

CENTRAL UNIVERSITY OF HARYANA, MAHENDERGARH

CBCS-Based Course Curriculum

LL.M. Programme

Department of Law

School of Law, Governance, Public Policy and Management Studies



CENTRAL UNIVERSITY OF HARYANA

Mahendragarh, Haryana

Semester I

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	L	T	P	Credits
1	Jurisprudence	Core	SLM LAW 01 101 C 4105	4	1	0	5 Credits
2	Indian Constitutional Law and Emerging Challenges	Core	SLM LAW 01 102 C 4105	4	1	0	5 Credits
3	Legal Education and Research Methodology	Core	SLM LAW 01 103 C 4105	4	1	0	5 Credits
4	Interpretation of Statutes	Elective	SLM LAW 01 101 E 4105	4	1	0	5 Credits
5	Intellectual Property Rights	Generic Elective	SLM LAW 01 102 E 4105	4	1	0	5 Credits
6	As provided by other Departments:-	Elective					

Semester II

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	L	T	P	Credits
1	Judicial Process	Core	SLM LAW 01 201 C 4105	4	1	0	5 Credits
2	Constitutional Law (Comparative)	Core	SLM LAW 01 202 C 4105	4	1	0	5 Credits
3	Law and Social Transformation	Core	SLM LAW 01 203 C 4105	4	1	0	5 Credits
4.	Family law	Elective	SLM LAW 01 201 E 4105	4	1	0	5 Credits

5	Law relating to Cyber Crimes	Generic Elective	SLM LAW 01 202 E 4105	4	1	0	5 Credits
6	As provided by other Departments:-	Elective					

Semester III

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	L	T	P	Credits
1	General Principles of Criminal Law	Core	SLM LAW 01 301 C 4105	4	1	0	5 Credits
Specialization: Constitutional Law and Human Rights							
2	Constitutionalism: Power of Judicial Review	Elective	SLM LAW 01 301 E 4105	4	1	0	5 Credits
3	Mass Media and Constitutional Democracy	Elective	SLM LAW 01 302 E 4105	4	1	0	5 Credits
4	International Law of Human Rights	Elective	SLM LAW 01 303 E 4105	4	1	0	5 Credits
5	As provided by other Departments:-						
<p>NOTE: The topic for the Dissertation with the supervisor will be assigned in the beginning of the 3rd Semester by the Department of Law and the students are required to submit their dissertation work by the end of the 4th Semester.</p>							

Semester IV

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	L	T	P	Credits
1	Dissertation	Core	SLM LAW 01 401 C 003015	0	0	30	15
Specialization: Constitutional Law & Human Rights							
2	Human Rights: Constitution of India	Elective	SLM LAW 01 401 E 4105	4	1	0	5 Credits
3	International Humanitarian Law & Refugee Law	Elective	SLM LAW 01 402 E 4105	4	1	0	5 Credits
4	International Environmental Law & Sustainable Development	Elective	SLM LAW 01 403 E 4105	4	1	0	5 Credits
5. As provided by other Departments:-							

LL.M. SEMESTER – I

Course – I: Jurisprudence (Comparative) SLM LAW 01 101 C 4105

Objectives:

The main objective of this course is to acquaint the students of law with the evolution of law by going through various thoughts as developed in various schools of jurisprudence. This course is expected to provide the knowledge of the law, jurisprudence and legal theory with a comparative jurisprudential approach.

UNIT – I

Meaning, nature and scope of Jurisprudence

The relevance of Jurisprudence

Concept of 'Legal Theory' and 'Jurisprudence'.

Concept and Philosophy of Law

Sources of Law – Customs, Precedents and Legislation

UNIT – II

Analytical School

Positivism

- Bentham and Positivism
- Austin's Command and Sovereignty Theory

Principles of Utility, Constitutional Utilitarianism and Modern trends

Modern Positivism

- Kelsen's Pure Theory of Law
- Hart's Legal System
- Modern Trends in Analytical Jurisprudence: Hart's Concept of Law

UNIT – III

Sociological Jurisprudence and Sociology of Law:

Comte and Sociology, *Laissez Faire* and Herbert Spencer

Sociological School -

- Jhering's Theory
- Eugen Ehrlich's Theory
- Roscoe Pound's Theory of Social Engineering
- Duguit's Social Solidarity

Historical and Anthropological School

- Karl Von Savigny's theory of Law, The '*Volksgeist*'
- Henry Maine's Historical Materialism

UNIT – IV

Natural Law

- Natural Law and Social Contract
- Revival of Natural Law
- Law and Morality

Difference of jurisprudential study amongst various schools of Law

Distributive Justice

Feminist Jurisprudence

Post-modernist Jurisprudence

Suggested Readings:

1. Dias, *Jurisprudence* (Lexis Nexis, 5th Edition, 2013).
2. Bodenheimer, *Jurisprudence - The Philosophy and Method of Law* (Harvard University Press; 2nd edition (revised), 2013).
3. S.N. Dhyani, *Jurisprudence—Indian Legal Theory* (Central Law Agency, Allahabad, 2010)
4. M. P. Tandon, *Jurisprudence— Legal Theory* (Allahabad Law Agency, Faridabad, 2016)
5. Suri Ratnapala, *Jurisprudence*, (Cambridge University Press, 2013)
6. Marie-Claire Foblets, Alison Dundes Renteln, *Multicultural Jurisprudence : Comparative Perspectives on the Cultural Defense* (Mohan Law House, New Delhi, 2010)
7. P. J. Fitzgerald (ed.), *Salmond on Jurisprudence* (Universal Law Pub., New Delhi, Indian Reprint, 2010)
8. Richard A. Posner, *The Problems of Jurisprudence* (Universal Law Pub., New Delhi, 2010)
9. Hans Kelsen, *Pure Theory of Law Translated by Max* (The Law Book Exchange Lmt. New Jersey, 5th Printing, 2008).
10. John Austin, *The Province of Jurisprudence Determined*, W. Rumble (ed.), (Cambridge: Cambridge University Press, 1995).
11. M.D.A Freeman (ed.), *Lloyd's Introduction to Jurisprudence* (Sweet & Maxwell, 2008).
12. Roger Cotterrell, *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy* (2nd Edition, Butterworth, 1994).
13. Roscoe Pond, *Introduction to Philosophy of Law* (Universal Law Pub, Delhi, 1998).
14. V.D. Mahajan, *Jurisprudence and Legal Theory* (Eastern Book Co., Lucknow, 2011)
15. W. Friedmann, *Legal Theory* (Universal Law Pub., New Delhi, 6th edition, 2013)
16. Wayne Morrison, *Jurisprudence: From the Greeks to post-modernism* (Lawman (India) Private Limited, New Delhi, 1997).

**Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.*

LL.M. SEMESTER – I

Course – II: Indian Constitutional Law and Emerging Challenges SLM LAW 01 102 C 4105

Objectives:

To understand the Indian political, social and economic value structure as enshrined in the Constitution of India for the protection of human rights of individuals and balancing with the positive responsibility of the state. Further, to understand the constitutional governance and new emerging trends and challenges of contemporary world.

Unit – I

Nature and special features of the Constitution, Preamble

Parliamentary/ Presidential forms of government- Suitability

Judicial Review in New Democracies- *A revisionist Analysis of Marbury v. Madison*”

Democracy and the Rule of law

Unit – II

President of India

Council of Ministers

Governor and state government - constitutional relationship

Prime Minister - cabinet system - collective responsibility-individual responsibility

Secularism

- Concept of secularism : historical perspective
- Indian constitutional provision
- Freedom of religion - scope
- Religion and the state: the limits
- Minority rights

Unit – III

Equality and Social Justice

- Equality before the law and equal protection of laws
- Classification for differential treatment: constitutional validity
- Gender justice
- Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backwards classes

Right to Freedoms:

- Media, press and information
- Freedom of speech and contempt of court
- Freedom of assembly
- Freedom of association
- Freedom of movement
- Freedom to reside and settle.
- Freedom of profession/business

- Property: from fundamental right to constitutional right

Rights of an accused –

- Against ex-post facto,
- Against double jeopardy
- Against self-incrimination
- Safeguards against Arbitrary Arrest and Detention, Preventive Detention Acts (N.S.A., COFEPOSA etc.

Unit – IV

Protection of Life and Personal Liberty

- Right to life and personal liberty: meaning, scope and limitations
- Preventive detention - constitutional policy
- New Dimensions

Fundamental Rights and Directive Principles

- Directive Principles - directions for social change - A new social order.
- Fundamental Rights and Directive Principles - inter-relationship - judicial balancing.
- Constitutional amendments - to strengthen Directive Principles.
- Reading Directive Principles into Fundamental Rights

Fundamental duties

Suggested Readings:

1. H. M. Seervai, *Constitutional Law of India*, Vol.1-3 (Universal Law Pub., 2015).
2. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law Pub., 2004).
3. D. J. De. *The Constitution of India* (Asia Law House, Hyderabad, 2008).
4. Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* (Oxford University Press, 2013).
5. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 2013).
6. M. P. Jain, *Outlines of Indian Legal and Constitutional History* (Lexis Nexis, Nagpur, 2011).
7. Mahendra Pal Singh (Revised), *V. N. Shukla's Constitution of India* (Eastern Book Company, 12th Edition, 2016).
8. Mahendra Pal Singh, *Comparative Constitutional Law* (Eastern Book Company, 2011).
9. Durga Das Basu, *Comparative Constitutional Law* (Lexis Nexis Publication, New Delhi, 2nd ed., 2008).
10. Durga Das Basu, *Comparative Federalism* (Lexis Nexis, 2007).
11. Durga Das Basu, *Commentary on the Constitution of India* (Lexis-Nexis-Butterworth-Wadhwa, Nagpur, 2011).

12. Sylvia Snowiss, *Judicial Review and the Law of the Constitution*, (Universal Law Pub., 2008)
 13. Mark Tushnet, *Why the Constitution Matters* (Yale University Press, 2010).
 14. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford Uni. Press, 2010).
 15. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A study of the Basic Structure Doctrine* (Oxford University Press, 2009).
 16. Justice Sujata V. Manohar, *T K Tope's Constitutional Law of India* (Eastern Book Company, 2010).
 17. Mool Chand Sharma, Raju Ramachandran, *Constitutionalism, Human Rights & The Rule of Law* (Universal Law Pub., New Delhi, 2014)
- *Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.*

LL.M. SEMESTER – I

Course – III: Legal Education & Research Methodology SLM LAW 01 103 C 4105

Objectives:

The main objective of this course is to acquaint the students of law with the scientific methods of legal research for acquisition of knowledge. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training to conduct research in this course. With this course the students are expected to develop a scientific approach to socio-legal problems.

UNIT – I

Introduction- meaning and importance of research, types of research (including doctrinal and non-doctrinal research) and reflective thinking

Legal Research- scope and objective of legal research, distinction between legal researches and social research, various methods and techniques of legal research

UNIT – II

Process of Research-Research methodology, Formulation of research issues, factors and criteria in selection of research problems and development of theoretical orientation, Quantitative methods and computer applications

Hypothesis- Meaning, Importance, criteria for judging a workable hypothesis.

UNIT – III

Legal Materials and law library: Primary and Secondary materials, statutes and rules, judicial decisions, law reports and digests, parliamentary debates, How to use and find materials from internet by using on-line database.

Fact – Finding methods and interviewing Techniques

UNIT – IV

System for citing documents in legal writing, rules relating to footnoting, preparation of bibliography and abbreviations.

Suggested Readings:

1. Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (London: Allyn and Bacon, 2001).
2. S. K. Verma & M Afzal Wani (eds.), *Legal Research and Methodology* (Indian Law Institute, New Delhi, 2nd ed., 2006).
3. K. L. Bhatia, *Textbook on Legal Language and Legal Writing*, (Universal Law Publishing Co Pvt. Ltd., 2nd ed., 2013).

4. N. R. Madhava Menon, (ed.) *A Handbook of Clinical Legal Education* (Eastern Book Company, Lucknow, 1998).
5. High Brayal, Nigel Dunne and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School* (Blackstone Press Limited, London, 1998).
6. Vijay K. Gupta, *Decision Making in The Supreme Court of India* (A Jurimetrics Study – Alternatives in Judicial Research) (Kaveri Books, Delhi, 1995).
7. William J. Grade and Paul K. Hatt, *Methods in Social Research* (McGraw-Hill Book Company, London, 2011).
8. S.R. Myneni, *Legal Language and Legal Writing* (Asia Law House, 1st ed., 2011)
9. K. Mony, K. Usha, *Legal Language* (Usha Publications, 2nd ed., 2016).
10. Tushar Kant Saha, *Textbook on Legal Methods, Legal Systems and Research* (Universal Law Pub., Co., 2015).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER – I

Course – IV: Interpretation of Statutes

SLM LAW 01 101 E 4105

Objectives:

The object of studying 'interpretation of statutes' is to acquaint the students as how to determine the intention of the legislature conveyed expressly or impliedly in the language used. This course prescribes various methods to unlock the locks put by the Legislature. For such unlocking, keys are to be found out. These keys may be termed as aids for interpretation and principles of interpretation.

UNIT – I

Principles of Legislation

- Law-making - the legislature, executive and the judiciary

Interpretation of Statutes

- Meaning of the term 'statutes'
- Commencement, operation and repeal of statutes
- Purpose of interpretation of statutes

Aids to Interpretation

Internal aids

- Title
- Preamble
- Headings and marginal notes.
- Sections and sub-sections
- Punctuation marks.
- Illustrations, exceptions, provisos and saving clauses
- Schedules
- Non-obstante clause.

External aids

- Dictionaries
- Translations
- Debates, inquiry commission reports and Law Commission reports etc.

UNIT – II

Rules of Statutory Interpretation

Primary Rules

- Literal rule
- Golden rule
- Mischief rule (rule in the Heydon's case)
- Rule of harmonious construction

Secondary Rules

- Noscitur a sociis

- Eiusdem generis
- Reddendo singula singulis

UNIT – III

Maxims of Statutory Interpretation

- Delegatus non potest delegare
- Expressio unius exclusion alterius
- Generalia specialibus non derogant
- In pari delicto potior est condition possidentis
- Ut res valet potior quam pareat
- Expressum facit cessare tacitum
- In bonam partem,
- In pari material
- Lex non cogit and impossibilia
- Salus populi est suprema lex

UNIT – IV

Interpretation with reference to the subject matter and purpose

- Restrictive and beneficial construction
- Taxing statutes
- Penal statutes
- Welfare legislation

Suggested Readings:

1. G.P. Singh, *Principles of Statutory Interpretation (Also Including the General Clauses Act, 1897 with Notes)*, 14th edition (Wadhwa Publications, Nagpur 2016)
2. Langan P St. J, *The Interpretation of Statutes* (Maxwell Publications, 2010)
3. N.S. Bindras, *Interpretation of Statutes*, 11th Edition (Lexis Nexis, 2013)
4. Vepa P. Sarathi, *Interpretation of Statutes*, 5th Edition (Eastern Book Company, 2015)
5. Avtar Singh and Harpreet Kaur, *Interpretation of Statutes*, 4th Edition (Lexis Nexis, 2014)
6. S.R.A. Rosedar, *Interpretation of Statutes*, (Lexis Nexis, 2014)
7. B.M. Gandhi, *Interpretation of Statutes*, 2nd Edition (Eastern Book Company, 2014)
8. D.N. Mathur, *Interpretation of Statutes*, (Central Law Publication, 2013)
9. Chakraborty, *Latin Maxims & Interpretation of Statutes*, (Kamal Publishers, 2015)
10. D.S. Chopra, *Interpretation of statutes*, 1st Edition (Thomson Reuters, 2014)

LL.M. SEMESTER – I

Course – V: Intellectual Property Rights

SLM LAW 01 102 E 4105

Objectives:

The main aim of this course is - (a) to examine the definition and legal basis of IPRs in its broadest sense including patents, copyrights, trademarks, geographical indications, and designs; (b) to study the evolution of IPRs as an international legal norm and its implications at the global level with specific focus on the concerns of developing countries, including India. (c) to study the emerging new interpretations and consequent implementation issues relating to IPRs within multilateral and regional treaty framework and to examine and identify the conceptual and jurisprudential aspects with specific focus on cases and case studies at the national and international level. (d) to understand the implications of emerging global IPR regime on frontier research areas such as traditional knowledge, biodiversity, biotechnology, digital/computer technology, internet and domain names.

UNIT – I: Understanding Intellectual Property Rights

- Concept, Kinds and Evolution of IPR, Changing Dimensions of IPR, Globalization and IPR
- TRIPs and IPR Regime – the context, genesis and implementation issues
- WTO and Dispute Settlement Mechanism
- Enforcement of IPRs – civil, criminal and administrative remedies

UNIT – II: Law of Trademarks and Geographical Indication

- Introduction to Trade Marks Law
- Registrations of Trade Marks: Requirements for Registration, Refusal for Registrations
- Goodwill, Doctrine of Passing-off – actions and its development in India
- Domain Names Dispute and Cybersquatting
- Geographical Indications

UNIT – III: Law of Copyright and Industrial Design

- Fundamentals of Copyright, Subject Matter of Copyright, International Treaties and Conventions
- Economic Rights and Moral Rights
- Doctrine of Fair Dealing
- Neighbouring Rights
- Infringement of Copyright and Remedies
- Industrial Design: International Regime; Salient features of Design Act, 2000

UNIT – IV: Law of Patents including Law on Protection of Bio-Diversity, Farmers Rights and Traditional Knowledge

- Evolution of Patent Law in India, Salient Features of Patent Act, 1970
- Patentability criteria, Remedies for infringement, Term of protection
- Patent in International Regime: Conventions and Treatise (Relevant Provisions under

TRIPs Agreement, 1994)

- Protection of Traditional Knowledge, Issues of Bio-piracy – Infringements & Remedies
- Bio-Diversity Act, 2002 (Salient Features and other Relevant Sections)
- Salient Features of Protection of Plant Varieties & Farmer's Rights Act, 2000

Suggested Readings:

1. V.K. Ahuja, *Intellectual Property Rights in India* (Lexis Nexis, Butterworths, Wadhwa, Nagpur, 2015).
2. Alka Chawla, *Copyright and Related Rights: National and International Perspectives* (Macmillan India Ltd., Delhi, 2007).
3. Alka Chawla, *Law of Copyright: Comparative Perspectives India* (Lexis Nexis, Butterworths, New Delhi, 2013).
4. David Bainbridge, *Intellectual Property*, 9th Edition (Pearson Education, Delhi, 2012).
5. Elizabeth Verkey, *Law of Patent* (Eastern Book Company, Lucknow, 2005).
6. Holyoak & Torremans, *Intellectual Property Law* (Oxford University Press, NY, 2016).
7. Kailasam & Vedaraman, *Law of Trade Marks & Geographical Indications* (Wadhwa, Nagpur, 2009).
8. Latha R Nair and Rajendra Kumar, *Geographical Indications: A Search for Identity* (Lexis Nexis, New Delhi, 2005).
9. Lionel Bentley and Brad Sherman, *Intellectual Property Law* (Oxford University Press, New Delhi, 2003).
10. Rami M. Olwan , *Intellectual Property Rights and Development: Theory and Practice* (Springer, 2013).
11. Srividhya Ragavan, *Patent and Trade Disparities and Developing Countries* (Oxford University Press, 2012).
12. Tanya Aplin & Jennifer Davis, *Intellectual Property Rights Law* (Oxford University Press, New York, 2009).

SEMESTER-II

LL.M. SEMESTER – II

Course – I: Judicial Process

SLM LAW 01 201 C 4105

Objectives:

The objective of this course is to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

Unit - I: Nature of Judicial process and its role in constitutional adjudication

- Judicial process as an instrument of social ordering.
- Judicial process and creativity in law – common law model – legal reasoning and the growth of law – change and stability
- The tools and techniques of judicial review and judicial creativity.
- Analysis of the doctrine of *Stare Decisis* in India.

Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication.

- Notions of Judicial Review
- Is Judicial Review the same as Judicial Activism?
- Judicial Activism and Judicial Self Restraint.
- Problem of Accountability in judicial law – making.

Unit - III: Judicial Process in India

- The Indian Debate on the role of the Judges and on the notion of Judicial review
- The ‘Independence’ of Judiciary and ‘Political’ nature of Judicial Process.
- Judicial Activism and Creativity of the Indian Supreme Court - the new dimensions
- Institutional liability of Courts and Judicial activism – Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments

- Evolution of the Concept of Basic Structure
- Philosophy of the doctrine of Basic Structure
- The Recent Developments: The ‘essence of rights’ test and ‘rights test’ to determine Basic structure
- Basic Structure and Constitutionalism.

Suggested Readings:

1. Sudhanshu Ranjan, *Justice, Judocracy and Democracy in India: Boundaries and*

- Breaches* (Routledge, 2015)
2. Justice Ashok Kumar Ganguly, *Landmark Judgments That Changed India*, (Rupa Publications, India 2015)
 3. A. Lakshminath, *Judicial Process: Precedent in Indian Law*, 3rd Edition (Eastern Book Company, 2009)
 4. Aharon Barak, *The Judge in a Democracy* (Princeton University Press, 2009)
 5. Benjamin N. Cordozo, *Nature of the Judicial Process* (Mrtino Fine Books, 2011)
 6. Julius Stone, *The Province and Function of Law: A Study in Jurisprudence*, (Universal Law Publishing Co. Ltd., New Delhi 2006)
 7. Julius Stone. *Legal System and Lawyer's Reasoning*, 4th Indian Reprint (Universal Law Publishing Co. Ltd., New Delhi, 2011)
 8. Upendra Baxi, *The Indian Supreme Court and Politics*, (Eastern Book Co., Lucknow 1980)
 9. Rajeev Dhavan, *The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques* (Tripathi – Bombay 1977)
 10. S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, (Oxford University Publication, New Delhi 2003)

LL.M. SEMESTER – II

Course – II: Constitutional Law (Comparative) SLM LAW 01 202 C 4105

Objectives:

The main objective of this course is to acquaint the students of law with various jural postulates as enshrined in the Constitution of India with a comparative approach. This course is expected to throw light over various Constitutional developments of contemporary world.

UNIT – I

Parliamentary Privileges

Freedom of speech as Parliamentary Privileges and as Fundamental Right

Judicial Independence: Appointment, transfer and removal of judges

UNIT – II

Union and States Relations

- Legislative, Administrative and Financial Relations between Centre and States
- Principles of interpretation,
- Finance Commission and substitution of NITI Aayog in place of Planning Commission
- Co-operative Federalism
- Sarkaria Commission's Report

UNIT – III

The State Liability

Right to Property, Doctrine of *Eminent Domain*

Freedom of Trade, Commerce and Intercourse

Services under the Union and State

- Doctrine of Pleasure
- Constitutional Safeguards to Civil Servants in New Democracies

UNIT – IV

Role of Election Commission, Electoral Reforms

Emergency provisions

LL.M. Syllabus (New) Session 2016-2018 onwards

Amendment of the Constitution, Doctrine of Check & Balance, Basic Structure Theory

Special Provisions relating to Jammu and Kashmir

Suggested Readings:

1. H. M. Seervai, *Constitutional Law of India*, Vol.1-3 (Universal Law Pub., 2015).
2. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law Pub., 2004).
3. D. J. De. *The Constitution of India* (Asia Law House, Hyderabad, 2008).
4. Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* (Oxford University Press, 2013).
5. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 2013).
6. M. P. Jain, *Outlines of Indian Legal and Constitutional History* (Lexis Nexis, Nagpur, 2011).
7. Mahendra Pal Singh (Revised), *V. N. Shukla's Constitution of India* (Eastern Book Company, 12th Edition, 2016).
8. Mahendra Pal Singh, *Comparative Constitutional Law* (Eastern Book Company, 2011).
9. Durga Das Basu, *Comparative Constitutional Law* (Lexis Nexis Publication, New Delhi, 2nd ed., 2008).
10. Durga Das Basu, *Comparative Federalism* (Lexis Nexis, 2007).
11. Durga Das Basu, *Commentary on the Constitution of India* (Lexis-Nexis-Butterworth-Wadhwa, Nagpur, 2011).
12. Sylvia Snowiss, *Judicial Review and the Law of the Constitution*, (Universal Law Pub., 2008)
13. Mark Tushnet, *Why the Constitution Matters* (Yale University Press, 2010).
14. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford Uni. Press, 2010).
15. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A study of the Basic Structure Doctrine* (Oxford University Press, 2009).
16. Justice Sujata V. Manohar, *T K Tope's Constitutional Law of India* (Eastern Book Company, 2010).
17. Mool Chand Sharma, Raju Ramachandran, *Constitutionalism, Human Rights & The Rule of Law* (Universal Law Pub., New Delhi, 2014)

**Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.*

LL.M. SEMESTER – II

Course – III: Law & Social Transformation SLM LAW 01 203 C 4105

Objectives:

This course is designed to study – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change and (b) to examine how law and legal institutions can be used to combat social oppression and inequalities in Indian Society.

UNIT– I

Law and Social Transformation:

- Law as an instrument of social change
- Law as the product of traditions and culture. Criticism and evaluation.

UNIT – I

Law and its Inter-relationships with Religion, Language, Community and Regionalism

Religion, language, community and regionalism as divisive factors

Responses of law to-

- Religion - Secularism as a solution to the problem.
- Language - through constitutional guarantees
- Community - through non-discrimination
- Regionalism - through unity
- Non-discrimination and protective discrimination (reservation)

UNIT – III

Gender Justice

Women and the Law

- Crimes against woman
- Empowerment of woman: Constitutional and other legal provisions
- Surrogacy

Third gender and law

Children and the Law:

- Child labour
- Child abuse
- Children and education

UNIT – IV

Reform of court processes:

- Criminal law: Plea bargaining; compounding and payment of compensation to victims, Prison reforms

Alternative approaches to law

- The jurisprudence of Sarvodaya- Gandhi, Vinoba Bhave; concept of *grama nyayalayas*

Suggested Readings:

1. Oliver Mendelsohn, *Law and Social Transformation in India* (Oxford University Press, 2015).
2. P. Ishwara Bhat, *Law and social transformation in India* (Eastern Book Co., 1st ed., 2009).
3. Krishna Pal Malik and Dr. Kaushik C Raval, *Law and Social Transformation in India* (Allahabad Law agency, 2014).
4. Durga Dass Basu, *Commentary on The Constitution of India* (Lexis Nexis, wadhwa, Nagpur, 2011).
5. Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford Uni. Press, 2001).
6. Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (Arnol Publications, Delhi, 2000)
7. Marc Galanter (ed.), *Law and Society in Modern India* (Oxford Uni. Press, 1997).
8. Robert Lingat, *The Classical Law of India* (Oxford Uni. Press, 1998).
9. Upendra Baxi, *The Crisis of the Indian Legal System* (Vikas Publishing House, New Delhi, 1982).
10. Upendra Baxi (ed.), *Law and Poverty Critical Essays* (N M Tripathi, Bombay, 1988).
11. Duncan Derret, *The State, Religion and Law in India* (1999). Oxford University Press, New Delhi.
12. Indian Law Institute, *Law and Social Change : Indo-American Reflections* (Tripathi, Bombay, 1988).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER- II

Course-IV Family Law SLM LAW 01 201 E 4105

Objectives:

To evaluate the strength of family system in India and the extent of legal support provided to the same and also to examine the necessity of Uniform Civil Code in India. To apprise the students with the laws relating to Marriage, Succession and Adoption applicable to different communities in India. The next objective is to give an overview of some of the current problems arising out of the foundational inequalities writ large in the various family concepts.

UNIT – I

Sources of Muslim Law and Hindu Law

Schools of Family law and Problem of Conflict of Personal Laws, Concept of Uniform Civil Code.

UNIT – II

Marriage

- The Hindu Marriage Act, 1955
- The Indian Christian Marriage Act, 1872
- The Parsi Marriage and Divorce Act, 1936
- The Special Marriage Act, 1954
- Concept of *Nikah* under Muslim Law
- NRI Marriages

Dissolution of Marriage- Divorce/ *Talaq*

UNIT – III

Adoption (including International perspective), Acknowledgement

Provisions relating to Maintenance under various Laws

Concept of *Iddat* under Muslim Law

UNIT – IV

LL.M. Syllabus (New) Session 2016-2018 onwards

Succession under Muslim Law and Hindu Law

- Testamentary and Intestate
- Women's share

Suggested Readings:

1. Paras Diwan, *Law of Intestate and Testamentary Succession* (Universal law pub., New Delhi, 2014).
2. Tahir Mahmood & Saif Mahmood , *Introduction to Muslim Law* (Lexis Nexis, India, 13 Edn., 2013).
3. A. M. Bhattacharjee, *Muslim Law and the Constitution* (Eastern Law House, Calcutta, 1994).
4. M. Hidayatulla and Arshad Hidayatulla, *Mulla's Principles of Mahomedan Law* (Lexis Nexis-Butterworths, Wadhwa, Nagpur, Nineteenth edition, 2010).
5. Satyajeeet A. Desai, *Sir Dinshaw Fardunji Mulla's Hindu Law* (Lexis Nexis- Butterworths Wadhwa, Nagpur, 21st Edition, Revised, 2013)
6. Poonam Pradhan Saxena, *Family Law Lectures: Family Law-I and II*, (Lexis Nexis, 3rd edition, 2011).
7. A. A. A. Fyzee, *Outlines of Muhammadan Law* (Oxford University Press, India, 5th edition, 2009).
8. S. T. Desai (ed.) *Mulla's Principles of Hindu Law*, (Lexis Nexis-Butterworth-India, 2012).
9. N. D. Basu, *Law of Succession* (Universal Law pub., revised, 2009).
10. Paras Diwan, *Law of Adoption, Minority, Guardianship and Custody* (Universal Law pub., 2010).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER- II

Course-V: Law Relating to Cyber Crimes

SLM LAW 01 202 E 4105

Objectives:

The aim of this course is to acquaint the students with the latest developments in the field of Information & Communication Technology. This course gives a glimpse of the different kinds of crimes committed in the virtual world and also discusses the legal provisions enacted at the national and international level in order to combat cyber crimes.

UNIT- I: Fundamentals of Cyber Law

- Conceptual and theoretical perspective of cyber law
- Development of Cyber Law – National and International Perspective
- Information Technology Act, 2000 (as amended by the IT Amendment Act, 2008)

UNIT – II: Cyber Crimes – Legal Issues and Challenges

History & Evolution of Cyber Crime

Kinds of Cyber Crime:-

- Cyber Hacking
- Cyber Stalking
- Cyber Terrorism
- Cyber Crime related to finance
- Cyber Defamation
- Cyber Pornography

Impacts of Cyber Crime

Prevention of Cyber Crime

UNIT –III: Cyber Law: International Perspectives

- Budapest Convention on Cybercrime
- ICANN's core principles and the domain names disputes
- Net neutrality and the EU electronic communications regulatory framework

UNIT – IV: Cyber Law – Contemporary Trends

- Impact of cyber warfare on privacy, identity theft
- International law governing Censorship, online privacy, copyright regulations
- Online Intermediaries in the governance of Internet
- Social Networking Sites vis-à-vis Human Rights

Suggested Readings:

1. M. Dasgupta, *Cyber Crime in India: A Comparative Study*, (Eastern Law House, Kolkata, 2016)
2. Yatindra Singh, *Cyber Laws* (Universal Law Publishing Co., Delhi, 2016)
3. Pavan Duggal, *Text Book on Cyber Law*, (Universal Law Publishing, 2014)
4. Pavan Duggal, *Cyber Law: A Exhaustive Section-wise Commentary on the Information Technology Act alongwith Rules and Regulations*, (Universal Law Publishing, 2014)
5. Pavan Duggal, *Cyber Frauds, Cyber Crimes and Law in India*, (Universal Law Publishing, 2014)
6. Manish Kumar Chuabey, *Cyber Crimes and Legal Measures*, (Regal Publications, 2013)
7. Farooq Ahmad, *Cyber Law in India - Law on Internet* (Pioneer Books Publication, New Delhi, 2005)
8. P.M. Bakshi and S.K. Suri, *Handbook of Cyber and E-Commerce Laws* (Bharat Publishing House, New Delhi, 2002)
9. R.K. Chaubey, *An Introduction to Cyber Crime and Cyber Law* (Kamal Law House, Kolkata, 2009)
10. Parag Diwan, and Shammi Kapoor, *Cyber and E-Commerce Laws (with Information Technology Act, 2000)* (Bharat Law House, New Delhi, 2000)
11. Pavan Duggal, *Cyber Law - The Indian Perspective* (Saakshar Law Publication, New Delhi, 2002)
12. V.D. Dudeja, *Cyber Crime and the Law* (Commonwealth Publication, New Delhi, 2002)
13. Nandan Kamath, *Law relating to Computers, Internet and E-Commerce - A Guide to Cyber Laws and Information Technology Act, 2000 (with Rules, Regulations and Notifications)* (Universal Law Publishing Company, Delhi, 2007)
14. Rahul Matthan, *Law relating to Computers and the Internet* (Butterworths India Publications, New Delhi, 2000)
15. Shilpi Mehta, *Cyber Crimes in India* (Indian Law Institute, New Delhi, 2007)
16. Rodney D. Ryder, *Guide to Cyber Laws (Information Technology Act, 2000, E-Commerce, Data Protection and the Internet)* (Wadhawa Publications, Nagpur, 2007)
17. Karnika Seth, *Cyber Laws in the Information Technology Age* (Butterworths India Publications, New Delhi, 2009)
18. Vakul Sharma, *Information Technology – Law and Practice* (Universal Law Publishing Co., Delhi, 2007)
19. Vivek Sood, *Cyber Crimes, Electronic Evidence and Investigation: Legal Issues with Critical analysis of the Information Technology (Amendment) Act, 2008* (Nabhi Publications, 2012)
20. Amita Verma, *Cyber Crimes and Law* (Central Law Publications, 2012)

21. S.K. Verma, and Raman Mittal, *Legal Dimensions of Cyberspace* (Indian Law Institute, New Delhi, 2004)

LL.M. SEMESTER – III

LL.M. SEMESTER- III

Course-I: General Principles of Criminal Law SLM LAW 01 301 C 4105

Objectives:

The primary objectives of this course are: To familiarize the students with the key concepts regarding crime and criminal law. • To expose the students to the range of mental states that constitute mens rea essential for committing crime. • To teach specific offences under the Indian Penal Code. • To keep students abreast of the latest developments and changes in the field of criminal law.

Unit -1

Constituents of Crime

- *Actus non facit reum nisi mens sit rea*
- External element: *Actus reus*
- Internal element: *Mens rea* (with special reference to its various shades)

Classes of Criminal Courts and Power

Relevancy, Admissibility and reliability of fact and evidence

UNIT – II

Offences against human body

- Culpable Homicide and Murder
- Kidnapping and Abduction
- Sexual offences

Offences against property

- Theft, Robbery, extortion
- Decoity, misappropriation,
- Criminal breach of trust

UNIT – III

LL.M. Syllabus (New) Session 2016-2018 onwards

Safeguards to Criminal Behavior: General Defences

Excusable and Justifiable

- Mistake
- Necessity
- Compulsion
- Insanity
- Private Defense

Inchoate Criminal Offences

- Abetment
- Criminal Conspiracy
- Attempt

UNIT – IV

Presumptions and burden of proof

Investigation by Police and cognizance by Magistrate

Vigilance, Anti-corruption, details of organizations/agencies such as Central Vigilance Commission, Central Bureau of Investigations etc. associated with anti- corruption

Suggested Readings:

1. K. D. Gaur, *Textbook on Indian Penal Code* (Universal Law Pub., Delhi, 5th ed., 2015).
2. Ratanlal and Dhirajlal, *The Indian Penal Code* (Lexis Nexis, India, 33rd ed., 2012).
3. K. N. C. Pillai & Shabistan Aquil, *Essays on the Indian Penal Code* (The Indian Law Institute, Revised, 2005).
4. K. D. Gaur, *Criminal Law: Cases and Materials* (Lexis Nexis India, 8th ed., 2015).
5. Woodroffe and Amir Ali, *Law of Evidence* (Lexis Nexis, India, 19th ed., 2012).
6. P. S. Achuthan Pillai, *Criminal Law* (Eastern Book Comp., Lucknow, 1995).
7. Hidayathullah, M., *et al.*, *The Indian Penal Code* (Wadhwa & Co., Nagpur., 1994).
8. B. M. Gandhi, *Indian Penal Code* (Eastern Book Comp., Nagpur, 1996).
9. Polein Murphy, *Evidence* (Universal, Law Pub., New Delhi, 5th Edition, Reprint, 2000).
10. Albert S. Osborn, *The Problem of Proof* (Universal Law Pub., New Delhi, 2001).
11. Avtar Singh, *Principles of the Law of Evidence* (Central Law Agency, New Delhi, 2012).
12. Chandrasekharan Pillai (ed.) *Kelkar's Outlines of Criminal Procedure* (Eastern Law House, Lucknow, 2013).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER- III

Specialization: Constitutional Law and Human Rights				
1	Constitutionalism: Power of Judicial Review	Elective	SLM LAW 01 301 E 4105	5 Credits
2	Mass Media and Constitutional Democracy	Elective	SLM LAW 01 302 E 4105	5 Credits
3	International Law of Human Rights	Elective	SLM LAW 01 303 E 4105	5 Credits

LL.M. SEMESTER- III

**Course – II: Constitutionalism: Power of Judicial Review
SLM LAW 01 301 E 4105**

Objectives:

The aim of this course is to highlight jurisprudence of the constitution and involve students to participate in socio-political and constitutional matters. To focus on the emerging constitutional issues and to examine how far a goal of Constitutionalism are being achieved in the Indian Legal System and what are the challenges to Constitutionalism in the Contemporary Indian Society.

UNIT – I

Constitutionalism

Limited Government - concept - Limitations on government power

What is a Constitution?

Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India

UNIT – II

Separation of powers: Montesquieu

Rule of Law: Concept and new horizons

Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights

UNIT – III

LL.M. Syllabus (New) Session 2016-2018 onwards

Federalism

- What is a federal government?
- Difference, between confederation and federation
- Conditions requisite for federalism.
- Patterns of federal government - U.S.A., Australia, Canada, India.
- Judicial review - for federal umpiring
- New trends in federalism: Co-operative federalism
- India - Central Control v. State Autonomy

UNIT – IV

Equality in Plural Society

- Right to equality and reasonable classification
- Prohibition of discrimination on ground of religion, caste, sex, language.
- Abolition of untouchability
- Secularism - constitutional principles
- Tribal Groups and Equality

Protection of religious, ethnic and linguistic minorities

Suggested Readings:

1. H. M. Seervai, *Constitutional Law of India*, Vol.1-3 (Universal Law Pub., 2015).
2. D. J. De. *The Constitution of India* (Asia Law House, Hyderabad, 2008).
3. Granville Austin, *Working a Democratic Constitution: A History of the Indian Experience* (Oxford University Press, 2013).
4. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 2013).
5. Mahendra Pal Singh (Revised), *V. N. Shukla's Constitution of India* (Eastern Book Company, 12th Edition, 2016)
6. Mahendra Pal Singh, *Comparative Constitutional Law* (Eastern Book Company, 2011).
7. Durga Das Basu, *Comparative Constitutional Law* (Lexis Nexis Publication, New Delhi, 2nd ed., 2008).
8. Durga Das Basu, *Comparative Federalism* (Lexis Nexis, 2007).
9. Sylvia Snowiss, *Judicial Review and the Law of the Constitution*, (Universal Law Pub., 2008)
10. Sudhir Krishnaswam, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine* (Oxford India, 2009).
11. Mool Chand Sharma and Raju Ramachandran, *Constitutionalism Human Rights and the Rule of Law: Essays in Honour of Soli J Sorabjee*, Universal Law Pub. 2005.
12. Tehmtan R Andhyarujina, *The Kesavananda Bharati Case: The untold story of struggle for supremacy by Supreme Court and Parliament* (Universal Law Pub., New Delhi, 2011).
13. C. Raj Kumar and D. Chockalingam (ed.), *Human Rights, Justice and Constitutional Empowerment* (Oxford University Press, 2011).

14. Baines, Barak et al., (eds.), *Feminist Constitutionalism- Global Perspectives* (Cambridge University Press, New York, 2012)
15. V. Venkatesan, *Constitutional Conundrums: Challenges to India's democratic process* (Lexis Nexis, 2014)
16. S.P. Sathe, *Fundamental Rights and Amendment of the Indian Constitution*, (1968)
17. Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review* (Oxford University Press, 2005).

***Note: Students should consult latest editions of the books and relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.**

LL.M. SEMESTER- III

Course-III: Mass Media and Constitutional Democracy

SLM LAW 01 302 E 4105

Objectives:

Mass media such as press, radio, television, films, books and internet/websites and others communicate messages in mass volume to the huge 'masses' of people through industrialised process of creation, communication and distribution of messages. In the Constitution of India the freedom of press or media has been premised on the citizen's right freedom of speech and expression. [Article 19 (1) a]. The right to freedom of expression of individual is the empirical and philosophical basis of a democratic society. The press or mass media facilitate the democratic process of forming, holding, developing, shaping and expressing the consent of masses in the form of election of the government of their choice and formulation of law and policies of their choice.

The freedom of press/media has a symbiotic relation with democracy. Amartya Sen rightly holds 'no serious famine has occurred in a country that has a multi-party democracy supported by a free press.' However Media have been accused of misinformation, orchestrated silence and acting as an instrument of propaganda serving the interest of elite class instead of communicating diversity of views and news in an objective, fair and impartial manner. The principle of fairness demands the media should present both sides on an issue fairly and without taking sides. Globalisation, economic reforms and changes in communication technologies are giving rise to new kind of complex problems related with the freedom of mass media. Article 19(2) authorises the government to regulate freedom of press as well as it prescribes the specific grounds and conditions for lawful exercise of the governmental authority. The Indian courts like any other states courts have a tough challenge to strike a balance between these different social values and interests.

The course aims to introduce broader constitutional mechanism protecting and regulating the freedom of press in India. The course will expose the students to various theories of media and democracy and also the discourse of freedom of speech. The covers various contemporary contentious issues on media freedom like sedition, obscenity, privacy, paid news, regulation of media ownership, piracy and various others.

LL.M. Syllabus (New) Session 2016-2018 onwards

The course shall comprise of the following:

Unit I

Mass Media: Types, Role, Protection and Restriction

- Mass media – History, Types: Press, Films, Radio, Television, Internet/Websites
- Theories of Media Effects: Direct Effect Theories, Limited Effects Theories, Cultural Effects Theories etc.
- Mass Media and Thought Control in Democratic Societies
- Rationale(s) for Constitutional Protection for Freedom of Expression and Freedom of Mass Media: self-realisation, the market place of ideas, participation in decision making
- Rationale(s) for Constitutional Regulation of Freedom of Mass Media
- Globalisation and Mass Media

Unit II

Freedom of Mass Media and Constitutional Provisions

- Freedom of Mass Media under Article 19 (1) (a): meaning and scope
- Regulation of Freedom of Mass Media under Article 19(2): Permissible Reasonable Restrictions
- Laws of Defamation, Obscenity, Blasphemy, Sedition and Contempt of Court
- Media Trial and the Independence of Judiciary
- Freedom of Mass Media and Doctrine of Fairness, The Right to Know, The Right to Publish, Airing or Broadcasting views
- Freedom of Mass Media and Clear & Present Danger Test
- Journalist's Right to Confidentiality of News Sources
- Advertisement - Is it included within Freedom of Speech and Expression?

Unit III

Films and Social Media

- Films - How far included in freedom in of speech and expression?
- Censorship of films – Constitutionality: Abbas Case
- Difference between Films and Press - Why Pre-censorship Valid for Films But Not For the Press?
- New Media, Public Sphere and Constitutional Democracy
- Regulation of Mass media: Shreya Singhal Case
- Social Media: Tension between Data Protection and Openness

Unit IV

Ownership, Taxation and Commercial Law and Freedom of Mass Media

- Constitutionality of Governmental Monopoly over Radio-Television and Freedom to Telecast/Broadcast
- Globalisation and Economic Reforms and Changes in Mass Media Ownership

- Regulation of Cross-Media Ownership and Public Interest in Freedom of Mass Media
- Freedom of Mass Media and Power to Impose Tax and Licensing Fee

Suggested Readings:

1. Durga Das Basu, *Law of Press* (Lexis Nexis, 5th Edition 2012).
2. Madhavi Goradia Divan, *Facets of Media Law* (Publisher: Eastern Book Company, 2nd Edition 2013)
3. Geoffray Skyes, *Courting The Media: Contemporary Perspectives on Media And Law* (Publishers: Nova Science Publishers, Inc. New York 2010)
4. Merris Amos, Jackie Harrison and Lorna Woods, *Freedom of Expression and the Media* (Martinus Nijhoff 2012)
5. Diana Papademas, *Human Rights and Media (Studies in Communications, Volume 6)* (Emerald Group Publishing Limited 2011)
6. C. Edwin Baker, *Media, Markets, and Democracy* (Cambridge University Press 2001)
7. Noam Chomsky, *Necessary Illusions Thought Control in Democratic Societies*, (House of Anansi Pr. 2nd Edition 2013)
8. Dieter Dörr and Russell L. Weaver, *The Right to Privacy in the Light of Media Convergence Perspectives from Three Continents* (de Gruyter 2012)
9. नोम चोमस्की, *जन माध्यमों का मायालोक लोकतांत्रिक समाज में विचारों पर नियंत्रण* (ग्रंथ शिल्पी, दिल्ली 2006)
10. *Booklet on Sedition Laws & The Death Of Free Speech In India*, Centre for the Study of Social Exclusion and Inclusive Policy, National Law School of India University, Bangalore & Alternative Law Forum, Bangalore February 2011
11. John Milton, *Areopagitica: A Speech For The Liberty Of Unlicensed Printing To The Parliament Of England* (Forgotten Books 2016)
12. Andrew Nicol, Gavin Millar and Andrew Sharland, *Media law & human rights* (Oxford University Press, 2nd Edition 2009)
13. Barendt Eric, *Media Freedom and Contempt of Court* (Routledge 2009)
14. Dwight Teeter Jr and Bill Loving, *Law of mass communication : Freedom and Control of Print and Broadcast Media* (Foundation Press 13th edition 2011)
15. Subir Gosh & Paranjay Guha Thakurta, *Sue The Messenger* (Create Space Independent Publishing Platform 2016)
16. Seervai H.M., *Constitutional Law of India*, (In 3 Volumes, Reprint) (Universal Law Publishing - An imprint of LexisNexis; Fourth edition 2015)
17. Mahendra Pal Singh, *V.N. Shukla's Constitution of India* (Revised), (Eastern Book Company, 12th Edition 2016)

Reports/Documetns

1. TRAI RecommendationsonIssues Relating to Media Ownership: New Delhi: August 12, 2014
2. National Policy on Information Technology, 2012(NPIT 2012)
3. Press in India : Twenty first report of the registrar of newspaper for India under the press and registration of books act Part 1

**Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.*

LL.M. SEMESTER- III

Course-IV: International Law of Human Rights

SLM LAW 01 303 E 4105

Objectives:

International Law of Human Rights (ILHR) has become major part of Public International Law (PIL) as well as increasingly permeates into states national laws. Since adoption of the United Nations Charter we witnessed proliferation of endless normativity of **human rights (HRs)** standards in the forms of both global as well as regional human rights treaties, conventions, and declarations. We have arrived at a kind of global consensus on certain human rights values like- equal dignity and respect for all human beings, or the right to life or prohibition of discrimination on the basis of race, caste, religion, sex etc. However still it is difficult to give simple answer to question what human rights should the human beings have? The dominant ideology of sovereign nation state and growing market centric economic globalisation with other various factors circumscribe the protection, promotion and enforcement of ILHR.

This course aims to examine the histories, ideas and concepts that inform international human rights law and practice, and on the relationship between human rights and other contemporary social phenomena, discourses and processes. The objective of the course is to equip the students with a critical knowledge of international human rights law, its machinery and procedure and to develop the ability to contextualise and problematize them. It aims to engage and inform the students with the wide spread and frequent violation of human rights of people in India and other countries and critically assess the effectiveness of existing international protection of human rights.

The course shall comprise of the following:

Unit I

ILHR History, Theory and Practice

- History of Human Rights and Philosophy of Human Rights
- World War II, the United Nation Charter
- Universal Declaration of Human Rights, Its Significance in Development of HRs, the Question about the Legally Binding Status of UDHR
- International Law and Human Rights Law: Human Rights Obligation under the UN Charter and HRs Treaties, HRs as part of Customary International Law and HRs as General principles of Law; HRs and *jus cogens* norms of Internal law, HRs and Obligation *erga omnes*; Impact of ILHR on National Constitution and Courts
- The Bill of Rights: Civil and Political vs Economic, Social and Cultural Rights
- Universalism and Cultural Relativism

Unit II

An Overview of Existing Human Rights System

- The UN Mechanism of Human Rights
 - The UN Charter Based HRs System: UN General Assembly, EOSOC, Human Rights Council (Commission), Security Council, UN High Commissioner for HRs etc.
 - The Treaty (HRs) Based HRs System: Treaty Bodies/Committees

- Regional Human Rights Regimes: European Countries, American Countries and African Countries
- National Level Human Rights Protection

Unit III

Responsibilities under ILHR

- Responsibility of State
- Reservation to HRs Treaties
- Humanitarian Intervention and the State's Right to Protection (R2P)
- Colonialism and the Responsibility for HRs Violation
- Responsibility of Business and Other Non-State Actors
- Criminalisation of Violations of HRs and Extra-territorial Jurisdiction

Unit IV

Critique of Human Rights and Some Case Studies

- Human Rights Critiques: Realist Critiques, Feminist Critiques, Cultural Relativist Critiques, Marxist Critiques, Postcolonial Critiques and Postmodern Critiques
- Case Studies: Palestine, Sri Lankan (Tamil Issue) and India (Kashmir)
- Construction and Treatment of Some Communities as "Others": The Right of Indigenous People and Minorities

Suggested Readings

1. Balakrishnan Rajagopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge University Press 2003)
2. Ben Saul, David Kinley & Jacqueline Mowbray, *The International Covenant on Economic, Social and Cultural Rights: Commentary, Cases, and Materials* (OUP Oxford 2016)
3. Bertrand G. Ramcharan, *The Fundamentals of International Human Rights Treaty Law* (Martinus Nijhoff Publishers, Leiden 2011)
4. Boaventura de Sousa Santos (ed.) *Law and Globalisation From Below: Towards a Cosmopolitan Legality* (Cambridge University Press 2005)
5. Charles R. Beitz, *The Idea Of Human Rights* (OUP 2009)
6. Claudio Corradetti, *Philosophical Dimensions of Human Rights Some Contemporary Views* (Springer 2011)
7. David Harris, Daniel Moeckli and Sangeeta Shah (eds.) *International Human Rights Law* (OUP UK 2013)
8. Koen De Feyter & George Pavlakos, *The Tension Between Group Rights and Human Rights A Multidisciplinary Approach* (Oxford And Portland, Oregon 2008)
9. Malcolm D. Evans (ed.) *International Law* (Oxford University Press, UK 4th Edition 2014)
10. Eibe Riedel, Gilles Giacca, & Christophe Golay (eds.) *Economic, Social, and Cultural Rights in International Law: Contemporary Issues and Challenges* (OUP Oxford 2016)
11. Michael J. Perry, *Toward a Theory of Human Rights: Religion, Law, Courts* (Cambridge University Press 2006)
12. Micheline Ishay, 'The History of Human Rights: From Ancient Times to the Globalization Era', University of California Press; 2 edition (2008)

13. Philip Alston & Ryan Goodman, *International Human Rights* (OUP UK 2012)
14. Roland Burke, *Decolonization and the Evolution of International Human* (University of Pennsylvania Press 2010)
15. Samuel Moyn, *The Last Utopia-Human Rights in History* (Harvard University Press (Reprint Edition 2012)
16. Olivier De Schutter, *International Human Rights Law* (Cambridge University Press , South Asian Edition 2011)
17. Steven Ratner et al, *Accountability for Human Rights Atrocities in International Law: Beyond the Nuremberg Legacy* (Oxford University Press 2009)
18. Tony Evans, *The Politics of Human Rights: A Global Perspective (Human Security in the Global Economy)* (Pluto Press 2005)
19. Upendra Baxi, *The Future of Human Rights*, (Oxford University Press, India 2012).

**Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.*

LL.M. Semester-IV

Semester IV

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	Credits
1	Dissertation	Core	SLM LAW 01 401 C 003015	15 Credits
Specialization: Constitutional Law & Human Rights				
2	Human Rights: Constitution of India	Elective	SLM LAW 01 401 E 4105	5 Credits
3	International Humanitarian Law & Refugee Law	Elective	SLM LAW 01 402 E 4105	5 Credits
4	International Environmental Law & Sustainable Development	Elective	SLM LAW 01 403 E 4105	5 Credits

LL.M. SEMESTER- IV

Course-I: Dissertation

SLM LAW 01 401 C 003015

LL.M. SEMESTER- IV

Course-II: Human Rights: Constitution of India

SLM LAW 01 401 E 4105

Objectives:

Boutros Boutros Ghali (1993) stated, the human rights constitutes a 'common language of humanity'. Though the cases of human rights are wide spread and frequent however we believe the possibility of human rights are greater than the realities of human rights. This Course aims to introduce the students to the ideas and languages of human rights and to consider Indian constitutional mechanism of respect, promotion and enforcement of human rights in India. It will foreground the students to complicated and contradictory aspects of the Indian

constitutional theories and practices of human rights. The Course aims to orient the students to explore tools and approaches for better promotion and enforcement of human rights of all peoples in India.

Syllabus: Human Rights: Constitution of India

The course shall comprise of the following:

Unit I

Philosophy of Human Rights:

- The Philosophical Foundations of Human Rights
- History of Human Rights
- The UN Charter, the Universal Declaration of Human Rights, ICCPR & ICESCR and other human rights treaties
- Nation State, Sovereignty, Citizenship and Human Rights
- Universalism and Cultural Relativism
- Individual Rights and Group Rights
- Globalisation and Human Rights
- Civil & Political Rights and Economic-Social-Cultural rights
- Politics 'for' and 'of' Human Rights

Unit II

Human Rights and the Constitution of India

- Transformation of India from Colonial to a Sovereign Socialist Secular Democratic Republic and existing Contradictions of life in India
- Fundamental Rights (Part III) and Directive Principles of State Policy (Part IV)
- Vertical and Horizontal Application of Human Rights
- Group Rights, Multiculturalism and Constitution of India
- The Role of Judiciary and Human Rights in India
- Enforcement of Human rights and Access to Justice Under the Constitution of India

Unit III

Derogation of Human Rights and the Constitution of India

- the Idea of Security State and Derogation of Human Rights
- Constitutional Provisions of Emergency and Human Rights
- Extra-ordinary laws in India and Human Rights
- Human Rights to Self-determination and Constitution of India

Unit IV

Social Justice and the Constitution of India

- Realisation Equal Citizenship through Affirmative Actions for all marginal sections of Indian population
- Special Welfare Laws for the SC-STs, Women, Children and workers
- Debating Economic Reforms and Structural Adjustment policies and Constitutional Imperatives of Social-Justice

- Welfare State, Liabilities and special privileges of public utilities
- Human Rights to Education and Health in India and the Constitutional Responsibility of the State

Suggested Readings:

1. Upendra Baxi, *The Future of Human Rights* (Oxford University Press, India, 2012).
2. Elbe Riedel, Gilles Glacca, & Christophe Golay, *Economic, Social and Cultural Rights: Contemporary Issues and Challenges* (Oxford University Press, UK, 2014).
3. Micheline Ishay, *The History of Human Rights: From Ancient Times to the Globalization Era* (University of California Press; 2 edition 2008).
4. Tony Evans, *The Politics of Human Rights: A Global Perspective (Human Security in the Global Economy)*, Pluto Press (2005).
5. Michael J. Perry, *Toward a Theory of Human Rights: Religion, Law, Courts* (Cambridge University Press 2006).
6. Claudio Corradetti, *Philosophical Dimensions of Human Rights Some Contemporary Views* (Springer 2011).
7. Ujjwal Kumar Singh, *The State, Democracy and Anti-Terror Laws in India* (Sage Publications India 2007).
8. Paramjit S. Judge, *Mapping Social Exclusion in India: Caste, Religion and Borderlands* (Cambridge University Press 2014).
9. C. Raj Kumar & K. Chockalingam, *Human Rights, Justice and Constitutional Empowerment* (Oxford University Press, India 2010).
10. Kalpana Kannabiran, *Tools of Justice: Non-discrimination and the Indian Constitution* (Routledge India 2015).
11. Christophe Jaffrelot, *Religion, Caste and Politics in India* (C Hurst & Co Publishers Ltd 2010).
12. Mahendra Pal Singh, V. N. Shukla's *Constitution of India* (Revised), (Eastern Book Company, 12th Edition 2016).
13. Austin Granville, *The Indian Constitution: Cornerstone of A Nation: Cornerstone of A Nation* (Oxford University Press, 1999).
14. B. R. Ambedkar (author), Arundhati Roy (Illustrator), *Annihilation of Caste: The Annotated Critical Edition* (Navayana 2015).
15. Seervai H.M., *Constitutional Law of India*, (In 3 Volumes, Reprint) (Universal Law Publishing - An imprint of Lexis Nexis; Fourth edition 2015).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER- IV

Course-III: International Humanitarian Law & Refugee Law

SLM LAW 01 402 E 4105

Objectives:

The United Nation Charter prohibits the threat or use of force by the States except in self-defence however the armed conflicts and war are the realities of our times. International Humanitarian Law (IHL) seeks, for humanitarian reasons, to limit the effects of armed conflict. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare. International humanitarian law is also known as the Law of War or the Law of Armed conflict. War and armed conflicts are the factors which create the problem of refugees.

This Course aims to give students an understanding of the evolution of the IHL, its convergence with other branches of international law, interplay between treaties, customary law and other sources. It introduces basic principles of IHL like-the Principle of Distinction between civilian and military objects, the Principle of Proportionality and the Principle of Military Necessity, and Protection of Hors de Combat etc. It aims to enable the students to find out the way of extending and strengthening the application of IHL to new conflict situations of mix characters like international war against terrorism, extra-territorial use of drone missiles and unmanned air craft, pre-emptive self-defence, non-international armed conflicts (internalised in character), occupation without physical presence of armed forces, self-determination movements within democratic nation States etc.

Further this course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

The course shall comprise of the following:

Unit I

Introduction and History of IHL

- Historic Context, law of Geneva and law of Hague, Definition of IHL
- Convergence With International Law of Human Rights, International Criminal law and Public International Law
- Sources of IHL: Treaties, Custom, General Principle of Humanity (Marten Clause)

Unit II

Application and basic Principles of IHL

- *jus in bello* and *jus contra bellum*
- Definition of Armed Conflicts and Classification of Conflicts: War, International Armed Conflicts (Armed Struggle for Self Determination, and Occupation) and Non-International Armed Conflicts; New Emerging Conflict Situations of mixed character
- the Principle of Distinction between Civilian and Military Objects, the Principle of Proportionality and the Principle of Military Necessity
- The Legal Control of Weapons

Unit III

Protection under IHL and its Enforcement

- Protection of Victim of War- Hors de combat (Wounded, Sick, Shipwrecked), Prisoners of War and Civilians
- Protection for Civilians Under the Occupied Territories
- Protection of Cultural Property and the Environment
- The Command Responsibility
- Role of the International Committee of the Red Cross in Implementation of IHL

Unit IV

Protection of Refugees

- Definition of refugees and displaced persons - their problems, determination of Refugee Status under the Refugee Convention of 1951 and Protocol of 1967
- the principle of Non-refoulement and the Right to Asylum
- Human Rights of the Refugees
- Strategies to combat refugee problem: a. Resettlement in Third Country b. Local Integration & Rehabilitation, Voluntary or Forced Repatriation d. other responses
- Protection of Refugee: under International Law and National Law; the Role of UNHCR
- Protection of Refugee and Indian Experience & policy

Suggested Readings:

1. Norbert Ehrenfreund, *The Nuremberg Legacy How the Nazi War Crimes Trials Changed the Course of History* (Palgrave Macmillan 2007)
2. Thierry Cruvellier, *Court of Remorse Inside the International Criminal Tribunal for Rwanda* (The University of Wisconsin Press 2006)
3. Rachel Kerr, *The International Criminal Tribunal for the Former Yugoslavia An Exercise in Law, Politics, and Diplomacy* (Oxford University Press 2004)
4. Knut Dormann, *Elements of War Crimes under the Rome Statute of the International Criminal Court: Sources and Commentary* (Cambridge University Press 2004 /ICRC)
5. Larry May, *Aggression and Crimes against Peace* (Cambridge University Press 2008)
6. Arnold Krammer, *War Crimes, Genocide, and the Law A Guide to the Issues* (Praeger 2010).

7. Frits Kalshoven, *Reflections on the Law of War Collected Essays* (Martinus Nijhoff Publishers, Leiden & Boston 2007).
8. Anthony Cullen, *The Concept of Non-International Armed Conflict in IHL* (Cambridge University Press 2010).
9. Ian Henderson, *The Contemporary Law of Targeting: Military Objectives, Proportionality and Precautions in Attack under Additional Protocol* (Martinus Nijhoff Publishers 2009).
10. Ustina Dolgopol & Judith Gardan, *The Challenge of Conflict: International Law Responds* (Martinus Nijhoff Publishers 2006).
11. Wolff Heintschel von Heinegg Volker (IHL Facing New Challenges Symposium in Honour of Knut Ipsen) (Springer 2007).
12. Gary D. Solis, *The Law of Armed Conflict IHL in War* (Cambridge University Press 2010).
13. Eric A. Heinze, *Waging Humanitarian War: Ethics, Law and Politics of Humanitarian Intervention* (SUNY Press: State University of New York Press 2009).
14. Frits Kalshoven and Liesbeth Zegveld, *Constraints On The Waging Of War: An Introduction to International Humanitarian Law* (ICRC (2001).
15. Laurie R. Blank & Gregory P. Noone, *International Law and Armed Conflict: Fundamental Principles and Contemporary Challenges in the Law of War* (Wolters Kulwer 2016).
16. Michael N. Schmitt and Jelena Pejic, *International Law and Armed Conflict: Exploring the Faultlines Essays in Honour of Yoram Dinstein* (Martinus Nijhoff Publishers Leiden-Boston 2007).
17. Yusuf Aksar *Implementing International Humanitarian Law From The Ad Hoc Tribunals to a Permanent International Criminal Court* (Routledge Taylor & Francis Group, London & New York 2004).
18. Howard M. Hensel, *The Legitimate Use of Military Force The Just War Tradition and the Customary Law of Armed Conflict* (Ashgate 2008).
19. Ustina Dolgopol & Judith Gardam, *The Challenge of Conflict International Law Responds* (Martinus Nijhoff Publishers Leiden-Boston 2006).
20. Andrew Clapham & Paola Gaeta, *The Oxford Handbook of International Law in Armed Conflict* (Oxford Handbooks, OUP Oxford (2014).

Suggested Readings are not exhaustive. Students are advised to read latest edition of the books.

LL.M. SEMESTER- IV

Course-IV: International Environmental Law & Sustainable Development

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Objectives:

The International Environmental Law (IEL) is a newly emerging branch of International Law. It focuses upon the relations and agreements among nations to secure the healthy state of Environment and guarantee sustainable and equitable use of Natural Resources. It intends to fix the liability for environmental pollutions and degradation of natural resources.

This course will introduce the structure of international environmental law and governance. It aims to acquaint the students with sources, principles, institutions and processes of IEL. This course will develop the students to critically examine the strategies of addressing the problem of environmental degradation by exposing them various principles of environmentalism and environmental justice. It will expose the students to many environmental issues like Climate Change, Hazardous Waste Management, Biodiversity and others.

The course shall comprise of the following:

Unit I

Introduction and Challenges of International Environmental Law (IEL)

- What is IEL? Nature and Scope
- International Environmental Problems, Causes and Legal Responses
- Sources of IEL: Treaties, Custom, General Principles, and Judicial Decisions; Hard Law and Soft Law
- Environmentalism and Environmental Justice
- Human Rights and Environment
- Environmental Politics: North vs South
- Environmental Crimes

Unit II

The Fundamental Principles of IEL

- State Sovereignty
- Right to Development
- Common Heritage (The Global Commons) and Common Concern of Humankind (*Erga Omnes*)
- Inter-generational and Intra-generational Equity
- State Responsibility and Liability

- Obligation Not to Cause Environmental Harm
- Common But Differentiated Responsibilities
- The Polluter Pay Principle
- The Absolute Liability
- ‘Good Neighbourliness’- Duty to Cooperate and Duties to Provide Prior Notification and to Consult in Good Faith
- Sustainable Development
- Right to Development
- Right to Clean, Healthy Environment
- Prevention Principle
- Precautionary Principle
- Duty to Assess Environmental Impact
- Public Participation

Unit III

Sustainable Development: International Environmental Governance

- State of Environmental Law Before the Stockholm (1972)
- Environmental Law and Policy from the Stockholm via Rio to Johannesburg and Beyond
- International Environmental Governance: UNEP and Multilateral Environmental Governance; International Environmental Institutions
- Resolution of Environmental Disputes

Unit IV

Some Issues of IEL

- Global Climate Change and Human Rights: Montreal Protocol, The UNFCCC, The Kyoto Protocol and the Paris Agreement; Cause, Consequences, Strategies and Problems
- Biodiversity and Human Rights: Convention on Biological Diversity and Cartagena Protocol on Biosafety; Biotechnology and Plant Genetic Resources; Trade in Endangered Species; Wetlands
- Hazardous and Radioactive Waste: The Basel Convention
- International Trade and the Environmental Protection
- War and Environment

Suggested Readings

1. Alexander Gillespie, *International Environmental Law, Policy, and Ethics* (Oxford University Press, UK 2014)
2. Cairo A. R. Robb, *International Environmental Law Reports Set: Volume 1-5*, (Cambridge University Press, 2009)

3. Christine Shearer, *Kivalina: A Climate Change Story* (Haymarket Books, 2011)
4. Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press, 2010)
5. David Archer and Stefan Rahmstorf, *The Climate Crisis: An Introductory Guide to Climate Change* (Cambridge University Press, 2009)
6. David E. Newton, *Environmental Justice: A Reference Handbook* (Contemporary World Issues) (ABC-CLIO, 2009)
7. David Hunter, James Salzman & Durwood Zaelk, *International Environmental Law and Policy Treaty Supplement: 2016 (University Casebook Series)*, (Foundation Press, 2016)
8. Elli Louka, *International Environmental Law: Fairness, Effectiveness, and World Order* (Cambridge University Press, 2006)
9. James R. May and Erin Daly, *Environmental Constitutionalism: Two Volume Set* (The International Library of Law and the Environment Series) (Edward Elgar Publishing Ltd., 2016)
10. James Salzman & Barton Thompson Jr, *Environmental Law and Policy (Concepts and Insights)* (Foundation Press 4th Edition, 2013)
11. John Kenneth Galbraith, 'The Affluent Society: Updated with a New Introduction' (Penguin, UK, 1999)
12. Michael Bowman, Peter Davies and Edward Goodwin *Research Handbook on Biodiversity and Law* (Edward Elgar Publishing Ltd., 2016)
13. Navroz K. Dubas, *Handbook of Climate Change and India: Development, Politics and Governance*' (Routledge, 2015)
14. P Leelakrishnan, *Environmental Law in India* (Lexis Nexis, 2016)
15. Pierre-Marie Dupuy and Jorge E. Viñuales, *International Environmental Law* (Cambridge University Press 2015)
16. Ramin Jahanbegloo, *Talking Environment: Vandana Shiva in Conversation with Ramin Jahanbegloo* (Oxford University Press India, 2012)
17. Shawkat Alam, Sumudu Atapattu, Carmen G. Gonzalez and Jona Razzaque (eds.) *International Environmental Law and the Global South* (Cambridge University Press, 2015)
18. Thilo Marauhn and Ulrich Beyerlin, *International Environmental Law* (Hart Publishing, 2011)