

CBCS-Based Course Curriculum

LL.M. Programme

Department of Law

School of Law, Governance, Public Policy and Management

CENTRAL UNIVERSITY OF HARYANA

Mahendragarh, Haryana

Semester I

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	Credits
1	Jurisprudence-I (comparative)	Core	SLM LAW01 101 C 3104	4 Credits
2	Indian Constitutional Law and Emerging Challenges	Core	SLM LAW 01 102 C 3104	4 Credits
3	Legal Education and Research Methodology	Core	SLM LAW 01 103 C 3104	4 Credits
4	Comparative Politics	Elective	SLM LAW 01 101 E 2103	3 Credits
5	Corporate Law	Elective	SLM LAW 01 102 E 2103	3 Credits
6	Industrial & Environmental Jurisprudence	Elective	SLM LAW 01 103 E 2103	3 Credits
7	Interpretation of Statute	Elective	SLM LAW 01 104 E 3104	4 Credits
8	Legal Writing	Elective	SLM LAW 01 105 E 3104	4 Credits
9	As provided by other Departments:-	Elective		

Semester II

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	Credits
1	Jurisprudence-II (comparative)	Core	SLM LAW 01 201 C 3104	4 Credits
2	Constitutional law (comparative)	Core	SLM LAW 01 202 C 3104	4 Credits
3	Law and Social Transformation	Core	SLM LAW 01 203 C 3104	4 Credits
4	Law relating to Cyber Crimes	Elective	SLM LAW 01 201 E 2103	3 Credits
5	Law & Biodiversity	Elective	SLM LAW 01 202 E 2103	3 Credits
6	Law, Science & Technology	Elective	SLM LAW 01 203 E 2103	3 Credits
7	As provided by other Departments:-	Elective		

Semester III

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	Credits
1	Judicial Process	Core	SLM LAW 01 301 C 3104	4 Credits
Specialization: Constitutional Law				
2	Constitutionalism : Power of Judicial Review	Elective	SLM LAW 01 301 E 2103	3 Credits
3	Human Rights: Constitution of India	Elective	SLM LAW 01 302 E 2103	3 Credits
4	Mass Media and Constitutional Democracy	Elective	SLM LAW 01 303 E 2103	3 Credits
Specialization: IPR				
5	Copy Right: National and International Perspective	Elective	SLM LAW 01 304 E 2103	3 Credits
6	Trade Marks, Design and Geographical Indications	Elective	SLM LAW 01 305 E 2103	3 Credits
7	Patents and Protection of Plant Varieties and Farmers' Right	Elective	SLM LAW 01 306 E 2103	3 Credits
Specialization: Family Law				
8	Hindu Law	Elective	SLM LAW 01 307 E 2103	3 Credits
9	Muslim Law	Elective	SLM LAW 01 308 E 2103	3 Credits
10	Succession and Adoption under Family Law	Elective	SLM LAW 01 309 E 2103	3 Credits
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.				
11	As provided by other Departments:-			

Semester IV

Sr. No.	Nomenclature of Course	Core/Elective	Course Code	Credits
1	Dissertation	Core	SLM LAW 01 401 C 001515	15 Credits
Specialization: Human Rights				
2	International Law of Human Rights	Elective	SLM LAW 01 401 E 2103	3 Credits
3	International Humanitarian Law	Elective	SLM LAW 01 402 E 2103	3 Credits
4	Human Rights in India	Elective	SLM LAW 01 403 E 2103	3 Credits
Specialization: ADR (Alternative Dispute Resolution)				
5	Domestic and International Commercial Arbitration.	Elective	SLM LAW 01 404 E 2103	3 Credits
6	Enforcement of Foreign Award and Conciliation in India.	Elective	SLM LAW 01 405 E 2103	3 Credits
7	Mediation, Lok Adalats and Consumer forum	Elective	SLM LAW 01 406 E 2103	3 Credits
Specialization: Criminal Law				
8	Basic Principles of Criminology, Penology and Victimology	Elective	SLMLAW01 407 E 2103	3 Credits
9	Substantive Criminal Law – Specific Crimes	Elective	SLMLAW01 408 E 2103	3 Credits
10	Administration of Criminal Justice (Comparative)	Elective	SLMLAW01 409 E 2103	3 Credits
As provided by other Departments:-				

LL.M. SEMESTER- I

Course- I Jurisprudence- I (Comparative) SLM LAW 01 101 C 3104

UNIT-1

Meaning, nature and scope of Jurisprudence.

The relevance of Jurisprudence

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
- Dworkin's Theory of Law

UNIT-III

Sociological School-

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

UNIT-IV

Historical and Anthropological School

- Karl Von Savigny's Theory of Law, The Volksgeist.
- Henry Maine's Historical Materialism

UNIT-V

Natural Law

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

Difference of jurisprudential study among various schools of Law

Prescribed Readings

1. Anne Barron, *Introduction to Jurisprudence & Legal Theory* (Oxford University Press, 2005).
2. Bodenheimer, *Jurisprudence—The Philosophy and Method of Law* (1996), Universal, Delhi.

3. Costas Douzinas and Adam Gearey, *Critical Jurisprudence: The Political Philosophy of Justice* (Oxford Port Land Oregon-2005).
4. Dias, *Jurisprudence* (5th Edition London-Butterworth).
5. Fitzgerald,(ed.) *Salmond on Jurisprudence* (1999) Tripathi, Bombay.
6. H.L.A. Hart, *The Concepts of Law* (1970) Oxford, ELBS
7. Hans Kelsen, *General Theory of Law and State Translated by Anders Wedberg* (1946)
8. Hans Kelsen, *Pure Theory of Law Translated by Max* (1970) 32
9. John Austin, *The Province of Jurisprudence Determined* W. Rumble (ed.), Cambridge: Cambridge University Press, 1995.
10. *Lloyd's Introduction to Jurisprudence* by M.D.A. Freeman,(7th ed. 2001)
11. Lon L-Fullers, "The Case of Speluncean Explorers," *Harvard Law Review*(1949)
12. M.D.A Freeman (ed.), *Lloyd's Introduction to Jurisprudence*, (2008), Sweet & Maxwell
13. Michael Freeman, *Lloyd's Introduction to Jurisprudence* (8th Edition 2008).
14. Paton G.W., *Jurisprudence* (1972) Oxford, ELBS
15. Richard Delgado, *Critical Race Theory: An Introduction* (2nd Edition, 2010).
16. Richard Posner, *Economic Analysis of Law* (8th Edition, 2011).
17. Roger Cotterrell, *The Politics of Jurisprudence: A Critical Introduction to Legal Philosophy* (2nd Edition, Butterworth, 1994).
18. Roscoe Pond, *Introduction to the Philosophy of Law* (1998 Re-print) Universal, Delhi.
19. Roscoe Pound, "A Survey of Social Interests" *Harvard Law Review*(1943)
20. V.D. Mahajan, *Jurisprudence and Legal Theory* (1996 re-print) , Eastern, Lucknow
21. Varun Gauri, Daniel Brinks (eds.), *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World* (Cambridge University Press, 2008).
22. W. Friedmann, *Legal Theory* (1999) Universal, Delhi.
23. Wayne Morrison, *Jurisprudence: From the Greeks to post-modernism* (Lawman (India) Private Limited, New Delhi, 1997).

Suggested Readings are not exhaustive.

LL.M. SEMESTER- I

Course- II Indian Constitutional Law and Emerging Challenges

SLM LAW 01 102 C 3104

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

President of India

- Election, qualifications, salary and impeachment
- Powers : legislative, executive and discretionary powers

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

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.

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

Prescribed Readings

1. B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.
2. D.D.Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur, 2008).
3. D.D.Basu, Comparative Federalism (Lexis Nexis, 2007).
4. D.D. Basu, Introduction to the Constitution of India (Lexis-Nexis-Butterworth-Wadhwa, 2008).
5. Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004).
6. Erwin Chemerinsky, Constitutional Law, Principles and Policies (3rd ed., Aspen, 2006).
7. G. Austin, History of Democratic Constitution: The Indian Expenditure (2000) Oxford
8. G. Austin, Indian Constitution: Cornerstone of a Nation (1972).
9. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008).
10. H.M.Seervai, Constitution of India, Vol.1-3(latest edition), Tripathi, Bombay.
11. M. Galanter, Competing Equalities - Law and the Backward Classes in India (1984) OUP
12. M.P. Singh, Comparative Constitutional Law (Eastern Book Company, 2011).
13. M.P.Jain, Indian Constitutional Law (6th ed., Wadhwa, Nagpur).
14. M.P.Singh(ed.), V.N.Shukla, Constitutional Law of India (2000)' Oxford.
15. Mark Tushnet, Why the Constitution Matters (Yale University Press, 2010).
16. Methods of Comparative Law (Edward Elgar Publishing, 2012).
17. Neal Devins and Louis Fisher, The Democratic Constitution (Oxford, 2010).
18. Sudhir Krishna Swamy, Democracy and constitutionalism in India – A study of the Basic Structure Doctrine (Oxford University Press, 2009).
19. T K Tope, Constitutional Law of India, Eastern Book Company, 1992.
20. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law (2nd ed. Foundation Press, 2006).

LL.M. SEMESTER- I

Course –III Legal Education & Research Methodology

SLM LAW 01 103 C 3104

Introduction- meaning and importance of research, types of research

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

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.

Legal Materials and law library: Primary and Secondary materials ,statutes and rules, judicial decisions, law reports and digests, parliamentary debates, Parliamentary debates, How to use and find materials from internet and use of lexis

Fact – Finding methods and interviewing Techniques

System for citing documents in legal writing various systems of citation-first footnote references, subsequent footnote, References and other terms used in footnotes, preparation of bibliography, abbreviations.

Prescribed Readings

1. Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (London: Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives* (New Jersey, Prentice Hall Inc., Englewood Cliffs, 1970).
4. Erwin C. Surrency, B. Fielf and J. Crea, *A Guide to Legal Research* (1959)
5. Goode and Hall, *Methods in Social Research* (Singapore: MacGraw Hill Book Co., 1985).
6. H.M. Hyman, *Interviewing in Social Research* (1965)
7. High Brayal, Nigel Dunnean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School*, (1998) Blackstone Press Limited, London
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. M.O. Price, H. Bitner and Bysiewiez, *Effective Legal Research* (1978)
10. Morris L. Cohan, *Legal Research in Nutshell*, (1996), West Publishing Co. Harvard Law Review Association, Uniform System of Citations.
11. N.R. Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company, Lucknow.
12. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi: Prentice Hall of India Pvt. Ltd., 1984).
13. Payne, *The Art of Asking Questions* (1965)
14. S K Verma & M Afzal Wani (eds), *Legal Research and Methodology* (Indian Law Institute, New Delhi, 2nd ed., 2001).
15. S.K. Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.
16. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetrics Study) – Alternatives in Judicial Research* (Delhi: Kaveri Books, 1995).
17. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw-Hill Book Company, London

LL.M. SEMESTER- I

Course- IV Comparative Politics SLM LAW 01 101 E 2103

Theories and Methods-

- The evolution of Comparative Politics
- Approaches in Comparative Politics

Structures and Institution

- Legislatures
- Government and Bureaucracy
- Constitution and Judicial Power
- Election and Referendums
- Local government institutions

Actors and Processes

- Political Parties
- Party Systems
- Interest Groups
- Political Participation

Public Policies and Globalization

- Policy Making
- The impact of Public Policies
- Globalization and the Nation- State

Prescribed Readings

1. Peter H. Merkl : Modern Comparative Politics, The Dryden Press, 1977.
2. T.B. Bottomore : Elites and Society, Basic Books, 1964.
3. Alan Ball : Modern Politics and Government, Macmillan, 1977.
4. Jean Blondel : An Introduction to Comparative Government, Nicolson, London, 1969.
5. G. Almond & G.B. Powell: Comparative Politics : A Developmental Approach, Little Brown, 1966.
6. David Apter & Harry Eckstein (Eds.): Comparative Politics, A Reader, Free Press of Glencoe, 1963.
7. Robert Michels : Political Parties, Collier Books, 1962.
8. David Apter : The Politics of Modernization, University of Chicago Press, 1965.
9. Robert Putnam : Comparative Political Elites, Prentice Hall, 1976.
10. Wright C. Mills : The Power Elite, Oxford, 1956.
11. Lucian Pye : Aspects of Political Development, Princeton University Press, 1966.
12. S. J. Eldersveld : Political Parties, A Behavioural Analysis, Rand McNally, 1964.
13. Maurice Duverger : Political Parties, Wiley, 1962.
14. Jason Fickle & Richard Gable: Political Development and Social Change, Wiley, 1966.

- 15 L. Cohen & J. Shapiro (ed.): *Communist Systems in Comparative Perspective*, Anchor Press, 1974.
- 16 F.G. Castles : *Pressure Groups and Political Culture : A Comparative Study*, Routledge, 1967.
- 17 H. Eckstein : *Pressure Group Politics*, Stanford University Press, 1964.
- 18 R. Rose (Ed.) : *Electoral Behaviour, A Comparative Handbook*, Free Press, 1974.
- 19 J. Blondel : *Comparative Legislatures*, Prentice-Hall, 1973.
- 20 A. Kornberg : *Legislatures in Comparative Perspective*, McKay Co., 1973.

LL.M. SEMESTER- I

Course- V Corporate Law SLM LAW 01 102 E 2103

General Principles of Corporate Governance including balance of power, Director's Duties, insider dealings and insolvency

Mergers and Acquisitions
Competition Act 2002

SEBI Act 1992
Securities, Contracts Regulation Act 1956
Corporate Crimes
Corporate Litigation

Trusts and Partnerships as Mechanism of Economic Activity
Limited Liability Partnership

Prescribed Readings

1. Sanjiv Agarwal and Rohini Agarwal, *Limited Liability Partnership : Law and Practice* (2009).
2. G.C ., Bharuka, *The Indian Partnership Act*(7th ed., 2007)
3. Avtar Singh, *Law of Partnership* (3rd ed., 2001 with supplement 2003)
4. T. Ramappa, *Competition Law in India*, OUP
5. Taxmann publication, *Guide to Competition Act in India*.
6. Shishir Vayttaden, *SEBI Takeover Regulation*, LexisNexis pub.
7. V. A. Avadhani, *SEBI Guidelines and Listing of Companies*, Himalaya.
8. *Corporate Law with refrencer and SEBI Guidelines*, Bharat publication
9. Avtar Singh, *Indian Company Law* (1999), Eastern, Lucknow.
10. L.C.B. Gower, *Principles of Modern Company Law* (1997) Sweet and Maxwell, London
11. Palmer, *Palmer's Company Law* (1987), Stevans, London.

12. R.R. Pennington, Company Law (1990), Butterworths.

LL.M. SEMESTER- I

Course-VI Industrial & Environmental Jurisprudence SLM LAW 01 103 E 2103

Industrial Relations in the post-globalisation era

- Right to trade unions as a part of human right and freedom of association in the present era.
- Role of judiciary in the development of industrial jurisprudence
- Analytical study of the recommendations of Second Commission on Labour 2002
- Relevance of existing labour laws in the changing scenario.

Protection to weaker sections of labour

- Social security to unorganized labour
- Inter-state Migrant Labour
- Contract Labour
- Sexual harassment of working women at work place.

Sustainable Development: its concept and international concern

- Polluter Pays Principle and precautionary principle as salient features of sustainable development.
- Industrial development and sustainable development and role of judiciary in India.
- Constitutional Mandates & sustainable development
- Environment (Protection) Act, 1986

Climate change: the UN framework convention on climate change, the conference of parties

- The Kyoto Conference, Clean Development Mechanism
- Trans boundary Pollution Hazards such as Nuclear fall outs and accidents, acid rain, chemical pollution, greenhouse effect, depletion of ozone layer.
- Noise Pollution with special reference to Noise Pollution (Regulation & Control) Rules, 2000

Prescribed Readings

1. Agarwal.S.L., "Labour Relations Law in India", (1978), Indian Law Institute New Delhi.
2. Indian Law Institute Publication, "Labour Law and Labour Relations," (1968), Tripathi Private Limited, Bombay.
3. Kamik. Y.B., "Indian Trade Union" - A Survey, (1978) Popular Prakashan, Bombay.
4. Mahesh Chandra, "Industrial Jurisprudence" (1976), Tripathi Private Limited, Bombay.
5. Malhotra O.P., "The Law of Industrial Disputes" VoU & II; (1985); Tripathi Private Limited; Bombay.
6. Michael.Y.P., "Industrial Relations in India and Workers Involvement in Management", Himalaya Publishing House, Bombay.

7. Ramanujam.G., "Indian Labour Movement", (1988), Sterling Publishers, New Delhi.
8. Ramaswamy.E.A., "Power and Justice" - The State in Industrial Relations, (1985), Oxford University Press, New Delhi.
9. Richard Hymen, "Industrial Relations" (1975), MacMillan Press Ltd., London.
10. Rustamji.R.F. "Introduction to the Law of Industrial Disputes", Asia Publishing House, Bombay
11. Subramanian.K.N. "Labour Management Relations in India", (1967), Asia Publishing House, Bombay.
12. Industrial Law, Author : P.L. Malik, Publication: Eastern Book Company; 34, Lalbagh, Lucknow
13. Labour and change : essays on globalization, technological change and labour in India. Authors: Mamkoottam, Kuriakose Date: 2003
14. Globalization : its impact on industrial relations in India Authors: Shenoy, P. D., Publication Information: New Delhi ; Elgin, IL : New Dawn Press, 2006.
15. Social Justice and Labour Jurisprudence : Justice V.R. Krishna Iyer's Contributions / Authors: Sharath Babu, I. Shetty, Rashmi, Publication Information: Los Angeles : Sage Publications. 2007
16. Nature of Work: An Introduction to the Debate on the Labour Process, by Paul Thomson, London Macmillan
17. Historical Meaning of Work, by P. Joyce, Cambridge CUP (1987)
18. Meaning of Work: Consideration for the twenty first century, Fredrick C Gamst, New York State University (1995)
19. Manufacturing Consent: Changes in the Labour Process Under Monopoly Capitalism by Burawoy Michel, University of Chicago, (1979)
20. Working Life: Renewing Labour Process Analysis, by Paul Thompson, New York Palgrave Macmillan, (2010)
21. Environmental Law and Policy (University Casebook) by [Richard L. Revesz](#)
Series: University Casebook, Publisher: Foundation Press; 1 edition (April 25, 2008)
22. Handbook of Environmental Decision Making in India: An EIA Model Author(s): O.V. Nandimath, Publisher: Oxford University Press
23. Handbook of Environmental Law in India Hardcover – 12 Mar 2009
Author: P.B. Sahasranaman, Publisher: OUP India (12 March 2009)
24. Environmental Law Case Book, Author(s): P Leelakrishnan
25. Social Auditing of Environmental Laws in India Hardcover – 1 Jan 2003
Author: Nomita Aggarwal Publisher: New Century Publications (1 January 2003)
26. Environment Administration, Law and Judicial Attitude Leather Bound by Paras Diwan (Author), Peeyushi Diwan (Author), Publisher: Deep & Deep Publications; 2nd edition (August 1, 2002)
27. The Oxford Handbook of International Environmental Law, Edited by Daniel Bodansky, Jutta Brunneé, and Ellen Hey, Publication Date: Aug 2008, Publication: Oxford University Press
28. Global Democracy and Sustainable Jurisprudence : Deliberative Environmental Law, Authors: Baber, Walter F.; Bartlett, Robert V. Publication: MIT Press, 2009
29. National Action Plan on Climate Change, Government of India, Prime Minister's Council on Climate Change

Case Law:

Environmental Law

1. Appellants: Bombay Dyeing and Mfg. Co. Ltd. Vs. Respondent: Bombay Environmental Action Group and Ors., AIR2006SC1489, 2006(3)SCALE1, (2006)3SCC434
2. Appellants: Centre for Environment Law, WWF-IVs. Respondent: Union of India (UOI) and Ors., 2013(5)SCALE710, (2013)8SCC234

3. Appellants: K. Guruprasad Rao Vs. Respondent: State of Karnataka and Ors., 2013(8)SCALE629, (2013)8SCC418
4. Karnataka Industrial Areas Development Board Vs. Respondent: Sri. C. Kenchappa and Ors., AIR2006SC2038, 2006(6)SCALE1, (2006)6SCC371, [2006]Supp(2)SCR362
5. Ramgopal Estates Pvt. Ltd., rep. by Managing Director K.S. Hemanth Kumar Vs. Respondent: The State of Tamil Nadu, 2007(2)CTC369, 2007-2-LW122
6. Appellants:S. Jagannath Vs. Respondent: Union of India and others, AIR1997SC811, 1996(9)SCALE167, (1997)2SCC87, [1996]Supp9SCR848
7. Appellants: G. Sundarrajan Vs. Respondent: Union of India (UOI) and Ors., 2013(7)SCALE102, (2013)6SCC620
8. Appellants: State of Gujarat Vs. Respondent: MirzapurMotiKureshiKassabJammat and Ors., AIR2006SC212, 2005(8)SCALE661, (2005)8SCC534

Industrial Jurisprudence

1. All India Anna DravidaMunnetraKazhagam (Appellants) Vs. The Chief Secretary, Govt. of Tamil Nadu and Ors. (Respondent) 2007
2. All India Anna DravidaMunnetraKazhagam (Appellants) Vs. L.K. Tripathi and Ors. (Respondent), AIR2009SC1314, JT2009(5)SC17, (2009)5MLJ782(SC), 2009(4)SCALE547, (2009)5SCC417
3. Appellants:All India Bank Employees' Association Vs. Respondent:National Industrial Tribunal and Ors. AIR1962SC171, [1962]32CompCas414(SC), [1961(3)FLR307], (1961)IILLJ385SC, [1962]3SCR269
4. Appellants:B.R. Singh and others etc. etc. Vs. Respondent:Union of India and others, AIR1990SC1, JT1989(4)SC21, (1989)IILLJ591SC, 1989(2)SCALE697, (1989)4SCC710, [1989]Supp1SCR257, 1990(1)SLJ120(SC)
5. Appellants: Bharat Kumar K. Palicha and Anr. Vs. Respondent: State of Kerala and Ors., AIR1997Ker291, ILR1997(3)Kerala445, 1997(2)KLJ1
6. Appellants: T.K. Rangarajan Vs. Respondent: Govt. of Tamil Nadu and Ors., (2003)6SCALE 84 MANU/UC/0174/2003
7. PETITIONER: ROHTAS INDUSTRIES LTD. & ANR. Vs. RESPONDENT: ROHTAS INDUSTRIES STAFF UNION AND ORS., 1976 AIR 425 1976 SCR (3) 121976 SCC (2) 82
8. AVTEC Limited Power Products Division rep. by its Authorised Signatory and Deputy General Manager (HR) Vs. Respondent: The Superintendent of Police and Ors., : [2008(119)FLR562], (2008)4MLJ50 2009 LLR 62 (Madras H.C.)
9. Appellants: Roadways Mazdoor Sabha, Uttar Pradesh and Anr. Vs. Respondent: State of U.P. and Ors. (2011)IILLJ749All

Documents

1. Vienna Convention for the Protection of the Ozone Layer, Vienna, 1985
2. THE 1987 MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER
[http://ozone.unep.org/Ratification_status/montreal_protocol.shtml]
3. 1992 UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE
[http://treaties.un.org/doc/Treaties/1994/03/19940321%2004-6%20AM/Ch_XXVII_07p.pdf]
4. 1997 KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE [http://treaties.un.org/doc/Treaties/1998/09/19980921%2004-41%20PM/Ch_XXVII_07_ap.pdf]

5. AARHUS CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS, Aarhus, 1998
6. CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL, BASEL, 1989.
7. Cartagena Protocol on Biosafety
8. Convention on Biological Diversity (CBD), Nairobi, 1992.
9. the Report of National Commission on Labour
10. ILO Convention C087 - Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

Other readings

1. Report of the Second National Commission on Labour 2002
2. Mahatama Gandhi National Rural Employment Guarantee Act, 2005
3. Unorganized Workers Social Security Act, 2008
4. The Contract Labour (Regulation and Abolition) Act, 1970
5. Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
6. Environment (Protection) Act, 1986

Semester-I

Course- VII Interpretation of Statutes SLM LAW 01 104 E 3104

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.

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
- Ejusdem generis
- Reddendo singulari singularis

Maxims of Statutory Interpretation

- Delegatus non potest delegare
- Expressio unius exclusio alterius
- Generalia specialibus non derogant
- In pari delicto potior est conditio possidentis
- Ut res valet potior quam pareat
- Expressum facit cessare tacitum
- In bonam partem,
- In pari materia
- Lex non cogit ad impossibilia
- Saepopulis supremum lex esto etc.

Interpretation with reference to the subject matter and purpose

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

Prescribed Readings

1. G.P.Singh, Principles of Statutory Interpretation, (7th Edition) 1999, Wadhwa, Nagpur.
2. P. St. Langan (Ed.). Maxwell on The Interpretation of Statutes (1976) N.M.Tripathi, Bombay
3. K.Shanmukham, N.S.Bindras's Interpretation of Statutes, (1997) The Law Book Co. Allahabad.
4. V.Sarathi, Interpretation of Statutes, (1984) Eastern, Lucknow
5. M.P.Jain, Constitutional Law of India, (1994) Wadhwa & Co.
6. M.P.Singh, (Ed.) V.N.Shukla's Constitution of India, (1994) Eastern, Lucknow.
7. U.Baxi, Introduction to Justice K.K.Mathew's, Democracy Equality and Freedom (1978) Eastern, Lucknow

LL.M. SEMESTER- I

Course-VIII Legal Writing SLM LAW 01 105 E 3104

The course shall comprise of the following :

Writing of Case Comment

- (a) Understanding physical structure of a case reported in a Legal journals such as A.I.R., S.C.C., J.T. etc.
- (b) General introduction of doctrine of precedent
 - (i) Precedent as source of Law (Ratio Decidendi and Obiterdictum).
 - (ii) Circumstances which destroy or weaken the binding force of precedent
 - (iii) Circumstances which increases the authority of a precedent.

System for Citing Documents in Written Work

- (a) Various systems of citation
- (b) First Footnote References (Books, Journal, Electronic sources etc.)
- (c) Subsequent Footnote References and other Terms used in the Footnotes.

Following Terms shall be explained:

Ibidem/Idem, Supra, Infra, Et.seq., Op.cit., Loc. cit., Cf., et.al., See, Per Curium, Per Incurium, See also, See generally, But see, contra, In re etc.

- (d) Preparation of Bibliography
- (e) Abbreviations
 - (i) Common abbreviations used in footnotes and general legal writings
 - (ii) Abbreviation used for Indian and foreign legal periodicals

Essay Writing on Topics of Legal Interest in English

Letter Writing in English

CONVEYANCING

Will, General Power of Attorney, Special Power of Attorney to Execute a Sale Deed, Sale Deed, Relinquishment Deed, Partnership Deed, Deed of Dissolution of Partnership, Hire-Purchase Agreement, Deed of Family Settlement between Rival Claimants of an Estate, Lease Deed, Mortgage Deed, Notice of Ejectment to the tenant under section 106 of the Transfer of Property Act, 1882, Notice under Section 80 of the Code of Civil Procedure, 1908

Note: each student is required to write a research paper of good quality on contemporary issues.

Prescribed Readings

1. Legal Language and Legal Writing, Dr. S.R. Myneni, Asia Law House, 1 Ed Rp 2011
2. Legal Language, Prof. K. Mony, K. Usha, 2nd Ed 2010
3. Legal Language, Legal Writing and General English, B.M. Gandhi, 1ST EdRp 2010.
4. Textbook on Legal Language and Legal Writing, Prof. Dr. K.L. Bhatia, Universal Law Publishing Co Pvt Ltd., 2nd Ed 2013
5. Garner, Bryan, A Dictionary of Modern Legal Usage, New York: OUP, 1987
6. Gibbons, John, (ed.) Language and the Law, Longman, 1996 London.
7. Gibbons, John, (ed.) "Language and the Law", Annual Review of Applied Linguistics (1999) 19,156-173.
8. Kelkar, Ashok R. "Communication and Style in Legal Language", Indian Bar Review Vol.10(3):1993
9. Lord Denning, "Command of Language", The Discipline of the Law, New Delhi: Aditya Books, 1993.
10. Lord Denning, "Plain English", The Closing Chapter, New Delhi: Aditya Books, 1993.
11. Melinkoff, David, The Language of the Law, Boston: Little Brown & Co., 1963.
12. Molynenux, Hael. Legal Problems, Macmillan, London Law 79
13. Herbert Brown, A Selection of Legal Maxims (Reprint 1998) Sweet and Maxwell.
14. M.C. Setalvad, My Life, Law Other things, (2000), Universal, Delhi.
15. Olivercrona, K. "Legal Language and Reality" in M.D.A. Freeman, Introduction to Jurisprudence.
16. Riley, Alison, English for Law, London: Macmillan, 1991.
17. Williams, Glanville, "Language and the Law" in Freeman, pp.1350-53.
18. Thomson, A.J. & A.V. Martinet, A Practical English Grammar, Oxford: OUP
19. Turton, N.D.7 J.B. Heaton, Longman Dictionary of Common Errors
20. Williams, Glanville, Language and the Law, in Freeman. Pp.1350-53.
21. Williams, Glanville, Learning The Law, (2000), Universal, New Delhi.
22. Blacks' Law Dictionary, (2000), Universal, New Delhi.
23. Broom's Legal Magazines (2000), Universal, New Delhi.
24. James and Stebbings, A Dictionary of Legal Quotations (1997) Universal, New Delhi.
25. Latin for Lawyers, (1997), Sweet and Maxwell, Universal, New Delhi.
26. Trayner's Latin Magazines, (1997) University, New Delhi.

LL.M. SEMESTER- II

Course – I Jurisprudence-II (Comparative)

SLM LAW 01 201 C 3104

Law, The State and Sovereignty, Administration of justice and theories of Punishment

Legal Concepts-

- i. Rights and Duties

- ii. Legal Person
- iii. Ownership and Possession
- iv. Liability: Civil, Tortious and Penal including Vicarious Liability and Absolute Liability

New Development, Socio-Economic Philosophy

- Law and Social Change
- The Constitution and Socio-economic philosophy
- Legal Aid
- Social action litigation or Public interest litigation
- Welfare legislation and its interpretation

Comparative Jurisprudential Approach and Legal Theories of various schools.

Feminist Jurisprudence

Approaches to Human Rights: Universalism and Cultural Relativism

Basic Needs and Legal Response

Prescribed Readings

1. Bodenheimer Jurisprudence—The Philosophy and Method of Law (1996), Universal, Delhi.
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay
3. W. Friedmann, Legal Theory (1999) Universal, Delhi.
4. V.D. Mahajan, Jurisprudence and Legal Theory (1996 re-print), Eastern, Lucknow
5. M.D.A Freeman (ed.), Lloyd's Introduction to Jurisprudence, (1994), Sweet & Maxwell
6. Paton G.W., Jurisprudence (1972) Oxford, ELBS
7. H.L.A. Hart, The Concepts of Law (1970) Oxford, ELBS
8. Roscoe Pound, Introduction to the Philosophy of Law (1998 Re-print) Universal, Delhi.
9. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
10. Dhyani S.N., Jurisprudence: A study of Indian Legal Theory (1985), Metropolitan, New Delhi.
11. John Austin, The Province of Jurisprudence Determined by H.L.A. Hart, (1954)
12. Hans Kelsen, Pure Theory of Law Translated by Max (1970) 32
13. Hans Kelsen, General Theory of Law and State Translated by Anders Wedberg (1946)
14. Lloyd's Introduction to Jurisprudence by M.D.A. Freeman, (7th ed. 2001)
15. Roscoe Pound, "A Survey of Social Interests" Harvard Law Review (1943)
16. Lon L-Fullers, "The Case of Speluncean Explorers," Harvard Law Review (1949)

LL.M. SEMESTER- II

Course–II Constitutional Law (Comparative)

SLM LAW 01 202 C 3104

Parliamentary Privileges

Freedom of speech as Parliamentary Privileges and as Fundamental Right.

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

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

Role of Election Commission

Emergency provisions

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

Special Provisions Relating to Jammu and Kashmir

Prescribed Readings

21. Constituent Assembly Debates Vol. 1 to 12 (1989)
22. B. Sivaramayya, *Inequalities and the Law* (1984) Eastern, Lucknow.
23. D.D.Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur, 2008).
24. D.D.Basu, *Comparative Federalism* (Lexis Nexis, 2007).
25. D.D. Basu, *Introduction to the Constitution of India* (Lexis-Nexis-Butterworth-Wadhwa, 2008).
26. Dr. Subhash C Kashyap, *Framing of Indian Constitution* (Universal Law, 2004).
27. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006).
28. G. Austin, *History of Democratic Constitution: The Indian Expenditure* (2000) Oxford

29. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (OUP, 2008).
 30. H.M.Seervai, *Constitution of India*, Vol.1-3(latest edition), Tripathi, Bombay.
 31. M. Galanter, *Competing Equalities - Law and the Backward Classes in India* (1984) OUP
 32. M.P.Singh(ed.), V.N.Shukla, *Constitutional Law of India* (2000)' Oxford.
 33. M.P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 2011).
 34. M.P.Jain, *Indian Constitutional Law* (6th ed., Wadhwa, Nagpur).
 35. Mark Tushnet, *Why the Constitution Matters* (Yale University Press, 2010).
 36. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford, 2010).
 37. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A study of the Basic Structure Doctrine* (Oxford University Press, 2009).
 38. Vicki C. Jackson, Mark V. Tushnet, *Comparative Constitutional Law* (2nd ed. Foundation Press, 2006).
 39. Justice Sujata V. Manohar, *T.K. Tope's Constitutional Law of India*, Eastern Book Company, 3rd Edition, 2010
- * Suggested Readings are not exhaustive.

LL.M. SEMESTER- II

Course –III Law & Social Transformation

SLM LAW 01 203 C 3104

Law and Social Transformation:

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

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)

Women and the Law

- Crimes against woman
- Gender injustice and its various forms
- Woman's Commission
- Empowerment of woman: Constitutional and other legal provisions

Children and the Law:

- Child labor
- Sexual exploitation
- Adoption and related problems
- Children and education

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, VinobaBhave; concept of gramanyayalayas.

Prescribed Readings

1. Law and social transformation in India, IshwaraBhat, P., 1st ed., Eastern Book Co., 2009.
2. Law and Social Transformation in India, Oliver Mendelsohn, (2015), oxford university press
3. Law and Social Transformation in India, Krishna Pal Malik and Dr Kaushik C Raval, 2012, third edn.
4. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
5. Robert Lingat, The Classical Law of India (1998), Oxford
6. U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
7. U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
8. Manushi, A Journal About Women and Society.
9. Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
10. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
11. D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
12. Sunil Deshta and KiranDeshta, Law and Menace of Child Labour (2000) ArmolPublications, Delhi.
13. SavitriGunasekhare, Children, Law and Justice (1997), Sage
14. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
15. J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
16. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
17. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

LL.M. SEMESTER- II

Course –IV Law relating to Cyber Crimes

SLM LAW 01 201 E 2103

- A. History & Evolution of Cyber Crime
- B. Classification of Cyber Crime.
- C. Different Kinds of Cyber Crime:-
 - a. Hacking
 - b. Virus Trojans and Worms
 - c. Cyber Stalking
 - d. Cyber Terrorism

- e. Cyber Crime related to finance
- f. Phishing
- g. Denial of Service Attack
- h. E-mail Bombing
- i. E-mail spoofing
- j. Data Diddling
- k. Salami Attacks
- l. Web jacking
- D. International Cooperation in Fighting Cyber Crime
- E. Legal Position around the Globe
 - a. Position in U.K
 - b. Position in US
 - c. Position in India
- F. Impacts of Cyber Crime
- G. Prevention of Cyber Crime
- IT Act and Cyber protection

Prescribed Readings

1. Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997).
2. Suresh T. Viswanathan, The Indian Cyber Law, (2000).
3. The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
4. D.P.Mittal, Law of Information Technology (Cyber Law), (2000).
5. Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
6. Rodney D Ryder, Introduction to Internet Law and Policy (2007)
7. Ashok Shrivastava, Indian Laws on Internet (2005)
8. Franklin D Kramer, Cyber Power and National Security (2009)

LL.M. SEMESTER- II

Course- V Law & Biodiversity

SLM LAW 01 202 E 2103

Bio-diversity:-

Meaning, need for protection of bio-diversity, Dependence of human life on the existence in flora and fauna Significance of wild life Medicinal plants Plant and micro-organism.

Bio-diversity and Legal Regulation

Utilization of flora and fauna for bio-medical purposes Experimentation on animals: Legal and ethical issues, Genetic mutation of seeds and micro-organisms, Genetic engineering Legal mechanisms of control Recognition of regional and local agencies

Development Projects and Destruction of Bio-diversity: Concept of Sustainable Development
Problems in Legal Regulation of Medicinal Plants. Cosmetic plants Animal products

Utilization of flora and fauna for bio-medical purposes by Multi-national corporations:
Problems of control Regulation of trade in wild-life products

Legal framework for Development and Protection of Sanctuaries Parks Zoos Biosphere
resources Protection of genetic resources for agriculture

Legal services of the poor

Concept of legal aid Growth of legal aid movement in Indi. Krishna Iyer report Bhagwati report.

Prescribed Readings

1. Arjun Prasad Nagore, *Bibliological Diversity and International Environmental Law* (1996) A.P.H. Publishing Corporation, New Delhi.
2. Project Large, *Plant Variety Protection and Plant Biotechnology - Options for India* (1999), Allied.
3. M.S. Swaminathan, *Genetic Conservation: Microbes to Man*, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983
4. *Wild Genetic Resources*, Earthscan Press Briefing Document No.33, Earthscan, London (1982).
5. K.L.Mehta and R.L. Arora, *Plant Genetic Resources of India; their Diversity and Conservation*(1982), National Bureau of Plant Genetic Resources, New Delhi.
6. P.N. Bhat et.al., *Animal Genetic Resources in India* (1981)
7. P.N. Bhat, "Conservation of Animal Genetic Resources in India," *Animal Genetic Resources, Conservation and Management* FAO, Rome, (1981).

LL.M. SEMESTER- II

Course- VI Law, Science & Technology

SLM LAW 01 203 E 2103

Introductory : Conceptions of "Science" Science as natural philosophy and modern science. Scientific thought in ancient and medieval India. Modern Science: This scientific revolution (Copernicus, Galileo, Descartes, Newton, Lavoisier, Darwin, Einstein).The role of legal order in institutionalisation of conceptions of sciences and repression of "Alternate" Sciences.

Introductory: Technology, Notions of technology. Legal order and technological innovation general considerations the emergence of western technology (1500-1750) The renaissance. The steam engine.Metallurgy and mining.New commodities.Agriculture.Transport and communications.The industrial revolution.Powertechnology.Development of industries (Metallurgy), Colonization, Science and Technology.

Industrial revolution and colonization. Creation of the political economy of backwardness through colonizing powers and processes..Displacement of indigenous science and technology during colonization. Technology in the Twentieth Century.

The second industrial revolution: Computers. The Nuclear technology for peace and war. Space technology.Role of national & international orders relative to these.

The Emergence of Technological Society and State.Technology and practice of politics. Law as social technology. Notions of technological society.. "Scientism" and notions of scientific temper.

Prescribed Readings

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

LL.M. SEMESTER- III

Course-I Judicial Process

SLM LAW 01 301 C 3104

Nature of judicial process

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

Special Dimensions of Judicial Process in Constitutional Adjudications.

- Notions of judicial review
- ' Role' in constitutional adjudication - various theories of judicial role.
- Tools and techniques in policy-making and creativity in constitutional adjudication.
- Varieties of judicial and juristic activism
- Problems of accountability and judicial law-making.

Judicial Process in India

- Indian debate on the role of judges and on the notion of judicial review.
- The "independence" of judiciary and the "political" nature of judicial process

- Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- Institutional liability of courts and judicial activism - scope and limits.

The Concepts of Justice

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

Relation between Law and Justice

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

Prescribed Readings

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

Area of Specialization offered in IIIrd Semester

Branch A Constitutional Law

- Constitutionalism : Power of Judicial Review
- Human Rights: Constitution of India
- Mass Media and Constitutional Democracy

Or

Branch- B Intellectual Property

- Copy Right: National and International Perspective
- Trade Marks, Design and Geographical Indications
- Patents and Protection of Plant Varieties and Farmers' Right

Or

Branch-C Family Law

- Hindu Law
- Muslim Law
- Succession and Adoption under Family Law

LL.M. SEMESTER- III

Course II. Constitutionalism: Power of Judicial Review SLM LAW 01 301 E 2103

Constitutionalism

Limited Government - concept - Limitations on government power.

What is a Constitution?

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

Separation of powers: Montesquieu

Rule of Law: Concept and new horizons

Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights

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

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

Prescribed Readings

1. Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
3. Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" J.I.L.I. 299 (1986)
4. M.A. Fazal "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
5. M.P. Jain Indian Constitutional Law (1994), Wadhwa.
6. Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985).
7. Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development"
8. S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay.
10. Larry D. Kramer, *The People Themselves: Popular Constitutionalism and Judicial Review*, OUP, 2005.

11. Sudhir Krishnaswam, *Democracy and Constitutionalism in India: A Study of the Basic Structure Doctrine*, Oxford India, 2009.
 12. 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.
- Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

LL.M. SEMESTER- III

Course- III Human Rights: Constitution of India SLM LAW 01 302 E 2103

Human Rights

- Universal Declaration of Human Rights.
- Framing of Fundamental Rights in the Constituent Assembly.

Fundamental Rights under the Constitution

- General
- Enforcement of Fundamental Rights
- Fundamental Rights Jurisprudence as Incorporating Directive Principles

Right to Equality

- Formal equality
- Material equality
- Reservation and Equality- Socio- Economic Equality

Citizenship and Political Freedom

- Citizenship
- Political freedom under Article 19
- Restrictions on Freedom

Right to Life and Personal liberty

- Right to Life- Meaning
- Human Dignity- Right not be Subject to Torture, Inhuman or Cruel Treatment
- Conceptions of torture, third-degree methods
- Personal Liberty- meaning and scope

Due Process

- Procedural due process
- Substantive due process

International Perspective

- UN Convention
- European Convention of Human Rights
- Amnesty International
- Human Rights Commission
- Remedies Against Violation of Human Rights

Prescribed Readings

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

LL.M. SEMESTER- III

Course-IV Mass Media and Constitutional Democracy SLM LAW 01 303 E 2103

Mass media - Types of – Press, Films, Radio, Television

Ownership patterns - Press - Private – Public

Difference between visual and non- Visual Media- impact on People's minds.

Press - Freedom of Speech and Expression - Article 19 (1) (a)

- Includes Freedom of the Press.
- Laws of defamation, obscenity, blasphemy and sedition.
- Advertisement - is it included within freedom of speech and expression?

Films - How far included in freedom in of speech and expression?

- Censorship of films - constitutionality
- The Abbas Case.
- Difference between films and Press - why pre-censorship valid for films but not for the press?

Radio and Television - Government monopoly.

- Effect of television on people.
- Report of the Chanda Committee.
- Government policy.

- Commercial advertisement.
 - Judicial Review of Doordarshan decisions: Freedom to telecast.
- Constitutional Restrictions
- Radio and television subject to law of defamation and obscenity.
 - Power to legislate - Article 246 read with the Seventh Schedule.
 - Power to impose tax - licensing and licence fee.

Prescribed Readings

1. Law of Press, Author: Durga Das Basu, Publication: Lexis Nexis, Fifth edition 2012
2. Facets of Media Law, Author: Madhavi Goradia Divan, Publisher: Eastern Book Co
3. COURTING THE MEDIA: CONTEMPORARY PERSPECTIVES ON MEDIA AND LAW, Author/Editor: Geoffray Skyes, Publishers: Nova Science Publishers, Inc. New York
4. Freedom of Expression and the Media, Edited by Merris Amos, Jackie Harrison and Lorna Woods, Published under the auspices of the Clemens Nathan Research Centre, Nijhoff Law Specials VOLUME 79
5. HUMAN RIGHTS AND MEDIA EDITED BY DIANA PAPADEMAS STUDIES IN COMMUNICATIONS VOLUME 6 State University of New York at Old Westbury, USA
6. Media, Markets, and Democracy by C. Edwin Baker University of Pennsylvania, Cambridge University Press
7. Necessary Illusions Thought Control in Democratic Societies, By Noam Chomsky, Pluto Press, London
8. The Right to Privacy in the Light of Media Convergence Perspectives from Three Continents Edited by Dieter Dörr and Russell L. Weaver
9. जनमाध्यमों का माया लोक: लोकतांत्रिक समाजों में विचारों पर नियंत्रण / नौम चॉम्स्की, अनुवादक चंद्रभूषण. Janmadhyamonkamayalok / loktantrikasamajonmein vicharon par niyantran / Noam chomsky, translated by Chandrabhushan. Authors: चॉम्स्की, नौम Chomsky, Noam, Publication Information: दिल्ली : ग्रथशिल्पी, 2006
10. Booklet on SEDITION LAWS & THE DEATH OF FREE SPEECH IN INDIA, by Centre for the Study of Social Exclusion and Inclusive Policy, National Law School of India University, Bangalore & Alternative Law Forum, Bangalore February 2011
11. Areopagitica: A Speech For The Liberty Of Unlicensed Printing To The Parliament Of England by John Milton
12. Media law & human rights, Authors: Andrew Nicol, Gavin Millar, Andrew Sharland, Oxford ; New York : Oxford University Press, 2009. Edition: 2nd ed. Publication Date: 2009
13. Media freedom and contempt of court by Barendt Eri
14. Law of mass communication : Freedom and control of print and broadcast media by Dwight L Bill
- 15.

Reports/Documetns

1. TRAI Recommendation on Issues 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

Cases:

1. Appellants: RamlilaMaidan IncidentVs.Respondent: Home Secretary, Union of India (UOI) and Ors., 2012(3)ALT(Cri)91, 2012CriLJ3516, 2012(1)Crimes241(SC), 2012(2)J.L.J.R.91, (2012)2MLJ32(SC), 2012(2)PLJR217, 2012(2)SCALE682, (2012)5SCC1, MANU/SC/0131/2012, Decided On: 23.02.2012
2. Life Insurance Corporation of India and Union of India and another (Appellants)Vs.Prof.Manubhai D. Shah and Cinemart Foundation(Respondent), AIR1993SC171, 1992(2)SCALE60, (1992)3SCC637
3. Appellants:Secretary, Ministry of Information and Broadcasting, Govt. of India and others Vs.Respondent: Cricket Association of Bengal and others, AIR1995SC1236, JT1995(2)SC110, 1995(1)SCALE539, (1995)2SCC161, [1995]1SCR1036
4. PETITIONER: BRIJ BHUSHAN AND ANOTHERVs.RESPONDENT: THE STATE OF DELHI., AIR1950SC129, 1950CriLJ1525, 1951()KLT1(SC), 1942-55-LW934, 1950-63-LW934, (1950)2MLJ431, [1950]1SCR605
5. Appellants: Express Newspapers Pvt. Ltd. and Ors.Vs.Respondent: Union of India (UOI) and Ors., AIR1986SC872, 1985(2)SCALE973, (1986)1SCC133, [1985]Supp3SCR382
6. Appellants: K.A. AbbasVs.Respondent:The Union of India (UOI) and Anr., AIR1971SC481, (1970)2SCC780, [1971]2SCR446
7. Appellants: RomeshThapparVs.Respondent: The State of Madras, AIR1950SC124, 1950CriLJ1514, 1942-55-LW929, 1950-63-LW929, (1950)2MLJ390, [1950]1SCR594, MANU/SC/0006/1950
8. Appellants:The Superintendent, Central Prison, FatehgarhVs.Respondent: Dr. Ram ManoharLohia, AIR1960SC633, (1960) 30 AWR 247, 1960CriLJ1002, [1960]2SCR821, MANU/SC/0058/1960
9. Appellants:**VirendraVs.Respondent:The State of Punjab and Anr.**, AIR1957SC896, [1958]1SCR308, MANU/SC/0023/1957
10. Appellants:Bennett Coleman & Co. and Ors. Vs. Respondent:Union of India (UOI) and Ors., AIR1973SC106, (1972)2SCC788, [1973]2SCR757
11. Appellants:Sakal Papers (P) Ltd. and Ors.Vs.Respondent:The Union of India (UOI), AIR1962SC305, [1962]3SCR842, MANU/SC/0090/1961
12. Appellants:Express Newspapers (Private) Ltd. and Anr.Vs.Respondent:The Union of India (UOI) and Ors., AIR1958SC578, (1961)ILLJ339SC, (1964)ILLJ9SC, [1959]1SCR12
13. Appellants: Union of India &Ors. Vs.Respondent: The Motion Picture Association &Ors. etc., AIR1999SC2334, JT1999(4)SC520, 1999(4)SCALE93, (1999)6SCC150, [1999]3SCR875, 1999(2)UJ1302, MANU/SC/0404/1999
14. Appellants:HamdardDawakhana and Anr., Kalipada Deb and Anr., LakshmanShripatiItpure @ LakshmanShripatiImpore and A.B. Choudhri and Anr.Vs.Respondent:The Union of India (UOI) and Ors., AIR1960SC554, 1960(2)AnWR1, 1960CriLJ671, (1960)IIMLJ1(SC), [1960]2SCR671
15. Appellants: Tata Press Ltd.Vs.Respondent: Mahanagar Telephone Nigam Limited and Ors., AIR1995SC2438, JT1995(5)SC647, 1996(1)MhLJ322(SC), 1995(4)SCALE595, (1995)5SCC139, [1995]Supp2SCR467, 1996(1)UJ125, MANU/SC/0745/1995

16. , Appellants:S. RangarajanVs.Respondent:P. Jagjevan Ram and Ors.JT1989(2)SC70, 1989-2-LW162, 1989(1)SCALE812, (1989)2SCC574, [1989]2SCR204, MANU/SC/0475/1989
17. Appellants: **Reliance Petrochemicals Ltd.Vs.Respondent: Proprietors of Indian Express Newspapers, Bombay Pvt. Ltd. and Ors.**, AIR1989SC190,(1988)4SCC592,
18. Appellants: Perspective Publications (P) Ltd. and Anr.Vs.Respondent: State of Maharashtra, AIR1970SC221, AIR1971SC221,
19. Appellants:Dr. Jatish Chandra GhoshVs.Respondent:HariSadhan Mukherjee and Ors., AIR1961SC613, [1961]3SCR486
20. Appellants: SewakramSobhaniVs.Respondent: R.K. Karanjia Chief Editor, Weekly Blitz and Ors., AIR1981SC1514
21. Appellants: Sahara India Real Estate Corporation Ltd. and Ors.Vs.Respondent: Securities and Exchange Board of India and Anr., AIR 2012 SC 3829, (2012)10 SCC 603
22. Appellants: Ajay GoswamiVs.Respondent: Union of India (UOI) and Ors., AIR2007SC493, 2006(14)SCALE317, (2007)1SCC143
23. Appellants:Ranjit D. UdeshiVs.Respondent:State of Maharashtra, AIR1965SC881
24. R. Rajagopal alias R.R. Gopal and Another (Appellants)Vs.State of Tamil Nadu and Others (Respondent), 1994(4)SCALE494, (1994) 6 SCC632, [1994] Supp4SCR353
25. Appellants: Smt. PrabhaDuttVs.Respondent: Union of India (UOI) and Ors., AIR1982SC6
26. Appellants:M.S.M. SharmaVs.Respondent:Sri Krishna Sinha and Ors., AIR1959SC395
27. SHREYA SINGHAL V.UNION OF INDIA, on 24 March, 2015Bench: J. Chelameswar, RohintonFaliNariman

Other readings:

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol. I (1991) Tripathi, Bombay.
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controlsin New Development Strategies (International Center for law in Development 1980).
4. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speechand Expression ". 14 J.I.L.I. 501 (1 972).
5. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the SecondPress Commission" 26 J.I.L.I.391 (1984).
7. Soli Sorabjee, Law of Press Censorship in India (1976).
8. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
9. D D. Basu, The Law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

Branch- B Intellectual Property

- Copy Right: National and International Perspective
- Trade Marks, Design and Geographical Indications
- Patents and Protection of Plant Varieties and Farmers' Rights

LL.M. SEMESTER- III

Course-V: Copy Right: National and International Perspective SLM LAW 01 304 E 2103

Aims, Objectives and Range of Copy Right

Works in which Copy Right Subsists

Infringement of Copy Right

Property Rights and Exploitation

Copy Right: particular cases

Statutory Laws in India

International Conventions.

Prescribed Readings

1. Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.
2. Terenee P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the EndGame (Part - 1)(1999), Kluwer
3. Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
4. David Bainbridge, Software Copyright Law (1999), Butterworth
5. Sookman, Computer Law (1998), Carswell
6. Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
7. Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
8. Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
9. W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

LL.M. SEMESTER- III

Course-VI: Trade Marks, Design and Geographical Indications SLM LAW 01 305 E 2103

Underlying Themes

Historical Development

The purpose of protection

Common Law Liability

Registration, its procedure, its implications

Statutory Laws in India

International Conventions

Prescribed Readings

1. Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.
2. VikasVashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
4. BibeckDebroy (ed.) Intellectual Property Rights (1998) Rajiv Gandhi Foundation, Delhi.
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971).
6. W.R. Cornish, Intellectual Property(3rd ed.) (1996) Sweet and Maxwell
7. W.R. Mann, Transfer of Technology (1982)
8. Mata Din, Law of Passing off and Infringement Action of Trade Marks (1986).
9. P.S. Sangal and Kishore Singh, Indian Patent System and Paris Convention: Legal Perspectives(1987).
10. K. Thairani, Copyright : The Indian Experience (1987)
11. W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet & Maxwell

LL.M. SEMESTER- III

Course-VII: Patents and Protection of Plant Varieties and Farmers' Rights

SLM LAW 01 306 E 2103

Growth and Purpose

Grant and Content

Validity

Scope of Monopoly

Property Rights and Exploitation

Statutory Laws in India

International Conventions

Prescribed Readings

1. Cormish W.R., Intellectual Property, Patents, Trade Marks, Copy Rights and Allied Rights (1999), Asia Law House, Hyderabad.
2. VikasVashishth, Law and Practice of Intellectual Property (1999), Bharat Law House, Delhi.
3. P. Narayanan, Intellectual Property Law (1999), (ed) Eastern Law House, Calcutta.
4. BibeckDebroy (ed.) Intellectual Property Rights (1998) Rajiv Gandhi Foundation, Delhi.
5. U.I.F. Anderfelt, International Patent Legislation and Developing Countries (1971).
6. W.R. Cornish, Intellectual Property(3rd ed.) (1996) Sweet and Maxwell
7. W.R. Mann, Transfer of Technology (1982)
8. Mata Din, Law of Passing off and Infringement Action of Trade Marks (1986).
9. P.S. Sangal and Kishore Singh, Indian Patent System and Paris Convention : Legal Perspectives(1987).
10. K. Thairani, Copyright : The Indian Experience (1987)
11. W.R. Cornish, Para and Materials on Intellectual Property (1999), Sweet & Maxwell

LL.M. SEMESTER- III

Course-VIII: Hindu Law

SLM LAW 01 307 E 2103

- 1.Sources and Schools of Hindu Law
- 2.Problem of Conflict of Personal Laws
- 3.Marriage under:
 - ~ The Hindu Marriage Act,1955
 - ~The Special Marriage Act,1954
- 4.Restitution of Conjugal Rights, Judicial Separation, Nullity of Marriage, Divorce.
- 5.Private International Law relating to
 - ~ Marriage and Matrimonial Reliefs inclusive of NRI Marriages
 - ~Divorce

Selected bibliography-

- 1.Paras Diwan, Hindu Law(1985)
- 2.Family Law Lectures: Family Law II, Dr. Poonam Pradhan Saxena,(2011)
- 3.Hindu Law Updated 21st Edition, by Sir Dinshaw Fardunji Mulla (Revised Satyajeet A. Desai),2013
- 4.Kusum, Marriage and Divorce Law Manual(2000) Universal
- 5.J.D.M. Derrett, Hindu Law: Past and Present
- 6.J.D.M. Derrett, A Critique Of Modern Hindu Law(1970)

Course-IX: Muslim Law

SLM LAW 01 308 E 2103

1. Sources and Schools of Muslim Law
- 2.Nikah- Solemnisation of Marriage- Conditions for validity, classification and types of Marriage, Dower, Maintenance

3.Divorce-(a)Extra-judicial- Talaq, Khula, Mubarat (b) Judicial- The Dissolution of Muslim Marriages Act,1939

4.Acknowledgement of Paternity and Wakfs

5. Concept of Uniform Civil Code

Select bibliography

1. A.A.A. Fyzee, Outlines of Muhammadan Law,(1998)

2. A.M. Bhattacharjee, Muslim Law and the Constitution (1994) Eastern Law House, Calcutta.

Course-X: Succession and Adoption under Family Law

SLM LAW 01 309 E 2103

1.Succession under Hindu Law

2. Succession under Muslim Law

3.The Indian Succession Act, 1925

4.Concept of Adoption, Acknowledgement and International Perspective.

~The Hindu Adoptions and Maintenance Act,1956

~The Juvenile Justice (Care and Protection of Children) Act, 2015

~The Hindu Minority and Guardianship Act,1956

Select Bibliography-

1.Ranganath Misra (Rev.), Mayne's Treatise on Hindu Law & Usage(16th ed.,2008)

2. Satyajeet A.Desai, Mulla's Principles of Hindu Law, Vol.I &II(20th ed.,2007)

3. Paras Diwan, Law of Marriage and Divorce(5th ed.,2008)4. M. Hidayatulla and Arshad Hidayatulla, Mulla's Principles of Mahommadan Law (19th ed.,2006)

4. Tahir Mahmood, Fyzee's Outlines of Muhammedan Law (3rd ed., 2008)

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.

LL.M. SEMESTER- IV

Course-I Dissertation

SLM LAW 01 401 C 001515

Credits- 15

Each student is required to write a dissertation on any topic selected from the area of specialization and approved by the Department.

LL.M. SEMESTER- IV

Area of Specialization offered in IVth. Semester

Branch - D Human Rights

- International Law of Human Rights
- International Humanitarian Law
- Human Rights in India

or

Branch – E Alternative Dispute Resolution System

- Domestic and International Commercial Arbitration.
- Enforcement of Foreign Award and Conciliation in India.
- Mediation, LokAdalats and Consumer forum

Or

Branch- F. Criminal Law

- Basic Principles of Criminology, Penology and Victimology
- Substantive Criminal Law – Specific Crimes
- Administration of Criminal Justice (Comparative)

LL.M. SEMESTER- IV

Course- II International Law of Human Rights

SLM LAW 01 401 E 2103

International Concern: Protection of Individual in International Law; League of Nations; War Crime Trials.

Human Rights and the United Nations Charter:

- Normative and Institutional Framework of the UN
- Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

Universal Declaration on Human Rights:

- History of the Declaration
- Structure of the Declaration
- Legal Significance

International Covenants: ICCPR and ICESCR

- Nature and Characteristic
- Optional Protocols

Regional Instruments

- European Convention on Human Rights
- American Convention on Human Rights
- African Charter on Human and People's Rights
- Asia and Human Rights

Prescribed Readings

1. Benedetto Conforti and Francesco Francioni, *Enforcing International Human Rights in Domestic Courts*, (1997).
2. Francisco Forrest Martin, *International Human Rights Law and Practice*, (1997).
3. Luck Clements, *European Human Rights Taking a Case under the Convention*, (1994).
4. Evelyn A. Ankumah, *The African Commission on Human Rights and People's Rights*, (1996).
5. R.K.Sinha, *Human Rights of the World*, (1997).
6. Philip Alston, *The United Nations and Human Rights A Critical Appraisal*, (1992).
7. R.S.Sharma and R.K.Sinha, *Perspectives in Human Rights Development*, (1997).
8. *The Human Rights Watch Global Report on Women's Human Rights*, (2000), Oxford.
9. B.P.SinghSeghal, *Human Rights in India*, (1996).
10. ChandanBala, *International Court of Justice: Its Functioning and Settlement of International Disputes*, (1997).

LL.M. SEMESTER- IV

Course- III International Humanitarian Law

SLM LAW 01 402 E 2103

The course shall comprise of the following:

Introduction: Nature, Basic Principles; Historical Development since 1899

Protection of Victim of War-

Wounded, Sick; Shipwrecked; and Prisoners of War

Implementation of International Humanitarian Law

Role of the International Committee of the Red Cross in Implementation of International Humanitarian Law.

Prescribed Readings

1. C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986).
2. G.Tunkin, Theory of International Law (1974)
3. G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)
4. J.Stone, Legal Controls of International Conflicts (1959)
5. R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)
6. T.Taylor, Nuremberg and Vietnam : An American Tragedy (1971)

LL.M. SEMESTER- IV

Course- IV Human Rights in India

SLM LAW 01 403 E 2103

History and Development of Human Rights in Indian Constitution. Constitutional Philosophy. Preamble, Fundamental Rights- General.

Right to Equality: Gender Justice and Empowerment of Women. Special provisions for Weaker Sections of society Reservation Policy under the Constitution.

Freedom of Speech and Expression. Freedom of Press. Limitations, Right to Information.

Right to Life and Personal Liberty. New Dimension. Judicial approach.

Right to Freedom of Religion. Secularism. Protection to Minorities under the Constitution.

Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.

Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.

Emerging regime of new human rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

Prescribed Readings

1. D.D. Basu, Human Rights in Indian Constitutional Law, (1994).
2. Vijay Chitnis, (et.al.). Human Rights and the Law: National and Global Perspectives, (1997).
3. B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
4. James Vadakkumchery, Human Rights and the Politics in India, (1996).
5. D.R. Saxena, Tribals and the Law, (1997).
6. Poornima Advani, Indian Judiciary: A Tribute, (1997).
7. Justice Venkataramiah, Human Rights in the Changing World, (1998).
8. Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).
9. 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.
10. Upendra Baxi, *The Future of Human Rights*, Oxford India, 2008.
11. K. Chockalingam & C. Raj Kumar (ed.), *Human Rights, Justice, and Constitutional Empowerment*, Oxford India, 2010.
12. C. J. Nirmal (ed.), *Human Rights in India: Historical, Social, and Political Perspectives*, Oxford India Paperback, 2002.

13. South Asia Human Rights Documentation Centre, *Introducing Human Rights: An Overview including Issues of Gender Justice, Environmental, and Consumer Law*, Oxford India Paperback, 2006.
14. Venket Iyer, (ed.), *Democracy, Human Rights and the Rule of Law: Essays in Honour of Nani Palkhivala*, New Delhi: Butterworths, 2000

LL.M. SEMESTER- IV

Course- V Domestic and International Commercial Arbitration.

SLM LAW 01 404 E 2103

- (i) Existing Justice Delivery System in India- Effectiveness and Menances
- (ii) Reform in the Legal System for Achieving Effective and Speedy Resolution of Dispute.
- (iii) Historical Background of the Arbitration. Arbitration Agreement
- (iv) Composition & Jurisdiction of Arbitral Tribunal
- (v) Conduct of Arbitral Proceedings
- (vi) Making of Arbitral Award and Termination of Proceedings
- (vii) Recourse Against Arbitral Award.
- (viii) Finality & Enforceability of Arbitral Award.
- (ix) Appealable Orders & Miscellaneous provisions.

Prescribed Readings

1. B.P.Saraf and M.Jhunjhunuwala, *Law of Arbitration and Conciliation* (2000), Snow white, Mumbai
2. Gerald R.Williams (ed.), *The New Arbitration and Conciliation Law of India*, Indian Council of Arbitration (1998), New Delhi
3. A.K.Bansal, *Law of International Commercial Arbitration* (1999) , Universal, Delhi
4. P.C.Rao & William Sheffield, *Alternative Disputes Resolution- What it is and How it works?* (2011) Universal, Delhi
5. G.K.Kwatra, *The Arbitration and Conciliation Law of India* (2000), Universal, Delhi
6. N.D. Basu, *Law of Arbitration and Conciliation* (9th edition reprint 2000), Universal, Delhi
7. Johari, *Commentary on Arbitration and Conciliation Act 1996* (1999) Universal, Delhi
8. P.C. Markanda, *Law relation to Arbitration and Conciliation* (1998) Universal, Delhi

LL.M. SEMESTER- IV

Course- VI Enforcement of Foreign Award and Conciliation in India.

SLM LAW 01 405 E 2103

- (i) Enforcement of Foreign Award under New York Convention Award.
- (ii) Enforcement of Foreign Award under Geneva Convention Award.
- (iii) Meaning of Conciliation Commencement of Conciliation Proceedings and appointment of Conciliator.
- (iv) Statements to Conciliation(s)
- (v) Role of Conciliator(s)
- (vi) Conduct of Conciliation Proceeding
- (vii) Settlement agreement & its Status and Effect.
- (viii) Protection for conciliation Proceeding
- (ix) Public Interest Litigation.
 - (a) Liberalization of Locus Standi Doctrine
 - (b) Dilution of Ubi Jus Ibi Remedium Doctrine

Prescribed Readings

1. G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
2. Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
3. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
4. P.C. Markanda, Law relation to Arbitration and Conciliation (1998) Universal, Delhi
5. Ratanlal&Dhirajlal, The Law of Torts (1997), Universal, Delhi.
6. B.P.Saraf and M.Jhunjhunwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
7. Gerald R.Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration (1998), New Delhi
8. A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi
9. P.C.Rao& William Sheffield, Alternative Disputes Resolution- What it is and How it works? (2011)Universal, Delhi

LL.M. SEMESTER- IV

Course- VII Mediation, LokAdalats and Consumer Forums

SLM LAW 01 406 E 2103

- (i) Various Modes and Processes of Alternative Dispute Resolution System.
- (ii) Meaning of Mediation- Distinction between Arbitration, Conciliation and Mediation and negotiation. Interest Based Versus Right Based Mediation.
- (iii) Conduct of Mediation Proceeding
 - (a) Opening Statement of Mediator
 - (b) Opening Statement of Party.
- (iv) Mediation Agreement or Termination of Mediation Proceeding.
- (v) Common Error of Mediation Advocacy.
- (vi) Lok Adalats: Temporary and Permanent.
 - (a) Constitution, Jurisdiction, Powers
 - (b) Procedure Remedy Provided.
- (vii) Consumer Forums under the Consumer Protection Act.
 - (a) Constitution, Jurisdiction, Power and Procedure.
 - (b) Remedy Provided.
- (viii) Administrative Tribunals.

Prescribed Readings

1. Gerald R. Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration (1998), New Delhi
2. P.C.Rao & William Sheffield, Alternative Disputes Resolution- What it is and How it works? (2011) Universal, Delhi
3. G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
4. N.D. Basu., Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
5. Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
6. P.C.Markanda, Law relation to Arbitration and Conciliation (1998) Universal, Delhi

7. D.N.Saraf,, Law of Consumer Protection in India (1995), Tripathi, Bombay
8. Avtar Singh, The Law of Consumer Protection: Principles and Practice (2000), Eastern Book Co.,Lucknow
9. B.P.Saraf and M.Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow white, Mumbai
10. J.N.Barowalia, Commentary on Consumer Protection Act 1986 (2000), Universal, Delhi.
11. P.K.Majundar, The Law of Consumer Protection In India (1998), Orient Publishing Co. New Delhi.
12. A.K.Bansal, Law of International Commercial Arbitration (1999) , Universal, Delhi

LL.M. SEMESTER- IV

Specialization in Criminal Law

Course VIII: Basic Principles of Criminology, Penology and Victimology

(SLMLAW01 407 E 2103)

Unit -1

Concept of Crime - Causation of Crime - Concept of Criminal Jurisprudence –Theories of Crime

Unit -2

Criminology- Definition, Nature, Scope and utility

Definition of Penology - historical and contemporary approaches to penology.

Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist.

Unit -3

Punishment: Concept, Theories of punishment, Death\ capital Sentence

Unit -4

A brief discussion on Modern Trends in Criminology: Phenomenology, Crime and Feminism, Human Trafficking.

Treatment of offenders: Prison, Probation and Parole

Unit -5

Victimology

Marginalised and white collar crimes

- 1) Juvenile Justice (care and protection), act
- 2) Prevention of corruption Act.

- 3) Vigilance, Anti-corruption, details of organizations/agencies such as Central Vigilance Commission, Central Bureau of Investigations etc. associated with anti- corruption
- 4) Legislation on beggary
- 5) Prostitution –ITPA

Suggested Readings:

- 1) Juvenile Justice (care and protection), act
- 2) Prevention of corruption act,
- 3) Legislation on beggary
- 4) Prostitution –ITPA
- 6) K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
- 7) K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
- 8) P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
- 9) Hidayathullaw, M., et.al.,Ratanlal and Dhirajlats The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.
- 10) B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur
- 11) Retanal Dhirajlal, Criminal Procedure Code (1999) Universal, Delhi.
- 12) Chandrasekharan Pillai ed., Kelkar Lectures on Criminal Procedure (1998) Eastern, Lucknow
- 13) Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.
- 14) Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur
- 15) Indian Evidence Act, (Amendment up to date)
- 16) Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur
- 17) Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
- 18) Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.
- 19) Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New

LL.M. SEMESTER- IV

Course IX: Substantive Criminal Law – Specific Crimes

(SLMLAW01 408 E 2103)

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)

Unit 2

Offences against human body

(i) Culpable Homicide and Murder (ii) Kidnapping and Abduction (iii) sexual offences.

Unit 3

Offences against property

(i) Theft ii) Robbery iii) extortion iv) decoity v) misappropriation vi) criminal breach of trust

Unit 4 –

General principles of criminal liability

Strict liability

Criminal complicity

- a) Joint and constructive liability
- b)--Abetment
- c)--conspiracy

Unit 5

Safeguards to Criminal Behaviour: General Defenses

Excusable and Justifiable

- Mistake
- Insanity
- intoxication
- Private Defense

Inchoate Criminal Offences

- Attempt
- Impossible attempts against Human Body

Suggested Readings:

- 1) Juvenile Justice (care and protection), act
- 2) Prevention of corruption act,
- 3) Legislation on beggary
- 4) Prostitution –ITPA
- 5) K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
- 6) K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
- 7) P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
- 8) Hidayathullaw, M., et.al.,Ratanlal and Dhirajlats The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.
- 9) B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur
- 10) Retanal Dhirajlal, Criminal Procedure Code (1999) Universal, Delhi.
- 11) Chandrasekharan Pillai ed., Kelkar Lectures on Criminal Procedure (1998) Eastern, Lucknow
- 12) Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.
- 13) Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur
- 14) Indian Evidence Act, (Amendment up to date)
- 15) Rattan Lal, Dhiraj Law: Law of Evidence (1994), Wadhwa, Nagpur
- 16) Polein Murphy, Evidence (5th Edn. Reprint 2000), Universal, Delhi.
- 17) Albert S. Osborn, The Problem of Proof (First Indian Reprint 1998), Universal, Delhi.
- 18) Avtar Singh, Principles of the Law of Evidence (1992), Central Law Agency, New

LL.M. SEMESTER- IV

Course X: Administration of Criminal Justice (Comparative)

(SLMLAW01 409 E 2103)

Unit -1

Organizational hierarchy of criminal courts - Jurisdiction-classification of offences

Models of criminal justice-

Unit 2

Investigation

- FIR - charge sheet – powers of police officer-

Unit -3

Comparative Trial procedure

Arrest - interrogation - rights of accused - right to counsel - right to bail - Witness protection - hostile witness – Perjury

Unit 4

Presumptions and burden of proof
Discharge and acquittal
judgment

Unit -5

Narco analysis - evidentiary value of statements / article seized - admissibility and inadmissibility of evidence - expert evidence - directions for criminal prosecution [PIL]

Preventive detention law - protection of public peace/order - special enactments

Approaches to sentencing - Probation - parole - corrective labor - fines - bail, bond – collective fines - reparation by the offender/by the court

Suggested Readings:

- 1) Juvenile Justice (care and protection), act
- 2) Prevention of corruption act,
- 3) Legislation on beggary
- 4) Prostitution –ITPA
- 5) K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths, India
- 6) K.D. Gaur, A Text Book on the Indian Penal Code (1998), Universal, Delhi.
- 7) P.S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
- 8) Hidayathullaw, M., et.al.,Ratanlal and Dhirajlats The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.
- 9) B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur
- 10) Retanalal Dhirajlal, Criminal Procedure Code (1999) Universal, Delhi.
- 11) Chandrasekharan Pillai ed., Kelkar Lectures on Criminal Procedure (1998) Eastern, Lucknow
- 12) Chandrasekharan Pillai (ed.) Kelkar's Outlines of Criminal Procedure (2001), Eastern, Lucknow.
- 13) Sarkar and Manohar, Sarkar on Evidence (1999), Wadha & Co., Nagpur
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