S.K. and Sastry, A.R.K.:Threatened Plants of India: A State of the Art Report (1980)

Armin Rozeneranz (eds.) :Environmental Policy and Law in India (1988) Butterworths – *Et. al.* India.

GROUP –F: JURISPRUDENCE

Object: Its object is to discuss the growth and development of law, various theories of justice, law and society and the concept of rights.

Outcome: The students shall be acquiring the complete knowledge regarding the origin, growth and development of law in addition to the concept of legal personality etc.

203-Paper-I (ELECTIVE PAPER): Comparative Judicial Process

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Common Law and adjudication: Early history, judicial process and colonization; Common-Law Judicial process in India; Rule of Law. The doctrine of independence of judiciary as and aspect of separation of power. Division of Functions. The notion of the independence of judiciary and of legal profession.

Unit-II

Appointment of Judges and transfer of Judges; Current crises of Indian adjudicatory system; Notion of “Role” , “Role Conflict”, “Status & Role”, Notion of Judicial Review, Democratic Character of Judicial Review Legalism

Unit-III

Ronald Dworkin’s theory of judicial role. Interpretivism. Varieties of judicial and Juristic activism. Problem of accountability of justices.

Unit-IV

The Socio- economic background of the Indian Judiciary. The ‘Politics’ of judiciary. The Role of appellate Indian judges in development and renovation, and retardation, of constitutional goals, Impact of Public opinion on Judicial Process, Power of Judicial review.

Select Bibliography:

- Singhvi, L.M. : Freedom on Trial (1991), Vikas, New Delhi.
Grover Verinder (Ed.) : Political Process and Role of Courts (1997) Deep & Deep Publication, New Delhi.
Sehgal, B.P. Singh (Ed.) : Law, Judiciary and Justice (1993) Deep & Deep, New Delhi.

- Max Gluckman : Judicial Processes among the Barotse of Northern Rhodesia (1967)
- Paul Bohanan : Justice and Judgment among the Tiv (1957)
- E. Adamson Hocbei : The Law of the Primitive Man (1968).
- Catherine Newman : Law and Economic Organization: A Comparative Study of Preindustrial Societies (1983).
- Baxi, Upendra : Towards the Sociology of Indian Law (1986).
- Harold J. Berman : Law and Revolutions the Formation of the Western Legal Tradition (1983).
- Ghai, Yeah : The Political Economy of Law; A Third world Reader (1986).
- Henry J. Abraham : The Judicial Process (1995), Universal.
- Ronald Dworkin : Taking Rights Seriously (1996), Universal
- Ronald Dworkin : A Matter of Principle (1985).
- John Hart Ely : Democracy and Distrust. A Theory of Judicial Review (1980).
- J. Stone : Precedent and the Law; Dynamics if Common Law Growth
- Supreme Court of Indian: Third International Conferences of Appellate Judges Conference Papers and Proceedings (1985)
- Baxi, Upendra : The Indian Supreme Court and Politics (1980)
- Baxi, Upendra : Courage, Craft and Contention: The Indian Supreme Court in Mid- Eighties (1986), Tripathi, Bombay.
- Dhavan, Rajeev : The Supreme Court of India; A study of its Socio-Juristic Techniques (1977), Tripathi, Bombay
- Dhavan , Rajeev and Alice Jacob : Selection and Appointment of Supreme Court Judges; A Case study (1978)
- Dhavan, Rajeev and Kalpakam, P. : The Supreme Court under; Strain the Challenge of Arrears (1979).
- Simon Shetret & Jules Descheness (Ed.) : Judicial Independence: A Contemporary Debate, Martians High off; Pub Dercbrecht (1985)
- Martin Shapiro : Courts: Comparative and Political Analysis (1981): University of Chicago.
- Khanna, H.R. : Judiciary in India and Judicial Process (1985), S.C Sarkar and Sons, Calcutta.

204-Paper-II (ELECTIVE PAPER): Marxian and Theory of Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

The Law as a tool of the ruling classes; The Law being located in Super-structure is determined by the base of economic structure. Law reflects, but cannot accomplish social Transformation. Adjudication and legislature action and class biases in favour of ruling Classes.

Unit-II

Marx Critique or Hegel's Philosophy of Right; Marx on freedom of press; Marx on Human Rights. Marx on the role of law in transition to capitalism. Law and bourgeois economic interests. Law and Property relations, Law and Class struggle.

Unit-III

Nations of ideology, Law as ideological apparatus, the form of ideology. The content of ideology. Legal thought and lawyer as articulators of ideology

Unit-IV

Marx on Justice: Critique of natural law. Adjudication as a site of contradiction between fractions of capital; Progressive legislations as an instrument of serving the interest of subordinate classes. Understanding Social Action Litigation.

Select Bibliography:

- | | |
|----------------------------------------|------------------------------------------------------------------|
| Baxi, Upendra | :Marx Law and Justice : Some Indian Perspectives (1992) |
| Progress Publishers
Moscow | :Theory of State and Law (1987). |
| Maureen Gain &
Alan Hunt | :Marx and Engles on Law (1979). |
| Y. Chirkin; Yu Yudin
and O. Znidkov | :Fundamentals of Socialist Theory of the State and
Law (1987) |
| Hugh Collins | :Marxism and Law (1982). |

Bob Fine : Democracy and the Rule of Law: Liberal Ideals and Marxist Critiques(1984).

Ghai, Yash et al. :The Political Economy of Law: A Third World Reader (1987)

Lloyd and Freeman : Lloyd's introduction to Jurisprudence (1994), Sweet and Maxwell.

Thompson, E.P. :Whigs and Hunters: The original of the Black Act(1977)

Session-2022-23

GROUP (G): CONSTITUTION & LEGAL ORDER

Object: The object of this course is to discuss the concept of welfare state, power of judicial review, federation and the concept of human rights.

Outcome: This course shall impart complete knowledge regarding federation and its various aspects in addition to power of judicial review.

203- Paper-I (ELECTIVE PAPER): Constitutional Democracy and Mass Media

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Forms of Government:

Presidential Form of Government
Parliamentary Form of Government
Coalition Government

2. Parliament/State Legislature:

Composition of House/s
Qualifications & Disqualifications
Procedure of House/s

Unit-II

1. Election Commission of India:

Constitution, Composition, Powers and Functions
Electoral Reforms

2. Privileges for Legislature in India:

Nature and Extent
Parliamentary Privileges and Immunities
Privileges and immunities of State Legislatures

Unit-III

Relation of Executive and Legislature:

1. Executive Control of the Legislature
2. Role of the Legislature
3. Scrutiny of the Administration
4. Control over the legislation
5. Legislative Committees

Unit-IV

1. Mass Media:

Ownership
Monopoly- Private and Government

2. Freedom of the Press:

Provisions of the Constitution
Article 19(1) (a)
Reasonable Restrictions & Scope

3. Role of the Mass Media:

Accountability
Press Council of India
Press and Parliamentary Privileges

Select Bibliography:

- Jain, M.P. : Constitutional Law of India (1994)
Seervai, H.M. : Constitutional Law of India, Vol. I (1991) Tripathi, Bombay.
John B. Howard : "The Social Accountability of Public Enterprises" in Law and
Community Controls in New Development Strategies (International
Centre for Law in Development 1980)
Dhavan, Rajeev : "On the Law of the Press in India", 26 J.I.L.I. 288(1984)
Dhavan, Rajeev : "Legitimizing Government Rhetoric: Reflections on Some Aspects of the
Second Press Commission", 26 J.I.L.I. 391(1984)
Sorabjee, Soli : Law of Press Censorship in India (1976).
Justice Venkataramiah E.S. : Freedom of Press: some Recent Trends (1984).
Basu, D.D. : The Law of Press of India (1980)

204- Paper- II (ELECTIVE PAPER): Public Utilities and Welfare State

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Concept of a Welfare State:

Preamble of India Constitution

Concept of a Modern State

2. Directive Principles of State Policy: Social & Economic Democracy:

Nature, non-enforceability

Directive Principles- Contents

Relations with Fundamental Rights

Implementation-Article 31C

Incorporation in Fundamental Rights- A Judicial Technique

Unit-II

1. Fundamental Rights:

Utilitarian Approach of Fundamental Rights

Restrictions on Fundamental Rights for General Welfare

2. Power of Eminent Domain:

Right to Property

Police Power

Unit-III

1. Public Utilities:

Framework of Public Utilities- Departmental Statutory, Govt. Co's etc

Status of the Employees

Control on Public Utilities- Govt. and Judicial

2. Privatization of Public Utilities:

Efficiency in Public Utilities

Accountability

3. Liabilities of Public Utilities:

Contractual, Tortious & Criminal

Unit-IV

Bureaucracy in India:

1. Union and State Services

2. Doctrine of Pleasure

3. Constitutional Safeguards for Civil Servants

Select Bibliography:

- Bakshi, M.P. : Television and the Law (1986)
- Kelkar, Vasani : "Business of Postal Service" 33 I.J.P.A., pp. 133-141(1987)
- Ramesh, G. : "Characteristic of Large Service Organization in a Developing Country Like India" I.J.P.A. 77(1986)
- Paranjpe, Nalini : "Planning for Welfare in the Indian Railways" 31 I.J.P.A. 171-180(1985)
- Sharma, Arvind K. : "Semi-Autonomous Enterprise: Conceptual Portrait- Further Evidence on the Theory of Autonomy" 33 I.J.P.A. pp 99-113
- Sathe, S.P. : Administrative Law (1998)
- Jain & Jain : Principles of Administrative Law 1986)
- Jagdish, U.I. : Handbook of Electricity Laws (1978)
- Bhaumik : The Indian Railway Act, (1981).

GROUP H: FEMINIST CRITIQUE OF LEGAL ORDER

Object: This course is designed with the object of discussing the concept of gender equality, patriarchal elements in Indian Law, gender perspective in international law and labour, gender and the law.

Outcome: The students shall acquire the knowledge of gender justice in terms of equality, international law and particularly in the area of labour and capital.

203-Paper-I (ELECTIVE PAPER): Feminist Theorizing and Legal Order

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Distinction between “Sex” (nature) and gender (Culture)”, the notion of patriarchy – Biological, historical and sociological concept; discrimination through paternalism, traditional masculine/feminine stereotypes concerning human nature and division of labour.

Unit-II

An ideology of sex-based discrimination – Aristotle , Middle Age thinkers to Hume, Rousseau, Kant, Hegel ,Freud and Marx in western thought; Classical (Philosophic) traditions considering women incapable of “Salvation” e.g. Jain Buddhist, Hindu , Islamic thought- Assigning “private” sphere to women and “Public” Sphere to men , confinement of women to hearth and home women’s work having no exchange values – Ideology treating women as appendage to men, denial of legal personality and rights to property – the legal/political Strategies of liberal feminists, focus on opposition of sex-based discriminatory laws- struggle for preferential discrimination,- Engel’s thesis on the origin of family , property and State, linkage between women’s oppression and emergence of capitalism, traditional Marxist Strategies for overcoming women’s oppression.

Unit-III

Radical feminism, patriarchy as a total male control of female body-sex- based murders- State and law legitimizing and reinforcing patriarchal domination and values. Strategies of transformation, repudiation of marriage (e.g. Brahma Kumaris, career women, lesbianism), emergence of women’s enterprises such as Lijjat, Sewa, direct actions against symbols of patriarchy (e.g. burning of pornographic book- stores destruction of blue films), inclusion of

“private” in the sphere of law along with “public”, sex based political polarization and women’s, participation in governance and decision- making bodies, cultural oppression of women and religious fanaticism, Marxist concept of “labour” and exclusion of procreative labours, exclusion of class struggle and women’s emancipation from patriarchy, conceptualizing women as a “class” control of productive resources of a society and control of reproductive capacity of women; the public/private distinction overlooking mutual interdependence of sexuality , politics and economy, state and law to recognize full value of Procreational and household labour , demand for participatory democracy.

Unit-IV

Legal theory and practice in the light of feminist critiques, feminist critique of natural law ideologies , critique of legal positivism , especially in terms of patriarchal conceptions of rule of law and equitable socio- economic conditions ; Critique of affirmative or preferential discrimination programmers, evaluation of family, property and criminal law as instrumentalities of oppression , law reform and patriarchy.

Select Bibliography:

Alison M. Jaggar: *Feminist Thought and Human Nature* (1983), Harvester Press, Sussex.

Maria Mies: *Patriarchy and Accumulation on a world*

Scale: *Women in the International Division of Labour*(1986), Zed Books, London.

Lawrence, A.: *Babbar Redemptive Encounters: Three Modern Styles in the Hindu Tradition* 93-158, (1987).

Venkatarayappa, K.N. : *Feminine Roles* (1980).

Susan Atkins & Brend Hogett: *Women and the Law* (1984).

Julia Brophy & Carol Smart (ed.): *Women in Law: Exploration in Law, Family and Sexuality* (1985).

Susan Edwards (ed.): *Gender, Sex and Law* (1985).

Michael D.A. Freeman (ed.): *The State, the Law and the Family* (1984).

Katherine O., Donovan,: *Sexual Divisions in Law* (1985).

E. Diane Pask, Kathleen E, Mahency and Catherine A.: Brown (ed.), *Women, the Law and Economy* (1985).

Carol Smart: *The Ties that Bind: Law, Marriage and the Reproduction of Patriarchal Relations* (1984)

Catherine A. Mackinnon *Feminism Unmodified: Discourse on Life and Law* (1987).

Catherine A. Mackinnon: *Towards 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)

204-Paper-II (ELECTIVE PAPER): Nationalist Struggle and Gender Equality

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Position of women in early and matriarchal societies, advent of private property and change in the position of women, position of women under Vedic, period and sharric law, policy of non-interference with the personal laws of Hindus and Muslims and its effect on Women, Criticism of Sati; Concern of Indian social reformers like Raja Ram Mohan Roy on the plight of women, position of women in Bengal and the institution of Kulin Brahmin.

Unit-II

Legal position of Muslim Women vis-à-vis Hindu women , Social Welfare legislation in their historical perspective in relation to child marriage, infanticide, women's right to property , removal of disabilities for marriage, inheritance, adoption; Muslim women and Muslim personal Law (Shariat) Application Act, 1937, position of Parsi and Christian married women, Indian Succession Act, 1925 and its application to parsis and the Christians, participation of women in freedom struggle and their emancipation.

Unit-III

Appointment of National Planning Committee with sub-committee on women's role in planned economy, working women's control over their earnings, women to have indefeasible share in the husband's property, women's control over family income, legal mechanism and empowerment of women , Government's policies towards empowerment of women, allocation of resources in the current Five Year Plan.

Unit-IV

Social Welfare Legislations, special provision for women in the fundamental rights to improve the position women and bring them on par with men, monogamous marriages and bigamy – Socio judicial perspective, daughter's share in separate property of father, coparcenary right in inheritance, guardianship and inequitable position of women, socio – legal problems relating to Dowry Prohibition Law, Stridhan and Section 27 of Hindu Marriage Act 1955, amount of maintenance and implementation of the award , patriarchal structure of family and unequal status of women.

Select Bibliography:

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

Nehru, M. : Autobiography (1936-80).

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

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

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

Sinha, Ranjit: "Chandra's Death" 5 Subaltern of Independence – Gender, Caste and Class in India (1986).

Saldhana, Indira Munshi: "Tribal Women in World Revolt 1945, 6-7, Class and Gender in the Left Perspective" 21 E. P.W. WS 41, (1986).

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

Pepper Casters Women in tabhaga Uprising poor women and Revolutionary Leadership 1946-47(1987).

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

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

Gupta. B.A.: Position of Women among Hindu, Muslims, Buddhists and Jains (1901).

Ray, Renuka, My Reminiscences and Social Development During Gandhian Era (1982).

Kishwar, Madhu and Vanita, Ruth: In Search of Answers (1984).

Kishwar, Madhu: Gandhi on Women (1986).

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

Gail, Minault: Voices of Silence- Introduction (1986).

Thapar, Romila: "Looking Back in History", Lakshmi Menon "Women and the National Movement", Andre Beteille "Position of Women in Indian "Society" , in Devaki Jain (ed.) Indian Women (1975).

Roy, Bharati: Swadeshi Movement and Women's Development Studies, Navjivan Trust.

Angeles Almenas Lipowsky: The Position of Indian Women in the Light of Legal Reform (1975).

Jafri, S. N. : "Women in India", 34 Asia Review 91 (1938).

Jilova, C.R. : Law of Cruelty in India, Universal Law Publications, 2016

Sarkar; Sumit : Modern India 1885-1947 (1983).

GROUP: I SCIENCE, TECHNOLOGY AND LAW

Object: The course shall aim at providing the knowledge and understanding of the interface between law and science, technology, medicine and Biotechnology.

Outcome: The course shall equip the students with the complete knowledge of law, science, technology and the medicine in their cognate relationship.

203-Paper-I (ELECTIVE PAPER): Law, Science and Technology

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

OBJECTIVES OF THE COURSE

This is an introductory course on which other courses in this group of optionals will build. Understanding of the interface, between law, science and technology should require no elaborate justification. So far, law curricula and research have remained inadvertent to the reciprocal impacts between science/technology and legal order and thought.

Science and technology are forces which have always shaped the nature of the legal order, in turn; the latter has also had a share of impact on the former. A general reflection on the nature of evolution of principles of tort liability and the law relating to patents and trademarks, for example, should indicate, even to a traditional juristic mind the significance of mutual impact. But in the last decades of twentieth century, the perils posed by hazardous technology, unconventional armament and biotechnology, for example, to human survival and dignity should alert us to the need for a very close study of reciprocal interaction between science, technology and legal order.

The following syllabus prepared with this perspective will be spread over a period of the semester.

Unit-I

1. Introductory : Science
 - 1.1 Conceptions of “Science”, Science as natural philosophy and modern science.
 - 1.2 Scientific thought in ancient and mediaeval India.
 - 1.3 Modern Science : The Scientific revolution.
 - 1.4 The Legal order and institutionalization of scientific Conceptions.

Unit-II

2. Introductory : Technology

- 2.1 Notions of technology.
- 2.2 Legal order and technological innovation, general considerations.
- 2.3 Renaissance and the emergence of western technology (1500-1750).
- 2.4 The industrial revolution, Law and Society.
- 2.5 Colonization , Science , Technology and Political economy.

Unit-III

3. 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.
 - 3.5 Role of national & international orders relative to these.

Unit-IV

4. The Emergence of Technological Society and State.
 - 4.1 Technology and practice of politics.
 - 4.2 Law as social technology.
 - 4.3 Nations of technological society.
 - 4.4 “Scientism” and notions of scientific temper.
 - 4.5 Technology and the civil Society.

Select Bibliography:

- Katju, Markandey, Law in the Scientific Era (2000), Universal, New Delhi.
- Helen, Reece (ed.), “Law and Science” in Current Legal Issues (1998) Oxford.
- Philip, Grubb, Patents for Chemicals, Pharmaceuticals and Biotechnology (1999), Oxford.
- Zinian, John et. al. (ed.), World of Science and the Rule of Law(1986), Oxford.
- John Zinian et al. (ed.) New Technologies and Development (1986) UNESCO.
- Maic-Wan Ho, Genetic Engineering: Dreams or Nightmare? The brave New World of Bad Science and Big Business (1997) RESTE, New Delhi.
- Cess J. Hamelink , The Ethics of Cyberspace (2001), Sage.

204-Paper-II (ELECTIVE PAPER): Law, Science and Medicine

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objectives of the Course:

This course seeks to explore the role that law and state play in controlling science law medicine self- regulation (or private control) is also aspect of the course. The pervasive role of modern medicine, and of the pharmaceutical industry, is writ large on the Indian Development on public health, Law; policy and administration, indeed, a large number of areas are not all regulated by Indian legal order. It is hoped that this course will stimulate and reform in this vital area.

Unit-I

1. Profession and Professionals : Self –Regulation,
 - 1.1 Notion of a ‘Profession’,
 - 1.2 The varieties of Medical professions in India.
 - 1.3 The pharmaceutical industry in India. A profile.
 - 1.4 Para – professionals.
 - 1.5 Self- Regulation through codes of conduct and disciplinary proceeding.
 - 1.6 Patients Rights.

Unit-II

2. The Regulation and Organization of Medical Education and Profession in India.
 - 2.1 Medical education: Dilemmas of federalism and judicial review.
 - 2.2 Medical education, rural health and family planning.
 - 2.3 Organization of medical research under governmental auspices.
 - 2.4 Bhopal catastrophe and ICMR.
 - 2.5 “Health for All” by 2000 A.D.
 - 2.6 Article 21 of the Constitution and the foregoing aspects.

Unit-III

3. The Regulation of Pharmaceutical Industry.
 - 3.1 Select problems under the Drugs Act.
 - 3.2 The Hathi Committee Report and aftermath on essential drugs.
 - 3.3 Regulation of research and development.

- 3.4 Advertising and consumer protection.
- 3.5 Regulation of drug-testing procedures in India.
- 3.6 Multinational drug Industry in India: Patent law aspects and dumping of unsafe drugs.

Unit-IV

- 4. Experimentation and Regulation.
 - 4.1 The Doctrine of "Informed Consent".
 - 4.2 Experimental Abuses.
 - 4.3 Experimentation on Foetuses and Children.
 - 4.4 Experimentation on people in Custody, including psychiatric Custody.
 - 4.5 Proper Role for Experimentation on Animals.
 - 4.6 The Physician- Patient Relationship.

Select Bibliography:

The materials for the course will have to be designed by a thorough study of legislative texts as well as reported judicial discussion in each area. In addition, WHO materials should also be consulted.

Materials, Charies, Injury? An Enquiry into the Marketing and Advertising of British Food and Drug Products in India and Malaysia (1981).

Agarwal, V.K., Consumer Protection Law & Practice, Ed.2000. Bharat Law House, New Delhi.

Lokojan Bulletin, special Issue, Bhopal and interim appraisal (Jan-April, 1988).

Centre for Science and Environment, The State of India's Environment. The Second Citizen Report (1985).

Socialist Health Review (Published from Bombay).

Melrose, Dkina, Bitter Pills: Medicines and the Third World Poor (1982), Proceedings of the V Congress on Law and Medicine held at Delhi (1984).

Kumar, Pragya, Medical Education in India (1987).

Government of India, Report of Working Group on Health for All By 2000 A.D

GROUP- J: HUMAN RIGHT LAW

Object: The object of this course is to discuss the concept and development of human rights, international humanitarian law, refugee law and the relationship between human rights and science and technology.

Outcome: The students shall be well aware about the concept of human rights in its historical background in addition to the international development in the area of human rights and the law relating to science and technology.

203-Paper-I (ELECTIVE PAPER): Concept and Development of Human Rights

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Human Rights – Origin, Development, Nature and concept: Evolution of the concept of Human Rights in Indian tradition: ancient, medieval and modern , Human Rights in western tradition, Development of Natural Rights. Human Rights in International Law and National Law.

Unit-II

Classification of Human Rights- First, second and third generations: Historical development. Human rights: Politics and Society – Colonization, imperialism and Human Rights; Power, practices imperialism and Human Rights; Power, practices, accountability and transparency; liberalization, privatization and globalization; Human duties, responsibilities and obligations.

Unit-III

Codification of Human rights at international and national level in India. Human Rights under the Criminal laws of India.

Unit-IV

Human Rights under the labour Laws of India: Human Rights of Prisoners and victims of war. Human Rights of women and children with special reference to employees.

Select Bibliography:

Hegarty, Angela, Leonard, Siobhan, Human Rights an agenda for the 21st Century (1999)

Parmar, Lalit, Human Rights (1998)

Jois, Rama, Human Rights Bharatiya Values, (1998).

Forsythe, David P., Human Rights in International Relations.

Fuller, Lon L., The Morality of Law.

Finnis, John, Natural Law and Natural Rights (1980)

Stone Julius , Human Law and Human Justice, (2000), universal , New Delhi.

Chitkara, M.G. , Human Rights: Commitment and Betrayal, (1996).

Kulshreshtra V.D. , Landmarks in the Indian Legal and Constitutional History, (1995)

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

204- Paper-II (ELECTIVE PAPER): Human Rights and International Order

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Role of International organization of Human Rights, Universal Declaration of Human Rights, 1948, Covenant on Political and Civil Rights, 1966 Covenant on Economic, Social and Cultural Rights 1966, ILO, and other Conventions and Protocols dealing with Human Rights.

Unit-II

European Convention on Human Rights. European Commission on Human Rights. American convention on Human Rights, African Convention on Human Rights.

Unit-III

International Commission of Human Rights: Amnesty International, Non-Governmental Organizations: United Nations, division of Human Rights. International Labour Organization , UNESCO UNICEF, WTO, WFO.

Unit-IV

National and State Human Rights Commissions: Role of International Court of Justice and Regional Institutions. International Criminal Courts and NGO's at International level.

Select Bibliography:

Conforti, Benedetto and Francioni, Francesco, Enforcing International Human Rights in Domestic Courts (1997).

Martin, Francisco Forrest, International Human Rights Law and Practice (1997)

Clements, Luck, European Human Rights Taking a Case under the Convention (1994)

Ankumah, Evelyn A., The African Commission on Human Rights and People's Rights (1996)

Sinha, R.K., Human Rights of the World (1997)

Alston, Philip, The United Nations and Human Rights – A Critical Appraisal (1992)

Sharma R.S. and Sinha R.K., Perspectives in Human Rights Development (1997)

The Human Rights Watch Global Report on Women's Human Rights (2000), Oxford.

Seghal, B.P. Singh, Human Rights in India (1996).

Balachandan : International Court of Justice; Its Functioning and Settlement of International Disputes,(1997)

GROUP K: ADMINISTRATIVE LAW

- Object:** The course is designed with the object of providing knowledge regarding administrative law including administrative process and its judicial control, delegated legislation, control of maladministration and the public authorities.
- Outcome:** The students shall be acquiring the complete knowledge, regarding administrative process, delegated legislation, liability of public authorities etc.

203- Paper-I (ELECTIVE PAPER): Administrative Process: Nature and Scope

Max. Marks: 100

Credits: 5

Time: 3 Hours

- Note: (1)** There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Administrative Process.

- 1.1 Nature and purpose of administrative law.
- 1.2 Dicey, Unitary Democracy and Ultra Vires- Traditional Approach.
- 1.3 Rights, Legality and abuse of Powers- new approach.
- 1.4 Rule of Law – Different Approaches.

2. The administrative systems: An historical perspective.

- 2.1 In England
- 2.2 In India.
- 2.3 Characteristics of Indian administrative law.

Unit-II

3. The Changing pattern in Government.

- 3.1 The Executive power: Central and state governments.
- 3.2 The role of the legislature- controls over administration and legislature.

4. Changing face of administration.

- 4.1 The bureaucracy efficiency and accountability.
- 4.2 Administrative agencies contracting out.
- 4.3 Public Corporation.

Unit- III

5. Local self government.

- 5.1 Organizations.
- 5.2 Powers, Functions, finance.

5.3 Accountability and Controls.

Unit-VI

6. Operation of administrative process.

6.1 Competition: Law and Policy.

6.2 Regulation- establishment, operation and control of regulatory bodies.

6.3 Utilities and market power-case study of regulatory bodies.

6.4 Citizen Character.

6.5 Privatization.

Select Bibliography:

Friedman, The State and the Rule of Law in a Mixed Economy.

Dicey, introduction to the Law of the Constitution.

Davis, Discretionary Justice.

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

Smith , De, Judicial Review of Administrative Action (1995)

Jain, M.P., Cases and Materials on Administrative Law (1996), VoI. I. Wadhwa , Nagpur.

Craig, P.P., : Administrative Law (2001)

204- Paper-II (ELECTIVE PAPER): Administrative Process and Judicial Control

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Nature of Judicial Control.

1.1 The Power of Judicial review.

1.2 Jurisdictional questions.

1.3 Problems of invalidity- direct or collateral proceedings , void or voidable, problems of proof.

Unit-II

2. Write Jurisdiction: General

2.1 Constitutional provisions.

2.2 General Conditions.

3. Standing.

3.1 Traditional approach.

3.2 New approach.

Unit-III

4. Writs in particular.

- 4.1 Mandamus
- 4.2 Certiorari and prohibition
- 4.3 Habeas corpus and quo warranto.

5. Other remedies

- 5.1 Any other order or directions – meaning and scope.
- 5.2 Declaratory orders.
- 5.3 Injunctions.

Unit-IV

6. Exclusion of judicial review: ouster clauses.

- 6.1 Finality and shall not be questioned clauses.
- 6.2 Conclusive evidence clause.
- 6.3 As if enacted clauses.
- 6.4 Time Limits clauses

Select Bibliography:

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

GROUP –A : INTERNATIONAL LAW & ORGANIZATIONS

Object: The object of this group is to make the students aware about evolution, nature and composition of International Labour Organization. It also aims to discuss disarmament, peace strategies, law and diplomacy and the law of sea.

Outcome: The students shall be acquiring the knowledge regarding international and contemporary issues in addition to nature and functioning of ILO.

303- Paper –III (ELECTIVE PAPER): International Humanitarian Law.

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit – 1

International movement for Humanization of Warfare, Contribution of Classical writers; history of Red Cross; Geneva Conventions of 1864 for Amelioration of the Conditions of wounded soldiers in Land Army: St. Petersburg Declaration, 1868 .The Hague Conventions of 1899 and 1907. Geneva Conventions of 1929and 1949 on Treatment of Prisoners of War, Wounded and Sick Persons and Civilian Persons.

Unit -II

International efforts to out law slavery, slave trade and practices similar to slavery. Forced Labour and trafficking in Human Beings. United Nation and the Humanitarian Law. The role of ECOSOC and ILO; crusade against discrimination in respect of employment and occupation, racial discrimination.

Unit – III

International Refugees: The UN Relief and Rehabilitation Administration and the International Refugee Organizations. Conventions relating to status of refugees and stateless persons. Genocide Conventions.

Unit – IV

Implementation of Right of self – Determination Declarations on the grant of Independence to Colonial Centuries and People, Humanitarian Treatment of peoples living under colonial trusteeship. Eliminating Discrimination against woman through International Co-operation.

Select Bibliography:

Hosoya, A.: Ando N., Onuman Y.; Minear R. : The Tokyo War Crimes Trial (1986).

Tunkin, G : Theory of International Law (1974)
Schwarzenberger, G. : The Law of Armed Conflicts (Vol . II).
Stone , J. : Legal Controls of International Conflicts (1959).
Falk , R., “The Shimoda Case” 69 Am. J. Int. Law (1965).
Taylor , T. Nuremberg and Vietnam: An American Tragedy (1971).

304- Paper –IV (ELECTIVE PAPER): Law and Diplomacy

Max. Marks : 100

Credits: 5

Time : 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit – 1

Contemporary International System; International Stratification, Neo – Colonialism Dependence and Domination, Geopolitical Considerations. Beginning of Diplomacy: various Diplomatic Traditions, Greek , Byzantine and Indian , Golden age of classical Diplomacy of 18th and 19th Centuries in Europe.

Unit –II

Transition from ‘old’ to ‘ new’ diplomacy , Impact of the First World War and the Russian Revolution. Impact of Technology on the Conduct of Diplomacy , Impact of Nuclear Weapons, Military Alliance Secret Open Diplomacy, Democratic Control of Foreign Policy.

Unit –III

Diplomacy in Contemporary World : Cold War and its Impact on Diplomacy, Diplomacy of the Summit, Diplomacy in the United Nations , Development and Diplomacy, Diplomacy through Mass Media and Propaganda.

Unit – IV

Crisis Management: Nicaragua, Namibia Palestine, Sri Lanka, Iran – Iraq Conflict. Diplomacy in the Law of the Sea Conventions. Diplomacy and New Human Rights Conceptions. Diplomacy and Right to Development. Declaration the Stockholm Declaration on Environment.

Select Bibliography:

Ball , A. : Modern International Negotiations (1969).

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

Clark, I. : “The Satisfied and the Dissatisfied States Negotiate International Law : A Case Study , ” 18 World Politics, 20-21 (1965)

Nicolson , H : Diplomacy (1969)

Stone , J. : Law and Nations (1974)

Hanken , L : How Nations Behave (1968)

Friedheim, R.L. : Parliamentary Diplomacy – A Survey (1976)

Anand , R. P. : International Courts and Contemporary Conflict (1979)

GROUP-B
303- Paper-III (ELECTIVE PAPER): Criminology

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e., Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e., Unit-II to Unit-V. Each question shall carry twenty marks.

Unit – I

1. Definition, Nature and Scope of Criminology.
2. Schools of Criminology.
 - (i) Classical School
 - (ii) Cartographic school
 - (iii) Socialistic School
 - (iv) Typological school
 - a. Italian or Positive School
 - b. Mental Testers School
 - c. Psychiatric School
 - (v) Multifactor School

Unit – II

1. Sociological School
2. Sociological Theories of Criminal Behaviours, Differential Social Organization.
3. Crime and Social Processes.
4. The Home and Family in relation to crime.

Unit – III

1. Collective Violence and Criminal Justice System.
 - a. Violence – Nature and Kinds
 - b. Contributory FACTORS
 - c. ‘Constitutional’ and ‘Criminal’ Speech: Speech as Incitement to Violence.
 - d. Terrorism – Location, Growth and Legal Response.
 - e. Communal Violence in India.
 - f. Violence against Depressed Classes.
 - g. Violence against Women.

Unit – IV

1. Privileged Class Deviance
 - a. Concept of white-collar crime.
 - b. Indian approaches to socio – economic offences.
 - c. Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
 - d. Typical terms of deviance i.e., Professional deviance, Police deviance, official deviance.

e. Response of Indian Legal order to the Deviance of Privileged Classes.

Select Bibliography:

1. Sutherland and Cressey : Principles of Criminology.
2. Siddique. A. : Criminology (1984) Eastern, Lucknow.
3. Baxi, Upendra : The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. Baxi, Upendra (ed.) : Law and Poverty Essays (1988)
5. Baxi, Upendra : Liberty and Corruption. The Antulay Case and Beyond (1989)
6. Dwivedi, Surendra Nath : Political corruption in India (1967)
and Bhargava, G.S.
7. Desai, A.R. (ed.) : Violation of Democratic Rights in India (1986).
8. Noorani, A.G. : Minister's Misconduct (1974)
9. Panday, B. B : "The Nature and Dimensions of Privileged Class Deviance" in Shukla, K.S. (ed.) The Other Side of Development 136(1987).
10. Rothermund, Indira : "Patterns of Trade Union Leadership in Dhanbad Coal Fields" 231, I.L.I. 522(1981)
11. Baxi, U. : "Dissent, Development and Violence" in Meagher R. (ed.) Law and Social Change: Indo – American Reflections 92 (1988)
12. Desai, A.R. (ed.) : Peasant Struggles in India (1979).
13. Dhangare, D.A. : Peasant Movement in India: 1920 1950(1983)
14. Guha, Ranjit : Elementary Aspect of Peasant Insurgency in Colonial India (1983) Ranjit Guba (ed.), subaltern studies Vol. 1-6 (1983-1988).
15. Hendrich, T. : Violence for Equality (1980).
16. Jucrgensmeyer, Mark : "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
17. Kothari, Rajni : State Against Democracy (1987)
18. Shah, G. : Ethnic Minorities and Nation Building: Indian Experience (1984)
19. Shukla, K.S. : Sociology of Deviant behaviour in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

18. Shah, G. : Ethnic Minorities and Nation Building:
Indian Experience (1984)
- 19 Shukla, K.S. : Sociology of Deviant behaviour in 3 ICSSR Survey of
Sociology and Social Anthropology 1969-1979 (1986)

304-Paper –IV (ELECTIVE PAPER): Penology

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

1. Definition, nature and scope of Penology.
2. Variation in Punitive Policies.
- 3 Theories of Punishment.

Unit-II

- 4 Capital Punishment.
 - (a) Constitutionality of Capital Punishment.
 - (b) Judicial Attitudes towards Capital Punishment.
 - (c) Law Reform Proposals.
 - (d) Retention or Abolition of Capital Punishment.
- 5 Approaches to Sentencing and Alternatives to Sentencing.
- 6 The Sentencing of offenders.
 - (a) Kinds of Sentences.
 - (b) Judicial Discretion in Sentencing Offenders.
 - (c) Pre-sentence Hearing.
 - (d) Habitual Offenders and Enhanced Punishment.
 - (e) Summary Punishment.

Unit – III

- 7 Probation
- 8 Parole
- 9 Release from Prison.
 - (a) Pardon
 - (b) Indeterminate Sentence
 - (c) Good time Laws

Unit – IV

- 10 Prison System

- (a) The State of India's Jails Today .
- (b) The Disciplinary Regime of Indian Prisons.
- (c) Classification of Prisoners.
- (d) Rights of Prisoner and Duties of Custodial Staff.
- (e) Deviance by Custodial Staff.
- (f) Open Prisons.
- (g) Judicial Surveillance –Basis – Development Reforms.

11. Recidivism

12. Prevention of Crime.

Select Bibliography:

- | | | |
|---|-------------------------|-------------------------------------------------------------------------------------------------------------|
| 1 | Chhabbra , S. | : The Quantum of Punishment in Criminal Law(1970) |
| 2 | Hart, H.L.A | : Punishment and Responsibility (1968) |
| 3 | Packer, Herbert L. | : The Limits of Criminal Sanction (1968). |
| 4 | Ross, Alf | : On Guilt , Responsibility and Punishment (1975) |
| 5 | Siddique, A. | : Criminology (1984), Eastern, Lucknow. |
| 6 | Sutherland and Cressey | : Principles of Criminology. |
| 7 | Law commission of India | : Forty , Second Report Ch. 3 (1971) |
| 8 | Shukla, K.S. | : 'Sociology of Deviant Behaviour' in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986). |
| 9 | Banerjee, Tapas Kumar | : Background to Indian Criminal Law (1990), R. Company & Co., Calcutta. |

GROUP-C: BUSINESS LAW

Object: The object of this group is to study legal and quasi legal problems connected with corporate sector. It also aims to study and evaluate relevant case law with a view to the evolution of a sound code of company practice.

Outcome: The students shall come out with complete knowledge of legal provisions regarding corporate sector and its role in the growth and development of the society.

303- Paper- III (ELECTIVE PAPER): Law of Banking and Negotiable Instruments

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

- Nature and Development of banking; Nationalization of Bank, Relationship of Banker and customer; Banking Business; Banker's Lien, Type of Accounts.
- Social control of Banking Institution.
- Banking Regulation Act,1949- Applicability to Banking Companies and Public Sector Banks; Business of Banking Companies; Control over Management; Prohibition of Certain Activities in Relation to Banking Companies Acquisition of the Undertaking of Banking Companies in certain cases.
- Winding up of Banking Companies; Special provision for speedy disposal of winding up proceedings.
- Banking Regulation Act as applicable to certain co-operative Banks.
- Social Control of Banking Institutions.

Unit-II

- Reserve Bank of India Act,1934- Purpose and scope, organizational structure of RBI; Powers and Functions of RBI: Incorporation, Capital, Management and Business, Central Banking Business, Provision relating to non-banking institutions receiving deposits and Financial Institutions, Prohibition of Acceptance of deposits by unincorporated bodies.
- State Bank of India Act, 1955- Objectives and purposes, Incorporation and Share Capital of SBI; Establishment of SBI, Authorized Capital, Issued Capital, Management; Business of State Bank of India- State Bank as agent of Reserve Bank, Business which SBI may or may not transact, Power of Acquisition of Business of other Banks.

Unit-III

- The Negotiable Instruments Act- Purpose and object, Historical development of law relating to Negotiable Instruments.
- Definition, kinds of negotiable instruments, promissory note, kinds of crossing and their effect, holder and holder in due course; payment in due course; inland and foreign instruments; Ambiguous instruments, Inland and Foreign instruments, Parties to Negotiable Instrument, Capacity to make; Maker, drawer and acceptor principal; Negotiable Instrument without consideration; position of Minor, agency and Legal representative.

Unit-IV

- Negotiation and Liability, Negotiation and assignment; Negotiation by delivery and by Indorsement; Kinds of Indorsement- Indorsement in blank and Indorsement in full, restrictive Indorsement, Indorsement sans recourse, conditional Indorsement, Partial Indorsement, Liability of Parties- Liability of acceptor, maker, drawer, Drawee, Discharge from liability by cancellation, delay in presenting material alternation, negotiation back, allowing more than 48 hours to accept; Presentation for acceptance and payment, presentment to agent etc, Time and place of presentment, when presentment unnecessary, Dishonour and notice of dishonour, noting and protests, Acceptance and payment for honour and reference in case of need.
- Special rules of evidence- Presumptions and estoppel, penalties for dishonour of certain cheques for insufficiency of funds in account.

Select Bibliography:

Bhashyam & Adiga	: The Negotiable Instrument Act
Parthsarthy	: Cheques in Law and Practice.
Aggarwal, C.L.	: Law of Hundi and Negotiable Instruments.
Canygton	: Business Law
Smith and Keenan	: Essentail of Mecantile Law.
Tannan's	: Banking Law and Practice in India
Sethi	: Commentary on Banking Regulation Act,1949.

304- Paper- IV (ELECTIVE PAPER): Law of Industrial and Intellectual Property

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

- Meaning and concept of Intellectual property; National and International protection of intellectual property, an overview of TRIPS Agreement, WTO and WIPO.
- Paris Convention for Protection of Industrial Property.
- The Trade Marks Act, 1999- Object and scope of the Act; The concepts of mark, trade mark, registered trade mark; certification trade mark, deceptively similar mark; goods and services. Registration of trade mark- conditions for registration; procedure for registration and Duration of registration; fact of Registration, Assignment and Transmission of registered trade mark and unregistered trade mark; Infringement of trade mark and remedies.

Unit-II

- Object and purpose of Copyright Law, International Conventions on Copyright; Berne Convention, WIPO Copyright Convention and Phonogram Treaty.
- The Copyright Act, 1957 with the latest Amendments, Object and Scope of the Act; The concept of author, work, literary work, artistic work, musical work, Cinematography film, work of sculpture, reprography, computer programmer, copyright ; and adaptation Copyright office. Term of copyright; Registration of copyright, infringement of copyright and remedies.

Unit-III

- Object and purpose of Patent Law; value of patent system; International character of patents, Advantage of Patent to Inventor; Rights and obligations of patental.
- The Patents Act, 1970 with the latest amendments- Object and scope of the Act; Concept of patent, invention, patented article and patented process. Registration of patents; inventions not patentable' infringement of patents and remedies.

Unit-IV

- Industrial Design and Geographical Indications- Scope and purpose, subject matter of protection.
- The Design Act, 2000- Object and scope of the Act, Concept of design, proprietor of a new or original design; Registration of Design; Copyright in registered design, piracy of Designs and remedies.
- Geographical Indications of Goods Act, 2002- object and scope of the Act; concept of Geographical Indications; conditions for registration; procedure and duration of Registration, Effect of Registration.

Select Bibliography:

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

- | | |
|-------------------------------------|--------------------------------------------------------------------------------------------------|
| Terenee P. Stewart (ed.) | :The GATT Uruguay Round: a Negotiating History (1986-1994) the End Game (Part-I) (1999), Kluwer. |
| Iver P. Cooper | : Biotechnology and Law (1998), clerk Boardman Callaghan, New York. |
| David Bainbridge | :Software Copyright Law (1999), Butterworths. |
| Sookman | : Computer Law (1998), Carswell. |
| Patent Co-operation Treaty Handbook | (1998), Sweet and Maxwell. |
| Cornish, W.R. | : Intellectual Property Law (1999), Sweet and Maxwell |
| Narayanan, P. | : Intellectual Property Law |
| Vashishth, Vikas | : Intellectual Property in India- Law and Practice. |

Wadehra, B.L. : Law Relating to Patents, Trade Mark, Copyright and Designs.

Bansal, Ashwani K. : Law of Trade Mark

GROUP-D: LABOUR, CAPITAL AND LAW

Object: The course is designed to acquaint the students about legal relationship between labour and capital, industrial adjudication, law of social security and other labour laws dealing with wages, working hours and other monetary benefits.

Outcome: The students shall be acquiring complete knowledge regarding organized sector, unorganized sector, their wages, social security and other protective laws.

303- Paper –III (ELECTIVE PAPER): Law Relating to Social Security

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Meaning and Concept of Social Security; Origin and Development of Social Security; Social Security measures and International Labour Organization; Classification of Social Security Legislations in India.

Maternity Benefit Act, 1961

Object and application of the Act, Definition of Women, prohibition against employment of pregnant women, Maternity Benefits under Act, Authorities for the implementation of the Act, Maternity Benefits under the Employees State Insurance Act, 1948; Maternity Benefits under the Plantation Labour Act, 1951 ; Inclusion of the period of maternity leave for eligibility of leave under factories Act and Mines Act.

Unit – II

The Workmen's Compensation Act, 1923; Liability of Employer to pay compensation and right of the workman to receive compensation –conditions, Personal injury , Accident , Arising out of and in the course of employment, Computation of compensation, compensation in case of death; who are entitled to benefit in the event of death of workman ; Amount of compensation; payment of composition ; principle compensation; Procedure , machinery and realization of compensation.

Unit – III

Employees State Insurance Act, 1948

Object and scope of the Act/Exempted Establishment, Definition of Employee , Factory ; Employees State Insurance Funds; Purposes for utilization of funds, vesting of property , Investment of funds, Composition and Powers of Employees State Insurance Corporation: Constitution and Powers of Standing Committee , Medical Benefit Council; Contribution,

Liability for Contribution during period of Payment of Contributions; Benefits Sickness, Disablement, Dependents, Medical Authorities to Adjudicate Dispute ; (Penalties of offences)

Unit – IV

Employees Provident Funds & Miscellaneous Provisions Act, 1952

Development of Provident Fund Legislation in India; Scope of Applicability of the Employees 'Provident Funds and Miscellaneous Provisions Act, 1952 ; Employees' Provident Fund Scheme, Employees ' Family Pension Scheme ; Family Pension Funds; Authorities under the Act; Penalties for Offences.

Payment of Gratuity Act. 1972

Nature and concept of Gratuity, Conditions for Payment of gratuity, Computation of Gratuity; Determination and recovery of Gratuity and Administration of the Act.

Select Bibliography:

- Choudhary. R.N. : Commentary on the Workmen's Compensation Act, 1923(2000), Orient.
- Srivastava, S.C. : Social Security and Labour Laws (1985)
- Yadav, Sunil : Labour and Industrial Laws,Central Law Publications.
- Srivastava, K.D. : Commentaries on Workmen's Compensation Act. (1923)
- Rideout, R.W. : Principles of Labour Law (1988), Chs. 12,13
- Varandani, G. : Social Security for Industrial Workers in India.
- Saharay, H.K. : Industrial and Labour Laws of India (1987), Chs. 7 and 8
- Munkman : Employer's Liability (1985), Chs. 1,2,3,22 and 23.
- Harry Calvert : Social Security Laws (1978)
- Reports of the National Commission on Labour 1969 (relevant portions)
- Sehgal, Neeru : Employment of Women and Reproductive Hazards in Workplace, 29 JILI 201 (1987)
- Sinha,Parkash : Quality of Working Life and Quality of Life (1982)Indian Journal of Industrial Relations, p. 373.
- Malik Jyotsna Nath : Workmen's Compensation Act and some Problems of Procedure, 3J. 131 (1961),
- Bhattacharya, V.P. : Some Aspects of Social Security Measures in India (1970)

304- Paper –IV (ELECTIVE PAPER): Law Relating to Wages & Monetary Benefits

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting

one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Concept of wages and its nexus with demand and supply- Welfare of workers and the Payment of Minimum Wages ‘ Theories of wages, Basic, Minimum, Fair and Living Wages; Wage rates for skilled, unskilled and Part –time Workers; National Wage Policy ; Wages in Multi- national corporation; Impact of globalization; Role of ILO Convention- and recommendations relating to wages.

Unit- II

“Minimum Wage” under the minimum wages Act, 1948 and under the Constitution of India; powers of State Govt. to fix different rates for certain Employments mentioned in the Schedule of the Act, Procedure for fixation and revision; Constitutionalisation of Legal Rights Elevations of legal rights to fundamental right. Workers participation in management, impact on wage determination.

Unit-III

Payment of Wages under the Payment of Wages Act, 1936 Statutory definition of ‘Wage’, responsibility for payment of Wage; Wage periods; Time for payment; Deduction; Fines; Authorities under the payment of Wage act; Procedure for disposal of appeals; Enforcement Machinery in the Act- their powers and functions; Contracting out; Rule making powers.

Unit- IV

Concept of Bonus; Purpose of Bonus; Concept of Profit Sharing; Bonus and Dividend ; Bonus and Wages ; Basis for the calculation of Bonus under the payment of Bonus Act, 1965; Eligibility and Disqualification for Bonus; Payment of Minimum & Maximum Bonus, Adjustment of Customary or Interim Bonus against Bonus Payable under the act; Recovery of Bonus and reference of disputes under the Act ; Penalty ; Power to make rules.

Selected Bibliography:

- Malhotra, O.P. :Law of Industrial Disputes(1999)
Yadav, Sunil : Labour and Industrial Laws,Central Law Publications.
Singh, R.R. :Labour Economics Chs. 6,7,8 and 9 (1971)
Singh, Raghuraj :Movement of Industrial Wages in India (1955)
Kothari , G.L. :Wages , Dearness Allowances and Bonus (1968)
Varandani, G :Workers’ Participation in the Management.
Singh, Y.B. :Industrial Labour in India Part I (1960)
Giri, V.V. : Labour Problem in Indian Industry, Ch. 6 (1972)
Report on the National Commission on Labour 1969 (Relevant Portions).
International Labour Office, Wage (1968)
International Labour Office, Wage Fixing (1981)
International Labour Office, Minimum Wage Fixing (1981)

- Srivastav, Suresh C: Machinery for Fixation of Minimum Wage of Sweated Labour in India- Problems and Prospects, 23 J.I.L.I 495(1981)
- Agarwal , R.D. : Dynamics of Labour Relations in India (1972)
- Dayal, Sahab : Wage, Income and Industrial Relation in Modern India: An Evaluation of Selected Empirical Implications 15. Indian Journal of Industrial Relations 295 (1977)
- Seth, Madhru G. : Bonus in Equity Perspective, 15 Indian Journal of Industrial Relations, 119(1979)
- Lal, Deepak : Theories of Industrial Wage Structures: A Review, 15 Indian Journal of Industrial Relations, 167 (1979)
- Sastry , C, Mani : Wage Structure and Regional Labour Market , Indian Journal of Industrial Relations 344 (1985)
- Chawla, R.L. : Wage Policy and Industrial Relations. A Brazilian Case Study, 17 Indian Journal of Industrial Relations, 27 (1981)
- Srivastava, K.D. : Commentaries on the Payment of Wages Act, 1936 (1972)
- Pal, G.V. : Bonus Indian Law and Practice.
- Fonseca, A.J. : Wage Determination and Organised Labour in India.

GROUP-E: ENVIRONMENT AND LEGAL ORDER

Object: This course is framed with the object of discussing all the laws relating to environment, resource management and the International conventions dealing with environment from time to time.

Outcome: The students shall be well acquainted with complete legal provisions relating to environment in addition to the knowledge of international legal provisions regarding protection of environment.

303- Paper-III (ELECTIVE PAPER): Prevention and Control of Pollution

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Pollution- Meaning; Kinds of Pollution and their impact. Waste Management – Kinds of wasters; Disposal agencies; Local bodies and other agencies: Disposal and recycling of wastes.

Unit-II

Pollution of water- Definition ; The problem and solution; Ground water pollution ; Sources; Critique of existing laws; Machinery ; Powers; Function ; Offences and Penalties.

Unit-III

Pollution of Air – Pollutants and effect; Modalities of control; conflicts of jurisdiction of different control; agencies; Critique of the existing legal framework.

Noise Pollution – source and effect; Deferent legal controls; Need for specific law.

Unit-IV

Sanctions against Pollution- Efficacy of Criminal and Civil Sanctions; Corporate liability, Civil and Criminal ; Should penalties be prohibitive; Civil liability , compensatory and penal; Administrative compensation system; Incentive to pollution control.

Select Bibliography:

Thakur, Kailash : Environmental protection law and Policy in India (1977), Deep & Deep Publication, New Delhi.

Enid, M. Barson and: Agriculture and Sustainable use in Europe
Llga Nielson (eds.) (1998), Kulwer.

John F. McElownery and: Environmental Law Regulation
Sharron McElodwnery (2000) Blackstone Press.

- Leelakrishan, P. : Law and Environment (1990)
 Et. al (eds.)
- Leelakrishan, P. : The Environmental Law in Indian (1999), Butterworth.
- Frodorick R. : Environmental Improvement Through Economic
 Anderson, et. al Incentives (1977).
- David Hughes : Environmental Law (1999), Butterworth, London.
- Daniel R. Mandekar : Environmental and Land controls Registration (1976),
 Bobbs- Merrill, New York
- Indian Law Institute : Mass Disaster and Multinational Liability: The Bhopal
 Case (1986)
- Inconvenient Forum and Convenient Catastrophe: The Bhopal Case(1986).
- Armin Rosencrantz, : Environmental Policy and Law in India (2000), Butterworths- *et,al(eds)*
 India

**304-Paper-IV (ELECTIVE PAPER): Environment and International Legal
 Order**

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

International Concern for Environment Protection – world environment movement; Natural and cultural heritage; role of international and regional organizations.

International Obligations towards Sustainable development – International financing policy: world Environmental fund; Global Environmental facility (GEF); international Co-operation; Poverty alleviation.

Unit-II

Marine Environment – Marine resources: Conservation and exploitation; Scientific research and exploration; Antarctic environment; International Seabed Authority; Pollution from ships; Dumping of oil and other wastes in to the sea.

Unit-III

Trans-boundary Pollution hazards- Oil pollution; nuclear fall cuts and accident: Acid rain; Chemical pollution: Greenhouse effect; Depletion of ozone layer; Space pollution. Impact of wars on environment.

Unit-IV

Control of Multinational Corporations and Containment of Environmental Hazards- Problems of Liability and control mechanisms; Disaster management at international level ; Monopoly of biotechnology by MNCs.

Disposal and Dumping of Hazardous wastes: Transitional problem and Control.

Select Bibliography:

- Trivedi, Priya Kanjan : International Environment Laws (1996) , A.P.H. Publishing Corporation New Delhi.
- Sir Elworthy and Jane Holder : Environmental Protection Text and Materials (1997), Butterworth.
- Henrick Ringbom(ed.) : competing Norms in the Law of Marine Environmental Protection (1997), Kluwer
- Claus Bosselmann and : Environmental Justice and Market Mechanism Benjamin J. (1999) Richardson Kluwer
- Jean- Prience Becurier : New Technologies and Law of Marine Environment (2000), Kluwer.
- Richard L. Reversz : Environmental Law, the Economy and Sustainable *Et al (eds.)* Development (2000) Cambridge
- Dovor Vidas : Protecting the Polar Marine Environment (2000) Cambridge.
- Aynsley Kellor : International Toxic Risk Management (1999) Cambridge.
- Zhiguo Gao : Environmental Regulation of Oil and Gas (1998) , Kluwer.
- Indian Law Institute : Legal Control of Environmental Pollution (1980)
- Varshney ,C.K. (ed.) : Water Pollution and Management (1983), Wiley Eastern, New Delhi.

World Commission on Environment and Development our common future (1987),Oxford.

British Institute of International and Comparative Law selected Documents on International Environmental law (1975), London.

Standing Committee on Environmental Law, American Bar Association, Common Boundary, common Problems, The Environmental Consequences of Energy Production(1982)

Spector , J.M. : Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons. 15 A. M.U. INT'L Rey.5, pp 976, 1038 (1999)

Nathali, L.T.J. Horbach : Contemporary Developments in Nuclear Energy Law (1999), Kluwer

GROUP –F: JURISPRUDENCE

Object: Its object is to discuss the growth and development of law, various theories of justice, law and society and the concept of rights.

Outcome: The students shall be acquiring the complete knowledge regarding the origin, growth and development of law in addition to the concept of legal personality etc.

303-Paper-III (ELECTIVE PAPER): Socialist Jurisprudence

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

The Evaluation of the notion of socialist legality. The resurgence of socialist legality.

Glasnost and Perestroika: The Soviet Jurisprudence of mid 1980 s. Social Ownership and commodity production. Socialist “Private Property”. Socialist Co-Operatives.

Unit-II

The Nature of contractual obligation in socialist jurisprudence. Plan and Contract. Breach of contract. Settlement of disputes. Differentiation of liability. Moral, Political, legal. Socialist conceptions of fault/strict liability.

Unit-III

State liability, the differentiation of harms and acts in socialist jurisprudence. The right of the accused in socialist jurisprudence. Special problems posed by abstention from criminal Procedure. Socialist theories of punishment and sentencing.

Unit-IV

Public participation in administration of justice settlement of economic disputes. Social Courts, Procuracy in Soviet, Union. Convergence between socialist and Bourgeois Jurisprudence in the civil law and in promotion and protection of Human Rights.

Select Bibliography:

- | | | |
|-----------------|---|---------------------------------------------------------|
| Baxi, U. | : | Marx Law and Justice some Indian Perspectives (1992) |
| Bihari, O. | : | Constitutional Models of Socialist Organization (1979). |
| Eorsi, G.Y. | : | Comparative Civil (Private) Law (1979). |
| Kulesar, Kalman | : | People’s Assessors in the Courts: A Study on the |

Sociology of Law (1982).
Lontai, E. : The Research Contracts (1977).
Raz, A. : Courts and Tribunals: A Comparative Study
(1980)

304- Paper-IV (ELECTIVE PAPER): Theories of Justice

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Theories of Justice by : K, Marx; J. Austin, H. Kelson, C.K. Allen , J. Rawls, K. Renner.

Unit- II

Nature and meaning of justice, justice as social norms. Justice as absolute moral principles.
Justice as appropriate. Justice as obligatory. The objectivity of justice.

Unit-III

The basis of Justice: the Liberal contractual tradition; The liberal utilitarian tradition; The liberal moral tradition, the socialist tradition.

Unit-IV

The Relation between Law and Justice : the dependence of the realization of justice on Law;
The conformity of law to, justice. The dependence of justice on social action. The criteria of just law- the equivalence theories and dependency theories.

Select Bibliography:

Freeman, M.D.A. (ed.), Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell.
Bodenheimer, Jurisprudence: The Philosophy & Method of Law (1997) Universal, New Delhi.
Freedman, Legal Theory (1960) , Stevens and sons, London
Rawls John, Theory of Justice (2000) Universal, Delhi,
Allen, C.K., Law in the Making (1961)
St. Thomas, Aquinas, Summa Theologica (1963)
Aristotle, The Nicomachean Ethics (1966) Wordsworth Classics.
Greene; W.C. (ed.), St. Augustine, The City of God (1960).
Freund, P.A. "Social Justice, and the Law", in Brandt, Social Justice, 93-117 (1962).
Garlan, E.N., Legal Realism and Justice, (1941).
Grotius, H., De Jure Belli et Pacis (1925).
Gurvitch, G.L.; "Justice" in Encyclopedia of the Social Sciences, 509-514; Vol.4 .
Kant, I., "The Science of Right", in Great Books of the Western World Vol. 42 (1952).
Kelson, H., What is Justice? (1957).

GROUP-G

303- Paper- III (ELECTIVE PAPER): Constitutionalism: Power of Judicial Review

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Concept of Constitutionalism:

Common Law

Indian Concept

- Before Independence

- Present Constitutionalism

2. Independence of Judiciary:

Doctrine of Separation of Powers

Rule of Law

Independence of Judiciary in India

3. Judiciary in India:

Appointment of Judges in India

Jurisdiction and Powers of the Supreme Court and the High Courts in India

Unit-II

1. Power of Judicial Review:

Supremacy of the Constitution

Doctrine of Ultra Vires

Judicial Review of Constitutional Amendments

- Legislative

- Administrative Actions

2. Writ Jurisdiction:

Articles 32 and 226

General Conditions

Writs in Particular

Unit-III

Expanding Dimensions of Fundamental Rights:

1. Public Interest Litigation
2. Definition of State Action
3. Judicial Review of Discretion
4. Judicial Activism

Unit-IV

1. Exclusion of Judicial Review:

Political Questions
Express exclusion by the Constitution
Judicial Self-restrain

2. Courts and Tribunals:

Subordinate Judiciary
Tribunals

Select Bibliography:

- Seervai, H.M. : Constitutional Law of India (1991), Tripathi, Bombay.
Bhatnagar, Sudha : Union- State Financial Relations and Finance Commissions (1979)
Chandra, Ashok : Federalism in India (1965)
Sebastian, V.D. : Indian Federalism: The Legislative Conflicts, Chs. 6-7 and 8 (1980)
Chandrapal : Centre-State Relations and Cooperative Federalism, Chs. 5 and 8 (1983)
Subba, Rao G.C.V. : Legislative Powers in Indian Constitution Law, Chs. 37, 38, 39 (1982)
Richard M. Pious : The American Presidency, 293-331, Ch. 9 (1979)
Deniel J. Elazar : American Federalism, Chs. 3 and 4 (1984)
Krishna Shetty, K.P. : The Law of Union- State Relations and the Indian Federalism Ch. 9 (1981)
Ludri, Amit : Law of Personal Autonomy (2012 ed.)
Report of the Eighth Finance Commission
Administrative Reforms Commission on Centre-State Relationship, Ch. 3 (1969)
Constituent Assembly Debates Vol. 9, 203, 204 and 302-349, Vol. 10, 325-342.
Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. I, Sections I and II, pp IS-168
Singhvi, L.M.(ed) : Union-State Relations in India 124-154 (1969)
Government of Tamilnadu : Report of the Centre-State Relations Inquiry Committee Ch. 5(1971)
Lakadwala, D.T. : Union-State Financial Relations (1967)
Jain, M.P. : Indian Constitutional Law (1994), Wadhwa
Subba Rao, K. : The Indian Federation (1969)
Wheare, K.C. : Federal Government (1963)
Gupta, R.K. : Fiscal Relations between the Centre and the States under the Indian Constitution.

304- Paper- IV (ELECTIVE PAPER): Federalism: Union-State Relations

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Federalism:

Classical Federalism- USA, Australia & Canada

Co-operative Federalism

Essential Conditions of Federalism

2. States of the Union:

Creation New States

No guarantee of territorial integrity

State Autonomy

Unit-II

Legislative and Administrative Relations:

1. Distribution of Legislative Powers
2. Distribution of Administrative Powers
3. Principles of Interpretation
4. Residuary power
5. Dominance of the Union Power

Unit-III

1. Financial Relations:

Distribution of Taxes

Tax sharing under the Constitution

Finance Commission of India; Composition, Powers & Functions

Doctrine of Immunity of Instrumentalities

2. Inter-State Trade and Commerce:

Freedom of Trade and Commerce

Restriction on the Freedom

Authority to regulate Trade and Commerce

Unit-IV

1. National Economy:

Need for Regulation and Development of National Economy

Planning Commission of India; Composition, Powers & Functions

2. Review of Union-State Relations:

Need for Review

Recommendations of Sarkaria Commission

3. Temporary, Transitional And Special Provisions of States:

Latest Constitutional Amendments

State of J&K (Article 370)

Other States

Select Bibliography:

- Baxi, Upendra : "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987).
- Dandekar, V.M. : "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865(1988)
- Dhavan, Rajeev : "The Press and the Constitutional Guarantee of Free Speech and Expression" 28 J.I.L.I. 299, (1986)
- Fazal, M.A. : "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- Jain, M.P. : Indian Constitutional Law (1994) Wadhwa
- Narain, Jagat : "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution." J.I.L.I. 198(1985)
- Ludwikowski, Rhett : "Judicial Review in the Socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)
- Sathe, S.P. : Fundamental Rights and Amendment of the Indian Constitution (1968)
- Seervai, H.M. : Constitutional Law of India (1993) Tripathi, Bombay.
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

Leibniz, G.W. , “On the Notions of Right and justice”, in L.E. Loemker (ed.), *Philosophical Papers and Letters* (1956)

Maritan, J, *The Rights Man and Natural Law* (1943).

Mckeeon , R.P. , “The Meanings of Justice and the Relations among Traditions of Thought” *41 Revue International de Philosophie*. 253-267 (1957) .

Olafson, F., (ed.), *Justice and Social Policy*, (1961)

Perelman, C. , *The Idea of Justice and the Problem of Argument* (Translated by J. Petric, 1963).

Argument , C. , “Justice and Justification”, *10Natural Law Forum*, 1-20(1965)

Piaget, J., *The Moral Judgement of the Child* (1932).

Potter, H., *The Quest for Justice* (1951).

Rawls, J., “The Sense of Justice” *72 The Philosophical Review*, 281-305(1963)

Rescher, N., *Distributive Justice* (1966).

Von Wright , G.H. *The Varieties of Goodness*(1963).

Barry, Brian, *The Liberal Theory of Justice: A Critical Examination of the Principal Doctrine in a Theory of Justice by John Rawls* (1973).

Harrison , Jonathan, *Themes in Theory of Justice* (1983).

Rosolaind Brooke, *Law, Justice and Social Policy* (1979).

Ginsberg, Morris, *On Justice In Society* (1965)

Boderherimer, Edgar, *Treatise on Justice* (1967)

Eckhoff, Torstein, *Justice its Determinants in Social Interaction* (1974), Rotterdam University press.

Stuart, Henry , *Private Justice* (1983)

Joel Feinbeing, *Rights , Justice and the bounds of Liberty* (1980)

Burton M. Lieser, *Liberty, Justice and Morals* (1979)

Chaturvedi , R.G., *Natural and Social Justice* (1975)

Bentham, Jeremy, *An Introduction to the Principles of Morals and Legislation* (1789)

Begler, Edmund and Meerloo, Noost , *Justice and Injustice* (1963)

Cahn, Edmond, *The Sense of Injustice* (1949)

Cahn, Edmond, *The Moral Decision* (1956)

Cohen, John Chance, *Skill and Luck* (1960)

Hart, H.L.A. “Are There Any Natural Rights”, *56 The Philosophical Review* (1955).

Reiss, Hans (ed.), *Kant’s Political Writings* (1970)

GROUP H: FEMINIST CRITIQUE OF LEGAL ORDER

Object: This course is designed with the object of discussing the concept of gender equality, patriarchal elements in Indian Law, gender perspective in international law and labour, gender and the law.

Outcome: The students shall acquire the knowledge of gender justice in terms of equality, international law and particularly in the area of labour and capital.

303- Paper-III (ELECTIVE PAPER): Patriarchal Elements in Indian Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Patriarchy – control of resources and treatment of women as property, feminist’s awareness of women’s oppression and exploitation in society , at work and within family , feminist’s struggle challenging the very notion of femininity and masculinity as mutually exclusive biologically determined categories ; patriarchy in classical Hindu , Christian and Shariat traditions , features of natural law vis-à-vis patriarchy , patriarchy and legal paternalism; legalism ; equality before law and patriarchy.

Unit-II

Socio- legal and political impact of patriarchy and colonial law, continuation of separate discriminatory personal laws for different communities, gender based rules pertaining to laws of evidence, gender based specification of offences- adultery , rape and its impact on women’s subjugation; socio-cultural conditions vis-à-vis inequitable socio – legal practices in matrimonial laws, sociological dimension of dowry, wife’s choice in child-bearing , marital rape patriarchal socio-legal system against the victims of rape, adultery, bigamy , dowry, inheritance and coparcenary; economic problems and patriarchal values in the institution of immoral traffic.

Unit-III

Impact of patriarchy on the working of Constitution, constitutional provisions, family planning under population not under women welfare or social welfare, fundamental right against exploitation – non-inclusion of exploitation of women or domestic labour , Constituent Assembly rejects inclusion in the draft of Article 23, ‘dedicated in the name of religion to be devdasi’ or addition of prostitution after traffic in human beings, equal pay for equal work for men and women in Directive Principles rather than fundamental rights, six women specific articles in the whole Constitution (both fundamental rights and directive principles and one fundamental duty), patriarchal character of public/ private law dichotomy, the nature and scope

of the distinction, private law to perpetuate patriarchy, routinized domestic violence, withering away of Joint Hindu family and Socio- Legal response to the condition of divorced, deserted, widows and single women.

Unit-IV

Judiciary and patriarchy, upholding the offence of adultery as being special provision for women, patriarchal values and wife's right to work, retention of restitution of conjugal, rights as a matrimonial remedy, matrimonial home, concept of cruelty, law enforcement process and women, policing and women correctional system, custodial institutions, prisoners and their problems, patriarchal character of judicial administration and justice delivery system.

Select Bibliography:

Agarwal, Bina (ed.): Structures of Patriarchy. (1988).

Bhasin, Kamia and Khan, Nighat Said: Some Questions of Feminism and its Relevance in South Asia (1986).

Kishwar Madhu and Vanita Ruth : In Search of Answers Chap. 1 (Women's Lives), Chap. 3 (Violence against Women), (1986).

R. Aininova: The October Revolution and Women's Liberation Movement (1977). Constituent Assembly Debates, Vol. 7 (3.12.48).

Jayawardene, Kumari : Feminism and Rationalism in the Third World (1986), Claire Duchon, Feminism in France (1986).

Jilova, C.R. : Law of Cruelty in India, Universal Law Publications, 2016

Bunslyn, Varda: "Masculine Dominance and State", 46 in Socialist Register (1983).

Andiappan, P.: "Public Policy and Sex Discrimination in Employment India" -14 IJIR. 395 (1978-79).

Kay Mapherson: "International Aspects of Feminism" in Status on Women News, Vol. 6 No. 302 (1980).

Kelkar, Govind: Women in Post- Liberation Societies : A Comparative Analysis of Indian & Chinese Experience.

Rhoda Reddock: "Women's Liberation & National Liberation" in Maria Mies & Rhoda Reddock (eds.), National Liberation & Women's Liberation (1982).

304-Paper-IV (ELECTIVE PAPER): Gender Perspective in International Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Issues relating to women in the League of Nation , U.N. Charter, Universal Declaration of Human Rights, the U.N. Sub-Commission on the status of women since 1946 and the role of NGOs.

Unit-II

Political rights of women, Universal Declaration of Human Rights, the 1952 Convention on Political Rights of women, Convention of Civil and Economic Rights, the 1979 Convention on the Abolition of all forms of Discrimination against Women, Beijing Conference, Platform for Action , Vienna Convention, 1993, the Programme of Action by the United Nations.

Unit-III

Sexual exploitation of women, the international Agreement for the Suppression of White Slave Traffic, 1910 and 1921 League of Nations Activity , Convention on Traffic in women and children , 1949 Recommendation for World Tourism Organization (WTO) on Sex Oriented Tourism.

Unit-IV

Women's Year and International Women's Decade, review of U.N's work in the period 1975-1988 International Human Rights Law and problems of domestic implementation, Nationality of Married Women and Convention of 1957, European Convention of Human Rights.

Select Bibliography:

Kuba,S.K. : Work Status of Women in International Law.

Other relevant Literature is to be found in LL.M. Course H048, H049 and 052. Here See the Prospective Plan on women. Govt. of India, 1988 and compare it with standards emergent at contemporary International Law.

Rebecca J. Cook: Reservations to the Convention on the Elimination of All Forms of Discrimination Against Women, 30, Virginia Journal of International Law (1990).

Natalie Kaufman Hevener: International Law and the Status of Women , Westview Press.

Charlotte Bunch: Women's Rights as Human Rights: Towards a Revision of Human Rights , 12 Human Rights(1990).

Pamela Goldberg & Nancy Kelly: International Human Rights and Violence against Women , 6 Harvard Human Rights Journal, 1994.

GROUP: I: SCIENCE, TECHNOLOGY AND LAW

Object: The course shall aim at providing the knowledge and understanding of the interface between law and science, technology, medicine and Biotechnology.

Outcome: The course shall equip the students with the complete knowledge of law, science, technology and the medicine in their cognate relationship.

303-Paper-III (ELECTIVE PAPER): The Electronics Revolution and Legal Order

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objectives of the Course:

This Course focuses on computer revolution and its impact on the legal order. Lord Coke's famous observation that the law has its "artificial reason" is now, perhaps, totally superseded by the artificial intelligence of advanced computer system. Modern technology is inconceivable without use of computer systems ; this is clearly so in relation to the frontier technologies, e.g. nuclear technology, biotechnology , space technology military technology.

The advent of computer systems brings fresh challenges to orderly growth of legal 'systems in the future. At the same time, they render some of the existing legal conceptions obsolete, or at least problematic; they also provide a new terrain for violation of human rights.

The following syllabus' prepared with this perspective will be spread over a period of one semester.

Unit-I

1. Introductory
 - 1.1 Notion of artificial intelligence.
 - 1.2 Growth of computer science and technology.
 - 1.3 "Hardware" and "Software".
 - 1.4 Organization of R& D and international market for computer systems.
 - 1.5 Artificial Intelligence and Human Resources.

Unit-II

2. 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).

Unit-III

3. Cyber Crimes
 - 3.1 Central data banks and privacy rights.
 - 3.2 Consumer Credit, privacy rights and computer systems.
 - 3.3 Computer non-feasance and liability for damages.

Unit-IV

4. Computer systems and Renovation of Legal order.
 - 4.1 Legal information retrieval systems.
 - 4.2 Computerized retrieval of judicial decision.
 - 4.3 Jurimetrics and computer analysis.
 - 4.4 Computer analysis and computerization.
 - 4.5 Criminological analysis and computerization.
 - 4.6 Patent information systems.
 - 4.7 Management of Courts.

Select Bibliography:

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

304- Paper-IV (ELECTIVE PAPER): Nuclear Technology: Dilemmas of Legal Controls

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objectives of the course:

The course focuses, principally, on civilian /peaceful uses of nuclear technology. It is, of course difficult to disengage military uses of nuclear or technology from any serious study of it. The course must be offered, in the terms, of pedagogy, in such a way that the class acquires a minimum scientific literacy, without which legal regulation, control and public participation for accountability is beyond reach.

Unit-I

1. Introduction.

- 1.1 Nuclear Fission/Fusion.
- 1.2 Radioactivity.
- 1.3 Fission product and half-life measure.
- 1.4 “Thermal” and “Fast” reactors.
- 1.5 Heavy-water reactors.
- 1.6 Nuclear fuel.

Unit-II

2. Development in Civilian uses of Nuclear Energy and India’s Nuclear Programme.

- 2.1 “Atoms for Peace” and International Atomic Energy Commission (IAEA).
- 2.2 The European Atomic Energy Community (EUROTAM).
- 2.3 Development of nuclear industry at a global level.
- 2.4 India’s Atomic Energy Programme.
 - 2.4.1 India’s overall energy needs and planning.
 - 2.4.2 India’s Nuclear Energy Programme.
 - 2.4.3 The Atomic Energy Commission Act.
 - 2.4.4 Technology transfer and India’s nuclear programme.

Unit-III

3. Hazard Aspect of Nuclear Power.

- 3.1 Plant location: Problem of sites.
- 3.2 Uranium mining associated hazards.
- 3.3 Accidents potential: e.g. fuel failure, re-circulation, pump failures, control valve leaks, failure of shutdown device, metal failure, of electronic monitoring and control systems.
- 3.4 Containment facilities.
- 3.5 Occupational hazards for workers at research institutes and nuclear plants.
- 3.6 The regime or legal liability including.
 - 3.6.1 Right to information as to levels of radioactivity.
 - 3.6.2 Right to compensation.
 - 3.6.3 Right to meaningful “rehabilitation”.

Unit-IV

4. Nuclear Technology and Law.

- 4.1 Secrecy.
- 4.2 Minimum public participation.
- 4.3 Right to information
- 4.4 Regimes of liability for mass disasters and personal injuries.
- 4.5 Environmental Law regulation of the hazardous aspects of nuclear energy production.
- 4.6 National and international legal frame- work.

Select Bibliography.

In addition to official documents (e.g., Report of the DAE and Regulating Texts, consult, Centre, Science and Environment, The State of India's environment: 1984 -85: The Second Citizen Report (1985). Also see relevant articles in Economic and Political Weekly, and the recent Supreme Court decision on the EEC radioactive butter case.

GROUP- J: HUMAN RIGHT LAW

Object: The object of this course is to discuss the concept and development of human rights, international humanitarian law, refugee law and the relationship between human rights and science and technology.

Outcome: The students shall be well aware about the concept of human rights in its historical background in addition to the international development in the area of human rights and the law relating to science and technology.

303-Paper-III (ELECTIVE PAPER): Protection and Enforcement of Human Rights

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

History and Development of Human Rights in Indian Constitution. Constitutional philosophy-preamble, fundamental Rights, Directive Principles of State Policy, Fundamental duties. Civil & Political rights, International covenants. The Constitution of India, the right to equality, the right to life and personal liberty Freedom of religion.

Unit-II

Social and Economic Rights, International Covenants, the fundamental rights and directive principles under the Constitution of India, protection of the rights of the women and child Protection of the rights of the minorities.

Unit-III

Enforcement of the Human Rights in India, Enforcement of the Human Rights under International covenants Human Rights Commission, International and National : Role of India in implementing international norms and standards.

Unit-IV

Enforcement of Human Rights, Role of Supreme Court, Role of High Court, Role of Civil and Criminal Courts, Statutory Tribunals, Special Courts, Role of the NGO's and media.

Select Bibliography:

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

Chitnis, Vijay, (et. al.), Human Rights and the Law: National and Global Perspectives (1997).

Seghal, B.P. Singh, Law, Judiciary and Justice in India (1993)

Vadakkumchery, James, Human Rights and the Politics in India(1966)

Saxena, D.R. Tribals and the Law, (1997)

Advani, Poornima, Indian Judiciary: A Tribute (1997).

Justice Venakataramaiah, Human Rights in the Changing World (1998)

Jaiswal Paramjit S. and Jaiswal Nestha, Human Rights and the Law (1996)

304- Paper-IV (ELECTIVE PAPER): Human Rights of Disadvantaged Groups: Problems and issues in the Protection and Enforcement

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Concept of Disadvantaged Groups: Bonded Labour system, slavery and their abolition. Senior citizens and Human Rights; Independence of aged persons , community care, Laws relating to their life, dignity and health care with special reference to aged persons in India.

Unit-II

Emerging Human Rights Jurisprudence and the role of the judiciary; Rights of Women. Rights of the child. Rights of Prisoners. Rights of Dalits, the tribal and other indigenous people.

Unit-III

The mentally ill. The stateless persons. The unorganized labour, 'Aids' victims. Rights of Minorities.

Unit-IV

Enforcement of Human Rights; protection laws of the Disadvantaged groups; problems and issues. Future perspectives of the Human Rights of the Disadvantaged.

Select Bibliography:

Bhargava,G.S and Pal, R.M., Human Rights of Dalit societal Violation (1999)

Bueren, Geraldine Van, The international Law on the Rights of the child (1998)

Tripathi, prabhat Chandra, Crime against Working Women (1998)

Diwan , Paras and Diwan , Piyush , Women and Legal Protection.

Alston, Philip (et. al.) , Children , Rights and the Law.

Askin, Kelly D., Koenig Dorean M., Women and International Human Rights Law(1999)

Chakrabarti, N.K., Juvenile Justice in the Administration of criminal Justice (1999)

Wallace , Rebecca, International Human Rights, Text and Materials (1997)

Nair, Janaki, Women and Law in Colonial India (1996)

Creighton, Simon, King Vicky, Prisons and the Law, (1996)

GROUP K: ADMINISTRATIVE LAW

Object: The course is designed with the object of providing knowledge regarding administrative law including administrative process and its judicial control, delegated legislation, control of maladministration and the public authorities.

Outcome: The students shall be acquiring the complete knowledge, regarding administrative process, delegated legislation, liability of public authorities etc.

303: Paper-III (ELECTIVE PAPER): Administrative Process- Delegated Legislation and Adjudication

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Classification of Administrative Actions.

- 1.1 Doctrine of separation of powers.
- 1.2 Tests of classification.

2. Delegated legislation

- 2.1 Reasons for growth.
- 2.2 Constitutional limits.
- 2.3 Nomenclature forms.
- 2.4 Sale: delegation.
- 2.5 Administrative directions/orders.

Unit-II

3. Control of delegated legislations

- 3.1 Legislative controls.
- 3.2 Procedural controls – consultation and publication.
- 3.3 Judicial controls.

4. Administrative adjudication

- 4.1 Exercise of judicial powers by the administration.
- 4.2 Statutory tribunals.
- 4.3 Statutory inquiries, commission of inquiries Act.

Unit-III

5. Principles of natural justice

- 5.1 Procedural fairness.
- 5.2 Rule against bias.
- 5.3 Right to fair hearings.
- 5.4 Reasoned discussions.

Unit-VI

6. Service matters – rules and hearings.

- 6.1 Service rules, doctrine of pleasure.
- 6.2 Principle of reasonable opportunity in hearings.
- 6.3 Exception, dismissals without hearings.

Select Bibliography:

- Jain & Jain, Principles of Administrative Law (1986), Tripathi
- Smith, De, Judicial Review of Administrative Action (1995)
- Schwartz, B., An Introduction to American Administrative Law.

304-Paper-IV (ELECTIVE PAPER): Administrative Process: Controls of Discretion and Maladministration.

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Administrative powers

- 1.1 Conferment of discretionary powers.
- 1.2 Need for structuring, confining and limiting discretion.

2. Failure to exercise discretion.

- 2.1 The rational intervention.
- 2.2 Delegation.
- 2.3 Surrender, abdication, dictation.
- 2.4 Over rigid policies.
- 2.5 Restriction by contract.

Unit-II

3. Abuse of Discretion

- 3.1 Illegality
- 3.2 Irrationality.
- 3.3 Proportionality.

Unit-III

4. Abuse of discretion: new trends.

- 4.1 Legitimate expectations.
- 4.2 Arbitrariness and violation of equity.

Unit-IV

5. Mal- administration – controls.

- 5.1 Nature of Mal- administration.
- 5.2 Ombudsman- lokpal, lokayuktas, Vigilance commission.

6. Corruption in administration.

- 6.1 Causes
- 6.2 Remedies

Select Bibliography:

- Shukla, K.S. and Singh, S.S. Lokayukta: A Social Legal study (1988). Indian Institute of Public Administration, New Delhi.
- Jain-& Jain, Principles of Administrative Law (1986) Tripathi.
- Rowat, Donald C., The Ombudsman (1966), George Allan and Unwin Ltd., Toronto.

LL.M. 4th Semester 401- Paper-I (Core Paper): DISSERTATION

Max. Marks: 200

Credits: 10

GROUP-A: INTERNATIONAL LAW & ORGANIZATIONS

Object: The object of this group is to make the students aware about evolution, nature and composition of International Labour Organization. It also aims to discuss disarmament, peace strategies, law and diplomacy and the law of sea.

Outcome: The students shall be acquiring the knowledge regarding international and contemporary issues in addition to nature and functioning of ILO.

402- Paper –V (ELECTIVE PAPER): Law of the Sea

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-1

Historical introduction to the Law of the Sea Contribution of Seldom, Grotius, Bynkershock and others to the development of the early law ; The Anglo-Norwegian Fisheries Case and its aftermath , the technological revolution and utilization of the new resources of the sea, population explosion and its impact on the law , the U.N . Conferences on the Law of the Sea, Developing Nations and the Uses of Sea.

Unit- II

Changing concepts of Maritime Frontiers ; Rights of states over territorial waters and contiguous zone, Continental Shelf. Exclusive Economic Zone. Principles for determination of maritime frontiers and Maritime Boundaries under the customary and conventional law.

Unit - III

Exploitation of Deep Sea –Bed Resources; International Sea Bed Authority, its functions and powers, Decision –making; Settlement of disputes , principles governing joint ventures ; transfer of data and training of personnel of the Authority ; Problems And perspectives.

Unit – IV

Conservation of Living Resources of the High Sea, Problems of Maritime Pollution. Land – Locked States and the Law of the Sea. Sea as Common Heritage of Mankind; the Future of the Law of the Sea. International Sea Tribunal to Settle Disputes.

Select Bibliography:

Vicuna, Orrego: The Changing International Law of the High, Seas Fisheries (1999), Cambridge
Ian Brownie, Principles of Public International Law (1998), Clare Don Press, Oxford.

Rao, P. Chandrasekhara : The New Law of Maritime Zones (1983), Milling Publications, New Delhi.

Mankababy, Samir : The International Shipping Rules (1986) Cromm Helm, London.

Singh , Nagendra : International Maritime Law Conventions, Vol. I , Navigation (1983) Stevens & Maxwell , London.

Nordquist; Myron H. and John Norton Moor (eds.): Ocean Policy New Institutions, Challenges and Opportunities (1999) Kluwer.

Anand , R.P. : Law of the Sea , Caracas and Beyond (1978).

Bowett, D.W. Law of the Sea.

Bowett, D.W. : Legal Regime of Islands in International Law.

Colombos, John : International Law of the Sea (1962)

Hargrove, J.H.: Who Protects the Ocean: Environment and the Development and the Development of the Law of the Sea.

Kaushik, Devendra: Indian Ocean Towards a Peace Zone (1983).

McDougal , Myres S. and W. Burke : The Public Order of the Oceans (1962).

P' Connel , D.P. : International Law of the Sea, Vol. I & II (1982)

403- Paper–VI (ELECTIVE PAPER): International and Contemporary Issues

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit – 1

The New International Economic Order ; Background Essential Component of the NIEO , State Acceptance and Practice of NIEO Principles , Critique of NIEO.

Unit – II

The right to development: The 1979 G.A . Resolution, progress towards enunciation of the Declaration of right for development. Basic concept of right to development. State acceptance and practice.

Unit – III

Towards sustainable Development; The Concept of U.N. Commission on Environment and Development. Our Common Future; the Report of the Commission, Proposed Legal Principles for Environmental Protection and Sustainable Development. State Acceptance and Practice.

Unit – IV

Refugees and Human Rights; Origin and Development of Refugee International Law. Establishment of United Nations High Commissioner for a Refugees – UNCHAR. International Agreements Relating to Protection, Relief and Welfare of Refugees. U.N. War Crimes Commissions to Investigate and Tribunals for Prosecution of Violators of International Humanitarian Law – Some Instances & their Analysis.

Select Bibliography:

Singer, H.W. & Ansari , J.A : Rich and Poor Countries (1982).

Alston, P. : “Development and the Rule of Law: Prevention versus Curve as a Human Rights Strategy in Human Right and Rule of Law , 83 (1981)

Falk, R. : The End of the World Order(1983)

Gwrge, S. : How the other Half Dies : The Real Persons for World Hunger (1976).

Bad , U. : “ 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 Society : India G.D.R. Experiments 178-205 (1984) D.A. Desai ed. and sec the Literature there cited. This paper is also published in the J. of the Indian Society of International Law.

U.N. 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.

U.N. our Common Future: The World Commission on Environment and Development (1987)

Group – B: CRIMINAL LAW

Object: This group is designed to discuss history and principles of criminal law, comparative criminal procedure, criminology, penology and juvenile delinquency.

Outcome: The students shall be well versed with each and every aspect of criminal law in addition to Juvenile Justice Law.

402-Paper –V (ELECTIVE PAPER): Drug Addiction, Criminal Justice and Human Rights

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

- 1 Basic Conceptions
 - (a) Drugs ‘narcotics’ ‘Psychotropic’ ‘Substance’
 - (b) Dependence, ‘Addiction’
 - (c) Crime without Victims.
 - (d) “Trafficking” in Drugs
 - (e) “Primary Drug Abuse”.
- 2 Study of incidence of Drug Addiction and Abuse.
 - (a) Self- Reporting
 - (b) Victim- Studies
 - (c) Problems of Comparative Studies.

Unit - II

- 3 Ana graphic and Social Characteristics of Drug Users
 - (a) Gender.
 - (b) Age
 - (c) Religiousness.
 - (d) Single Individual/ Co-habitation
 - (e) Socio-economic level of Family
 - (f) Educational Levels.
 - (g) Occupation.
 - (h) Age at First Use.
 - (i) Type of Drug Use.
 - (j) Reasons given as cause of first use.
 - (k) Method of Intake.
 - (l) Patterns of the use.

- (m) Average quantity and cost.
 - (n) Consequences on addict's health (physical/Psychic)
- 4 The International Legal Regime
- (a) Analysis of the background, text and operation of the single convention on Narcotic Drugs, 1961, 1972
 - (b) Analysis of the Convention on Psychotropic Substances, 1972.
 - (c) International Collaboration in Combating-Drug Addiction.
 - (d) Profile of International Market for Psychotropic Substance.

Unit-III

The Indian Regulatory System

- (a) Approaches to narcotic trafficking during colonial India.
- (b) Nationalist thought towards regulation of drug trafficking and usage.
- (c) The Penal provisions (under the IPC and the customs Act)
- (d) India's role in the evolution of the two international conventions.
- (e) Judicial approaches to sentencing in drug trafficking and abuse
- (f) The Narcotic Drugs and Psychotropic Substances, Act 1985.
- (g) Patterns of resources investment in India- policing adjudication, treatment, after-care and rehabilitation.

Unit-IV

Human Rights Aspects

- (a) Deployment of Marginalized people as carrier of narcotics,
- (b) The problem of juvenile drug use and legal approaches.
- (c) Possibilities of misuse and abuse of investigative prosecutory powers.
- (d) Bail.

The Role of Community in Combating Drug Addiction

- (a) Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and aftercare)
- (b) The role of educational systems.
- (c) The role of medical profession.
- (d) The role of mass media.
- (e) Initiatives for compliance with regulatory systems.
- (f) Law reform initiatives.

Select Bibliography:

1. Becker, H. S. Outsiders: The Studies in Sociology of Deviance, (1966)
2. Incard, J.A., Chambers, C.D. (eds.), Drugs and the Criminal Justice System. (1974)
3. Cocken, R., Drug Abuse and Personality in Young Offenders (1971)
4. Busch, G. Edwards (ed.), Drug Problems in Britain: A Review of Ten Years(1981)
5. Kondanram, P. and Murthy, Y.N. Drug Abuse and Crime : A Preliminary Study, 7 Indian Journal of Criminology, 65-68 (1979)
6. Rajgopat, P.R., Violence and Response: A Critique of the Indian Criminal System (1988)

403-Paper –VI (ELECTIVE PAPER): Juvenile Delinquency

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e., Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e., Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

1. The Basic Concepts
 - (i) The concept of ‘child’
 - (ii) Movement for Juvenile Justice.
 - (iii) Juvenile Delinquency
 - (iv) Neglected Juvenile.
 - (v) The overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children).
 - (vi) Problem of Juvenile Justice in India, U.K., USA
 - (vii) International concern for Juvenile Justice.
2. Determining Factors of Juvenile Delinquency
 - (i) Differential association.
 - (ii) Economic pressure.
 - (iii) Peer group influence
 - (iv) Gang sub-culture
 - (v) Class differentials
 - (vi) Drug Addiction
 - (vii) Sexual Abuse
 - (viii) Child Labour
 - (ix) Class Differential

Unit- II

1. Legislative Approaches
 - (i) Historical Perspective
 - (ii) Juvenile Justice Act, 2015 with Latest Amendments
 - (a) Concept and Meaning
 - (b) General Principle of care and protection of Children
 - (c) Juvenile Justice Board
 - (d) Procedure in relation to children in conflict with Law
 - (e) Procedure in relation to children in need of care and protection of juvenile.
 - (f) Child Welfare Committees
 - (iii) Other offences by Juvenile Delinquents.

Unit –III

1. Correctional Methods, Reformation and Rehabilitation of Children
 - (i) Methods of correction of Juvenile Delinquents
 - (ii) Methods of Reformation of Juvenile Delinquents
 - (iii) Procedure for Adoption
 - (iv) Rehabilitation and Social Re-integration
2. Preventive Strategies
 - (i) State Welfare Programmes.
 - (ii) Compulsory education
 - (iii) Role of community, family voluntary bodies, individuals.

Unit –IV

1. Judicial Contribution
 - (i) Social action litigation concerning juvenile justice.
 - (ii) Salient Judicial decisions.
 - (iii) Role of legal profession in Juvenile Justice Systems.
2. Implementation
 - (i) Institutions, bodies, personnel
 - (ii) Recruiting and funding agencies.
 - (iii) Recruitment – qualifications and salaries or funds.
 - (iv) Other responsibilities of each agency/person.
 - (v) Coordination among related agencies.
 - (vi) Accountability – annual reports and accessibility of public to juvenile justice institutions.

Select Bibliography:

1. National Institute of Social Defence, Model Rules under the Juvenile Justice Act, 2016
2. Shukla, K.S., Adolescent Offender (1985)
3. Weiner, Myron, The Child and State in India (1990)
4. The United Nations Declaration on the Rights of Children.
5. UNICEF periodic material.
6. Juvenile Justice Act, 2015

GROUP-C: BUSINESS LAW

Object: The object of this group is to study legal and quasi legal problems connected with corporate sector. It also aims to study and evaluate relevant case law with a view to the evolution of a sound code of company practice.

Outcome: The students shall come out with complete knowledge of legal provisions regarding corporate sector and its role in the growth and development of the society.

402- Paper-V (ELECTIVE PAPER): Insurance Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objective of the Course:

The insurance idea is an old-institution of transactional trade. The age-old form of insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, glass, livestock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life over a large number of persons.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of "just" order in insurance and to develop the appreciative and evaluative faculties of the students.

Unit-I

1. Introduction

- Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity.
- Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance.
- Constitutional perspectives- the Entries 24,25,29,30,47 of list I Union List 23, 24 of List III.

2. General Principles of Law of insurance

- Definition, nature and history.
- The risk- commencement, attachment and duration
- Assignment and alteration, Settlement of Claim and Subrogation
- Effect of war upon policies.

3. Indian Insurance Law: General

- History and development
- The Insurance Act 1938 and the Insurance Regulatory Authority Act,2000.
- Mutual Insurance companies and cooperative life insurance societies.
- Double insurance and re-insurance

Unit-II

4. Life Insurance

- Nature and scope
- Event insured against life insurance contract.
- Circumstances affecting the risk
- Amounts recoverable under life policy
- Persons entitled to payment
- Settlement of claim and payment of money
- Miscellaneous Insurance Schemes: New Dimensions- Group Life Insurance.
- Mediciclaim, sickness insurance.

Unit-III

5. Insurance Against Accidents

- The Fatal Accidents Act,1985.
- Objects and reasons
- Assessment of compensation
- Contributory negligence
- Apportionment of compensations and liability.
- The Personal injuries (Compensation Insurance) Act, 1963.
- Compensation payable under the Act
- Compensation insurance scheme under the Act-Compulsory insurance.

6. Insurance Against Third Party Risks

- The Motor Vehicle Act,1988
- Nature and Scope
- Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance.
- Claims tribunal: constitution, functions, application for compensation, procedure, powers and award.
- Liability insurance
- Nature and kinds of such insurance
- Public Liability insurance
- Professional negligence insurance

Unit-IV

7. Marine Insurance

- Nature and scope
- Classification of marine policies

- The Marine insurance Act,1963
- Marine Insurance
- Insurable interest, insurable value
- Marine insurance policy- condition- express warranties construction of terms of policy
- Voyage-deviation
- Perils of the sea
- Assignment of policy
- Partial laws of ship and of freight salvage, general average, particular charges.
- Return of Premium

8. Property Insurance

- Fire insurance
- The Emergency Risks (Factories) Insurance
- The Emergency Risks (Goods) Insurance
- Policies covering risk of explosion
- Policies covering accidental loss, damage to property
- Policies covering risk of storm and tempest
- Glass-plate policies
- Burglary and theft policies
- Live-stock policies
- Goods in transit insurance
- Agriculture Insurance

Select Bibliography:

John Hanson and Christopals Henly	: All Risks Property Insurance (1999)
Peter MacDonald Eggers and Patne Poss	: Good Faith and Insurance Contracts (1998)
Banerjee	: Law of insurance (1994)
Mitra, B.C.	: Law Relating to Marine Insurance (1997)
JCB Gilmar and Mustill	: Arnold on the Law of Marine insurance (1981)
Birds	: Modern Insurance Law (197)
O'Mary	: Marine Insurance (1993)
International Labour Office	:Administration Practice of Social Insurance (1985)
Hardy Ivamy	: E.R. General Principles of insurance Law (1979)
Edwin W. Patterson	: Cases and Materials on Law of insurance (1955)
Sreenivasan, M.N.	: Law and the Life insurance Contract (1914)
Murthy and Sarma	: Modern Law of Insurance in India

403- Paper- VI (ELECTIVE PAPER): Legal Regulation of Economic Enterprises

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objective of the Course:

After independence, we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez-faire to welfare state and again back to laissez faire. Adoption of the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulations in diverse fields of economic activities.

This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments.

Unit-I

- Constitutional Provisions to Regulate Economic Enterprises in India. Industrial policy resolutions of 1948, 1956 and 1991.
- Development and Regulation of Industries- Industrial (Development and Regulation) Act. 1951; Regulation, control and Development of Industries, Agencies under the Act
- Development and Prospects of Consumerism in India.

Unit-II

- Securities Contracts (Regulation) Act,1956; Object, basic features, Recognition of Stock Exchanges, Contracts and options in Securities, Listing of Securities, Penalties and Procedure.
- Securities and Exchange Board of India Act,1992; Basic Features, Establishment of SEBI, Powers and Functions of SEBI, Registration of Capital Market Intermediaries, Offences and Penalties, powers and jurisdiction of securities Appellate Tribunal, Capital Markets Regulation(2009) of SEBI.
- Depositories Act,1996.

Unit-III

- Essential Commodities Act,1955; Object, Salient Features, Essential Commodities, Powers of the Central Government, Confiscation of Essential Commodities, offences and Penalties.

- Competition Act,2002; Object, Prohibition of Certain Agreements, Abuse of Dominant Position, Regulation of Combinations, Competition Commission of India, Duties, Powers and Functions of Commission, Penalties, Appeal to Competition Appellate Tribunal.

Unit-IV

- Foreign Trade(Development and Regulations) Act,1992; Object, Regulations of Import and Export, Import-Export License, Penalties.
- Foreign Exchange Management Act,1999; Object, Regulation and Management of Foreign Exchange, Authorized Persons, Penalties.
- Insurance Regulatory and Development Authority Act,1999.

Select Bibliography:

Aggarwal, V.K. : Consumer Protection- Law and Practice.

Myeni, S.R. : Corporate Law-II

Sharma, Gokulesh : financial and Economic Laws

Cherunilam, Francis : Business Environment

SEBI Act,1992.

Industrial(Development and Regulation) Act,1951.

Essential Commodities Act,1955

Competition Act,2002

Securities Contracts(Regulation) Act,1956

Insurance Regulatory and Development Authority Act,1999.

Foreign Trade(Development and Regulation) Act,1992.

Depositories Act,1996.

GROUP-D: LABOUR, CAPITAL AND LAW

Object: The course is designed to acquaint the students about legal relationship between labour and capital, industrial adjudication, law of social security and other labour laws dealing with wages, working hours and other monetary benefits.

Outcome: The students shall be acquiring complete knowledge regarding organized sector, unorganized sector, their wages, social security and other protective laws.

402-Paper-V (ELECTIVE PAPER):Law Relating to Unorganised Labour

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Concept and meaning of Bonded Labour system nomenclature in different regions of India Bonded Labour System (Abolition) Act, 1976 Implementation process and its impact; Role of State Vigilance Committee Judicial Activism; (Agricultural Labour- Labour Engaged in Construction work in India and) the International Labour Organisation; National Labour Commission.

Unit-II

Agricultural Labour ; Concept the traditional lives between the landlord and the workers Exploitation of labour by the Landlord ; Tribal labour in forests settlement ; Migrant agricultural labour working conditions; working hours, wages and social security- benefits; dispute settlement mechanism statutory measures, conciliation and adjudication; comparative study of state practices and laws.

Unit – III

International programmes for elimination of Child Labour –UNICEF and its role for combating Child Labour ; ILO estimates regarding Child Labour; Child and Constitutional Mandates; National Policies and Child Labour ; Employment of Child Labour in various unorganized sectors of employment.

The child Labour (Prohibition and Regulation) Act, 1986- Object and purpose –Health and Safety of the Child Labour – Inspection and Enforcement Machinery- Role and Recommendations of various Committees, Legal Protection to child Labour under other Labour Legislations in India.

Unit- IV

Legal protection to women; Labour in Organized Sector and Existing conditions in unorganized Sector of Employment – Reasons for their exploitation – Women labour in Agriculture Sector – comparative study with other developing countries with special reference to changing occupational trends for the employed women labour- ILO standards and Directives of European Countries – Women Employees in Third World Countries – Working Conditions in Developed Countries of European and Western Region of the World.

Select Bibliography:

- Giri, V.V. : Labour Problems in India Industry (1972)
- Singh, R.R. : Labour Economics (1971) ILO, Conventions and recommendations.
- Varandani, G: Child Labour and Women Workers.
- Reports of National Commissions on Labour 1969 (relevant portions)
- State Legislation and other Welfare Schemes Relating to Agricultural Labour .
- Aziz, Abdul : Unionizing Agricultural Labourers in India. A Strategy, 13 Indian Journal of Industrial Relations 307 (1977)
- Maily, A.B. : Forced Labour in India, 15 Indian journal of Industrial Relations 77 (1979)
- Sharma, L.C. : Forestry Sector Generate More Employment, 15 Indian Journal of Industrial Relations 577 (1979)
- Bardhan, Kalpana :Rural Employment Wages and Labour Market in India; A Survey of Research 12 Economic and Political Weekly 1 June 25, 1977, 11July 2, 1977 and 111 July 9 (1977)
- Government of India, Agricultural Labour Enquiry (1954)
- Government of India, Report on the Second Agricultural Labour Enquiry (1958)
- Government of India , Report on III Agricultural Labour Enquiry.
- Bardhan & Rudra: Types of Labour Attachment in Agriculture”, 15 Economic and Political Weekly August 30, (1980)
- National Institute of Rural Development, Occasional Monograph 1- Agricultural Labour Unions (1978)
- Report of the National Commission on Rural Labour (1991) New Delhi, Govt. of India, Ministry of Labour ; See especially volume II, Part II for the Study Group report.
- Sen, Amritya : Resources, Values and Development (1984)
- Baxi, Upendra : Law and Poverty (1988)

403- Paper –VI (ELECTIVE PAPER): Law Relating to Civil Servants

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e.

Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Civil Servants: Constitutional Dimensions:

Civil servants and the fundamental rights Historical and comparative perspectives;

Equality and protective discrimination; principles and practices;

Service Regulation- the constitutional bases- formulation of service rules – doctrine of pleasure; Limitations on doctrine of pleasure.

Unit-II

Conditions of Service:

Pay, allowances, Concession , House rent Educational Conveyance, medical and overtime allowances, cash incentives , travel concessions, and bonus (Machinery for fixation and revision Pay Commission); Kind of leave and conditions of eligibility; Civil and criminal immunities for action in good faith; Role of Public Service Commission.

Unit-III

Civil Service: Amalgam of Principles, Compromises and Conflicts:

Neutrality – Commitment dilemma, permanency, expertise and institutional decision- making.

Relaxation of age and qualification in recruitment spoils system, seniority-cum-merit recruitment and promotion.

Frequent transfers, education of children, housing and accommodation.

Civil Service and politics, politicization of government servants' organization and inter-union rivalry.

Unit- IV

Special Categories of Service and Service Disputes:

Judicial services; subordinate judiciary –judicial officers and servants; appointment and conditions of service.

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

All India services , objects, regulation of recruitment and conditions of service, departmental proceedings.

Departmental Remedies; representation, review , revision and appeal; role of service organizations.

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

Judicial review of service matters – jurisdiction of the Supreme Court and High Courts.

Select Bibliography:

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

ILI (by Justice M. Rama Jois): Services Under the State (1987)

- Nair, N. Narayanana : The Civil Servant under the Law and the Constitution (1973)
- Goyal; K.K. : Administrative Tribunals Act (1973)
- Seervai : Constitutional Law of India.
- Aggarwal , Arjun P : Freedom of Association in Public Employment , 14 JILI (1972)
- Kochukoshy, C.K : All India Services –Their Role and Future, 1972 I.J.P.A 67
- Srivastava, Suresh C. : Payment of Dearness Allowances to Industrial Workers in India, 15 JLI 444(1973)
- Siddiqi , Z.M.S. : Sanctions for the Breach of Contracts of Service, 25 J.I.L.I. 359 (1983)
- Motilal, O.P. : Compulsory Retirement, 1975 I.J.P.A. 247.
- Chopra, D.S : Doctrine of Pleasure – its Scope, Implication and Limitations, 1975 I.J.P.A.92
- Subba Rao, G.C.V. : The O.N.G.C Case and New Horizons in Public Service Law, 1975, S.C.J. 29.

GROUP-E: ENVIRONMENT AND LEGAL ORDER

Object: This course is framed with the object of discussing all the laws relating to environment, resource management and the International conventions dealing with environment from time to time.

Outcome: The students shall be well acquainted with complete legal provisions relating to environment in addition to the knowledge of international legal provisions regarding protection of environment.

402- Paper-V (ELECTIVE PAPER): Biological Diversity and Legal order

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

Bio-diversity –Meaning; Need for protection of Bio – Diversity; Dependence of human life on the existence in flora and fauna; Significance of wild life ; medicinal plants; plant and micro-organism.

Unit-II

Bio –diversity and Legal Regulation- Utilization of flora and fauna for Bio-Medical purposes; Experimentation on animals; Legal and ethical issues; Genetic mutation of seeds and micro-organisms; Genetic engineering; legal mechanisms of control; Recognition of regional and local agencies.

Unit-III

Development Projects and Destruction of Bio- diversity: Concept of Sustainable Development. Exploitation of Bio- diversity and Indigenous people’s rights. Problems in Legal Regulation of Medicinal Plants- Cosmetic Plants; Animal Products; Utilization of Flora and fauna for Bio-Medical purposes by Multi-National Corporations” Problems of Control; Regulation of Trade in Wild –Life Products.

Unit- IV

Legal framework for Development and Protection of Sanctuaries- parks; Zoos; Biosphere resources; Protection of genetic resources for agriculture. Need to Patent Bio- diversity.

Select Bibliography:

Nagore, Arjun Prasad, Biological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.

Project large, Plant Variety Protection and Plant Biotechnology- options for Indian (1999), Allied.

Swaminathan, M.S., Genetic Conservation: Microbes to man, presidential Address at XV international Congress of Genetics, New Delhi, India December 12-21, 1983.

Wild Genetic Resources, Earthen Press Briefing Document No.33 Earthen, London (1982)

Mehta, K.L and Arora , R.L. , Plant Genetic Resources of India ;their diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.

Bhat, P.N. et al., Animal Genetic Resources in Indian (1981).

Bhat, P.N. Conservation of Animal Genetic Resources , in India , Animal Genetic Resources, Conservation and Management, FAO, Rome (1981).

403- Paper-VI (ELECTIVE PAPER): Environmental Legislation

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

General Laws on Environmental concern- Code of Criminal Procedure: Public nuisance; Provisioning in the Indian Penal Code; Local Bodies Law; An overview.

Environmental (Protection) Act, 1986- Necessary and proper clause': Concentration of Power on the Central Government; Delegated legislation: Power to Make Rules, Regulations and to issue directions: Delegation of powers.

Unit-II

Coastal Zone Management – Sea erosion; CRZ Notification; Prohibitions and exemptions; permissible, activates; Classification of zones; Regulation of sea resorts; Eco- tourism; Coastal Zone management plans; Aquaculture.

Unit-III

Laws on Hazardous Substance.

Preparedness of Environmental Disasters.

Unit-IV

Emerging Legal Controls- Eco-mark; Environmental audit; Environment Impact Assessment; Public Participation in environmental decision making; Environment information

Select Bibliography:

Leelakrishan , P. et al. (eds.), Law and Environment (1990), Eastern , Lucknow.

Leelakrishan, P., *The Environment in India* (1999), Butterworth, India.

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).

Indian Law Institute, *Environment Protection Act; An Agenda for Implementation* (1987)

Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No. 3.

Findley, R.W. and Farber, D.A. , *Environmental Law*.

Huges, David, *Environmental Law* (1999), Butterworth, London.

Armin Rosencrantz, et al. (eds.), *Environmental Policy and Law in India*. (2000), Oxford.

GROUP –F: JURISPRUDENCE

Object: Its object is to discuss the growth and development of law, various theories of justice, law and society and the concept of rights.

Outcome: The students shall be acquiring the complete knowledge regarding the origin, growth and development of law in addition to the concept of legal personality etc.

402- Paper-V (ELECTIVE PAPER): Law and Society

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit –I

The idea of Social Sciences Law as a Social Sciences, Sociology of Law as a relatively autonomous discipline. Place of law in the history of development of social science theory ; Durkheim ; Weber, Marx, The Idea of social system ; the problems of Societal integration.

Unit-II

Functions of Law, Law and Social Control, The law as Volkgeist. The public opinion and its impact on the making and implementation of law. pressure groups, lobbying and legal policies, lobbying for the poor.

Unit-III

Law as an instrument of social control- Impact of law in society: Notions of social control; religion, education and law as key instrumentalities of social control. Distinctive features of law as a means of social control

Unit-IV

Imposition of obligation to obey the, law, Incentives to compliance: Bentham's conception of relevance of the law to social expectation, Varieties of sanctions. Legal Administration as an aspect of social control, Materialism and legal institutions. A Marxist view of legal development.

Select Bibliography:

Baxi, U, Towards Sociology of the Indian Law(1987)

Bentham, J., Theory of legislation (1985).

Ghai, Yash et al., *The Political Economy of the Law: A Third World Reader* (1987).
 Friedman, Lawrence M, & Macouly, Stewart (eds.), *Law and Behavioral Sciences*(1977)
 Reasons, Charles E. & Rich, Robert M., *The Sociology of Law. A Conflict Perspective* (1978)
 Stone, Julius, *Social Dimensions of Law and Justice* (1999), Universal.
 Baxi , Upendra, “Durkheim and Legal Evaluation : Some Problems of Disproof”, 8 *Law & Society Review*, 645 (1974)
 Newman, Katherine S., “Law and Economic Organization: A Comparative Study of Preindustrial societies (1983).
 Shukla, B.M., *Law and Social Justice* (1998) Rewat Pub., Nagpur
 Max Webber on Law in Economy and Society, E, Shils & M. Rheinstein (Tr.) Cambridge (Pub.)
 Friedman, W., *Law in a Changing Society* (1996), Universal.
 Possit, Leopold , *Anthropology of Law: A Comparative Theory*, Ch. 5(1971).
 Schwartz, Richara S., “Legal Evolution and Societal Complexity: A Reply to Professor Baxi” in 8 *Law and Society Review*53 (1974).
 Katju, Markanday , *Law in the Scientific Era* (2000), Universal.
 Baxi, Upendra, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.
 Baxi, Upendra , *Towards a Sociology of Indian Law*. (1986).

403- Paper –VI (ELECTIVE PAPER): Concepts of Rights

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Classification and Categorization of Rights: Constitutional Rights. Rights Protected by the IPC, Cr.P.C. New Rights generated in case law, Types of rights: Positive, negative, natural, legal, absolute, *in rem*, *in personam*, Correlation of rights with duties.

Unit-II

History of legal discourse on Rights; French revolution and rights of man; Locke Thomson paine, Roussean, Kant, The British Bill of Rights, The emergence of the American Bill Rights. The Karachi Resolution and the First Bill of Rights; The Constitutional debates in India: due process Rights of Minorities: Rights of Property.

Unit-III

Nature of Rights: What are rights; Rights as Trumps. Rights as utility, Rights as entitlement. Rights as values. Nature and Absolute Rights.

Unit-IV

Structure and basis of Rights: Correlation of Rights with other legal concepts- the Hohfeldian concept. Generation of Rights: The internal logic of the number of rights. Grounds for claiming rights. Explanations emerging from theory of self, theories of society and theories of morality.

Select Bibliography:

Baxi, Upendra: The Crisis of the Indian Legal System (1985), Vikas Publishing House, New Delhi.

Benn, S. and Peters R.L., Social Principles and the Democratic State on R. Brand, Ethical Theory ch. 17 (1959).

Feinberg, J., Social Philosophy (1973), Chs 4-6(1973).

Kamenka, E. and Tay, A.E.S. (eds.), Human Rights (1978).

Martin, R. and Nickel, J.W. Recent Work on the Concept of Rights, 17 American Phil, Quar, (1980).

Pennock J.R. and Chapman, J.W., (eds.), Human Rights: NOMOS XXIII (New York University Press 1981).

Raphael, D.D. (ed.), Political Theory and the Rights of Man (1967).

Tuck .R., Natural Rights Theories: Their Origin and Development (1979).

Hobbes, T., Leviathan, Chs. 13-14,21 and 29.

Locke, J., Two Treatises of Government. 11 Chs. 2,5,11, and 18(1689).

Rousseau, J.J., The Social Contract Books, 1 and 11 (1762).

Burke, E., Reflections on the Revolution in France (1790).

Paine, T., The Rights of Man (1791).

Marx, K., On the Jewish Question in any Collection of Marx's Early Writings (1843).

Mill, J.S. On Liberty

Green, T.H., The Principles of Political Obligation Lectures H-1 (1882).

Ritchie,D.C. Natural Rights (1894)

Feinberg, J., Duties, Rights and Claims, 3 American Philosophical Quarterly 137(1966).

Hart, H.L.A. 'The Ascription of Responsibility and Rights', 49 Proceedings of Aristotelian Society 171 (1948-49).

Bentham on Legal Rights, in Oxford Essays in Jurisprudence, Second Series (1973).

Hohfeld, W.N. Fundamental Legal Conceptions (1923).

Lyons, D., 'Rights, Claimants and Beneficiaries', 6 American Philosophical Quarterly 173(1969).

McCormics, N., Rights in Legislation in P.M. S Hacker and Raj (eds.) Law, Morality and Society Essays in Honour of H.L.A. Hart, P.M.S. Hacker and J. Raj (1977).

McCloskey, H.J. Rights 15 Phil. Quar. 54, 55 (1965).

Young, R. 'Dispensing with Moral Rights', 6 Political Theory, 63 (1978).

Feinberg, J. 'Voluntary Euthanasia and the Inalienable Right to Life', 7 Phil. And Public Affairs, 92 (1978).

Finnis, J 'The Rights and the Wrongs of Abortion : A Reply to Judith Thomson', 2 phil. and Public Affairs, 117 (1973).

Geworth A., 'Human Rights and the Prevention of Cancer', American Phil. Quar., 17 (1980), 117

McCloskey, H.J.'The Rights to Life 4, ,15 Philosophical Quarterly 115(1965).

Thompson, J.J. 'A Defense of Abortion', Phil and Public Affairs, 47 (1971).

Gewirth, A. 'Civil Liberties as Effective Powers', in Human Rights: Essays on Justification and Applications (1983).

Sarpiro , M., Freedom of Speech : The Supreme Court and Judicial Review (1966).

Dworkin , R.M., 'Principle , Policy , Procedure, in Crime , Proof and Punishment: Essays in Memory of Sir Rupert Cross. (1981).

Becker , L.C., Property Rights: Philosophic Foundations (1977).

Nozick , R, : Anarchy , State and Utopia , Ch. 7 (1974).

Singh Chhatrapti, Common Property and Common Poverty (1986).

Baxi, U., "Taking Suffering Seriously", in 8-9 Delhi Law Review 91(1979-80).

Gewirth, M.N., 'Starvation and Human Rights', in Human Rights: Essays on Justification and Applications (1983).

Michelman, F.I., 'Constitutional Welfare Rights and A Theory of Justice', in N. Ameil (ed.) Reading Rawls, Critical Studies of A Theory of Justice (1975).

Feinberg, J., "The Rights of Animals and Unborn Generations" W.T. Blackstone (ed.) Philosophy and Environmental Crisis (1974).

Prey, R., Interests and Rights: The Case against Animals (1980).

Rights- Some Conceptual Issues', 54 Australian Journ, of Phil., 99(1976).

Marshall , G. "Rights , Options and Entitlements', in A.W. Simpson (ed.), Oxford Essays in Jurisprudence, Second Series(1973), Oxford.

Miller, D., Social Justice Ch. 2 (1976).

Perry, R. 'A Paradigm of Philosophy: Hohfeld on Legal Right, 14 American Phil, Quarterly, 41 (1977).

Sen, A., 'Rights and Agency, Philosophy and Public Affairs (1981).

Singh, Chhatrapti "Right to Life" in 28 Journal of the Indian Law Institute (1986).

Singh Chhatrapti, "The Inadequacy of Hohfeld's Scheme" in 27 Journal of Indian Law Institute (1985).

Waldron, J. 'A Right to Wrong', 92 Ethics. 21(1981).

Cranston, M., What are Human Rights ? (1973).

Dworkin, R.M. Taking Rights Seriously (1996) Universal, New Delhi.

Finnies, J., Natural Law and Natural Rights (1980), Clarendon Press.

Pried, C., Right and Wrong (1978), Harward University Press.

Fledrich, C., 'Rights, Liberties and Freedoms- Reappraisal',57American Pol, Sci, Rev. 841 (1963).

McCloskey, H.J. 'Human Needs, Rights and Political Values 134 American Philosophical Quarterly (1976).

Wasserstorm, R., 'Rights, Human Rights and Racial Discrimination', 628 (1964) 61 Journal of Philosophy.

Campbel, T., The Left and Rights (1983).

Mareuse, H., Repressive Tolerance , in R.P. Wolff, B. Moore, and H. Marcuse, A Critique of Pure Tolerance (1971).

Moore, and H. Marcuse, A Critique of Pure Tolerance (1971).

Raz., J. Professor Dworkin's Theory of Rights', 26 Polit. Studies, 123 (1978).

Taylor, C. 'Atomism in A. Kontos (ed.), Powers, Possessions and Freedom: Essays in Honour of C.M. Macpherson (1979).

GROUP (G): CONSTITUTION & LEGAL ORDER

Object: The object of this course is to discuss the concept of welfare state, power of judicial review, federation and the concept of human rights.

Outcome: This course shall impart complete knowledge regarding federation and its various aspects in addition to power of judicial review.

402- Paper- V (ELECTIVE PAPER): Human Rights: Constitution of India

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Human Rights:

Freedom Movement and Human Rights

Universal Declaration of Human Rights

Framing of the Fundamental Rights in the Constituent Assembly

2. Fundamental Rights under the Constitution:

General

Enforcement of the Fundamental Rights

Unit-II

1. Right to Equality:

Formal Equality

Material Equality

Socio-Economic Equality

Reservation and Equality

2. Citizenship and Political Freedoms:

Citizenship

Political Freedoms under Article 19

Restrictions on Political Freedom

Unit-III

1. Right to Life and Personal Liberty:

Right to life-Meaning

Personal Liberty- meaning and scope

Human Dignity- Right not be subjected to torture, inhuman and cruel treatment

2. Due Process:

Procedural Due Process

Substantive Due Process

Unit-IV

1. International Perspectives:

UN Conventions
Impact of International Law
European Convention
Amnesty International

2. Human Rights Commission:

International Human Rights Commission; Composition, Powers & Functions
Human Rights Commission in India; Composition, Powers & Functions

Select Bibliography:

- Akbar, M.J. : Riots after Riots (1988)
Baxi, U. (ed.) : The Right to be Human (1986)
Baxi, U. : The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi
Kazmi, F. : Human Rights (1987)
Levin, L. : Human Rights (1982)
Madhavtirtha : Human Rights (1953)
Gromley, W.P. : Human Rights and Environment (1976)
Beddard, H. : Human Rights and Europe (1980)
Singh, Nagendra : Human Rights and International Co-operation (1969)
Kashyap, S.C. : Human Rights and Parliament (1978)
Khare, S.C. : Human Rights and United Nations (1977).
Moskowitz : Human Rights and World Order (1958)
Andrews, J.A. : Human Rights in International Law (1986)
Menon, I. (ed.) : Human Rights in International Law (1985)
Roberston, A.B. (ed.) : Human Rights in National and International Law (1970)
Baxi, U. : "Human Rights, Accountability and Development" Indian Journal International Law 279 (1978)

403- Paper-VI (ELECTIVE PAPER): Constitutional Pluralism: Protection of Special National Interests

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Secularism & Pluralism:

1. Concept of Secularism
2. Freedom of Religion
3. Rights of the Minorities
4. Protection of Linguistic Cultural & Educational Rights

Unit-II

1. Gender Equality:

Rights of the Women
Rights of the Children

2. Weaker Sections of the Society:

Protections of Interests of SCs and STs
Protections of Backward Classes of citizens

Unit-III

1. National Security:

Legislation to Protect National Security
Preventive Detention and Safeguards

2. National Emergency:

Emergency under Article 352
Effects of Emergency on Fundamental Rights
Effects on Union State Relations
Protection of the States

Unit-IV

1. State Emergency:

Failure of Constitutional Machinery in the State
Imposition of State Emergency and its Effects

2. Financial Emergency:

Threat to Financial Stability or Credit of India
Imposition of Financial Emergency and its Effects

3. Martial Law:

Imposition of Martial Law
Its Effects

Select Bibliography:

- Koppell G.O. : “The Emergency, the Courts and Indian Democracy” 8 J.I.L.I.
287(1966)
- Seervai, H.M. : The Emergency, Future Safeguards and the Habeas Corpus: A
Criticism (1978)
- International Commission of Jurists, Status of Emergency and Human Rights (1984)
- Chatterji, N.C. and : Emergency and the Law (196)
- Rao Parameshwar
- Seervai, H.M. : Constitutional Law of India, Tripathi, Bombay
- Jain, M.P. : Indian Constitutional Law, Wadhwa, Nagpur

GROUP H: FEMINIST CRITIQUE OF LEGAL ORDER

Object: This course is designed with the object of discussing the concept of gender equality, patriarchal elements in Indian Law, gender perspective in international law and labour, gender and the law.

Outcome: The students shall acquire the knowledge of gender justice in terms of equality, international law and particularly in the area of labour and capital.

402-Paper-V (ELECTIVE PAPER): Labour, Gender and Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Women Labour, sex ratio in employment in modern sectors, female labour in unorganized subsistence sector, self-employed women, “housewification” processes: quantification of domestic and family work and services. Paternalistic legislation and employment of women, hours of work legislation and exclusion of women from the labour force , considering flexible time of work, hazardous operations and women labour exclusion home –based production and exploitation of women’s, labour, with special reference to Beedi and Cigar Workers’ Act.

Unit-II

Globalization and its impact on women workers , problems of unpaid work within the family , inclusion in the G.D.P. Maria Mies study of Andhra Pradesh, Manish Gupta and Anita Barkar Study of Women’s work, fatality and access to health care in Pune District, Maria Mies study of the lace-makers of Nagpur.

Unit-III

The anti-women model of development and planning whether in consonance with the constitutional obligations of the State, the enforcement of equalitarian laws, associational rights of working women , legal repression and fundamental rights, law reform and social action for the amelioration of situation.

Unit – IV

Self- employed women, conceptions of self-employment , SEWA- A Success story? Position of Self- employed women and their legal position, need for law reform.

Select Bibliography:

Baxi, U. : Law and Poverty : Critical Essays (1988).

Government of India , National Commission of Self- Employed Women (1988).

Government of India, Towards Equality : Report of the Committee on the Status of Women (1975) Ministry of Social Welfare.

Gupta, Manisha and Borkar, Anita : Women's Work, Fertility and Access to Health Care (1988), the Foundation for Research in Community Health, Bombay.

Mitra, A., Pathok L, and Mukedi, S. : The Status of Women: Shift in Occupational Participation (1980).

Maria Mies, The Lace- Makers of Narsapur: Indian Housewives Prepare for the World Market (1982).

Maria Mies, Indian Women in Subsistence and Agricultural Labour (1987).

403-Paper-VI (ELECTIVE PAPER): Population Planning and the Role of Women

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Poverty and population, population policy perspective, constitutional and political aspects of population policy, notions of fertility , raising the minimum age of marriage and compulsory registration of marriage through law- problems and prospects, population planning and equal inheritance rights, education, employment of women- factors affecting fertility, nutritional sex discrimination, "social sterilization" of widows, polygamous marriages, uniform civil code and population planning , need for clear –cut population policy.

Unit-II

Adverse sex ratio and legal order, infant mortality rate of girls , amniocentesis, the law relating to manufacture, advertisement and sale of contraceptives, vasectomy v tubectomy, discrimination against women in family welfare programmers, incentives and disincentives for family planning , abortion law and services, coercive/compulsory family planning measures - 1975-1976 emergency excesses, injectible , contraceptives, women's health and well-being and judicial response, human rights issue and sterilization of the unit.

Unit-III

Laws on Economic factors affecting the family , concept of number of children in relation to maternity benefits, Maternity Benefits Act, 1961, Factories Act, Workmen's Compensation Act, 1923, Minimum Wages Act, 1948, Child Labour & regulation and population planning.

Unit-IV

Illegal migration and problems, fundamental right for movement, migration, growth of informal sector and quality of life- problems for the Indian population the Bombay pavement dwellers, the Hawkers cases, the sons of soil movement.

Select Bibliography:

Mitra, Ashoka : The Indian's Population: Aspects of Quality Control, (1978).

Chandraeskar, S. : Population and Law in India, (1976).

Govt. of India, Towards Equality Report of the National Committee on the Status of Women (1975)

Govt. of India, The Shah Commission Report on Emergency Excesses (1978). Relevant Articles from the Economic and Political Weekly.

GROUP: I SCIENCE, TECHNOLOGY AND LAW

Object: The course shall aim at providing the knowledge and understanding of the interface between law and science, technology, medicine and Biotechnology.

Outcome: The course shall equip the students with the complete knowledge of law, science, technology and the medicine in their cognate relationship.

402- Paper-V (ELECTIVE PAPER): Biotechnology and Legal Regulation

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objectives of the course:

Biotechnology a frontier technology – has already transformed the world; and has the potential for radically altering it in the next half century. Arising primarily out of decoding of DN/RNA, biotechnology (through recombinant – DNA Research) has already created new norms of plant and animal life, profoundly attaching agriculture and livestock. Experiments in modification of man are also under way.

These new developments hold promise as well as perils for human survival and human rights. They also pose unique challenges to the law as social technology. It is essential for would be lawpersons in India to have a basic grasp of this frontier technology, which is rapidly evolving in India as well.

Prepared with the above perspectives the following syllabus comprises of about 42 units to be spread over a period of one semester.

Unit-I

1. Introductory.

- 1.1 Decoding the structure of the DNA/RNA.
- 1.2 The technology of Splicing.
- 1.3 Cloning.
- 1.4 Cell- Fusion.
- 1.5 Genetic Engineering.
- 1.6 The problem of biohazards in recombinant DNA Research.
- 1.7 Men should not play God and create new forms of life unknown to nature.
- 1.8 Social responsibility of scientists.
- 1.9 Multi-national and imperialist appropriation and use of biotechnology.

- 1.10 Failures of self –regulation and vicissitudes of legal regulation.
- 1.11 The right of scientific research as an aspect of basic human rights.
- 1.12 There is no cost-free innovations and inventions.
- 1.13 Biohazards can be contained.
- 1.14 Non-exploitative Biotechnology is both conceivable and likely.
- 1.15 Legal incentives such as patenting or new life-forms is a necessary, though not Sufficient, condition for advances in frontier technologies.

Unit-II

2. 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 Patenting of new plant varieties.
- 2.5 The green revolution and biotechnology.
 - 2.5.1 Growth of fertilizer and pesticide industry.
 - 2.5.2 Impact of fertilizer and pesticides on agricultural workers.
 - 2.5.3 Bhopal green revolution and biotechnology.
 - 2.5.4 Agro-business and reckless commercial exploitation of biotechnology.

Unit-III

3. Biotechnology and Human Health.

- 3.1 Genetic Markers: Diagnostic biotechnology.
- 3.2 Conquest of disease.
- 3.3 Genetic screening: Prevention of genetic disease and mental retardation.
- 3.4 Genetic screening: Uses and abuses of amniocentesis.
- 3.5 Cloning of human being.
- 3.6 Obsolescence and resilience of Law.

Unit-IV

4. Legal Regulation of Biotechnology.

- 4.1 Regulation of government sponsored research.
- 4.2 Regulation of private R& D.
- 4.3 Regulation of deliberate release of genetically mutated micro-organisms.
- 4.4 Regulation of accidental release of genetically mutated micro-organisms.
- 4.5 Comparative perspectives: U.S.A., E.E.C., U.K., India.

Select Bibliography:

- Baxi , U., Biotechnology and Legal order : Dilemmas of the future of law and Human Nature(1993).
- Bull, D.,A Growing Problem : pesticide and the Third world poor (1982).
- Doyle, J.,Altered Harvest, Agriculture, Genetics and fate of the world's Food Supply(1986).

Harsany, Z. & Hution, R., Genetic Prophecy: Beyond the Double Helix (1987).

United Nations, Our Common Future : The World Commission on Environment and Development (1987).

Symposium on Biotechnology and Law, 11 Rutgers Computers and Technology Law Journal (1985).

403-Paper-VI (ELECTIVE PAPER): Epidemiological and Public Health aspects of Science and Technology

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Objectives of the course:

Health is a basic human right. This has been so recognized in the Declaration made by the International Conference on Primary Health Care at Alma-Ata (USSR) in 1978, to which India is a signatory. Expressing the need for urgent action by all governments to protect and promote to all the people of the world, health is declared as “Fundamental Human Right”. Here “Health” means not merely the absence of disease or infirmity, but “a state of complete physical, mental and social well-being”.

The signification of projecting health as a fundamental human right is that it becomes the basic responsibility of the state to protect and promote the health of the population under its jurisdiction, according to Alma-Ata Declaration, such an obligation can be fulfilled only, by the provisions of adequate health and social measures are based on practical, scientifically sound and socially accessible methods and technology made universally accessible to individuals and families in the community through their participation, the question is how to optimize the social uses of medical knowledge and technology, consistently with our own historical, cultural, moral, religious, philosophical perspectives and values- systems.

Looking at the demographic and health picture of the country, we find that a lot still remains to be done on the health count. The high rate of population growth continues to have an adverse effect on the health of our people and quality of their lives. The extent and severity of malnutrition continues to be exceptionally high. Communicable and non-communicable diseases have still to be brought under effective control and a fairly high incidence in the country. A substantial share of diarrheal diseases and other preventive and infectious diseases, especially amongst infants and children, are caused by lack of safe drinking water, poor environmental sanitation, poverty and ignorance.

For realizing the objects of public health and that too within a stipulated period medical science and technology is an indispensable ally.

Moreover, for its sustenance there is a large variety of inputs flow into public health. These inputs relate to such sectors as may include drugs and pharmaceuticals, rural development, education and social welfare, housing, potable water, sanitation, etc. with all these inputs. 'public health becomes, perhaps, one of the largest and most complex enterprise or its integrated and efficient functioning, the public health delivery systems do need the crucial support of Law to minimize social injustices and maximize social benefits.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Unit-I

1. Human resources: 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.

Unit-II

2. Health as Basic Human Right and 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

3. Population stabilization: public health and family planning.

- 3.1 Correlation between population stability and primary health care.
- 3.2 Modes of enforcing small – family norms.
- 3.3 Health for all: Alma –Ata declaration.
- 3.4 Sectors serving as inputs to public health.
 - 3.4.1 Drugs and pharmaceuticals.
 - 3.4.2 Agriculture and food production.
 - 3.4.3 Rural development.
 - 3.4.4 Education and social welfare.
 - 3.4.5 Housing.
 - 3.4.6 Potable water.
 - 3.4.7 Sanitation.
 - 3.4.8 Prevention of food adulteration.
 - 3.4.9 Immunization.
 - 3.4.10 Conservation of environment.

Unit-IV

4. Some issues

4.1 Suicide

4.2 Euthanasia.

4.3 Foeticide.

4.4 Homo-sexual marriages.

4.5 Assisted Human reproduction technology.

Another related issue, at what stage the dignity of human person is said to be conferred on an embryo?

(Note: To some, abortion is equivalent to killing a person and, therefore, it is not acceptable at any cost. Other argues that status of person does not begin until after birth; unfertilized spermatozoa and eggs are living cells comparable to other body cells, and no one claims their rights to life. Will then a fertilized ovum have a right to life immediately after fertilization).

7.3 Universal primary health care versus specialized medical care.

Select Bibliography:

Report of working group on Health for all by 2000A.D. (1981)

Roberts, M.J., "The Logical and Philosophical Problems of Allocation of Scarce Health Care Resources", in Health Policy towards the 21st Century, 47-72(1984)

Ramalingaswami, V., "Medicine, Health and Human Development", The Ninth Jawaharlal Nehru Lecture, New Delhi, Nov.1975

Kulpati, D.D., "The Basic Concepts of Health", in Dilemmas in Health Human Right", in Dilemmas in Health Policy, at C-9, C-13 (1986)

Kumar, Pragma & Kumar, Virendra. "Health as a Fundamental Human Right", in Dilemmas in Health Policy, at C-1, C-8 (1986).

GROUP- J-HUMAN RIGHT LAW

Object: The object of this course is to discuss the concept and development of human rights, international humanitarian law, refugee law and the relationship between human rights and science and technology.

Outcome: The students shall be well aware about the concept of human rights in its historical background in addition to the international development in the area of human rights and the law relating to science and technology.

402-Paper-V (ELECTIVE PAPER): International Humanitarian Law and Refugee Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

International Humanitarian Law- its nature and various branches. Humanization of warfare; amelioration of the wounded and sick. Armed forces in the field. Armed forces at sea. The shipwrecked, protection and facilities. Prisoners of War, Civilians in Time of War. Cultural properties.

Unit-II

The principles of Humanitarian Law- fundamental principles, common principles, principles , principles applicable specifically to war victims, Control of weapons; conventional, chemical, biological, nuclear. Humanitarian law; Implementation- Red Cross and its role, national legislation.

Unit-III

The concept of refugees; definition of refugees and displaced persons- their problems, the United Nations relief and Rehabilitation administration and other international refugee organizations; international protection. Protection under national laws.

Unit-IV

Strategies to combat refugee problem; repatriation, resettlement, local integration and rehabilitation UNHCR – role. UNHCR and India.

Select Bibliography:

Chimni, B.S., International Refugee Law (2000)

Calier, Jean Yves, Who is a Refugee? A comparative case Law Study (1997)
Askin , Kelly Dawn, War Crimes Against Women(1997)
Balachandran M.K. and Varghese Rose, Introduction to international Humanitarian Law (1997)
Gill, Guy.S. Goodwin, The Refugee in International Law (1996)
Veral , Gowlland Debbas; The Problem of Refugees in the light of contemporary international Law issues(1996)
Antipersonnel Landmines Friend of Foe?, International Committee of Red Cross (1996)..
Resettlement Handbook, The United Nations High Commissioner for Refugees.
Hathaway, James C. and Dent., Hohn A., Refugee Rights: Report on A comparative survey, (1995)

403- Paper-VI (ELECTIVE PAPER): Science, Technology and Human Rights

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

Inter- relationship of Science, technology and Human Rights, Implication of Development of Science and technology on Human Rights; Right to environment in the development of Science & technology, Right to development in the advancement of science and technology. Right to human health and impact of development in medical science.

Unit-II

Medicine and the Law: organ transplantation. Experimentation on human beings. Euthanasia Gene therapy.

Unit-III

Issue of Human Rights, Ethics in Scientific and technological development; Sex determination test. Induced abortion, Reproductive technology, cloning, in—vitro fertilization. Artificial insemination. Surrogate Motherhood.

Unit-IV

Impact of Scientific and technological progress of Human Rights: Causes of Rights to privacy invasion through technological devise; identity card system biometrics, surveillance of communications, internet E- mail interception, video surveillance, work place surveillance. Protection of Right to Privacy; Interception of communication Under POTA Act 2002, Protection of POTA under I.T. Act, 2000.

Select Bibliography:

Diane Rowland, Elizabeth Macdonald , Information Technology Law (1997)
Suresh T. Viswanathan, The Indian Cyber Law (2000)
The International Dimensions of Cyberspace Law (2000) UNESCO Publication.
D.P. Mittal , Law of Information Technology (Cyber Law) (2000)
Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice (1999)
Adwin W. Patterson, Law in a Scientific Age (1963)
Steve Jones, Borin Van Leon, Genetics for Beginners (1993)
Weeramantry, C.G. , Human Rights and Scientific and Technology Development (1990)
Kamenka , E., Ideas and Ideologies Human Rights (1978)
Galtung, Human Rights in Another Key (1994)
Akbar, M.J., Roits After Roits (1988)
Baxi, U. (ed.), Rights to be Human (1986)
Kazmi, F., Human Rights (1987).
Levin, L., Human Rights (1982)
Gromley W.P., Human Rights and Environment (1976)
Madhavtirtha, Human Rights (1953)
Beddard H., Human Rights and Europe (1980)
Swarup, J., Human Rights and Fundamental Freedoms (1975)
Nagendra Singh, Human Rights and International Cooperation (1969).
Kashyap, S.C., Human Rights and Parliament (1978)
Khare S.C. , Human Rights and United Nations (1978)
Moskowitz, Human Rights and World order (1958)
Drost, Human Rights as Legal Rights (1965)
Garling M., Human Rights Handbooks (1979)
Andrews, J.A., Human Rights in Criminal Procedure (1982)
Kalaish, A.B. , Human Rights in International Law (1986)
Menon, I, (ed.) , Human Rights in international Law (1985)
Roberson, A.B. (ed.) , Human Rights in National and international Law(1970)
Lautherpacht, E., International Law and Human Rights (1968)
Robertson, E., Human Rights in the World (1972)
Sohn, Lonis & Burgenthal, International Protection of Human Rights (1973)
Baxi, U., “Human Rights, Accountability and development”, Indian Journal of International Law
, 279, (1978)
Basu, D.D., Human Rights in Constitutional Law (1994)
Macfarlane, L.J., The Theory and Practice of Human Rights (1985)
Krishna Iyer, V.R., Human Rights –A Judge’s miscellany (1985)
Rama Jois, M., Human Rights: Bharatiya Values (1998).

GROUP K: ADMINISTRATIVE LAW

Object: The course is designed with the object of providing knowledge regarding administrative law including administrative process and its judicial control, delegated legislation, control of maladministration and the public authorities.

Outcome: The students shall be acquiring the complete knowledge, regarding administrative process, delegated legislation, liability of public authorities etc.

402-Paper-V (ELECTIVE PAPER): Public Authorities: Liability

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Liability in tort

- 1.1 General – nuisance and strict liability.
- 1.2 Breach of statutory duties.
- 1.3 Negligence.

2. Misfeasance in public office

Unit-II

3. Liability in contract and restitution

- 3.1 Liability in contract, judicial controls.
- 3.2 Govt. Contracts – Law and policy.
- 3.3 Liability to make restitution.

Unit-III

4. Personal accountability

- 4.1 Nature of personal accountability in law.
- 4.2 Payment of compensation.
- 4.3 Accountability under consumer law.

5. Public interest immunity

- 5.1 Govt. Privileges.
- 5.2 Public interest immunity: the balancing process.
- 5.3 Exemption from statutes.

Unit-IV

6. Promissory estoppels

- 6.1 Nature and scope.

- 6.2 Misleading advice
- 6.3 Legitimate expectations.
- 6.4 Constitutional Dimensions.

Select Bibliography:

- Friedman, the State and the Rule of Law in a mixed economy.
- Brown, Neville L. and Garner , J.F., French Administrative Law.
- Dicey, Introduction to the Law of the Constitution.
- Jennings, Iwor, Law and the constitution
- Schwartz & wade, Legal Control of Government
- Davis, Discretionary Justice.
- Jain & jain , Principles of Administrative Law (1986), Tripathi, Bombay.
- Smith, De, Judicial Review of Administrative Action (1995)
- Indian Law Institute, Government Regulation of Private.
- Thornhill, W., (ed.), The Growth and Reform of English Local Self- Government (1971), Weidenfeld and Nierlson, London.
- Mookerji , Radhakumud, Local Government in Ancient India (1985), Daya Publishing , Delhi.
- Venkataramaiya, M. and Pattabhiram , M., Local Government in India (1969) Allied, New Delhi.

403-Paper-VI (ELECTIVE PAPER): Comparative Administrative Law

Max. Marks: 100

Credits: 5

Time: 3 Hours

Note: (1) There shall be total V Units in the question paper. Unit-I shall contain one compulsory question having four parts of five marks each. This question shall be spread over the entire syllabus. There shall be two questions in each Unit i.e. Unit-II to Unit-V. The student is required to attempt four questions by selecting one question from each Unit i.e. Unit-II to Unit-V. Each question shall carry twenty marks.

Unit-I

1. Administrative Law of France

- 1.1 Nature and characteristics of Droit administration.
- 1.2 Administrative courts.

Unit-II

2. Administrative process: Nature and scope

- 2.1 Due process of Law.
- 2.2 Substantive control
- 2.3 Delegated legislation – comparative approaches in UK, USA and India.

3. Administrative adjudication : tribunal system

- 3.1 England – Franks committee report, council on tribunals.

3.2 USA

3.3 Need For reforms in India.

Unit-III

4. Administrative discretion

4.1 Control of discretion – a comparative approach in England, USA etc.

4.2 Under the European community law- proportionality and legitimate expectation.

Unit-IV

5. Judicial control in USA, England , France

5.1 Writs

5.2 Ordinary remedies.

6. Liability of the administration.

6.1 Tort.

6.2 Contract.

6.3 Personal accountability

Select Bibliography:

Schuck, Peter H., Foundations of Administrative Law (1994) oxford, New York.

Friedman, The State and the Rule of Law in a Mixed Economy.

Brown, Neville L, and Garner J.F., French Administrative Law.

Jennings, Ivor, Law and the Constitution.

Schwartz & Wade, Legal Control of Government.

Davis, Discretionary Justice.

Smith, De., Judicial Review of Administrative Action (1995)

Hawke, Neil and Papworth, Neil, Introduction to Administrative Law (1996), Lawman, New Delhi.

Basu , D.D., Comparative Administrative Law (1998).

205- PAPER-V (OPEN ELECTIVE PAPER)
CODE-205: HUMAN RIGHTS AND LAW OF DISABILITY

Max. Marks: 50

Credit:2

Time: 2 Hours

Note:

(i) The Entire Syllabus of the theory has been divided into four units. But the question paper shall have five units. Unit I to IV of the question paper will have two questions from each unit of the syllabus. The student will be required to attempt one question from each unit. Unit V of the question paper shall have compulsory question, divided into four parts and each part carrying a question from the above four units of the syllabus.

(ii) All questions shall carry equal marks.

UNIT- I

Human Rights, Concept, Nature and Scope; Human Rights under the U.N. Charter, Universal Declaration of Human Rights; Human Rights Commission in India, National Human Rights Commission; Constitution, Powers and Functions.

UNIT – II

The European Conventions on Human Rights ; European Court of Human Rights.

UNIT - III

The Rights of Persons with Disabilities Act, 2016: Rights and Entitlement (Sec. 3 to 12), Education (Sec. 16-18), Skill Development and Employment (Sec. 19-23), Social Security, Health, Rehabilitation and Recreation (Sec. 24-30), Special Provisions for Persons with Benchmark Disabilities (Sec. 31-37), Duties and Responsibilities of Appropriate Government (Sec. 39-48).

UNIT - IV

Central and State Advisory Boards on Disability and District Level Committee (Sec. 60-73), Chief Commissioner and State Commissioner For Persons with Disabilities (Sec. 74-83), Offences and Penalties (Sec. 89-95).

Suggested Reading

1. Awasthi, S.K., Kataria, R.P. : Law Relating to Protection of Human Rights
2. Verma, S.K. : Rights of Persons with Disabilities
3. Baxi, Upendra : Human Rights Accountability and Development, Indian Journal of Int. Law, 279(1978).
4. Kazmi, F. : Human Rights
5. Kapoor, S.K. : International Law and Human Rights