

**REGULATIONS FOR LL.M PROGRAMME UNDER SEMESTER
PATTERN IN THE LAW COLLEGES AFFILIATED TO THE
UNIVERSITY**

1. Scope

The regulations framed herein shall apply to the LL.M Programme under the Faculty of Law in the Law Colleges affiliated to the University.

- (1) These regulations shall come into effect from the academic year 2021-22 onwards.

2. Eligibility for admission

- (1) Candidate who have secured a pass in the LL.B examinations of Kerala University or any other Degree recognized as equivalent thereto by the Kerala University shall be eligible for admission to the LL.M programme.
- (2) Reservation of seats shall be according to the rules framed in this regard by the University from time to time.

3. Duration

- (1) The normal duration of the LL.M Programme shall be four semesters. No student shall be permitted to complete and pass the programme by attending more than 8 continuous semesters.
- (2) There shall be at least 90 instructional days in a semester.

4. Scheme and Syllabus

- (1) The aggregate marks shall be 1700 distributed as follows:

SEMESTER – I

		Marks
1.	Law and Social Transformation	100
2.	Legal Education	100
3.	Research Methodology	100
4.	Teaching Practical	50
5.	Project work	50
	TOTAL	400

SEMESTER – II

		Marks
1.	Legislative Process	100
2.	Judicial Process	100

3.	Optional I	100
4.	Optional II	100
	TOTAL	400

SEMESTER – III

		Marks
1.	Optional III	100
2.	Optional IV	100
3.	Optional V	100
4.	Optional VI	100
	TOTAL	400

SEMESTER – IV

		Marks
1.	Optional VII	100
2.	Optional VIII	100
3.	Dissertation	200
4.	Viva-voce	100
	TOTAL	500

GRAND TOTAL 1700

(2) The Board of Studies in Law (PG) shall prepare the scheme and a broad outline of the syllabus for each paper, subject to approval by the Faculty of Law and the Academic Council. It shall be the responsibility of every teacher to prepare detailed course plan for the paper taught by him/her at the beginning of each semester.

5. Evaluation

- (1) Evaluation of each paper shall be done in two parts viz., 1. Continuous Assessment (CA), 2. End Semester Assessment (ESA).
- (2) The distribution of marks shall be 40% for CA and 60% for ESA.

6. Continuous Assessment

- (1) The allocation of marks for each components under continuous assessment shall be as follows:

(a) Attendance	-	5
(b) Assignment	-	10
(c) Tests	-	10
(d) Seminar	-	5
(e) Book review/ case comment/ Article	-	5
(f) Group discussion/ Debate	-	5
Total	-	40

(2) There shall be continuous assessment for dissertation and project.

(3) Attendance :

The minimum attendance required for each subject shall be 75% of the total number of classes conducted for that semester. Those who secure the minimum attendance in a semester alone will be allowed to register for the End Semester Assessment for the semester. The allotment of marks for attendance shall be as follows :

Attendance less than 75%	-	0 mark
75%	-	2.5 Marks
Above 75%	-	0.5 marks for every 5% attendance

(4) Assignments : Each student shall be required to do a minimum of not more than 2 assignments for each paper.

(5) Tests : For each paper there shall be an internal mid-semester examination in a semester. The probable date of test shall be announced at the beginning of each semester. Marks for the component shall be awarded on the basis of the marks secured for the examination. Valued answer scripts must be made available to the students for perusal.

(6) Seminar : Students shall be required to present a seminar on a selected topic in each paper. A maximum of 5 marks shall be awarded for the seminar. The evaluation of the seminar will be done by the teachers concerned based on the presentation, seminar paper and participation in discussion.

- (7) Book review/ case comment/ Article : Students shall be required to prepare and submit a book review /case comment/ article in each paper. A maximum of 5 marks shall be awarded on the basis of evaluation of the work done by the student.
- (8) Group discussion/ Debate : Each student is required to take part in Group discussion/Debate and a maximum of 5 marks shall be awarded on the basis of presentation and participation in the Group discussion/Debate.
- (9) All the records of the continuous assessment must be kept in the college and must be made available for verification by the University if necessary.

7. Project and Dissertation

- (1) Every student shall be required to do a Project in the First Semester. The Project shall be based on the empirical research carried out by the student. The Principal shall assign a supervising teacher to guide the project work. Two copies shall be forwarded to the University for double valuation within 15 days of the last ESA of first semester. The average of the two valuations shall be awarded as the marks for the project work.
- (2) Every student shall submit two copies of dissertation within 15 days from the last date of the final semester examination for forwarding to University for double valuation. The averagemark of the two valuations will be awarded to each students. The maximum marks shall be 200 of which 20% shall be allotted to Viva-voce examination which shall be conducted along with the comprehensive viva.

8. End Semester Assessment

- (1) End Semester Assessment of all the semesters shall be conducted by the University. There shall be double valuation system of answer books. The average of 2 valuation shall be taken into account. If there is a variation of more than 10%, the answer books shall be valued by a third examiner. Average of the 3rd valuation and best of the first two valuations shall be the mark to be awarded in such cases.
- (2) Publication of Results:

The results of CA shall be displayed within a week from the last day of a semester. The complaints, if any, shall be examined by the college Level Committee and it shall arrive at a decision regarding the awarding of marks.

- (3) The marks awarded for various components of the CA shall not be rounded off, if it has a decimal part. The total marks of the CA shall be rounded off to the nearest whole number. The statement of marks of the CA of all the students in a semester shall be approved by the College Level Committee, countersigned by the Principal and forwarded to the Controller of Examinations within 10 working days from the last day of the semester.
- (4) The results of the ESA shall be arranged to be published within 30 to 45 days from the date of the last examination.

9. Pass requirement

- (1) Those who secure a minimum of 50% marks for each paper along with a mandatory minimum of 40% of ESA shall be declared to have passed in that paper. Failed candidates need to re-appear only for that paper. Semester pass shall be a minimum of 50% of the aggregate of marks for all papers of that semester.
- (2) The minimum pass mark for project work, teaching practical and dissertation shall also be 50% of the total marks for that component.
- (3) Those who have successfully completed all the semesters of the programme shall be declared to have successfully completed the LL.M Degree Programme.

10. Classification of Results.

- (1) The classification of the results of the Programme shall be done at the end of the Fourth semester based on the total marks secured for all semesters and shall be as follows:

Candidate securing not less than 50% but below 60% - Second Class

Candidate securing 60% and above and who passes all semester examinations in the first chance or with the immediate junior batch. } First Class

Candidate securing 80% and above and who } Distinction

pass all semester examinations in the first chance and who pass all semester examination in the first chance.

(2) **Ranking**

Candidate who pass all the semester examinations in the First appearance within the minimum period prescribed for each Semester shall be ranked on the basis of aggregate marks secured for all the Semesters.

11. Issue of Mark Lists.

(1) The mark lists of each of the first three semesters shall be issued immediately after the publication of the results of each semester.

(2) Consolidated Mark list showing the marks secured for all the papers of all the four Semesters with classification will be issued immediately after the finalization of the results of the final semester, by the University.

12. Promotion to Higher Semesters

(1) Students who complete the course, secure the minimum required attendance for all the papers of a Semester and register for the University Examinations at the end of the Semester alone will be promoted to the higher Semesters.

13. Re-appearance of failed students.

(1) Students who fail to secure the minimum marks for a pass will be permitted to re-appear for ESA of the concerned Semester along with the next regular batch of students. They will not be allowed to repeat the course, but the marks secured by them for the CA part will be

carried over along with the marks of ESA so re-appeared. Not more than two chances for re-appearance for each semester shall be granted.

- (2) Students who fail to secure the minimum required aggregate attendance during a Semester will be given one more chance to repeat the semester along with subsequent batch of students after obtaining re-admission. They have to repeat the CA of all the papers. No student shall be given more than two chances for re-admission during the entire course.

14. Monitoring of the Programme.

Monitoring of the LL.M programme shall be done at two levels – College Level and University Level.

- a) College Level Committee : A Committee consisting of the Principal and 4 teachers engaged in teaching LL.M course shall constitute the College Level Committee. The Principal shall be the Chairman and a Member nominated by the Principal shall serve as the Convener. This Committee shall be responsible for the conduct of the LL.M programme, ensuring minimum instructional days, arranging ESA (University Examinations) of the various Semesters etc. Complaints of students regarding evaluation of CA should be considered by the Committee for taking appropriate decision. The College Level Committee shall be reconstructed every year by the Principal immediately on commencement of the LL.M Programme.

- b) University Level Committee

There shall be a Committee with the following Members to monitor and supervise the conduct of the LL.M programme.

1. The Pro-Vice Chancellor
2. A Member of the Syndicate representing the Teachers of the affiliated colleges nominated by the Vice Chancellor.
3. Dean, Faculty of Law
4. Controller of Examinations
5. Director, College Development Council (D.C.D.C)

The D.C.D.C shall be the Convenor of the Committee.

This Committee shall be responsible for monitoring and conducting the LL.M course in the affiliated colleges. This committee shall finalize the academic calendar and supervise the conduct of ESA in the colleges. This committee shall also serve as an appellate committee to examine complaints if any.

- c) All committees mentioned under clauses 14.1 and 14.2 shall meet at least three times in a semester i.e, in the beginning, middle and end of the semester.

LLM Project - Guidelines

- Format of the LLM Project – same as the LLM Dissertation
- Project can be submitted in Hard bound form or Spiral Form
- The Minimum number of Pages of the Main Content (excluding Cover Page, Certificate by Guide, Declaration by Student, Acknowledgment, Preface, Abbreviations, Table of cases, Table of figures, Bibliography, Appendixes etc.) should be generally between 50 and 100.
 - It should contain part I theoretical study and part II empirical study.
 - Tools used for Data collection like Questionnaires, Interview Schedule, Survey forms etc. should be attached as annexures.

Guidelines for preparation of LLM Dissertation

Sequence of Pages

Cover Page, Certificate by Guide, Declaration by Student, Acknowledgment, Preface, Abbreviations, Table of cases, Table of figures if any, Contents, Main Text, Bibliography, Appendixes

General Instructions

Paper size --A4 . Margins Top 4 cm, Bottom 2 cm, Left 2.5 cm Right 2 cm. Line spacing 1.5 Lines. Font --Times New Roman. Font size-- 12 for main text; 10 for foot notes.

Foot Notes

Font same as the main text. Font size 10 points. Line spacing Single. Citation shall be uniform throughout the work. Numbering should be in continuation from first chapter to the last.

Text

The Text shall be divided into chapters. The Introduction chapter should contain Scope of the study, Research Objectives, Research Methodology, Hypothesis, Literature Review and a brief overview of all chapters. The dissertation should include the Results/Findings, Conclusion and Suggestions.

Page numbers prior to Chapter 1 should be in lower case Roman numerals (i, ii, iii, ...). Page numbers should be placed at the bottom of each page.

Total Number of Pages Shall Be Generally Between 150 To 200.

Binding

The dissertation should be submitted in fully bound form in hard cover

SYLLABUS FOR LL.M COURSE IN AFFILIATED LAW COLLEGES COMPULSORY PAPERS

Paper I. LAW AND SOCIAL TRANSFORMATION

UNIT – I

Concepts of Law and Society – Social Interaction – Processes of Social Control – Change – theories.

UNIT – II

Conceptions of Law and Legal Systems (Normative, Cultural and Social) Social functions of Law relative to Social Integration and change. Correlation between Law and Social change – Legal Evolution and Social Complexity.

Legalism and Capitalism – Relevance of Marxian analysis.

UNIT -III

Theory of Social Change in India – Sanskritization and Islamisation – Westernization – Approaches to Law and Justice during the Nationalist Struggle. Alternative approaches to Law and Justice-post-independence.

UNIT – IV

Basic Values of the Constitution – Economic Development and Economic Justice – Agrarian Reforms – Compensatory Discrimination – Problems of Dalits and Adivasis – Response of Law and Judiciary.

UNIT – V

Gender based Social Conflict and the Law. Social and Economic Status of women – Role of Law – Gender based Violence – Law and its Enforcement- Empowerment of Women- Feminist Critique of Indian Jurisprudence – Third gender.

Recommended Readings.

- 1) Friedman, Law in a changing society
- 2) Julius Stone, Social Dimensions of Law and Justice (1986)
- 3) Cappelletti and Garth, Access to Justice Vol.III (1979)
- 4) L.M.Singhvi (Ed.), Law and Justice (1993)

- 5) Upendra Baxi, Marx, Law and Justice (1993)
- 6) Upendra Baxi, The crisis of the Indian Legal System (1982)
- 7) Galanter, Law and Society in Modern India
- 8) Yaash Ghaitterool, The Political Economy of Law Ch.V and VII
- 9) Roger Cotterrell, The Sociology of Law (1992)
- 10) P.S Atiyah, Law and Modern Society (1983)
- 11) Indian Law Institute, “Secularism – Its Implications for Law and Life in India”.
- 12) Geoffrey Sawer, Law in Society Ch. 4 – “Social Evolution and Legal Education”.
- 13) Sreenivas, M.N, “Social Change in Modern India”.
- 14) Amartya Sen Inequalities Re-examined.
- 15) Mac Galentar Competing Equalities.
- 16) S.S.Jaswal : Reservation Policy and the Law
- 17) Huntington Cairns: Law and the Social Sciences.
- 18) Anjani Kaut : Women and the Law
- 19) Paras Diwan and Peeyushi Diwan : Women and Legal Protection.
- 20) P.Iswara Bhat, Law and Social Transformation.

PAPER II: LEGAL EDUCATION

Unit I: Introduction

Historical Development of Legal education -General Principles of Education - legal Education in India, Focus & Emphasis-Legal Education Reforms - Curriculum Development & Bloom’s Taxonomy-Pedagogy-Legal Education in Global Scenario-Mac Crate’s Report & Carnegie’s Report, Monocentric and Polycentric Models of Legal Education.

Unit II: Legal Education and Social Justice

Objectives of Legal Education - Role of Government, Universities, Bar Councils-Role and Structure of Legal Profession - Distance Education & Continuous Legal Education-Need for a shift from legal Education to Justice Education - Clinical Legal Education.

Unit III: Methods of Teaching

Role of a Law Teacher-Teaching Methods in Law-Lecture Method, Socratic Dialogue & Case Method, Discussion, Problem Method, Simulation and Role

play, Collaborative Teaching, Seminar Method-Teaching professional Values and Skills -ICT enabled teaching.

Unit IV: Evaluation

Examination System-Student work Assessment - Problems in Evaluation- Methods of Evaluation-Continuous Evaluation, End Term Tests and Assessment- Practice Expertise Apprenticeship.

Unit V: Post Graduate Legal Education

Objectives-formal or graduate legal education-Requirements-curriculum development-Student Work Assessment Evaluation and New trends.

Recommended Readings:

1. Glanville Williams, Learning the Law Excluding Chapters VII, XIII and XIV
2. Vanderbilt A.T, Studying the Law
3. University of Singapore-A report on the proceedings of Regional Conference on Legal education, 1962
4. Jay Murphy, Legal Education in a developing nation - The Korean Experience- Ch. VI
5. Agarwala, Indian Legal Education Problems and Perspectives
6. The relevant portion of the Indian Advocates Act, 1961
7. J.H Landman - The Problem Method of Studying law, 1952
8. Harry Pratter & Burton W Kawter - Expanding the Tutorial Programme, a Bloodless Revolution, (1954-55) VJLE 365
9. Richard B Amades - How We Examine (1951-59) XL JLE 566
10. Vaughan C Ball-Objective Questions in law Examinations (1959-60) XII JLE 569
11. Louis F Del Ducca and Donald B King - Student Examination Answers - Educational Incinerator Fuel (1960-61) XIII JLE 499

12. Markose A.T, Relation of Teaching methods to Democracy (1968) JUIIL TA 43
13. Russel B Sunshine & Arthjir L Berney-Basic Legal Education in India, 1970, JILI
14. Larson Artheur - An Introductory Approach to Legal Instruction ((1948-19) IJLE 287
15. Campell A.H, Comparison of Education Methods and Institutions, 1951
16. Mukherjee Bhupen: Legal Education in Indian Universities, 1968
17. Patterson W Edvin, The case method in Americal Legal education (1951-52)
18. Morgan E Edmond, The Case Method (1951-52) IV IJLE 379
19. Observations on Legal Education in Australia (1952-53) VJLE 139
20. Loisean R Pierie, The Newcomer and the Case Method (1954-55) VIII JLE 274
21. A.K Kaul and V.K Ahuja, Legal Education in India in 21st Century, Problems and Prospects, 1999
22. Madhava Menon N.R, Clinical legal Education, 2001
23. Karen Tokarz, Antoinette Sedillo Lopez, Peggy Maisel, Robert F. Seibel, Legal Education at a Crossroads: Innovation, Integration and Pluralism required, Washington University Journal of Law & Policy, 2014.

Paper III - RESEARCH METHODOLOGY

Unit I - Research Methodology - Introduction

- What is Research? Meaning and Objectives
- Research methods vis a vis Research Methodology
- Legal Research - Meaning, scope and purpose. Relation between law and society
- Scientific Method – Theory and Facts – Concepts – Variables and

Definitions – Objectivity, Neutrality and Empiricism

Unit II - Types of Research

- Doctrinal and Non-Doctrinal
- Socio – Legal Research
- Quantitative and qualitative Research
- Applied and fundamental Research
- Field research and laboratory research
- Analytical, descriptive, conceptual Research
- Participatory and Non-Participatory Research
- Comparative, historical, statistical, critical
- Mono disciplinary and trans disciplinary; quasi disciplinary, inter-disciplinary (multi- disciplinary) research
- Clinical or diagnostic research
- Research for legal reform

Unit III - Research Problem, Hypothesis and Research Design

- Various Steps in Research Process
- Research Problem: Identification and Formulation
- Hypothesis
- Research Design

Unit IV - Data collection, Analysis and Interpretation

- Types of Data
- Tools and Techniques for Data Collection
- Methods of Data Collection
- Sampling Techniques and Different Types of Sampling
- Processing and Analysis of Data
- Interpretation of Data
- Use of Deductive and Inductive Methods in Research
- Statistical Analysis in Legal Research

Unit V - Research Writing and Ethics in Research

- Preparation of Research Report and Writing of Research report

- Ethics in Research
- Ethical and Legal Issues: Plagiarism and Copyright Violation
- Use of Computers, Internet and Information Technology in different stages of Legal Research

Recommended Readings

1. Pauline V. Young : Scientific Social Surveys and Research (1975)
2. Festinger L and Daniel Katz, Research Methods in Behavioural Sciences (1970)
3. Hubert M. Blalock Jr. and Blalock, A.B (ed) Methodology is Social Research (1979).
4. Hubert M. Blalock Jr. Social Statistics (1979)
5. Upendra Baxi Socio -Legal Research in India (1975), ICSSR occasional Monograph No. 12
6. Morris L. Cohen, Legal Research (1978)
7. William J Goode and Paul K Halt, Methods in Social Research (1952)
8. Whitney : The elements of Research 3rd Ed. Prentice Hall, INC NY.
9. Ervin H. Pallack : Fundamental of Legal Research (1967)
10. Jerome Hall (Ed) Readings in Jurisprudence Ch.XIV
11. Bernard Philips, Social Science – Strategy and Tactics (1966)
12. Lazarsfeld and Morris Riosen Berg (Ed). The Language of Social Research (1965)
13. Chapin F Staurt : Experimental Designs in Sociological Research (1947)
14. John Madge, The tools of Social Science (1962)
15. Parten M.B Surveys, Polls and Samples, N.Y. Harpe Reprint (1962)
16. Toothi N.A Methods of Social Research (1966)
17. Gopal M.H Research Procedure in Social Sciences, Asia Publishing House
18. James A Black and Deam J. Champion, Methods and Issues in Social Research (1976)
19. Bander, Legal Research and Education – Abridgement (1978)

20. Encyclopaedia of Social Sciences (Relevant Volumes)
21. Vanderbeult, A.T Studying the Law (Chapter X and XX)

Paper IV - LEGISLATIVE PROCESS

UNIT – I – THE BASIC PRINCIPLES OF LEGISLATION

The goals and objectives of legislation – The balancing of private rights and public interests – Merits and limitations of the utilitarian theory – The role of legislation in a Welfare State – Federation and law making.

UNIT – II – THE CONSTITUTIONAL FRAMEWORK OF LEGISLATIVE PROCESS IN INDIA

The social goals envisioned in the Constitution – The relevance and impact of directive principles. Fundamental rights vis-à-vis Directive principles – The role of Indian Judiciary vis-à-vis the legislative process.

UNIT – III – THE ROLE OF LEGISLATURE

Legislature as a representative body of the people – Legislature as a law making body – The role of legislative committees in the law making process.

UNIT- IV – SUPREMACY OF PARLIAMENT

The different concepts – Legislature vis-à-vis the judiciary and the executive – The influence of public opinion in the legislative process.

UNIT – V – DELEGATED LEGISLATION

The rationale of delegated legislation – Delegated legislation and separation of powers – Legislative control over delegated legislation and its effectiveness – Limitation on delegations.

Recommended Readings

- 1) Granville Austin : The Indian Constitution – Cornerstone of a Nation.
- 2) Upendra Baxi : Bentham’s theory of legislation.
- 3) N.V. Paranjape : The Role of Directive Principles under the Indian Constitution.
- 4) N.K.Sadragan : Law and Public opinion in India
- 5) Indian law Institute : Delegated legislation.
- 6) Rajeev Dhavan : The Supreme Court and Parliamentary Sovereignty.
- 7) Jethro Brown : The underlying principles of modern legislation.
- 8) A.V. Dicey : Law and Public opinion in England, during 19th Century.
- 9) Ivor Jennings : Law of the Constitution.
- 10) A.V.Dicey : Introduction to the study of the Law of the Constitution.
- 11) Maurice Ginsberg: Law and public opinion in 20th Century.
- 12) J.A.G. Griffith : Public Rights and Private interests.
- 13) H.M. Secrvai : Constitution of India.
- 14) P.B. Gajendragadhkar : Indian Parliament and Fundamental Rights.
- 15) P.K.Tripathi : Some Insights into Fundamental Rights.
- 16) D.D.Basu : Commentaries on the Constitution of India.
- 17) M.P. Jain : Constitution of India.
- 18) M. Glanter : Competing Equalities.

Paper V. JUDICIAL PROCESS

UNIT – I

Historic analysis of the evolution of courts – Judicial process as part of the entire dispute resolving process in the community – Philosophical content of the judicial process.

UNIT – II

The doctrine of stare decisis in different legal systems – Reconciling change with stability – The common law achievement – Leeways for judicial choice within the common law system of precedent – Categories of illusory reference – The process of judicial reasoning – Uses and abuses of logic in judicial reasoning.

UNIT - III

The judge as legislator – Conscious and sub conscious elements in the judicial process – Social philosophy of the judge and its impact on judicial decisions – Committed judiciary.

UNIT – IV

Judicial creativity vis-à-vis the constitution, legislation and precedents – The concepts of judicial activism and judicial self restraint.

UNIT- V

Limitations on Judicial Decision Making - Procedure hurdles – Arrears of cases – Selection of judges – Independence of judiciary.

Recommended Readings

- 1) Cardozo : The Nature of Judicial process
- 2) Julius Stone : Legal system and Lawyers Reasoning
- 3) Rupert cross : Precedent in English Law.
- 4) Neil mac Cormick : Legal Reasoning and Legal Theory
- 5) Upendra Baxi : Crisis of Indian Legal System
- 6) Upendra Baxi : The Indian Supreme Court and Politics
- 7) Upendra Baxi : Courage, Craft, Contention
- 8) Rajeev Dhavan : The Supreme Court of India
- 9) Friedman : Legal Theory
- 10) Friedman : Law in a Changing Society
- 11) Julius Stone : Social Dimensions of Law and Justice
- 12) Cappelletti and Garth : Access to Justice
- 13) Levi : Introduction to Legal reasoning.
- 14) Lakshmi Nath: Precedent in India
- 15) Neil Mc Cormick : Legal reasoning and Legal theory
- 16) Galanter : Law and Society in Modern India
- 17) Andhyarjnuna T.R : Judicial Activism and Constitutional Democracy in India
- 18) Haward Davies and David Holdcradt : Jurisprudence : Text and Commentary
- 19) Schmidhauser – Comparative Judicial System
- 20) Richard Neels : How Courts govern America
- 21) P.S.Atiyah : Law and Modern Society
- 22) Schubert : Judicial Mind Revisited
- 23) Julius Stone : The Province and function of Law
- 24) Julius Stone : Precedent and the Law : Dinemics & Common Law growth.
- 25) N.K Jayakumar : Judicial Process in Indiaj

OPTIONAL PAPERS

BRANCH I—INTERNATIONAL LAW

PAPER I—PRINCIPLES OF INTERNATIONAL LAW

UNIT I—ORIGIN AND SOURCES OF INTERNATIONAL LAW

Definition, Origin, Development and scope of international law, Basis and Theories of international law, general principles of international law, Treaties, customs, Judicial decisions and juristic writings, law making through international organisations U. N. General Assembly resolutions etc. as source of International law.

UNIT II - NATURE OF INTERNATIONAL LAW AND SUBJECTS OF INTERNATIONAL LAW

International law -Nature , Relationship between International law and Municipal Law with special reference to theories—Issues of Municipal Law before international tribunals, and state practice with reference to India—States, International organisations, individuals MNC's and other private entities as subjects of International Law.

UNIT III-RECOGNITION OF STATES AND GOVERNMENTS AND STATE SUCCESSION

Concept of state Sovereignty—Criteria of Statehood—Distinction between State and Government—Recognition of States and Governments; Theories and Types of Recognition - State Succession- Types – Consequences.

UNIT IV; JURISDICTION OF STATES

Nationality its acquisition loss and proof, double nationality, statelessness, diplomatic immunities and privileges, criminal jurisdiction, basis of criminal jurisdiction, international criminal law and international criminal tribunal.

UNIT V: STATE RESPONSIBILITY

Permanent Sovereignty over Natural Resources, - Protection of Individuals And Groups, Human Rights—Calvo Clause—Exhaustion of Local Remedies.

PAPER II - LAW OF TREATIES AND PEACEFUL SETTLEMENT OF INTERNATIONAL DISPUTES

UNIT I

Definition, Nature and Development—Capacity of Parties and Obligations—Procedures of Conclusion.

UNIT II

Validity and Interpretation, Effects and Revision.

UNIT III

Constitutional Scheme for Treaty Making—Termination of Treaties.

UNIT IV

Origin and Development of Peaceful Settlement of International Disputes
Peaceful Settlement of Disputes, U. N. Peacekeeping Functions.

UNIT V

Arbitration and Judicial Settlement—Problems of Peace Enforcement through U.N

PAPER III—INTERNATIONAL ORGANISATIONS

UNIT I—EVOLUTION OF INTERNATIONAL ORGANISATIONS |

The concert of Europe—The League of Nations—Origin, Structure, Powers and Functions—Causes for Failure—The United Nations Organisation—Genesis—Structure—Powers and Functions of the Organs—Success. And Limitations of UNO—Structural changes required for strengthening UNO.

UNIT II - SPECIALISED AGENCIES AND NON-GOVERNMENTAL ORGANISATIONS

Constitution and Functions of specialized agencies such as UNESCO, ECOSOC, ILO, FAO, WHO, ICJ WIPO, ICAO, IMF, WORLD BANK etc. select studies of NGOS, Serving As consultants Amnesty international - International

Commission of Jurists Lawyers collective PUCL etc.

UNIT III- CONCEPT AND GENESIS OF REGIONAL ORGANISATIONS

Historical and Theoretical provisions, Provisions of UN charter dealing with Regional Organisations -European Union, Organization of American States, Organisation of African Union, South Asian Association of Regional Co-operation, OPEC- ASEAN.

UNIT IV—LEGAL STATUS OF ORGANISATIONS

Legal Personality—Inherent and Implied Powers—Immunities and Privileges—Succession between International Organisations, Succession of States to International Organisations.

UNIT V- INTERNATIONAL ORGANISATIONS

Obligations and Purposes of International Organisations —Norms set by International Organisations

PAPER IV- INTERNATIONAL ECONOMIC LAW

UNIT I- INTRODUCTION

Origin and Development -Spectrum of International Economic Law- Relationship between Economic Law and Human Rights-The impact of Colonialism.

UNIT II- U. N AND ECONOMIC CO-OPERATION

Role of the General Assembly - charter of (Economic Rights and Duties of States special Sessions of General Assembly – New International Economic Order- Brandt, Concern summit -Importance of Various international Conferences.

UNIT III-INTERNATIONAL ECONOMIC INSTITUTIONS

IBRA-IFO, IMF GATT UNCTAA, UNICTAL, WTO. Dispute settlement mechanisms of international economic institutions.

UNIT IV-TRANS-NATIONAL CORPORATIONS AND INTERNATIONAL ECONOMIC RELATIONS

Multinationals-European Economic Community-European Free Trade

Associations, UN Commission on Trans-national Corporations-Economic Community of Central African State -Multi Nationals, Sovereign Immunity and Human Rights.

UNIT V-LIBERALISATION AND INDIAN ECONOMY

Need for Liberalisation-Implications of Liberalisation-Economic restructuring through Trade: Implications for the People-Economic values and Prowning Consumerism.

PAPER V-INTERNATIONAL ENVIRONMENTAL LAW

UNIT I- INTRODUCTION

Meaning of environment-. Ecological cycles and inter-dependence of eco-systems in nature, Developments-National and International perspectives.

UNIT II—RIGHT TO DEVELOPMENT AND RIGHT TO ENVIRONMENT

Sustainability—Degradation: All Resources—Environmental costs.

UNIT III—PROTECTION OF THE ENVIRONMENT

Types of environmental Pollution—Measures to prevent Pollution—National and International perceptions—Management of conservation and preservation of resources—Role of Non-Governmental Organisations and individuals.

UNIT IV - LAWS, REGULATIONS, AND ROLE OF JUDICIARY

Laws dealing with environmental clauses – international and municipal laws concerning environment – environmental issues – international conventions – major international environment agreements on global warming- radioactive pollution – wetland conservation – climate change – conservation of biosphere.

UNIT V—AGENDA FOR FUTURE ACTION

Rio and agenda 21—GEF and Ozone, Montreal Protocol—Global

warning —National efforts for protection and preservation of environment.

PAPER VI-INTERNATIONAL LAW OF HUMAN RIGHTS

UNIT I - CONCEPT OF HUMAN RIGHTS

Definition-Origin and development -Philosophical and Political foundations- Ancient-Medieval and Modern contributions-Development of Human right as a philosophical concept to a legal concept.

UNIT II – DEVELOPMENT OF HUMAN RIGHTS BY INTERNATIONAL ORGANISATIONS

Provisions Of The Un Charter – UDHR – 1948-ICCPR- ICESCR- Optional Protocols - The Charter Of Economic Rights And Duties Of States – The Concept Of Human Rights In Indian Constitution (Fundamental Rights) , Fundamental Duties And Directive Principles Of State

UNIT III-HUMAN RIGHT OF VULNERABLE GROUPS

Right of Women and Children-Disabled and Aged Persons-Dalits and tribal-Minorities.

UNIT IV- ENFORCEMENT OF HUMAN RIGHTS

International, regional and national mechanisms- Structures, Powers and Functions of NHRC. Role of Legal Profession-Role of NGOs-Role of Mass Media-Role of Political Parties-Remedies for Violation of Human Rights.

UNIT V -PARTICIPATORY DEMOCRACY AND HUMAN-RIGHTS

Right against torture – right to development – globalization and human rights – judiciary and human rights – human rights and criminal justice system.

PAPER VII—LAW OF THE SEA

UNIT I-HISTORICAL INTRODUCTION TO THE LAW OF SEA

Contributions of Seldon; -Grotius, Bynkershock and others to the development of early law; the Anglo Norwegian Fisheries case and its aftermath, the technological revolution and utilization of new resources of the sea, population explosion and its impact on the law—The UN conferences on the law of sea.

UNIT II-CHANGING CONCEPTS OF MARITIME FRONTIERS

Right of states over territorial nature and contiguous zone; continental shelf, Exclusive Economic Zone straits used for international navigation, archipelagic states., principles for determination of maritime frontiers and maritime boundaries under 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 personal of the authority, problems and perspectives.

UNIT IV—CONSERVATION OF LIVING RESOURCES OF THE HIGH SEA

Problems of maritime pollution high sea fisheries and marine pollution — Land: locked states and the law of the sea.

UNIT V—SEA AS COMMON HERITAGE OF MANKIND

Freedom of seas Hot pursuit – piracy and armed robbery at sea- military use of the sea-regulation of nuclear weapons at sea- illicit trafficking of weapons of mass Destruction at sea.

PAPER VIII—INTERNATIONAL AIR AND SPACE LAW

UNIT I - INTRODUCTION TO AIR LAW

Air and space – concepts – Definition, nature, scope and sources of air law – theories of Airspace – aerial navigation – basics principles of Air Law – conventions relating to aerial navigation.

UNIT II - FUNDAMENTALS OF AVIATION LAW

Origin and development of aviation laws – Chicago convention and fundamental principles – Warsaw convention and carriers' liability- implementation of Air law in India.

UNIT III - LAW ON AIR TRANSPORT AND AVIATION LIABILITY

Product liability- strict liability in aviation – crashworthiness – punitive damages- codification of product liability- liability insurance in aviation – liability for damage caused on surface and during collision – carrier liability- bilateral air transport agreements – competition law and air alliances.

UNIT IV- SAFETY AND SECURITY LAWS ON AVIATION

Crimes on board air crafts legal regime – air craft hijacking- ICAO and DGCA security regulations- regulations in India- new developments in Air Law.

UNIT V – INTRODUCTION TO SPACE LAW

Definition scope nature space law – development of space law – fundamental principles -space treaties- international and intergovernmental organizations.

Recommended Readings:

- 1)Oppenheim : Public International Law (1991)
- 2)Ian Brownlie : Principles of Public International Law (1998)
- 3)Max Sorsen : Manual of International Law (1968)
- 4)J. G Starke : Introduction to International Law (1999)
- 5)G. I. Tunkin ; : International Law
- 6)J. S. Verma : Introduction to International Law (1997)
- 7)D. W. Bowett : Law of International Institutions, 1982.
- 8)Leo Gross : Essays on International Organisations, 1984
- 9)Stephen M. Schwebel : Justice in International Law Part I and III, 1964
- 10)Clive Archies : international organisations , 1992. |

- 11) Clive M. Seghenthottu Select Essays on International Trade Law. (1988).
- 12) B.K Bhalla : International Economy. Liberalization Process (1993).
- 13) Patricia W, and Alan C, Binnie : Basic Documents of International. Law and the Environment (1995)
- 14) Neil Roberts : The Changing Global Environment (1994).
- 15) Arjun Prasad Nagore : Biological Diversity. and International Environment Law (1996).
- 16) Patricia W. Brimie: International Law and the Environment.
- 17) Andrew Blowers (ed): Environmental Policy in International Context (1996).
- 18) Author H. Westings: Global Resources and International Conflict(1986).
- 19) Lynton Keith Cladwell.: International Environmental Law: Emergence and Dimensions (1991).
- 20) David Armstrong : The Rise of International 'Organisation.
- 21) William E. Butler : Source Book on Socialist International Organisations,
- 22) Ingrid Deter : Law-making by the International Organisations.
- 23) Richard A. Falk : International Law and Organisations.
- 24) Stephen S. Goodspeed : Nature and Function of. International Organisation.
- 25) J. J. Lederes : International Non- Governmental Organisations and Economic Entities. mo :
- 26) Paul Reuter : International Institutions.
- 27) Iris L. Claude : Changing United 'Nations.
- 28) Leland M. Goodrich : United Nations in a Changing World.
- 29) R. P. Anand : Law of the sea, Casuar and Beyond. |
- 30) Juraj Andrassy : International Law and the Resources of the sea.
- 31) L. Bohme and M. Keaten, : From the Law of the Sea towards an Ocean 'Space Rejurie.
- 32) Elizabeth Borgese Ocean Regimns : A suggested statute for the Peaceful use of the High Sea and Sea Bed.
- 33) D. W. Bowett : Law of the Sea,

- 34) W. Friedmann : Future of the Oceans,
- 35) D. P. O. Connel : International Law of the Sea,
- 36) Rodrick O. Glen : Whose common Heritage, Creating a: aw for the Sei:
- 37) Najmul Arif : International Environmental Law.
- 38) Priya Ranjan Trivedy : International Environmental Laws.
- 39) Simon Bull and Stuart Ball : Environmental Law.
- 40) Mani Bhatt Reddy : Recent Trends in International Space Law and Policy
- 41) Anand, R.P. : New State and international Law.
- 42) Baker Howard, A. : Space Debris : Legal and Policy Implications.
- 43) Booths Nicolas : Space the next 100 years.
- 44) Jusent Uliyana, Nadsin and Lee R, S, K (eds) : ASIA on Space Law, Vols. I, II and III.
- 45) Lachs Manfred : The Law of outer Space.
- 46) Vereschetin C (eds) : Space and Law.
- 47) Robertson and Morils : Human Rights in the World.
- 48) Christopher Gane and Mark : ae Rights and the Administration of Justice.
- 49) Ian Brounlie : Basic Documents on Human Rights.
- 50) Steins and Alston : International Human Rights in context Law Politics, Morals.
- 51) David Feldmen : Civil Liberties. and Human Rights in England and- Wales.
- 52) Igor Blishchenko : International Humanitarian Law.
- 53) William A. Veenhoiver : Case studies on Human Rights and Fundamental Freedoms World Service.
- 54) Driost, L Human Rights and 'Legal Rights.
- 55) Robert Elias : The Politics of Victimisation—Victims and Victimology and Human Rights.
- 56) Sanker Sen : Human Rights in Developing Society,
- 57) S. K. Pachauri : Children and Human Rights.
- 58) S. K. Pachauri : Women and Human Rights,
- 59) D. D. Basu : Human Rights and Constitutional Law,
- 60) K. P. Saksena : Human Rights Perspective and Challenge

- 61) B, P. Singh Seghal : Human Rights in India Problems and Perspective.
- 62) Paras Deewan and Peeyushi Deewan : Human Rights and the Law.
- 63) Manjula Batra : Protection of Human Rights in Criminal Justice Administration.
- 65) Upendra Baxi : in human wrongs and human rights – un conventional essays.
- 66) Haragopala Varma : political economy of human rights.
- 67) Mumthaz Alikhan : Human Rights And The Daliths.
- 68) Narasimham R.K : Human Rights and Social Justice .
- 69) Winer Perria : in human rights.
- 70) The Human Rights Watch Global Report on Women’s Human Rights.
- 71) The Un Human Rights (1945-1995) Department of Public Information UN New York.
- 72) Bin Cheng- Studies in international space law (clarendon press oxford).
- 73) C. Wilfered Jenks space law (London Stevens & Sons)
- 74) Yoshifumi Tanaka The International Law of the Sea Cambridge University Press.
- 75) V. S. Mani et al., Recent Developments in International Space Law and Policy (Lancers Books, New Delhi, 1997).
- 76) V.S. Mani, S. Bhatt and V. Balakista Reddy (ed.), Recent Trends in International Space Law & Policy (Lancers Books, New Delhi, 1997).
- 77) Sandeepa Bhat B. (ed.), Space Law in the Era of Commercialization (Eastern Book Company, Lucknow, 2010).
- 78) Sa’id Mosteshar (ed.), Research and Inventions in Outer Space-Liability and Intellectual Property Rights (Martinus Nijhoff, London, 1995).
- 79) Peter Martin, et al., Air Law (Butterworths, London, 1977).
- 80) Lawrence B. Goldhirsch, The Warsaw Convention Annotated: A Legal Hand Book, (Kluwer Law International, Hague, 2000).
- 81) Lord McNair, The Law of the Air (Stevens & Sons, London, 1964)
- 82) Nandasiri Jasentuliyana (ed.), Space Law-Development and Scope (Praeger, London, 1992)

BRANCH II- CONSTITUTIONAL LAW

Paper I-CONSTITUTIONAL PRINCIPLES

UNIT I

The modern state- Concept of Sovereignty- Nature and Evolution-Characteristics of Sovereignty-Legal and Political Sovereignty- De facto and De jure Political Sovereignty-Austin's theory of Sovereignty-Pluralist revolt in Politics, Sovereignty-Constitutional and International Law-Laski's views on Sovereignty-Sovereignty and Globalisation

UNIT II

Necessity of the Constitution- Types of Constitutions-Devolution-Federation in India-Rigidity and Legalism-Constitutionalism-Essential Principles of Constitutionalism -- Spirit of the Constitution-The Doctrine of Political Question-Brandies Brief-Policy Considerations-Constitution of USA, France and India-The Framing of India's Constitution.

UNIT III

Separation of Powers- Rule of Law- Dicey's concept and criticism by Ivor Jennings and others-Constitutionalism and Rule of Law -- Functions of Rule of Law and Constitutionalism--Eminent Domain-Due Process-Taxing Power-Nature of Executive-Parliamentary type of Government-Presidential system of Government-Monarchy and Republic

UNIT IV

Judicial Review- Judicial self-restraint and activism-USA and India-Art 13- the test of reasonableness-meaning of reasonable restriction-The relation of restriction of rights-The relation of fundamental right to ordinary rights- Affirmative Action-Right to Equality : privatization and its impact on affirmative action

UNIT V

Scope of Coalition Government in India-Need for Reviewing the Constitution-Secularism under Indian Constitution and its implications-Concept of Secularism and - Historical perspective of Indian secularism-Human rights and their violations-A global phenomenon-Global and Indian Perspectives on Human Rights.

PAPER II – CONSTITUTIONAL STRUCTURE

UNIT I

Separation of Powers-Constitutional Law-Constitutionalism-Constitution of India-Salient Features- Concept and objectives of Federalism in India- Territorial Organization of states – Distribution of Legislative Powers between the Union and State

UNIT II

The Central Legislature-Composition-Basic Functions-Interrelation of the two Houses of Parliament-Powers and Privileges of Parliament-Parliament's power to delegate functions to the Executive-The American Experience-Comparison-Limitations- The State Legislatures-Their Composition and functions-Legislative Power of the President and Governor – Powers, Privileges and immunities of the Members of Legislature-- Power of the President to grant pardons and to suspend, remit or commute sentences--Speaker –Powers of the Speaker-Full faith and credit clause-Constitutional Conventions.

UNIT III

The Central Executive-Executive Power of the Union and States – Cabinet Government – Appointment of Prime Minister and Chief Minister--Composition of Council of Ministers – Concept of Aid and Advice – Collective and Individual Responsibility – Anti-defection - The State Executive-Government-Council of Ministers-The President and Governors-A Comparative study- The Speaker-Appointment-Powers and his role under the Constitution

UNIT IV

Union Judiciary- Appointment of Judges – Jurisdiction of the supreme Court – Original, Appellate and Advisory --The Supreme Court of India-Its Constitution-Its Role under the Constitution and as protector of Constitution of India-Composition, powers and jurisdiction of High Courts- - Independence of the Judiciary – High Courts in States – Appointment of Judges – Transfer of judges - Judicial review .

UNIT V

Election Commission -CAG--Statutory and Legislative Authorities within the Government Mechanism- Finance Commission- Power of borrowing – Inter- State Trade, Commerce and Intercourse-Public Service Commissions- Inter- State Water Dispute – Working of Inter – State Council.

PAPER III-CONSTITUTION AND SOCIAL JUSTICE

UNIT I

Basic values of Constitution-Role of the Constitution in ensuring social justice-Constitutional evolution and the Constituent Assembly's role--Constitutional text as a mechanism for social justice-The Constitutional amendments and social transformation-Basic structure theory as balancing continuity and change-The role of Governmental organs for social justice- Application of international law in the process of constitutional interpretation-Constitutionalism and social justice

UNIT II

Preamble-Fundamental Rights-Directive Principles and Social Justice-Fundamental Rights: Suspendability --Amenability and Limitations --Remedies against Violation/Threat of Violation of Fundamental Rights--Development and Importance of Directive Principles of State Policy and their enforceability - Emerging Regime of New Rights and Remedies under the Garb of Directive Principles --- Use of Directive Principles and International Instruments in Interpreting Fundamental Right

UNIT III

Protective Discrimination-Theoretical and practical aspects- Emerging regime of new rights and remedies- Reading Directive Principles and Fundamental Duties into Fundamental Rights--- Secularism -- Religious freedom and right of minorities to establish and administer educational institutions of their choice--- Implementation of International Obligation

UNIT IV

Gender justice in Indian Constitution- Gender injustice and its various forms- Rights of the Dalits-Rights of Children-Poor and Marginalised Sections- Transgenders-Types-Constitutional, Socio Economic and Cultural Rights-Need for Special Laws

UNIT V

Role of judiciary in promoting and protecting social justice- Judicial Response on Fundamental Rights and Directive Principles of State Policy- Fundamental Rights and Judicial Review- Expansive interpretation of Article 21

Paper IV-CIVIL AND POLITICAL RIGHTS IN THE CONSTITUTION

UNIT I

Concept of Civil and Political Rights –International Conventions and Policies - Evolution of Fundamental Rights in U.K, U.S.A, France and India.

UNIT II

Protection and Enforcement of Fundamental Rights- Right to Equality--Protective discrimination with special reference to emerging judicial response to the problems of group inequalities- Comparative study of the decisions of the Indian and American courts- Freedom of Speech and Expression -Interpretation and

expansion of rights by Judiciary in India- Procedure established by law and due process- Expansive interpretation of Article 21- Freedom of religion: profess, practice, propagation and administration of religious institutions-Nature, scope and meaning of terms “Personal Liberty”.

UNIT III

Balance between individual liberty and social needs-To whom and against whom Rights are available. Constitutional Guarantee of fundamental Rights-Reasonable Restrictions-Freedom of Speech and Expression --Compare the liberty of Press as interpreted by the Indian Supreme Court and the interpretation of the freedom guaranteed by the First Amendment of the American Constitution

UNIT-IV

Impact of Emergency on Fundamental Rights--Suspension of Rights- Adaptability of the Constitutional law to the changing needs of the society-Emergence and feasibility of right to vote and right to reject- Power and procedure for amendment of these rights under the American and Indian Constitution,

UNIT V

Critical analysis of various Fundamental Rights-Right to judicial remedies-Effectiveness of judicial remedies-Judicial Activism-Judicial Activism in the area of Fundamental Rights-PIL : Promises and Perils -Balancing of Rights

PAPER V-SOCIAL, ECONOMIC AND CULTURAL RIGHTS IN THE CONSTITUTION

UNIT I

Concept of social, economic and cultural rights-Economic, social and cultural rights guaranteed under the Constitution-Directive Principles of State Policy- New regime of Constitutional Rights-Reading Directive Principles and International Law

UNIT II

Detailed and critical analysis of various social, economic and cultural rights guaranteed by the Constitution of India –Right to Education-Right to Health--Right to Work-Right to Equal Remuneration-Right to Information- -Right to wholesome environment- Doctrine of public trust.

UNIT III

Directive Principles of State Policy-Problems and possibilities in modern era- The compatibility between Fundamental Rights and Directive Principles of State Policy-Amendment-Implementation-Non Justiciability and Utility of Directive Principles of State Policy

UNIT IV

Fundamental Rights-vis-à-vis Directive Principles of State Policy- Analysis of Fundamental Duties- Fundamental Duties in to Fundamental Rights-Theory of Emanation--Compensatory Jurisprudence

UNIT V

Contribution of Judiciary in the Development of various socio-economic and cultural rights-Judicial Activism and PIL- Impacts-Constitutional Protection of Human Rights through Directive Principles of State Policy

PAPER VI - JUDICIAL REVIEW OF LEGISLATION

UNIT I

Concept of Judicial Review-Parliamentary Sovereignty-Analysis of Marbury v. Madison-Arguments justifying and criticising judicial review-Role of judiciary in a federation-Judicial Review and Separation of Powers-

UNIT II

Rule of Law-Accountability of Legislature- Constitutional basis of judicial review-India-USA-Canada-Australia-Judicial Review in the context of unwritten Constitution-UK

UNIT III

Grounds of judicial review of legislation and delegated legislation-Judicial review of legislation and administrative action-A comparison-Judicial review of Political Questions-Judicial review as part of Basic Structure-Expansion of Judicial review through Judicial Activism

UNIT IV

Impact of Art.31 A and 31 B-Judicial review and Fundamental Rights-Impact of Constitutional Amendments on judicial review in India-Doctrines relating to interpretation and legislative lists-Limitations of judicial review-9th Schedule and judicial review-Ouster clauses and judicial review

UNIT V

Scope of the doctrine of Pith and Substance-Colourable Legislation-Eclipse-Severability –Prospective overruling- Presumption of Constitutionality-Procedural requirements for judicial review-Remedies in judicial review

PAPER VII-AMENDING PROCESS AND JUDICIAL REVIEW

UNIT I

Meaning of amendment-Nature and scope of amending power-The basic philosophy behind the amenability of a written Constitution-French Constitutional Experience-Reflections on the nature of constituent powers-Distinction between legislative power and amending power-

UNIT II

Amending process and Judicial review- A comparative study of the Constitutions of USA, Canada, Australia, Switzerland and India-Amendability of Fundamental Rights under Indian Constitution

UNIT III

Distinctive Amending process –Constituent Assembly and the Amending Procedure-Substantive and procedural limitations to the power to amend the Constitution-Evaluation of Basic Structure Doctrine and its applications- Balance between change and stability—Criticism of Amending Procedure

UNIT IV

Historical development and expansion of the Constitution through amendments- Scope of Parliament's Power to amend the Constitution-Validity of these amendments-Amendment of Preamble and Fundamental Rights --Study of relevant cases

UNIT V

Constitutional amendment and Democracy- Need for a Constitutional Review Committee-Functions, Impact, future possibilities and suggestions.

PAPER VIII – CENTRE STATE RELATIONS

UNIT I

Federalism: nature and practice- Models of federal government-- USA, Australia and Canada-Difference between federalism and confederation- Co-operative federalism- Merits and Demerits Evolution of Federalism in India-Indian Union- Composition-Territory and power

UNIT II

Distribution of Legislative Power- -Legislative relationship-Legislative competency-Territorial nexus theory-Principles of Resolving Conflicts-Overriding powers of Parliament-All India Services-Administrative relation –Financial Relation -Taxes and Revenues-Goods and Services Tax-GST Council

UNIT III

Failure of Constitutional machinery in the State-Role of the Union-Impact of emergency on Centre State Relations- Suspension of enforcement of the rights conferred by Part III during emergency -Role of Governor in Centre State Relation-Obligation of States and the Centre-Cooperation Between the Centre and States – Major areas of Centre-State Discord

UNIT IV

NITI Ayog_-Finance Commission- Specific purpose grants -Inter State Council-Inter State Water Disputes- Inter State Trade and Commerce- Freedom and restrictions- -- National language and official language

UNIT V

The Sarkaria Commission on Centre–State Relations- Administrative Reforms Commission-Integrated Judicial System-Judiciary vis-a- vis Centre State relation- Impact of Panchayati Raj on Centre State relations-Impact of liberalisation on Centre State relation-Overwhelming economic power by Centre.

Recommended Readings.

1. H. M. Servai : Constitution of India.
2. D.D.Basu:Commentaries on the Constitution of India.
3. G. Gledhil : Republic of India.
4. G. Austin ’: Indian Constitution : Cornerstone of a Nation.
5. V. N. Shukla : Constitution of India.
6. D. D. Basu : Shorter Constitution of India.
7. M. P. Jain :Constitution of India.
8. A. C. Kapoor : Select-Constitutions.
9. Johari, J. C. : Major Modern Political Systems.
10. Sunder -Raman : Constitutional Amendments in India.
11. S.P. Sathe : Constitutional Amendments.
12. Edward Mwchinney : Judicial Review.
13. Orfield, L. B. : The Amending of the Federal Constitution.
14. Bhagwan Bhushan : World Constitutions.
15. Corwin : The Constitution and What it means today.

16. Wheare : Modern Constitutions.
17. Baxi V. Courage : Craft and Contention.
18. Edward Cormin : The Doctrine of Judicial review.
19. G. N. Joshi : Aspects of Indian Constitutional Law.
20. B. Shiva Rao : Raming of India's Constitution.
21. S. J. Sorabjee Governor : Sage or Saboteur.
22. M. C. Saxena : Dynamics of Federalism.
23. M. C. Setalvad : Union and State Relations under the Indian Constitution.
24. R. Dhavan : Amendment : Conspiracy or Revolution?
25. A. Jacob : Constitutional Developments since Independence.
26. P. B. Gajendrajadkar : Indian Parliament and Fundamental Rights.
27. K. L. Grover : Constitution versus Parliament.
28. Mac Galentar : Competing Equalities, Law and the Backward Classes in India.
29. P. B. Gajendra Gadkjar : Constitution of India : Its Philosophy and basic Postulates.
30. B. Sivaramagya : Inequalities and the Law.
31. P. K. Thripathi : Some Inrights into Fundamental Rights.
32. D. D. Basu : Limited Government and Judicial review.
33. V. S. Deshpande: Judicial Review of Legislation.
34. S. N. Ray: Judicial Review and Fundamental Rights.
35. U. Baxi: Indian Supreme Court and Politics.
36. U. Baxi: Fifty years of Supreme Court of India. Its grasph and Reach.
37. John Bell: L French Constitutional Law.
38. K. L. Bhatia: L Judicial Review and Judicial Activism.
39. I. A. G. Griffith & Michael, Rykle: Parliament Functions—
Functions Practice Procedure.
40. S. E. Fines: Fine Constitutions.
41. C. H. Meliwan: Constitutionalism Ancient and Modern.
42. C. F. Strong: Modern Political Constitution.
43. Wheare: Federal Government.
44. Jennings: Cabinet Government.

45. H. J. Lask: Grammar of Politics.
46. A. V. Dicey: Law of the Constitution.
47. Cooley, L.: Constitutional Limitations.
48. Schwartz: American Constitutional Law.
49. Corwin: The President—Office and Powers.
50. A. T. Vanderbilt: The Doctrine of Separation of Powers and its present-day significance.
51. Dorothy Pickles: Constitution of the Fifth Republic—French Political System.
52. W. H. Morris Jones: Government and Politics of India.
53. Jeffrey Jomel and Dawn Olives: The changing Constitution Part II.
54. Ivor Jennings: Law and the Constitution.
55. Keir and Lanson: Cases in Constitutional Law.
56. Hogg: Constitutional Law of Canada.
57. Charles Black: Structure and Relationship in Constitutional Law.
58. W. A. Wynes: Legislative, Executive and Judicial Powers in Australia.
59. Colin Howard: Australian Federal Constitution.
60. Hood Phillips: Constitutional Law.
61. Wade: Constitutional Law.
62. Subhash C. Kashyap: Perspectives on the Constitution.
63. Norani: Constitutional Questions in India.
64. Subhash C. Kashyap, D. D. Khanna, Geri W. Kucck: Reviewing the Constitution?

BRANCH III Administrative Law

Paper I: Administrative Law – Role and Relevance

- Unit I
 - Definition of Administrative Law - Reasons for the growth of Administrative Law - Nature and Scope of Administrative Law - Distinction between Administrative Law and Constitutional Law.
- Unit II
 - Historical growth and development of Administrative Law- England, USA, France, India.
- Unit III
 - Rule of Law – Historical Development of Rule of Law –Dicey’s Concept of Rule of Law – Modern Concept of Rule of Law - Rule of Law under the Indian Constitution.
- Unit IV
 - Doctrine of Separation of Powers – Development of the Doctrine of Separation of Powers – Doctrine of Separation of Powers in USA and UK - Doctrine of Separation of Powers in India.
- Unit V
 - Classification of Administrative action and Powers - Changing dimensions of the scope of administrative Law –Role of Administrative Law in a welfare state.

Paper II: Legislative and Adjudicatory Powers of the Administration

- Unit I
 - Delegated Legislation – General Principles - Reasons for the growth of delegated legislation - Delegated Legislation in USA, UK and India – Permissible and Impermissible Legislation – Types of Delegated Legislation – Sub delegation – Conditional Legislation – Controls and safeguards on Delegated Legislation.
- Unit II
 - Administrative adjudication – General Principles - Reasons for the growth of administrative adjudication - Judicial and quasi judicial functions of the Administration – Distinction between Judicial and quasi judicial functions of the administration.
- Unit III
 - Modes of Administrative adjudication - Adjudication by administrative tribunals – Characteristics and working of Administrative Tribunals - Tribunals - Need, Nature, Kinds, Constitution, Jurisdiction, and Procedure - Judicial process of administrative tribunals - administrative tribunal distinguished from courts - High Courts Superintendence over tribunals and SLP – Limitations.
- Unit IV
 - Fairness in administration - Principles of Natural Justice - Evolution and significance of principles of Natural justice - *Audi Alteram Partem* - Rule against bias - ingredients of a fair hearing- Rules of procedure and evidence –
- Unit V
 - Expanding horizon of natural justice - Exclusion of Principles of Natural Justice - Legitimate expectations - consequences of violation of natural justice.

Paper III: Discretionary Powers of the Administration

- Unit I
 - Administrative Discretion – General Principles – Necessity of Administrative discretion – Reasons for the growth of Administrative Discretion – Nature and Scope of Administrative discretion.
- Unit II
 - Limits of Administrative Discretion, Methods of Controlling Administrative discretions – Confining Discretion - Fettering discretion – Structuring Discretion.
- Unit III
 - Control of Administrative Discretion – Control at the stage of Delegation of Discretionary power – Control at the stage of exercise of Discretionary power – Fundamental Rights and Administrative Discretion.
- Unit IV
 - Judicial Control of Administrative Discretion – General Principles – Judicious exercise of discretion – Grounds for the Judicial Review of Administrative discretion – Excessive Discretion – Non Exercise of Discretion – Mechanical exercise of discretion – Abuse of Discretion – Reasonableness – Recent trends in control of discretion.
- Unit V
 - Public accountability and discretion - Policy as a fetter to discretion - Right to information - exemplary damages for abuse of discretion – Role of Administrative discretion in Welfare State – Legitimate expectation and Administrative discretion.

Paper IV: Judicial Review of Administrative Action

- Unit I
 - General principles of judicial review – relevance of Judicial review - Courts as the final authority to determine legality of administrative action - problems and perspectives – Limits of Judicial Review.

- Unit II
 - Grounds of judicial review - Scope of judicial review - Jurisdictional error - Ultra-vires, abuse and non exercise of jurisdiction - error apparent on the face of the record - violation of principles of natural justice - violation of public policy - legitimate expectation – Principle of Reasonableness.
- Unit III
 - Judicial review methods: Public and private law remedies - Judicial review by High Court and Supreme Court under Art.226, 227, 32 - appeal under Art., 136 Amenability to writ – Subordinate courts and Judicial Review.
- Unit IV
 - Concept of locus standi - Public Interest Litigation - Contribution of judiciary - Latest trends in PIL - Merits and demerits of PIL.
- Unit V
 - Scope of review of findings of fact and law - exclusion of jurisdiction - Exhaustion of alternate remedies – Resjudicata - Judicial Activism as an Extension of Power of Judicial Review.

PAPER V – STATE AS A LITIGANT

- Unit I : Introduction – Contractual liability – prior to the commencement of the constitution – Constitutional provisions requirements – Effects of non compliance – effect of valid contract – Quasi contractual liability : Doctrine of unjust enrichment Art. 14 and Government Contract
- Unit II : Tortious liability - Doctrine of vicarious liability – Constitutional provisions – sovereign functions and non-sovereign functions before and after the commencement of Constitution.
- Unit III : Contractual liability and tortious liability – Position in USA, UK, France – Model legislation for India.
- Unit IV : Judicial activism in the sphere of contractual Liability and tortious

liability.

Unit V : Doctrine of promissory Estoppel – Meaning – Traditional view – Modern view – Estoppel against statute – Public Interest Immunity – Privilege to withhold production of documents.

PAPER VI – Law Relating to Services

Unit I : Concept of civil service – civil service and political executive-protection for action taken in good faith – civil service in India – Pre constitutional developments- civil servants and post constitutional developments – civil servants and protective discrimination – civil servants and fundamental freedoms – service organizations – civil servants and Directive Principles of State Policy.

Unit II : Rule making powers under Constitution for regulating recruitment and conditions of service of civil servants (Art 309)- Doctrine of Pleasure Art 310 – Concept and development in Indian Constitutional Law – Restrictions on the Doctrine of Pleasure Art 311 – Constitutional safeguard to civil servants in the matters of Dismissal, Removal and Reduction of Rank – Exceptions to Constitutional safeguards.

Unit III : Recruitment – Agencies of Recruitment – Conditions of service- Probation – confirmation – seniority- promotion – transfer- deputation – pay – Leave – superannuation. Disciplinary proceedings while holding office – consultation with PSC.

Unit IV : Special services – All India services – Judicial service – Law relating to services in Public Enterprises.

Unit V : Social security measures – pension – gratuity – provident fund – Re-employment- employment of children of those dying in harness – Legal remedies in service matters – Departmental remedies – Judicial remedies – Remedies through Administrative tribunals.

PAPER VII – LEGAL REGULATION OF PRIVATE AND PUBLIC ENTERPRISES

Unit I : The rationale of government regulation – Constitutional

perspectives – Regulation of economy *vis-à-vis* constitutions – Fundamental Rights, Directive principles *vis-à-vis* Economic regulation – Nehruian socialism.

Unit II : Industrial policy resolutions – declaration and statements – small scale industries – public sector – importance of public sector and its present state - private and joint sectors – foreign collaboration in public sector.

Unit III : Industrial Regulation – Market regulation, corporate control, commodity control, securities regulation, exchange management and fiscal control.

Unit IV : New economic policy and regulation – Liberalization and regulation, MNC's and regulatory dynamics – regulation and environmental laws – regulation and consumer protection laws.

Unit V : Judicial perspective of regulation – regulation through authorities – government control and judicial review.

PAPER VIII – Legal Devices against Maladministration and Corruption

Unit I : Maladministration – concept – problems – nature and gravity of maladministration

Unit II : Measures for preventing mal-administration – Ombudsman – Lokpal – Lokayukta – Commissions of enquiry – Central Vigilance Commission.

Unit III : Prevention of Corruption Act – Role of prosecuting Agencies

Unit IV : Role of the judiciary and commission of Inquiry *vis-à-vis* maladministration and corruption.

Unit V: Measures to prevent mal -administration and corruption in local self government institutions.

Recommended Readings :

1. K.C Davis : Administrative Law Text
2. D. Foulkes : Introduction of Administrative Law
3. J.C. Garner : Administrative Law
4. deSmith : Judicial Review of Administrative Action
5. B.Schwartz : French Administrative Law and Common Law World.
6. Craig : Administrative Law
7. Wade and Forsyth : Administrative Law
8. Beatson and Mathews : Administrative Law – cases and Materials.
9. Bailey Jones and Mowbray : Cases and Materials on Administrative Law.
10. Hood Philips : Leading cases in Constitutional and Administrative Law
11. Schwartz : Administrative Law
12. Wade : Public Law in Britain and India
13. Brown and Bell : French Administrative Law
14. Indian Law Institute : Cases and Materials on Administrative Law
15. Indian Law Institute : Administrative Tribunals in India
16. Jian and Jain : Principles of Administrative Law
17. D.D Basu : Administrative Law
18. Benjafield : Principles of Australian Administrative Law
19. Fazal : Judicial Control of Administrative action in India, Pakistan and Bangladesh
20. Indian Law Institute : Delegated Legislation in India.
21. Agarwal SK : The proposed Indian Ombudsman.
22. Jain and Jain : The Evolving Indian Administrative Law
23. Marshal H.H : Natural Justice
24. I.P Massey : Administrative Law
25. Misra : Law of Bias and Malafides
26. Street : Government Liability
27. Yardley : A Source Book of English Administrative Law
28. Hewitt : Natural Justice
29. Superstone and Goudie : Judicial Review
30. Griffith A.G : Public Rights and Private Interests
31. N.K. Jayakumar : judicial process in India.
32. Gellhorn : When Americans Complain
33. Gellhorn : Ombudsman and others
34. Ghose N : Comparative Administrative Law

35. Hewart : The new Dispotism
36. Indian Law Institute : Government Regulation of Private Enterprises
37. A.J Markose : Judicial Control of Administrative Action in India
38. S.P Sathe : Administrative Law
39. Campbell : Civil Service in Britain
40. Rama Jois : Service Under the state
41. Administrative Tribunals Act, 1985
42. Mathur. G.C Government Servants, Appointment, Promotion and Disciplinary Action.
43. Narayanan Nair. N : Civil Servants under the Law and the Constitution.
44. Hirnamey Kurlekkar (ed) : Independent India first 50 years.
45. M.K. Santhanam (ed) Fifty years of Indian Republic
46. T.N Chatuyrvedi (ed) Fifty years of Indian Administration Retrospect and Prospects
47. R.C Reddy (ed) : Economic and Public policy.

BRANCH IV:PUBLIC SERVICE AND ADMINISTRATION

Paper I: LAW RELATING TO CIVIL SERVANTS AND PUBLIC SERVANTS

Unit – I

Civil Servants and Indian Constitution

Historical and comparative perspectives – Civil servant – Responsibilities of public servants – Fundamental rights of the civil servants – Equality and protective discrimination – Principles and practices – Doctrine of pleasure and limitation – Exceptions to constitutional safeguards – Opportunity of being heard and its exceptions – Responsive Service Delivery Manuals.

Unit – II

Recruitment and regulations

Recruitment and promotion UPSC, State PSC's powers, methods and qualifications – service regulations – formulation of service rules.

Unit – III

Conditions of service

Pay, allowances and other benefits, kinds of leave and conditions of eligibility, social security measures – pension, gratuity, provident fund – reemployment, employment of children of those dying in harness – contributory pension – statutory deferred pension – Civil and criminal immunities for action in good faith.

Unit – IV

Conflict in civil services including special services

Neutrality – Commitment, dilemma Permanency, expertise and institutional decision making – relaxation of age and qualification in recruitment spoil system – frequent transfers, education of children, housing and accommodation – politicization of Government servant organizations – Union rivalry – Disciplinary proceedings while holding office – All India Services – Disciplinary proceedings.

Unit – V

Settlement of disputes over service matters

Departmental remedies – representation review and appeal – role of service organizations – Remedy before the Administrative Tribunal – jurisdiction scope and procedure – merits and demerits – exclusion of jurisdiction of courts – Review of Service matters – Jurisdiction of the Supreme Court and High Court – Comparative position in England, United States and France, Right to Public Services Acts.

Recommended Readings

Students are to study the Centre/ State laws and rules relating to service matters.

- B.R. Ghaige, Law and Procedure of Departmental Inquiries.
- N. Narayanan Nair, The Civil Servant under the Law and the Constitution (Revised Edn.)
- K.K. Goyal, Administrative Tribunals Act (1985)
- Seervai, Constitutional Law of India (Revised Edn.)

- Arjun P. Aggarwal, Freedom of Association in Public Employment, 14 JILI
- C.K. Kochukoshy, “All India Services- Their Role and Future”, 1972 L.J.P.A
- Douglas Vass, “The Public Service in Modern Society”, 1983 L.J.P.A., 970.
- Z.M.S. Siddiqi, “Sanctions for the breach of contracts of service”, 25 JILI
- O.P. Motilal, “Compulsory Retirement”, 1975 L.J.P.A. 247
- D.S. Chopra, “Doctrine of Pleasure- Its scope, implication and limitation”, L.J.P.A. 92.
- G.C.V. Subba Rao, “The O.N.G.C. Case and New Horizons in Public Service” 1975 S.C.J. 29
- Sir William Wade, Administrative Law (8th edn., 2000)
- Legitimate Expectation and Judicial Review by Patriack Elias (Article)
- P.P. Craig, Administrative Law

Paper II: LAW RELATING TO PUBLIC UTILITY SERVICES

Unit – I

Public Utilities

Growth and evolution of public utilities – Laws of Incorporation – Government policy in this regard. Public Utilities: Water supply, connectivity; Gas, Electricity, telephone, post and telegraph service, Road transport, Police, Banking service, Fire Brigade, etc.

Legislative and Executive control- constitutional division of legislative power.

Unit – II

Patterns of Utility Legislation

Administrative Authorities – Structure and function – Subordinate legislation– Public utility Services and Procedure – Public Utility and Fair hearing – Quasi-Judicial decisions – fair, logical and reasonable decision making – Due process – Remedies against deficiency in Public Utility Services. Public Utilities and Consumer Protection – Rights under Consumer Protection Act, Law of Contract and Law of torts.

Unit – III

Public Utilities and Their Employees

Are public utilities ‘State’ for the purpose of Act. Constitutional and statutory protection of employees – legal rights and obligations of employees - Citizen Service Charter – Public Accountability of Civil Servants.

Unit – IV

Public Utilities and Fundamental Rights

Right to equality - Public utility whether amenable to writ jurisdiction. Discuss with relevant case laws. Public utilities vis-à-vis and various Fundamental rights with special reference to equality and freedoms. Public Services Rights Act – Electronic Service Act – Judicial Accountability Act etc.

Unit – V

Liabilities and special privileges of Public Utilities

Under the Law of Contract, Law of Torts and Law of Crimes and other legislations.

Recommended Readings

- P.M. Bakshi, Television and the Law (1986)
- Vasant Kelkar, “Business of Postal Service” 33 I.J.P.A. pp. 133-141
- G. Ramesh, “Characteristic of Large Service Organisation in a Developed Nation like India”, 32 I.J.P.A. 77 (1986)

- Nalini Paranjpe, “Planning for Welfare in the Indian Railways”, 31 I.J.P.A.
- Arvind K. Sharma, “Semi-Autonomous Enterprise: Conceptual Evidence on the Theory of Autonomy” 33 I.J.P.A. p. 99-113.
- S.P. Sathe, Administrative Law (1998)
- Jain & Jain, Principles of Administrative Law (1986)
- Jagdish U.I, Handbook of Electricity Laws (1978)
- Hbaumik, The Indian Railways Act, (1981)
- Students should consult relevant volumes of Annual Suvey of Indian by the Indian Institute (Constitutional Law I & II, Consumer Protection Law and Labour Law)
- Clive Lewis, Judicial Remedies in Public Law (2008)
- John Spark, Employment Law and Practice (2007)

PAPER III: ADMINISTRATIVE PROCESS

Unit – I

Administrative Law- meaning and development- concept of administrative law and its comparison with constitutional law.

Unit – II

Nature and scope of administrative law- the growth of administrative law in the twentieth century- shift from laissez faire state to welfare state.

Unit – III

Comparative study on the historical growth and development of administrative law in England, United States, France and Australia.

Unit – IV

Separation of powers – how far maintained under the Constitution of India – from rigidity to flexibility – concept of mutual check and balance.

Unit – V

Rule of law – changing dimensions. Rule of law and the Indian Constitution. Rule of law and judiciary in India. classification of administrative action into quasi-legislative, judicial, quasi-judicial and ministerial functions.

Recommended Readings

- C.K. Allen, Law and Orders (1985)
- D.D. Basu, Comparative Administrative Law (1998)
- Peter Cane, An Introduction to Administrative Law (1996)
- Wade, Administrative Law (1997)
- J.C. Garner, Administrative Law (1989)
- M.P. Jain, Cases and Materials on Indian Administrative Law, Vol. I and II (1996)
- Jain & Jain, Principles of Administrative Law (1997)
- S.P. Sathe, Administrative Law (1998)
- B. Schwartz, French Administrative Law and Common Law World
- Benjafield, Principles of Australian Administrative Law
- Wade, Public Law in Britain and India
- De Smith, Judicial Review of Administrative Action (1995)
- Friedman, The State and the Rule of Law in a Mixed Economy
- Dicey, Introduction to the Law of Constitution
- Davis, Discretionary Justice
- D. Schwartz, An Introduction to American Administrative Law
- Brown and Bell, French Administrative Law
- Indian Law Institute, Cases and Materials on Administrative Law in India, Vol. I (1996)

PAPER IV: RULE MAKING AND DECISION MAKING POWERS OF ADMINISTRATION

Unit – I

General principles of administrative rule- making- reasons for the types.

Unit – II

Legislations, controls and limits of delegated legislation, Henry VIII Clause, permissible limits – departmental, judicial and procedural limits and controls on delegation

Unit – III

Decision making powers of administration- distinction between quasi administrative and legislative powers.

Unit – IV

Types of administrative adjudication – Administrative Tribunals – Constitutional functions- comparison of tribunals with courts – judicial review of tribunal developed by Supreme Court and High Courts – Doctrine of res judicata.

Unit – V

Control on quasi-judicial powers – Natural justice – evolution and significance. Rule against bias – fair hearing – legitimate expectation – doctrine of proportion – Reasoned decisions, Exceptions to natural justice.

Recommended Readings

- K.C. Davis, Administrative Law
- J.C. Garner, Administrative Law
- I.P. Massey, Administrative Law
- H.H. Marshall, Natural Justice
- Misra, Law of Bias
- Hewitt, Natural Justice

- J.I. Markose, Judicial Control of Administrative Action in India
- Indian Law Institute, Delegated Legislations in India
- Indian Law Institute, Administrative Tribunals in India
- Administrative Tribunals Act, 1985

PAPER V: ADMINISTRATION AND DISCRETIONARY JUSTICE

Unit – I

Administrative discretion – definition - need for conferring discretion – nature and scope of discretionary powers – limiting, confining and structuring discretion.

Unit – II

Control of discretionary powers – Fundamental Rights and discretion

Unit – III

Exercise of discretionary powers – grounds of judicial review – abuse of discretion, failure to exercise discretion, et. as grounds. Recent trends.

Unit – IV

Reasonableness as ground for reviewing discretionary powers – Government policy and discretion.

Unit – V

Right to information – right to public service – exemplary damages for abuse of discretion. Administrative discretion and public accountability. Public service rights legislations.

Recommended Readings

- S.P. Sathe, Administrative Law (1998), Butterworths, India
- De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell
- I.P. Massey, Administrative Law (1995), Eastern Law, Lucknow

- Bagawati Prasad Banerjee, Writ-Remedies, (1999), Wadhwa, Nagpur
- M.P. Jain, The Evolving Indian Administrative Law (1983) Tripathi, Bombay
- Jain and Jain, Principles of Administrative Law (1986), Tripathi
- M.P. Jain, Cases and Materials on Administrative Law (1996)

PAPER VI: LIABILITY OF AUTHORITIES

Unit – I : Liability of Public Authorities

Meaning and concept of public liability in jurisprudential analysis- modes and control.

Unit – II: Contractual Liability

Pre-constitutional and post constitutional aspects- quasi contractual liability– doctrine of unjust enrichment – constitutional provisions – effect of valid contract – contractual liability and writ jurisdiction.

Unit – III : Tortious Liability

Constitutional aspect- sovereign and non-sovereign functions – Doctrine of vicarious liability – latest trends in granting compensation – doctrine of public accountability – exemplary damages – accountability under Constitution.

Unit – IV: Privilege Against Disclosure

Right to information – Official secrecy – openness in governance – privilege under various enactments – security of state – freedom of information – right to know - information commission – judicial review

Unit – V: Promissory estoppels

Legitimate expectation – constitutional dimensions

Recommended Readings

- Jain & Jain, Principles of Administrative Law (2011)
- De Smith, Judicial Review of Administrative Action (1995)

- B. Schwartz, An Introduction to American Administrative Law
- Avasthi and Maheswari, 'Control over Administration', Public Administration.

PAPER VII: CHECKS AND CONTROL OF MALADMINISTRATION

Unit – I : Maladministration

Concept – problems – nature and gravity of maladministration

Unit – II : Ombudsman Parliamentary Commissions, Council de-Etal etc.

Concept – evolution – comparison with other systems like Scandinavian, English and other common law countries. Lokpal, Lokayukt – the evolve in Indian models.

Unit – III : Commission of Inquiry

Vigilance Commissions at Central and State Level, Investigation Agencies like the CBI.

Unit – IV: Inquiries by Legislative Committees- PAC, PUC, JPC etc.

Legislative Control – Administrative Control – Judicial Control – Regulative bodies – Judicial Inquiries – Financial Control – Comptroller and Auditor General

Unit – V: Public grievance redressal mechanisms for combating corruption

Prevention of Corruption Act – Social audit and correctional administration – Doctrine of Pleasure – impact and remedies

Recommended Readings

- K.S. Shukla and S.S. Singh, Lokayukta: A Social Legal Study (1998), Indian Institute of Public Administration, N. Delhi.
- Jain & Jain, Principles of Administrative Law (1986), Tripathi
- Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Taranto
- O.M. Kothari – How to conduct and defend disciplinary inquiries (2008)

- Markanteye Katju – Domestic Enquiry – Revised edition
- Samaraditya Pal, Law Relating to Public Service (2011)

PAPER VIII: LAW OF LOCAL SELF-GOVERNMENT AND PUBLIC SERVICE GOVERNMENT

Unit – I

Historical and comparative analysis of local-self government- development of local-self government in India and in other countries.

Unit – II

Local-self government in constitutional perspective – Directive Principles- constitutional developments on local-self government – structure and function of local-self governments – constitutional bodies and authorities under mechanism.

Unit – III

Legislative powers – Direct democracy and grass root planning – Municipality- Corporation- Panchayats- Quasi- legislative power of LSGIs- rule making of the State Government – regulations and bye-laws - judicial powers of LSG.

Unit – IV

Financial Powers – levying taxes – licensing power – financial Powers.

Unit – V

Provisions for Good Governance – Prevention of maladministration – Ombudsman – LSG Tribunal etc.

Recommended Readings

- Friedman, The State and the Rule of Law in a Mixed Economy.
- Neville L Brown and J.F. Garmer, French Administrative Law
- Dicey, Introduction to the Law of the Constitution
- Ivor Jennings, Law and the Constitution

- Schwartz & Wade, Legal Control of Government
- Davis, Discretionary Justice
- Jain & Jain, Principles of Administrative Law (1986), Tripathi, Bombay
- De Smith, Judicial Review of Administrative Action (1995)
- Indian Law Institute, Government Regulation of Private
- W. Thornhill (ed.), The Growth and Reform of English Local Self-government, Weidenfeld and Nierlson, London
- Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishers, Delhi
- M. Venketarangiya & M. Pattabhiram, Local Government in India (1969), New Delhi.

BRANCH V - ALTERNATIVE DISPUTE RESOLUTION

Paper I - Origin and Development of Informal Settlement of disputes

Unit I: Judicial dispute resolutions ; Characteristics, Operation Principles, Party participation and Control Short focus on issue, Reasoned Decision, Finality, Adversary Process, what course do and do not do effectively? Advantages and Disadvantages of such resolution. Resolution of Disputes

Unit II: Reform in the Legal System for Achieving Effective and Speedy Resolution of Dispute. - Dispute Resolution and Civil Justice

Unit III: Appropriate dispute resolution mechanism ; Different types of dispute resolution systems (Judicial , Quasi Judicial, Executive)

Unit IV ADR in classical times, traditional societies, Need for ADR in present scenario and dimensions of ADR

Unit V : Dimensions of ADR; Conflict, dispute and decision making – Nature of dispute and dispute processes – Characteristics of different forms of dispute process – Litigation and settlement – Observation of Natural Justice and fair trial in ADR systems.

Paper II CONCEPTS OF ADR PROCESSES AND DEVELOPMENT

Unit I: ADR terminology and Overview

Unit II: Definition of ADR – Classification of ADR

Unit III: Preventive ADR – Process of ADR in criminal cases

Unit IV: Alternative Models of Dispute settlement under different statutes Negotiation – Statutory Tribunals, Partnering – Family Courts, ADR clause – Administrative Tribunals – Consumer Councils – Prevention of maladministration through ADR Process – Latest development in ADR process ie.ADR (ODR)

Unit V: Facilitative, Advisory, Determinative & Judicial Process of Alternate Dispute Resolution; Facilitative ADR processes – Advisory ADR processes – Determinative ADR processes – Judicial ADR processes – ADR practices in India — techniques – counselling – role and techniques followed by the counsellors – Prevention of mal administration – Lokayukta – Lokpal – Departmental Ombudsman – LSG Ombudsman -Banking Ombudsman – Latest development in ADR.

Paper III – LEGAL AID, LEGAL SERVICES AND COMMUNITY BASED ADR

Unit I : Concept and Access to Justice.

Unit II : International Constitutional framework and directives

Unit III: Legal Aid as Human Right - Legal Services Authority.

Unit IV : Foundations of Legal Aid.

Unit V: Statutory framework for Legal Aid - Role of NGO's in Dispute resolutions.

PAPER IV – ARBITRATION: PROCEEDINGS AND PRACTICES IN INDIA

Unit I: Legislative reforms on Arbitration 1859, 1940 Act – Law Commission Report – Enforcement of Foreign Act, 1937, Arbitration and Conciliation Act, 1996.

Unit II: Definition, Nature, Scope and Objectives - Definitions of “Arbitration” “Arbitrator”, Arbitration agreement”, Appointment of “Arbitrator”, grounds for changing the arbitrator, termination of Arbitrator.

Unit III : Different types of arbitration; Domestic Arbitration, Institutional Arbitration and Statutory Arbitration

Unit IV: Arbitration agreement

Unit V: Appointment of Arbitrator Jurisdiction - conduct of arbitral proceedings. Arbitration enforcement appeals - Foreign Arbitration - Extent of Judicial Intervention.

Paper V - CONCILIATION - PROCEEDINGS AND PRACTICES IN INDIA

Unit I: Arbitration and other modes of ADR systems – a comparison

Unit II: Definition, Nature, Scope and Objective - concept and characteristics of conciliation - Meaning and definition conciliation agreement - Section 89 and O-10, R-1-A, B and C of CPC Conciliation

Unit III: Appointment, powers, functions and termination of conciliation - Settlement agreement - Techniques of successful conciliation proceedings, enforceability.

Unit IV: UNCITRAL model of conciliation and other modes of ADR systems

Unit V: Methods of Conciliation envisaged under different statutes.

Paper VI - DISPUTE SETTLEMENT THROUGH MEDIATION

Unit I : Meaning and Definition - Nature, Scope and Objective of Mediation

Unit II: Advantages and disadvantages - Essential characteristics of Mediation

Unit III: Qualification and qualities of mediator - Role of mediator

Unit IV: Different types of Mediation - preparatory stages of mediation [Code of Civil Procedure and Mediation Rules]

Unit V: Mediation Practice in India and abroad Court annexed mediation in India - Mediation in International scenario – Integrated methods of mediation.

Paper VII - INTERNATIONAL TRADE AND COMMERCIAL ARBITRATION

Unit I: Trade practices and Commercial arbitration - conventions regarding UN initiatives

Unit II: UNCITRAL Model in International Commercial Arbitration

Unit III: Development and Function of Arbitration in foreign investment law

Unit IV: MNC's and Arbitration

International court of Arbitration - Place of Arbitration in conflict of laws in the International commercial arbitration.

Unit V: Determination of Arbitrator in ITCA

Jurisdiction of Arbitrator - Relevant provisions under 1996 Act.

Paper VIII - ENFORCEMENT AWARD

Unit I : Definition of Award

Different kinds of Award – Contents of Awards – correction – Interim Award

Unit II: Finality and enforcement of arbitral award – setting aside of arbitral award – setting aside of arbitral award.

Unit III: Judicial Review of arbitral award

Unit IV: International conventions on foreign awards and its enforcement in India- New York and Geneva Convention Awards.

Unit V: Settlement awards derived through other methods of ADR - Other Alternative modals of dispute resolution, Family Courts, Family Courts Act, 1984, family council ling techniques, Tribunals, Motor Accident.

Books for Suggested Readings

1. Law & Practice Of Alternative Dispute Resolution In India – A Detailed Analysis, By Anirban Chakraborty; 2016 Edition, Lexisnexis, Gurgaon.
2. Law Relating To Arbitration And Conciliation By Dr. P.C. Markanda, Naresh Markanda, Rajesh Markanda; Ninth Edition, 2016, Lexisnexis, Gurgaon.
3. Justice Rs Bachawat’s Law Of Arbitration And Conciliation, By Anirudh Wadhwa (Chief Editor), Fifth Edition, 2010, Lexisnexis, Gurgaon.
4. R. S Bachwats, Law of Arbitration & Conciliation (Nagpur : Wadhwa, 4th ed.)

5. Dr.P.Chandrasekhara Rao, The Arbitration and Conciliation Act, 1996 (Universal Law Publishing Co.Pvt Ltd., 1997)
6. C Johari, Commentary on Arbitration and Conciliation Act
7. G K Kwatra (Director, Indian Council of Arbitration), The New Arbitration and Conciliation Law of India (New Delhi, Indian Council of Arbitration, 1996, reprinted).
8. P Malhotra, The Law and Practice of Arbitration and Conciliation: The Arbitration and Conciliation Act, 1996(Lexis Nexis, Butterworths Publications)
9. Justice S B Malik, Principles and Digest of New Arbitration and Conciliation Act (Allahabad:The University Book Agency, 2d ed., 1997).
- 10.M V Mirchandani and V.K Sharma, Guide to New Arbitration Law (New Delhi).
- 11.D P Mittal, New Law of Arbitration, ADR and Conflict in India.
- 12.Malhotra : Arbitration & Conciliation Act
- 13.Justice R.S. Bachavat : Law of Arbitration & Conciliation Act, Vol – I & II; LexisNexis Butterworths 5th Edition 2013.
- 14.Mallik : Arbitration & Conciliation Act .
- 15.Myneni : Alternate Dispute Resolution.
- 16.P. C. Markanda : Law relating to Arbitration and Conciliation. LexisNexis India; 8 th Edi. 2013
- 17.Dr. Avtar Singh : Law of Arbitration and Conciliation, Lucknow
- 18.Michel L Moffit – Dispute Resolution: Examples and Explanations.
- 19.Jaqueline M and Nolan Hale – ADR in Nutshell
- 20.Stephen J Ware – Principles of ADR
- 21.Sri Ram Panchu – Mediation Practice and Law
- 22.M Sridhar – Alternative Dispute Resolution
- 23.R.S.Bachawat – Law of Arbitration and Conciliation
- 24.C.R.Datta – Law of Arbitration and Conciliation
- 25.Thomas H Webster, Handbook on UNCITRAL Arbitration (2010).
- 26.David Joseph, Jurisdiction and Arbitration Agreements
- 27.Steven P Finizio, Duncan Spellar, A Practitioners guide to International Arbitration
- 28.P.M.Bakshi (ed.) Paruck’s Law of Arbitration (N M Tripathi Pvt.Ltd, 1991)

BRANCH VI – CRIMINAL LAW, CRIMINOLOGY & PENOLOGY

PAPER I: GENERAL PRINCIPLES OF CRIMINAL LAW

Unit I: Concept of Criminal Law

Crime, Criminal Law and Criminal Justice-Administration of Criminal Justice – Meaning, Necessity and Growth-- Role of State-History of Criminal law in India-Stages of Crimes.

Unit II: Criminal Jurisprudence and Elements of Crimes

Fundamental Principles of Criminal Jurisprudence - Elements of Crime: External and Internal - *Actus reus* and *Mens rea*, interrelations- Causation- Harm Principle- the Guilty mind or Blame worthiness principle- Basic principles of criminal liability- Culpability - Voluntary nature of actus reus- automatism- Transferred malice, Intention, Recklessness, Negligence, Relevance of Motive- Theories of culpability- choice theory, character theory, objective theory, objective/subjective dispute.

Unit III: Exclusion of Mens rea - Strict responsibility and Statutory crimes; presumption of mens rea – Joint responsibility - Vicarious responsibility - corporate responsibility

Unit IV: Complicit Criminality and Incomplete or Inchoate Crimes: Parties to crime - Doctrine of complicity – Inchoate Crimes -Abetment –Conspiracy- Attempt - Incitement -Vicarious liability, Group or Joint Liability U/Ss 34 or 149 IPC.

Unit V: General exceptions of Criminal Responsibility – excuses and Justifications

Mistake of Law – Fact – Infancy, insanity –insanity - Intoxication – Necessity – Accident defense of superior orders – Executive and Judicial Acts – Consent – provocation- Right of private defense

Recommended Readings

1. Bentham : Principles of Penal Law
2. Blackstone's : Commentaries
3. Burdick : The Law of Crime, Vol. I
4. Friedmann : Law in the Changing Society
5. Gandhi, B.M. : Indian Penal Code (1996)
6. Gaur, H.S. : Penal Law of India, 9th Edn.
7. Gaur, K.D. : Criminal Law : Cases & Materials (1975)
8. Hall, Jerome : General Principles of Criminal Law (1960), 2nd Edn.
9. Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
10. Huda, Shamshul : Principles of Law of Crime in British India (1902) (Reprint, 1993-Eastern Book Co., Lucknow)
11. Kane, P.V. : History of Dharamshashtra, Vol. III
12. Kenny's : Outlines of Criminal Law, 19th Edn.
13. Mayne, J.D., Criminal Law of India, 4th Edn.
14. Nelson : Indian Penal Code
15. Nigam, R.C. : Law of Crimes in India, Vol. I
16. Rattan Lai : The Law of Crimes (20th Edn.)
17. Russel : On Crime, 12th Edn., Vol. I
18. Siddique, Ahmad : Criminology, 4th Edn., 1997
19. Stephen, James : History of Criminal Law, Vols. I & II and
20. Digest of Criminal Law, 9th Edn.
21. Kenny's Outlines of Criminal Law
22. Hall's Principles of Criminal Law
23. H.C. Gour's Indian Penal Code
24. Achuthan Pillai's Indian Penal Code

25. Bhatia's Preventive Detention Laws in India

26. Jonathan Herring, Criminal Law, 2019

PAPER II: CRIMINAL JUSTICE ADMINISTRATION & PROCEDURE

Unit I: Criminal Justice- components of criminal justice system- Legislations- Enforcement of Criminal Law -Ignorance of law – Principles of legality – presumption of Innocence – Burden of Proof

Unit II : Crime Control and Due Process Model -Functionaries under the Criminal Justice System and Hierarchy of Criminal Courts- speedy justice- miscarriage of justice in criminal proceedings.

UNIT III: Arrest, Rights of Arrested Persons and Persons Accused of Offences: Constitutional and Statutory Perspective- protection against ex post facto laws-protection against self-Incrimination – Autrefois acquit and Autrefois convict – Legal representation- Defenses in trial procedures- rights of persons arrested under preventive detention laws- role of judiciary.

UNIT IV: Administration of Criminal Justice- Investigation -Law relating to Bail- Components of Fair Trial- Plea Bargaining / Compounding / Withdrawal of Prosecution- judicial discretion in sentencing; problems- Law relating to Appeal and Revision- problems in administration of criminal justice.

Unit V: Role of Victim in Criminal Justice System- victim redress- Compensation to Victims - Correctional System – correction and rehabilitation in juvenile delinquency- impact on victims- protection to victim witnesses.

Recommended Readings

1. Andrew Ashworth, Principles of Criminal Law (2009).
2. Baker Denis J., Glanville Williams, Text Book of Criminal Law (2012)
3. C.K. Thakker (Rev.) Ratan Lal and Dhiraj Lal's Indian Penal Code (2004).
4. George Fletcher, Rethinking Criminal Law (1978)

5. H.S. Gour, Penal Law of India (1998)
6. Jerome Hall, General Principles of Criminal Law (1960)
7. K. N. Chadrasekharan Pillai, R.V. Kelkar's Criminal Procedure (EBC, 2012).
8. K.D. Gaur, Criminal Law – Cases and Materials (1999).
9. K.I. Vibhute, PSA Pillai's Criminal Law (2012)
10. K.N.C. Pillai and Shabistan Aquil (Rev.) Essays on the Indian Penal Code (Indian Law Institute, 2005).
11. K.N.C. Pillai, General Principles of Criminal Law (2005)
12. N. V. Paranjape, Criminology and Penology with Victimology (Central Publication, 2012).
13. Norval Morris and Colin Howard, Studies in Criminal Law (Oxford – at the Clarendon Press, 1964).
14. R.C. Nigam, I Law of Crimes in India (1965).
15. Ratan Lal and Dhiraj Lal, The Code of Criminal Procedure (19th Edition, 2013).
16. S.C. Sarkar, The Code of Criminal Procedure, revised by Sudipto Sarkar, V. R. Manohar (10th Edition, 2012).
17. Smith & Hogan's Criminal Law (2011)
18. Talat Fatima, Cyber Crimes (EBC, 2011).
19. V. Suresh and D. Nagasaila (ed.) P.S. Atchuthen Pillai's Criminal Law (2000).
20. V.B. Raju, Commentary on Indian Penal Code, 1860 (1982).
21. Vakul Sharma, Information Technology: Law and Practice (Universal Law Pub. Co. Pvt. Ltd., 2005).
22. Wing-cheong, Barry Wright and Stanley Yeo (eds.), Codification, Macaulay and the Indian Penal Code: Legacies and Modern Challenges of Criminal Law Reforms (Ashgate, 2011).

PAPER III: PUNISHMENT AND CRIME PREVENTION

Unit I: Reaction to Crime - concept of punishment – types of punishment- Theories of punishment

Unit II: Corporal and non-corporal punishments– History and development of Jail system- relevance of open prisons- Imprisonment- simple imprisonment, rigorous imprisonment and Solitary confinement, Capital punishment- incapacitation, sanctions Alternatives to Punishment- Probation, Parole, Indeterminate sentence- United Nations Standard Minimum Rules for the Treatment of Prisoners.

Unit III: Non-custodial Treatments

United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 1990- Probation – Community service orders- Admonition and warning- Treatment of juveniles and young persons.

Unit IV: Institutional Treatment

History and Development- Jail Reforms- Jail jurisprudence- parole- commutation of sentence-judicial supervision of execution of sentence, sentencing guidelines and role of courts in sentencing

Unit V: Rehabilitation and Methods of Rehabilitation

Rehabilitation of victims and reformed offenders- Victim and role of victim in crime causation- restorative justice and victim compensation- sentencing discretion- hearing on the question of sentence- disparity in sentencing- system prejudices right of the accused to adduce evidence on the question of sentencing victimology

References:

1. Antony Vass, Alternatives to Prison Punishment, Custody, and the Community
2. Nora V. Demleitner, The Oxford Handbook of Criminal Law

International documents:

1. HUMAN RIGHTS IN THE ADMINISTRATION OF JUSTICE: A Manual on Human Rights for Judges, Prosecutors and Lawyers, United Nations 2003
2. United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules), 1990
3. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985
4. Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985

PAPER IV: CRIMINOLOGY AND PENOLOGY

Unit I: Definition of Crime and Criminology

Definition – Explanation of crime accusation- Spiritual and natural explanation- Critical evaluation of different theories of crime accusation

Unit II: Schools of criminology

Pre- classical, Classical, Neo-classical and positivist schools-. Italian school of Criminology. Schools of Crime Causation-Biological school, Sociological School, Cartographic School, Marxian explanation of crime causation.

Unit III: Psychological, Psychiatric, Personality explanations- Intelligence of crime school- Insanity

Unit IV: Theories of crime

Strain theory- Social learning theory- Anomie theory- control theory- Critical criminology- laws of imitation- Different Association Theory

Unit V: Social Institutions and Crime

Role of family, school, religion- mass media, politics and crime- drug addiction and trafficking- terrorism and organized crime- causes

References:

1. Ahmad Siddique's Criminology, Penology and Victimology, 2019.
2. Dr. A. K. Srivastava, Criminology and penology.
3. Prof. N V Paranjape Criminology and Penology (including Victimology).

PAPER V: WHITE COLLAR CRIMES AND SOCIO-ECONOMIC OFFENCES

Unit I: conceptions of white-collar crimes

Socio-economic offences- privileged class deviance- corruption among public persons- professional deviances- Mens rea- problems in controlling white collar crimes

Unit II: Conspiracy

Theory of liability- principles of vicarious and extended liability- corporate liability

Unit III: securities Fraud

Computer crimes- bribes and gratuities, extortion and false statements- perjury, false declarations. Tax crimes, money laundering

Unit IV: identity theft, credit card fraud and corporate ID theft- welfare, health care insurance funds

Response of Indian legal order to the deviance of privileged classes- vigilance commission- public accounts committee- ombudsman-commissions enquiry- prevention of corruption act, 1949-lokpal

Unit V: the law and procedure for collection of evidence in socio-economic offences

Legislations in India against socio- economic offences- crimes affecting national security- cyber terrorism-cyber warfare-crimes affecting public morals- pornography-cyber-crime investigation – methodology- procedure- challenges

References:

1. Peter Cleary Yeager, The Oxford Handbook of White-Collar Crime, 2016

Legislations for reference:

1. The Prevention of Corruption Act.
2. The Prevention of Food Adulteration Act.
3. The Prevention of Immoral Traffic (Amendment) Act, 1986.
4. The Drugs and Cosmetics Act.
5. The Essential Commodities (Amendment) Act.
6. The Narcotic Drugs Psychotropic Substances Act, 1985.
7. The Standard of Weights and Measures Act.
8. The Customs Act.
9. The Drug (Control) Act.
10. The Income Tax Act
11. The Abkari Act
12. The Information Technology Act

PAPER VI: HUMAN RIGHTS CONCERNS IN CRIMINAL JUSTICE ADMINISTRATION

Unit I : Human Rights and Rule of Law – concept of rule of law- Criminal process under rule of law - Judiciary under rule of law - Judicial review of legislative and executive actions - Fair prosecution and investigation - Pre - trial

procedure - Trial procedure – constitutional mandate of fair procedure- Legal aid to victims -Correction and aftercare services - Individual liberty and criminal justice.

Unit II: Police Powers and Criminal Justice Concept of police - Public relation - Constitutional mandate - Indian regulatory framework - Criminal justice and human rights in emergency - Deaths in police Custody - Torture - Atrocities against women - Atrocities against children -Atrocities against Scheduled Castes & Tribes - Inhuman and cruel treatment - Fake encounters - Political violence and Legal order - Reforms suggested by national police commissions.

Unit III: International Instruments -Role of international organizations - Universal Declaration of Human rights (1948) -International Covenant on Civil and Political rights - International Covenant on Economic Social and Cultural Rights - Conventions and protocols dealing with human rights and criminal Justice - role of International Court of Justice and regional institutions - Protection agencies and mechanisms - International council of human rights.

Unit IV: Crime without Victims- Criminalization of addictive behaviour - Drug addiction - Trafficking - Deployment of marginalized people as carrier of narcotics - Juvenile drug use and legal approach -Misuse and abuse of prosecutor powers - Indian regulatory system - Police adjudication - Initiatives for compliance with regulatory systems - Role of community.

Unit V: Judicial Activism and Human Rights Enforcement of human rights - role of Supreme Court - Role of High Court - Role of civil and criminal courts - Statutory tribunals - Special courts - Role of India in implementing international norms and standards - Needs for Judicial activism in adversary system. Suggested Readings

References:

1. Upendra Baxi, The Right to be human (1986)
2. J A Andrews, Human Rights in International Law (1986)
3. R. Deb, Criminal Justice (1998),
4. The Law Bask Company (P) Ltd. ISBN-81 -87031 -10-7
5. Dr. Subhash Chandra Singh (edO, Social Justice and human Rights in India (2006) ISBN -81-83870-016-3

6. B P Singh Sehgal (ed) Human rights in India: Problems and Perspective (2004) ISBN-81 0 7100-813-5 P R Rajagopal, Violence and Response: A Critique of the Indian Criminal System (1998)
7. H S Becker, Outsiders, The Studies in Sociology of Deviance (1966)
8. Upendra Baxi, Human rights in a Posthuman - Critical Essays (2009) ISBN-9780198061762
9. Richard Ashby Wilson, General Prosecution - Crimes against humanity - Writing History in International Criminal tribes ISBN - 0521138310
10. Andrew L - T Choo, Abuse of Process and Judicial Stays of Criminal Proceedings (2nd Ed., OUP, 2008) Clive Walker, Miscarriages of Justice: A Review of Justice in Error (OUP, 1999)
11. Stefan Trechsel, Human Rights in Criminal Proceedings (OUP, 2005)
12. Mike McConville, The Handbook of the Criminal Justice Process (OUP, 2002)

PAPER VII - CRIMINAL EVIDENCE AND LEGAL PROCESS

Unit I: Criminal Evidence - Fundamental Concepts Evidence Law

Introduction — A comparative study of the criminal evidence in U.S., U.K., and India - Important concepts underlying evidence law - Types of evidence - Real and testimonial evidence - Admissibility and materiality – Relevance - Legal and logical relevance - Reliability and weight of evidence - Meaning of relevant evidence - Probability and relevancy - Determining probative value - Determining cause and effect - Exclusion of relevant evidence on grounds of prejudice, confusion or waste of time - Proof and evidence - Introducing criminal evidence in court - Forms of evidence - Procedures.

Unit II: Forensic evidence

Exclusionary Rules and its Exceptions

Exclusionary rules - Best evidence rule - Hearsay rule - Rationale of the rule - Application - Exceptions - Expert evidence - Hearsay application - Common

knowledge rule - Ultimate issue rule - Limitations - Confessions - Forensic evidence and the use of expert scientific witnesses in criminal proceedings.

Unit III: Production of Evidence and its Evaluation

Proof and burden of its production - Standards of proof - Beyond reasonable doubt - Theories of probability - Principle of indifference - Application of probability theory Bayes Theorem - Evidence of character - Rule of corroboration - Burden of proof Testimonial privileges - privilege against self-incrimination admissibility of evidence obtained by illegal or unfair means – e-evidence video conferencing etc.- evidence of child witnesses.

Unit IV: Witness Testimony - Principles

Witnesses and their competency - Credibility of witnesses - Impeachment of witnesses - Examination of witnesses- corroboration of witness evidence.

Unit V: Evaluation of Evidence - The evaluation of criminal evidence - Rules of admissibility - Status of unlawfully obtained evidence - Privilege against self-incrimination - Evidence obtained by illegal or unfair means.

Suggested Readings

1. R.Allan Thompson, An Introduction to Criminal Evidence: Cases and Concepts (OUP 2008)
2. Mike Redmayne, Expert Evidence and Criminal Justice (OUP 2001)
3. John Woodroffe & Syed Amir Ali, Law of Evidence (16th Ed. The Law Book Company (Pvt) Ltd. 1996). Phipson, Evidence (1999 Ed.).
4. John L. Worrall and Craig Hemmens, Criminal Evidence: An Introduction (OUP USA 2010)
5. Paul Roberts and Adrian Zuckerman, Criminal Evidence (OUP 2010)
6. R. Alan Thompson, Lisa Nored, John Worrall, and Craig Hemmens, An Introduction to Criminal Evidence: Cases and Concepts (OUP USA) Adrian Keane, James Griffiths, and Paul McKeon, The Modern Law of Evidence (2010)
7. Alex Stein, Foundations of Evidence Law (2005)

8. Peter Murphy, *Evidence, Proof, and Facts: A Book of Sources* (2003) Cross & Tapper, *Evidence* (8th ed. Butterworths, London 1995).
9. Adrian Keane, *The Modern Law of Evidence* (OUP, 2010)
10. Alex Stein, *Foundations of Evidence Law* (OUP, 2005)
11. Paul Roberts, *Criminal Evidence* (2nd Ed., 2010).
12. Sarkar on Evidence
13. Ratanlal & Dhirajlal, *Law of Evidence* (2013)

**Paper VIII: COMPARATIVE CRIMINAL PROCEDURE (ENGLAND,
INDIA, FRANCE AND CHINA)**

Unit I: Organization of Courts in England, India, France and China

Unit II: Origin of various Criminal trials- lawyer fee- and lawyer dominated trial – jury trial

Unit III: Rights of the accused

Arrest and interrogation- evidentiary value of statements given to the police- privilege against self- incrimination

Unit IV: Role of police and prosecutor in criminal justice administration- need for reform

Unit V: Accusatory and Inquisitorial trials

Role of the judge and defense attorneys in trials – Preventive measures in comparative terms- Admissibility of evidence- Exclusion of evidence- Basis of exclusionary rules - Position in US, UK, Canada, Australia and India

Suggested Readings:

1. Patric Devlin, *The Criminal Prosecution in England*
2. K.N.Chandrasekharan Pillai(ed.), *R.V. Kelkar's Outlines of Criminal Procedure* (2000), Eastern, Lucknow.

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

BRANCH VII – LAW OF SCIENCE COMMUNICATION AND TECHNOLOGY.

Paper 1 - BASIC JURISPRUDENTIAL ASPECTS OF SCT

Unit I: Conceptual Introduction of SCT Laws

Concepts in Science and Technology - Interface of Law, Science and Technology convergence or conflict - Theoretical Issues - Science and Technology as an instrument of social change - Roles of Legal order in constitutionalisation of Science and Technology.

Unit II: Emerging Area in Science and Technology - An Overview

IPR legislation and Practices - Competition Laws - Antitrust and Unfair Trade Practice Regulation - Technology and crime: Legal control - Criminology and Penology in SCT - Horizons of SCT Law Practitioners - Computer Advanced Technology methods - Bio-technology - Nano-technology - Nuclear Technology - Role of International and National Regulations in Technological Advancement.

Unit III: Advanced advocacy and Ethics in SCT

Justice Administration in SCT Laws professional responsibility and ethical principles - Medico legal practices - Forensic Science and Law - Sustainable development - Opportunity

Unit IV: Perspectives of Legal Professionals in SCT

Open sources and SCT laws - International organisation on SCT-R and D conventions and domestic practices - Regional Co-operation and Municipal

legislation - Use of Science and Technology in legal decision making - Impact of scientific technologies on Law - Professional responsibility - Role of legal system in promoting privacy in the use of scientific technologies.

Unit V: Constitutional basis for Science, Technology and Development

Role of Fundamental Rights in the development of Science - Right to privacy - Right to reputation - Right to health - Right to environment and scientific development- Right to Internet Access- Obligation of State on securing National Security – Internet Shutdowns (Virtual Curfews) Obligation of State for the development of Science and Technology - Directive principles.

References

Markandey Katju, *Laws in 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* (1998) Oxford.

John Zinian et. al. (ed), *World of Science and Rule of Law* (1986), Oxford.

Ann Johnston et. al. (ed) *New Technology and Development* (1986), UNESCO.

Maie-Wan Ho, *Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business* (1997) RESTE, New Delhi.

Martin J. Adelman, Randall R Rader, *Cases and Materials on Patent* (2nd ed. Thomson West).

Philip W. Grubb, *Patents for Chemicals, Pharmaceuticals and Biotechnology fundamentals of Global Law, Practice and Strategy* (4th ed. OUP 2006)

Steven D. Anderman, *The Interface between Intellectual Property Rights.*

Paper II - SCIENCE AND TECHNOLOGY - HUMAN RIGHTS PERSPECTIVE

Unit I: Introduction

Human Rights - Natural and Human Rights aspect of SCT- Biological - environmental - Sociological impact of SCT development - Human Rights and SCT Policies - The existing paradox - Community approach towards SCT and protection of individual interest.

Unit II: Basic Concepts

Individual group - Liberty - Freedom - Equality - Justice - Human values - Interrelationship of Human Rights with Science and Technology- Right to Human Dignity- Concept of Science & Technology as a Tool for Furtherance of Human and Social Welfare. Scientific Temper. Positive Role of Science & Technology: Material Comforts, Food, Education, Health and Personal Well-Being. Negative Role of Science & Technology: Neutral Character of Science and Technology, Concept of 'Dual Use' Technologies, Surveillance- CCTV; Blocking; Throttling etc.; Interception.

Unit III: International Perspectives

Nature of Human Rights and Duties - Origin of Evolution - UDHR - International Convention on Civil and Political Rights - Social, Economic and Cultural Rights - Specific groups - Third Generation Rights:

Unit IV: SCT Right based approach on SCT Laws

Science and Technology - Modernization _ Impact of science and technology in Economic, Political, Religious and Cultural Rights - Human Rights and Duties - Social stratification - Environmental degradation - Rights of current and future generation Impact of Scientific and Technological Progress on Human Rights:

Right to life, right to privacy, Right to Physical Integrity, Right to Information, Right to Benefit from Scientific and Technological Progress, Right to Adequate Standard of Living.

Unit V: Judicial Response on SCT Laws endorsement

Science and Technology - Human Rights in national perspective - Use and Misuse of Science and Technology - Science and Technology judicial response- Human rights in International Perspective

References

1. J. Akbar, Riots After Riots (1988)
2. Baxi (ed), The Right to be Human (1986)
3. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi
4. Kazmi, Human Rights (1987)
5. I. Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W. P. Gromley , Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S. C. Kashyap, Human Rights and Parliament (1978)
11. S. C. Khare, Human Rights and United Nations (1977)
12. Moskowitz Human Rights and World Order (1958)

13. J. A. Andrews, *Human Rights in International Law* (1986)
14. Menon (ed.) *Human Rights in International Law* (1985)
15. B. Robertson [ed.], *Human Rights in National and International Law* (1970)
16. Upendra Taxi, "Human Rights, Accountability and Development" *Indian Journal of International Law* 279 (1978)
17. Therese Murphy, *New Technologies and Human Rights* (OUP)
18. *Legal & Ethical Aspects of Health Care* by Sheila McLean, John Kenyon Mason.
19. Weeramantry, C.G., *Human Rights and Scientific and Technology Development*, 1990.
20. Adwin W. Patterson, *Law in a Scientific Age*, (1963)

PAPER III: BIOLOGICAL DIVERSITY AND LEGAL ORDER

Unit 1: Introduction

Biodiversity meaning – need for protection of biodiversity- dependence of human life on the existence in flora and fauna- significance of wildlife, medicinal plants- plant and microorganisms.

Unit II: Biodiversity and Legal Regulation

Utilization of flora and fauna for biomedical purposes -experimentation on animals: legal and ethical issues- genetic mutation of seeds and microorganisms.

Unit III: Legal Control of biodiversity

Genetic engineering: legal mechanisms of control, Recognition of regional and local agencies, development projects and destruction of biodiversity: concept of sustainable development.

Unit IV. Problems in Legal Regulation of Medicinal Plants

Cosmetic plants- animal products- Utilization of flora and fauna for biomedical purposes by multinational corporations: problems of control.

Unit V. Regulation of Trade in Wildlife Products

Legal framework for development and protection of sanctuaries, parks, zoos - biosphere resources. Protection of genetic resources for agriculture.

References

1. Arjun Prasad Nagore, Biological Diversity and International Environmental law (1996) APH Publishing Corporation New Delhi.
2. Project Large, Plant Variety Protection and Plant Biotechnology – options for India (1999) Allied.
3. M. S. Swaminathan, Genetic conservation, Microbes to Man, Presidential address at XV International Congress of Genetics, New Delhi India, December 12-21, 1983.
4. Wild Genetic Resources, Earth Scan press briefing, Document no. 33, Earth Scan, London (1982).
5. K. L. Mehta and R. L. Arora, Plant genetic resources of India, their diversity and conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.
6. P. N. Bhat et.al., Animal Genetic Resources in India (1981)
7. P. N. Bhat “Conservation of Animal Genetic Resources in India”, Animal genetic resources.
8. Conservation and Management FAO, Rome, (1981).

Paper IV: COMMUNICATION LAWS

Unit 1: Introduction to Communication Laws

Communication theory - Ethics and law - First Amendment and the Media Prior Restraint - Content Based Regulation - Privacy - Copyright - Advertising - Libel

Unit 2: Media and Law

Constitution of India: fundamental rights - freedom of speech and expression and their limits - directive principles of state policy, provisions of declaring emergency and their effects on media - provisions for legislature reporting: parliamentary privileges and media: theory of basic structure: union and states: and election commission and its machinery.

Unit 3: Ethical Aspects

Media's ethical problems including privacy right to reply, communal writing and sensational and yellow journalism: freebies, bias, coloured reports: ethical issues related with ownership of media - role of press and/or media counsels and press ombudsmen in the world - Press Council of India and its broad guidelines for the press - codes suggested for the Press by Press Council and Press Commissions and other national and international organisations - and codes for radio, television, advertising and public relations.

Unit IV: Specified Press Laws

History of press laws in India - Contempt of Courts Act 1971 - Civil and criminal law of defamation - Relevant provisions of Indian Penal Code with reference of edition, crime against women and children: laws dealing with obscenity: Official Secrets Act, 1923, vis-a-vis right to information - Press and Registration of Books Act, 1867. Working Journalists and other Newspaper Employees (Conditions of Service & Miscellaneous provisions) Act 1955: - Cinematography Act, 1953 Prasad Bharathi ACT: WTO agreement and intellectual property right legislations,

including Copyright Act, Trade Marks Act and Patent Act- Information Technology, convergence legislations including Cyber Laws and Cable Television Act: and media and public interest litigation.

Unit V: Law of Telecommunication

Introduction to telecommunication and general provisions- Fundamental Rights and Freedom of Communications- Telecommunication Act- Right to Privacy-Use and Misuse of Mobile Phones- Legal Control - Need for Social Media Regulation and Legal Control Judicial Response

References

1. Basu Durgadas Laws of Press in India, Prentice Hall, New Delhi, 1986
2. Mankekar D R, Whose News Where Freedom (Karion), New Delhi, 1978
3. Sarkar P.C, Law Relating to Publishers and Printers

PAPER V: LAW ON BIOTECHNOLOGY

Unit I: Introduction to Biotechnology

Defining biotechnology history and evolution of biotechnology as a science of modern-day miracle- Biotechnology in different generations: First generation at biotechnology, second generation of biotechnology, third generation of biotechnology, Importance of biotechnology, commercialization, green biotechnology, red biotechnology, health services- Biotechnological process- Applications and limitations of Biotechnology- DNA finger printing technology- Bio-informatics

Unit II: Biotechnology and Law

Biotechnology law and policy: The Biotechnology Policy of India, Promotion and incentivizing of research and development in biotechnology. Biotechnologies and

International Human Rights- Biotechnology Regulatory Authority- Legal Control- Case Laws relating to Biotechnology.

Unit III: Biotechnology and IP Laws

Intellectual Property Rights in Biotechnology-The voyage of evolution of biotech patent law copyrights and trademark secrets in biotechnology, biotechnology and patent law, classification of biotech inventions. Evolution of biotech patent law, Dichotomy of invention and discovery, doctrine of product of nature and biotechnology: doctrine of product of man and biotechnology as patentable subject matter. Micro organisms as patentable subject matter, plants, animal and human genetic material as patentable subject matter.

Unit IV: Agricultural Bio-technology Laws

What is agriculture- Meaning and Impact of Agricultural Bio-Technology- IPR Issues-The Plant Patent Act of 1930- Genetic discoveries and inventions- Case Law Diamond Chakrabarty-Infringement Case- Comparing and Contrasting alternative form of protection in Patent Law- Administrative Regulations- International Treatises and Agencies affecting Agricultural Biotechnology- Focus on International Food Safety Regulation.

Unit V: Bio-Technology/ Genetic Engineering Legal Aspects:

Proteomics, Genomics (Genome & Human Genome Project), Genetic Engineering, Cloning, Transgenic, DNA Fingerprinting, application of DNA profiling to determine paternity and also in forensic investigations. Plant tissue culture, Plant & Animal breeding, Genetic improvement and disease control, Diagnostics aids potential benefits and possible harmful effects of one example of genetic modification- ethical issues of therapeutic cloning in humans- Genetic Markers: Diagnostic biotechnology, Genetic screening: Prevention of genetic disease and mental retardation- Regulation of government sponsored research - Regulation of Private R & D. Regulation of deliberate release of genetically mutated micro-organisms - Regulation of accidental release of genetically mutated micro-organisms - Comparative perspective

References

1. Morrison Alan J, Biotechnology Law
2. Maria Lee, Eu Regulation of Gmos: Law and Decision Making for A New Technology (Biotechnology Regulation)
3. Kshitij Kumar Singh, Biotechnology and Intellectual Property Rights: Legal and Social Implications [2014]
4. N. S. Sreenivasulu & Dr. Raju C.S, Biotechnology and Patent Law: Patenting Living Beings [2008]

PAPER VI: LAW AND MEDICINE

Unit I: Basics of Law and Medicine

Health care as a state function- Factors that influence health- Public health- Detriments of Public Health- Human Rights Perspective of Health- Right to health- International and Constitutional Perspective- Questions of justiciability- Realisation of Right to health- Access to health care

Unit II: Medical Law and Ethics

Definition of Ethics-Professional Ethics- Ethical theories- History and development of professional ethics in medicine and law- Legal responsibility of Medical and allied Professionals- Relevant Provisions of Evidence Act- Dying declaration and evidentiary value and IPC as applicable to medical and Health care professional- Law relating to Statutory Councils in health care- Interplay of multiple health systems- Conflict or Patent Right and services.

Unit III: Laws of Medicine and Health Care

Duty of care- Neighbour principle- Reasonable foresight- Contractual duty- Tortious duty- Duty under Penal Law -Nature of professional duty- Reasonable

Care-Skill, knowledge and competence-Medical Negligence-Compliant Mechanisms- Redressal of Grievance under General law and Consumer Law

Unit IV: Law of Medicine in Specialised Areas

Laws related to Sexual and Reproductive Rights-MTP-PNDT-Legal Rights of embryo and Foetus – Profile and pro-choice debates- Assisted Reproductive Technology-IVF- Surrogacy- Brain Finger printing and legal aspects- Mental Health- Mental Health Act- Law relating to old aged and disable persons- Rights of Patient and Law- Sex Reassignment Surgery.

Unit V: Law Regulating Rights of Patients

Death and Brain deaths- Judicia; approach- Organ transplantation- Palliative Care- Rights of terminally ill patients- euthanasia- PVS Patients- Private and Medical Confidentiality- Consent- Informed Consent- Access to medical records- Computerized Health Information- Risks and Issues of Electronic Medical Records.

References

1. Laurinda BeebeHarman, Ethical Challenges in Management of Health Information
2. R. K. Bag, Law of Medical Negligence and Compensation
3. Alen Merry and Alexander McCall Smith, Errors Medicine and Law [CUP 2004]
4. Tamara K Hervey and Jean V McHalw Health and the European Union [2004 CUP]
5. Jonathan Mantgomery, Health Law
6. Rodney Braxier, Medicine, Patients and Law
7. Charles, Modwal, Injury? An Enquiry into the Marketing and Advertising of British Food and Drug Products in India and Malasia [1981]

8. Lokojan Bullettin, Special Issue, Bhopal- An Interim Appraisal [Jan-April, 1988]
9. Centre for Science and Environment, The State of India's Environment. The Second Citizen's Report [1985]
10. Socialist Health Review [published from Bombay]
11. Dkina Melrose, Bitter Pills- Medicine and the Third World Poor [1982],
12. Proceeding of the World Congress on Law and Medicine held at Delhi [1984]
13. Pragma Kumar, Medical Education in India [1987]
14. Government of India, Report of Working Group on Health for All by 2000 A.D.

Paper VII: LAWS ON IPR IN THE CONTEXT OF SCIENCE AND TECHNOLOGY

Unit I: Introduction to IPR

Origin and development to Intellectual Property Protection-- Jurisprudential Justification of Intellectual Property Rights- Historical development of copyright, Patents and Design--Trademark--Confidential information-- Geographical indications--Traditional knowledge International treaties for protection of IIP-- Bern, Paris, TPIPS, WIPO Treaties, Bio diversity Convention etc.

Unit II: Intellectual Property Right in Indian Contract

Patent Act--Copy Right Act--Trademarks Act-Design--Plant Varieties Act-Science and Technology Policy 2003— Science Technology & Innovation Policy 2020- Changing context of IPR after WTO, TRIPS.

Unit III: Scientific Issues and Patenting

Patent Law—Historical development –General principles—Patentable subject matter—Pharmaceuticals and agricultural products—Rights and Limitations—Intranational treaty on Plant Genetic Resources on Food and Agriculture—Issues on patenting and biopiracy protection—Protection of Traditional knowledge.

Unit IV: IPR and Social Development Issues

Pharmaceutical patents—Process to product issue patent –Right to health—Terminator seeds—Generic Resources—Technology transfer—Benefit sharing and Farmers Right--Food Patents—Terminator seeds—Food Patents--Traditional knowledge Folklore—Alternate information system.

Unit V: IPR Legislations and Global Issues

Developed—Developing Countries—MNC as Global players delicate balance between competing objectives and value—National Sovereignty—Over biological resources and socio-economic policy decisions—Economic exploitation v Human rights—Right of Third World Countries.

References

1. Robert P. Merges, Justifying Intellectual Property Rights (2011)
2. Global dimensions of intellectual property rights in science and technology—Mitchel B. Wallersteing; Mary Ellen Mogue; Roberta A Schoen: National Academy of Sciences [U S], National Research Council [U S], Office of International Affairs.

3. Rights to Plant Generic Resources and Traditional Knowledge: Basic Issues and perspectives Edited by S. Biber Klemm and T. Cottier.
4. Global Dimensions of Intellectual Property Rights in Science and Technology by Mitchel B. Wallersteing

PAPER VIII: INFORMATION AND COMMUNICATION TECHNOLOGY LAWS

Unit I: Introduction

Jurisprudence of ICT and Electronic Revolution- ICT related laws- International and domestic initiative IT Act 2000. Computer Systems and Renovation of Legal Order. Legal Information retrieval systems- Computerised retrieval of Judicial decisions. Jurimetrics and computer analysis. Computer Criminological analysis and computerization – Patent Information System- Management of Court- Role of Computer Analysis.

Unit II: Copy Right Protection for Software

Introduction to technology- Object Code- Comparison of Copy Right Law with different nation- Database Protection-Software licensing- breach of confidence and Trade Secrets- Domain Name Dispute coming within purview of Trademark Protection.

Unit III: Patent Rights for Software

Patent and other Protection for software related inventions- Patentable Subject matter- United Kingdom- United States and European Patent Law- Comparison with Indian Law- Design Right Protection- Artificial Intelligence and IP System

Unit IV: Cyber and Communication Technology Laws

Evolution of Computer- Basic Concepts of Cyber and Technology Law- Cyber Law- International Perspectives- Intellectual Property issues in Cyberspace- Cyber Crime and digital evidence- Introduction to Internet- Legality of Electronic documents- Hackers and hacking- Children's Internet Protection- Children's Online Protection Act- Internet Content Filtering- Internet Pornography and Sex - Internet Cyber terrorism- Rights of Netizens and e-governance- e-commerce- UNCITRAL Model Law- Legal Issues- Privacy- data protection and freedom of Information Cyber- etiquette- Netiquette- Security Guidelines for Certifying Authorities – Cyberspace Dispute Resolution.

Unit V: Civil and Criminal Liability Relating to Information Technology

Exclusion and Limitation of Civil liability in contract and tort- Computer Crime- Technology Specific Crime- Computer evidence relevancy- Amendments in Indian Penal Code- Bankers Book Evidence Act- Reserve Bank of India Act- Adjudicating Authority.

References

1. Ethics and Technology: Ethical Issues in an Age of Information and Communication Technology.
2. Crime and the Internet by David S Wall
3. Controlling Voices: Intellectual Property, Humanistic Studies and the Internet by Tyanna K. Herrington
4. Regulating the Global Information Society by Christopher T Marsden
5. Law and Policy in the Age of Internet, in Duke Law Journal by Robert E Li
6. The Web that binds us All: The Future Legal Environment of the Internet, in Houston Journal of International Law by Howard L. Steels Jr.
7. Architecture of Consent – Internet Protocols and their Legal Implications, in Stanford Law Review by Eric J Feigin

8. The Internet and the Dormant Commerce Clause, in Yale Law Journal by Jack L. Goldsmith
9. E-Business Fundamentals: Managing Organisations in the Electronic Age [Chapter 7: “E-Business and the Law”] Paul Jackson, Lisa Harris, Peter M, Eckersley Cees J Hamelink
10. The ethics of Cyberspace, Sage [2001]
11. Markandey Katju, Law in the Scientific Era [2000], Universal, New Delhi
12. John Zinian et al.; [ed.] World of Science and the Rule of Law [1986] Oxford
13. Ann Johnston et al.; [ed] New Technologies and Development [1986] UNESCO
14. Maie – Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business (1997) RESTE, New Delhi

BRANCH VIII - : JURISPRUDENCE AND JUSTICE ADMINISTRATION

PAPER I: COMPARATIVE JURISPRUDENCE AND MAJOR LEGAL SYSTEMS

Unit I: General Introduction

The concept of Comparative Law, The Functions, Aims, Methods and History of Comparative Law.

Unit II : The Legal Families of the World

- 1) The Romantic legal family: The History of French Law: The spirit and essential Features of the Code Civil: the Legal Position of the illegitimate children – A Distinctive Features of the style of the Romantic Legal Family.

- 2) The German Legal Family: The History of German Law: The German Civil Code: The German civil code of Austria : The Swiss Civil Code: The Doctrine of Abstract Real Contract – A distinctive feature of the style of the German Legal Family
- 3) The Anglo-American legal Family : The development of the English Common Law: The spread of the Common law throughout world: The law of the United States of America: Common Law and Civil law methods of discovering the Law: The Trust – A distinctive feature of the style of the Anglo-American legal Family.
- 4) The Nordic Legal Family : Scandinavian Law, past and present
- 5) The Socialist legal Family : The Marxist leninst view of Law : The development of the Socialist Legal Family : The administration of law in the Socialist States : Ownership in the Socialist Legal Family : Contract in the Socialist planned economy.

Unit III : Other Legal Families

The Far eastern oriented Legal family : Hindu law : Special Institutions Joint Hindu Family system – Adoption – Modern law : Islamic law- Marriage & Family paternity – Judicial Intervention etc.

Unit IV : Christian Legal System

Anglo Saxon legal systems – Cross boarder influences of Legal Systems

Unit V : Comparative and International Law development for best practices and formulations in Jurisprudential Analysis.

BOOKS RECOMMENDED

1. Watson, Alan – Legal Transplants, Cha. 1 to 3
2. Szebo and Peteri, Socialist Approach to Comparative Law

3. Glos George E – Comparative Law
4. Friedman – Teaching of Comparative Jurisprudence in Aims and Methods of Comparative law , Vol II
5. Graveson R H – Methods of Comparative Law, Common Law system
6. Hazard – Comparison in preparation of Statesmanship
7. Kahn Freund O – Comparative Law as an academic subject
8. Rheinstein – comparative Law; its functions, methods and uses
9. Alan Gutterman – Innovation and Competition Policy
10. Gustavo Ghidini – Intellectual Property and Competition Law

PAPER II : ANALYTICAL JURISPRUDENCE – FORMAL AND STRUCTURAL THEORIES OF LAW

Unit I : Scope of Jurisprudence

Traditional Analytical notion of Jurisprudence from Austin to salmond – General and Particular Jurisprudence at classification – Pound’s classification. Approach of Julius Stone and other modern writers

UnitII: The Meaning of Law

Definitions and explanations of law: The difficulties in definition – The factors which result in variations in definitions of Law.

UNIT III Legal systems and its order

Different views – Conception of General Jurisprudence, law and Legal system – views of Austin and Bentham

Unit IV : Pure Theory of Law

Kelsen's Pure Theory – Hart's Concept of Law and Legal System – Theory of Rights and the Analysts of Fundamental legal Concepts- Theories of Right.

Unit V : Logic and Growth in Law

Categories of illusory Reference – Reasons and reasoning in Judicial Argument and the Nature of Judicial process

BOOKS PRESCRIBED

1. Julius Stone – Province and Function of Law, Ch. 1
2. Julius Stone – Legal System and Lawyer's Reasoning
3. Raz Joseph – The concept of a Legal System
4. Hart, H A L – The Concept of Law
5. Lloyd – Introduction to Jurisprudence
6. Dias – Jurisprudence, Chs. 1.2 and 10
7. Olive Crona – Law as a Fact, CHs. 6 and 7
8. Dhavan Rajeev – The Supreme Court of India, Chs. 1 and 2

BOOKS FOR REFERENCE

1. Cross Rupert – precedent in English Law, pp 1 – 151
2. Cardozo- The nature of Judicial Process
3. Dworkin – Taking Rights Seriously
4. Hacker & Raz – Law , Morality and Society
5. Hohfeld – Fundamental Legal Concepts
6. Dr. Nigel E Symmonds – Central Issues in Jurisprudence
7. Dr. N.K. Jayakumar – Lectures in Jurisprudence

PAPER III; HISTORICAL AND ANTHROPOLOGICAL JURISPRUDENCE

Unit I : Introduction

Importance of Historical and Anthropological approaches to the study. Relations between law and development- contributions of Bavigny – Significance of Volksgiest

Unit II : Social and Historical Aspects

Social Inheritance and the Transmission of Legal Cultures – Social Types- legal types . Sir Henry Maine and British Historical School.

Unit III : Systemic Analysis

A.S.Diamond's Approach to the study of Law – Matriarchal Theory – Approach of Engles.

Unit V: Anthropological Analysis

Law and Anthropology, Modern Investigations into Anthropology, jurisprudence contributions of Malinowski, Hoyble, Gluckman, Bohnam

Unit V: Customary and Legal Development

Law and Development- Problems of development of law- Custom developed systems.

BOOKS PRESCRIBED

1. Julius Stone – Social Dimensions of Law and Justice, Chs. 2 and 3
2. Maine H S – Ancient Law

3. Diamond A S – Primitive Law
4. Lloyd – Introduction to the Jurisprudence, Ch. 9
5. Allen C L – law in the making, Chs. 1 and 2
6. Engles – origin of the Family, private Property and State
7. Prof. Brian Bix- Jurisprudence Theory and Context

PAPER IV: SOCIOLOGICAL JURISPRUDENCE AND SOCIOLOGY OF LAW

Unit I : Scope and Nature of Sociological Jurisprudence

Social Context of Legal ordering – Nature of enquiries concerning law in societies – main stages in the growth of the study of law in society- law and Society in Common Law Countries – Institutional Arrangements

Unit II : Early Sociological Jurists

Comte, Weber, Durkheim, Erlich – A summary of their contribution

Unit III : Roscoe Pound and his Sociological Jurisprudence

Concept of social engineering Pound's Jural Postulates- Law as an adjustment of conflicting interests – Classification of interests individual and social interest- Application in Indian Constitution,

Unit IV : American and Scandinavian Realism

Sociological Relevance of these approaches to the understanding of law in society – contribution of Llewellyn and integration of American Realism and Sociological Jurisprudence

Unit V : Judicial Behaviouralism and Jurimetrics

Marxist Theories of law and State – The stages of Development – Early stages of Revolutionary Legality – Socialist legality – Contemporary Developments in Marxist theory – social contract Theory

BOOKS PRESCRIBED

1. Stone Julius – Social Dimensions of Law and Justice (Entire Book except Chs. 2 & 3)
2. Lloyd D – Introduction to Law, Ch. 6, 7, 8 and 10
3. Gurvitch – Sociology of Law

BOOKS FOR REFERENCE

1. Friedman – Law and Society
2. Rimesheff – An Introduction to the Sociology of Law
3. Evan – Law and Sociology
4. Enrich – Fundamental Principles of the Sociology of law
5. Ras – On the Functions of Law in Oxford Essays in Jurisprudence
6. Aubert V – Sociology of Law

PAPER V: THEORIES OF JUSTICE AND INTERPRETATION OF LAW

Unit I: Theories Of Justice

Nature and approach to the theory of justice. Early history of Justice – Ancient conceptions of natural law – Concept of Natural Law and Concept of Justice- Roman period to 18th century. Metaphysical individualism- natural right. Hedonistic Utilitarianism- Social Utility and Social Solidarity – civilization is a

criterion of justice. Utilitarianism, Libertarianism, Communitarianism. Distributive, procedural, retributive and restorative Justice.

Unit II : Reviewed Natural Law Theories

Natural Law uncommitted relativism in modern theories of justice- pragmatism – Rawl's theory of Justice – theories of justice and meaning of justice. Distributive Justice – Corrective Justice- civil and criminal justice. Theories of Punishment.

Unit III : Civil Disobedience

Basis and different interpretations. Legal enforcement of Morals- Hart – Devlin Debate, Hart - Fuller Debate

Unit IV : Interpretation Of Statutes

Assumptions- Basic concepts; Purpose of statutory interpretations- Rules of Statutory Interpretation – Literal and Logical Rules of Interpretation – Strict interpretation- Legalism and Creativity – the purposive element; concept of legislative uncertainty and diseases of language ; legislative intent; legislative purpose statute and its context ; uses and abuses of legislative history- Intrinsic and extrinsic aids to interpretation. How to read a statute-How to apply a statute legislative control- How law courts read and apply statute

Unit V : Fundamental Principles Of Constitutional Interpretation

Interpretation of Constitution – Principles and Theories; Position in UK, US & India.

BOOKS RECOMMENDED

1. Stone, Julius – Human Law and Human Justice
2. Lloyd – Introduction to Jurisprudence, h 3.

3. Mitchell- law, Morality and Religion in a Secular Society
4. Leiser Button M – Liberty, Justice and Morals, Ch. 1,2,3,11 and 12
5. Dickerson, Reed – The interpretation and application of Statutes
6. Rawls- A Theory of Justice
7. Parry – Liberal Theory of Justice
8. Miller David – Social Justice
9. Pullere Lon – The Morality of Law

CASE LAWS

1. Rajasthan State Electricity Board v. Mohan Lal AIR 1957 SC 1857
2. Ram Krishna Dalmia v. Justice Tindolkar, AIR 1958 SC 538
3. Lord Krishna Sugar Mills Ltd. V. Union of India, AIR 1959 SC 1124
4. A.K.Gopalan v. Satate of Madras AIR 1950 SC 27
5. Commissioner Hindu Religious Endowment v. Sri. L T Swamiar of Shirur Mutt AIR 1954 SC 282
6. R.C.Cooper v. Union of India AIR 1970 SC 1974
7. Tika Ramji v. Satate of Uttar Pradesh AIR 1956 SC 676
8. Golaknath v. State of Punjab AIR 1967 SC 1643
9. Keshavananda Bharathi v. State of Kerala AIR 1973 SC 2461
10. Minerva Mills v. Union of India, AIR 1980 SC 1789

PAPER VI : RELATIONS BETWEEN LEGAL SCIENCE AND SOCIAL SCIENCES : INTERACTION AND INTERFACE

Unit I : Law And Sociology Fundamental social concepts; social order; social interaction and social thought – Comte, Spencer, Durkheim, Weber, Karl Marx; stages of thought- theological, metaphysical and positive; law as an instrument of social control and social change

Unit II : Law And Political Science

Political theories- Aristotle, Socrates and Plato; social contract theory and its criticisms; individualism; liberalism, utilitarianism and anarchy; sovereignty and political theories of sovereignty; liberty power forms of government; constitution and constitutionalism, Gandhian political thought.

Unit III : Law And Criminology

Theories of crimes, theories of punishment, victimology; criminal liability from deterrent to reformative approaches- pros and cons- Studies of Lambroso and Dr Goring ; criminal psychology; compensatory jurisprudence; organized crime.

Unit IV : Law, Statistics And Economics

Role of law in various economies- Socialist as well as capitalist; Constitutional perspective; Legal regulation of Indian economy in WTO regime; Statistics and relevance of statistic in Legal research

Unit V : Law And Logic

Logic in judicial process; logical reasoning; logic and psychology as science dealing with human mind.

BOOKS RECOMMENDED

1. Tony Bilton – Introducing Sociology
2. Roger Cottell- The Sociology of Law- An Introduction
3. Veena das (ed.) – Handbook of Indian Sociology
4. Vidhya Bhushan & D.R Sach Dev- An Introduction to Sociology
5. B.S.Sinha – Law and Social Change in India
6. Dr. Myneni – Political Science for Law Students
7. G.H.Sabine – A History of Political Theory

8. Harold J Laski – Grammar of Politics
9. A Wolf – Text Book of Logic
10. Robert A Barn – Psychology
11. Lawrence Edwin (ed.) – Social Psychology and Discretionary law
12. Phillip Allott – the health of nations, Society and Law, Beyond the State

PAPER VII: ELEMENTS AND PRACTICE OF LAW AND JUSTICE

Unit I : Person

Nature of Personality – natural and artificial – Types of persons- Theories of personality- Legal status of Unborn, Minor, lunatic, drunken, dead persons and status of animals. Theories of Corporate personality – Corporate Sole and Corporate Aggregate – uses and purposes of corporate personality – Acts and liability of corporation – The State as corporation – Unincorporated Associations

Unit II : Legal Right And Duties

Classification of rights and duties; elements of legal right; Hohfeld's analysis

Unit III : Property And Ownership

Defenition, classification, modes of acquisitions;

Unit IV: Title and Possesion

Different aspects of title Possession – Importance of possession – possession in fact and possession in Law – Corpus Possession – animus Possidendi – theories of possession – Savigny, Iherring, Salmond, Holmes, Pollock – Possession in Roman and English law- Kinds of Possession – Possessory remedies.

Unit V : Obligation, Liability , Accountability

nature and kinds of obligation – source of obligation innominate obligations Liability-Definition and nature of liability –kinds of Liability – Theories of remedial and penal liability – Vicarious Liability – Absolute or strict Liability – General and Conditional Liability –acts – classes of wrongful acts – causation – Mens rea, Intention, motives, malice, negligence – theories of Negligence – Mistake of Law and Mistake of Fact – Accident- Measure of criminal and civil liability

BOOKS RECOMMENDED

1. P. J. Fitzgerald, Salmond on Jurisprudence
2. Roscoe Pound- Jurisprudence
3. Thomas Erskine Holland – Holland on jurisprudence
4. Suri Ratnapala - Jurisprudence

PAPER VIII PRAGMATIC PERSPECTIVES AND FUTURE CHALLENGES TO JURISPRUDENCE

Unit I: Cyber Technology and Nanotechnology

Cyber jurisprudence – Law and authority in Cyber space- Non state rule makers - IT Act 2000- pros and cons- E commerce – privacy and security issues – Nanotechnology – protection, regulation and Liability

Unit II: Biotechnology and Legal issues

Biotechnology – Dynamics and Application – Policy framework for biotechnology – India and International Perspective – IPRs in Biotechnology- Biotechnology- Trade and Environment- biological weapons – genome project – cloning- artificial

Reproductive Techniques- Stem Cell Research – Human Rights concerns in Biotechnology – Biotechnology Regulation in India

Unit III: Intellectual Property Rights

Concept of Property vis-à-vis Intellectual Property - Intellectual Property as an Instrument of Development; Need for Protecting- Access to Genetic Resources and Benefit Sharing Competition and Patents - Economic Development and Patents protection of Traditional Knowledge - Public Health and Patents.

Unit IV: Scientific Investigation of Crimes

New aids of crime investigation – legality and Constitutionality of Narco analysis, polygraph and Brain mapping- DNA fingerprinting and profiling- Video conferencing and Justice administration

Unit V: Emerging concerns in jurisprudence

Feminist and Gender jurisprudence in the new age – Environment jurisprudence – issues and concerns – terrorism- crimes against humanity – multinational corporations – corporate and white collar crimes – trans-national jurisprudence – governance – corruption and accountability

BOOKS RECOMMENDED

Jurisprudence Text Books for LL.M

Author	Name of Book	Publishers and Year
1 V D Mahajan	Jurisprudence & Legal Theory	Eastern Book Company 5 th edition 1987 Reprinted 2007
2 Dr. B N Mani Tripathi	Jurisprudence & Legal Theory	Allahabad Law Agency 1 st edition 1968, 17 th edition 2006
3 Prof. S N Dhyani	Jurisprudence Indian Legal Theory	Central Law Agency 1 st edition 1972, 5 th edition 2006
4 P S Achuthan Pillai	Jurisprudence & Legal Theory	Eastern Book Company 3 rd edition reprinted 2005
5 Prof. [Mrs] Nomita Aggarwal	Jurisprudence & Legal Theory	Central Law Publications 1 st edition 1997, 6 th edition 2007
6 G C Venkata Subbarao	Jurisprudence & Legal Theory	Eastern Book Company 9 th edition 1975, reprinted 2006
7 S D Dwivedi	Jurisprudence & Legal Theory	Central Law Publication 1 st edition 1979, 4 th edition 2003
8 Dr. S R Myneni	Jurisprudence & Legal Theory	Asia Law House, Hyderabad 1 st edition 2001, reprinted 2007
9 R W M Dias	Dias Jurisprudence	Adithya Book Butter worths, 1 st edition 1994
10 P J Fitzgerald	Salmond on Jurisprudence	Universal Law Publishing Co. Pvt Ltd 1 st edition 1902, reprinted 2002
11 A K Sarkar	Summary of Salmond's Jurisprudence	N M Tripathi Pvt. Ltd 3 rd edition 1973, reprinted 1999
12 N K Jayakumar	Lectures in Jurisprudence	Lexis Nexis Butter worths 2 nd edition 2006
13 Dr. N V Paranjpe	Studies in Jurisprudence & Legal Theory	Central Law Agency, Allahabad 1 st edition 1990, 4 th edition 2004
14 M D A Freeman	Llyods Introduction to Jurisprudence	Sweet & Maxwell Thomson Reuters 1 st edition 1950, 9 th edition 2001

Journals

- 1 Access to Health Records by Patients, Issues and Options Journal of the Legal studies Vol. XXXIX [2008-2009]
- 2 Medical Confidentiality and the Law, Mysore University Law Journal [March 2008]
- 3 Civil and Military Law Journal [Oct-Dec 2009]
- 4 NUALS Law Journal [2008]
- 5 Informed consent to medical treatment, Journal of Indian Law Institute [JILI] Vol. 46

