

पुणे विद्यापीठ

परिपत्रक क्र. २१५/२००६

विषय : एल.एल.एम. (रेग्युलर) हा अभ्यासक्रम सुधारित
करण्याबाबत.

वरील विषयासंदर्भात विद्यापीठ अधिकार मंडळाने घेतलेल्या
निर्णयानुसार आपणास कळविण्यात येते की, शैक्षणिक वर्ष २००६-०७
पासून पुणे विद्यापीठाच्या विधी विभागामध्ये शिकविण्यात येणाऱ्या
एल.एल.एम. (रेग्युलर) अभ्यासक्रम सुधारित करण्यात आलेला आहे.
(सोबत : अभ्यासक्रम)

संचालकाकरिता
(म.वि.वि.मं.)

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**University of Pune
L.L.M.**

(With effect from June 2006)

The notation adopted consists of two letters and three numerals.

1. The first two letters "LW" i.e. Law.
 2. The first numerical following the two letters indicates the semester (1 for first semester, 2 for second semester, 3 for third semester and 4 for fourth semester).
 3. The last two numerals specify the course number as indicated below:
 4. The numerals 01, 02.....09 indicate University courses i.e. course for which University will conduct the examinations end of the term.
1. Every candidate seeking admission to the Master of Law Course (L.L.M. Degree Course) must have passed the LL.B. Degree after completing three years of the LL.B. course or all the five years of the Five-Year course of this University or its equivalent degree of another statutory University recognized as equivalent to said degree of this University.
 2. The duration of the course of study for the degree of Master of Laws shall be two years.
 3. In each course there shall be four lectures per week and each lecture shall be of sixty minutes. In addition to four lectures in each course there shall be weekly tutorials. (for details see Oral Work; Group discussions and Seminars)
 4. A candidate is required to attend a minimum of 85 percent of the tutorials and lectures delivered in each

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semester to become eligible for grant of term. The Head of the Department shall debar a candidate from appearing in the examination if he has not secured the prescribed minimum of attendance in the class in each subject.

5. The four subjects in the first semester and the four subjects in the second semester shall be compulsory.

In the semester four compulsory subjects will be taught i.e. each subject divided into two parts of total marks $400 + 400 = 800$ marks. The internal assessment pattern would be out of 40 marks.

In the semester III optional subjects (groups) will be introduced. The number of seats for each optional subject shall be decided by the HOD from time to time.

There shall be six papers (3+3) of the two opted specializations distributed in the third and fourth semester. In the third semester $2+2=4$ papers of the two specializations and in the fourth semester $1+1=2$ papers of the two specializations.

In semester III the students are required to opt for four papers consisting of total 400 marks from two optional groups selected by him. The internal assessment for these four papers (of semester III) will be same as semester I & II. (The six papers of the two opted specializations will be distributed in the third and fourth semesters i.e. in the III semester $2+2=4$ papers of the two specializations and in IV semester $1+1=2$ papers of the two specialization will be offered).

In respect of the internal assessment in these two papers of semester IV he/she is not to write logish

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term papers instead for those 15+15 marks he/she is to write additional questions in the two internal written tests. However, viva of 5 marks each shall be held in these two papers of semester III. The dissertation shall be examined by one external examiner.

External students will be required to opt for any other two papers of any other two groups of semester IV in lieu of the dissertation.

6. At the beginning of each academic year, the Head, Department of Law shall notify the optional courses in which instruction would be available during the academic year. No regular candidate is permitted to opt for courses not so notified.
7. The specializations shall be opted by the students with the permission of the Head of the Department of Law, on or before the last date of the second semester and also choose the topics for dissertation which shall in the fourth semester. The dissertation will be of 200 marks (150 marks for the dissertation and 50 marks for viva-voce examination on dissertation) in lieu of the two papers in the fourth semester. In the third semester instead of Long Term Papers in two subjects, the students shall attempt two questions of $7\frac{1}{2}$ marks, in two written tests in the semester to enable them to focus on the dissertation research work. The dissertation shall be examined by one external and shall also hold a viva-voce examiner nominated by the HOD, before awarding the marks.
8. The work for which a candidate shall be assessed with respect to each course shall comprise of the

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following.

- (a) Written examination through question papers for each course. An external paper for one semester course shall carry 60 marks.
 - (b) Internal assessment work (as detailed separately). It shall carry 40 marks for one semester course.
9. The final written examination through question papers shall be held at the end of each semester.
- The Internal Assessment Work will have to be completed during the duration of the course only.
10. No candidate shall be permitted to appear in more than six papers at any one examination at a time.
11. The performance of the candidates shall be indicated through classes instead of numerical marks. The marks for the written examination, internal assessment work and/or dissertation, if any, shall be indicated separately on the transcript.
- (The table for the conversion of marks into classes is given separately).
12. To pass the LL.M. examination a candidate must obtain 40 marks for each subject (the marks for the written examination, internal assessment being added up) and 50 marks in the aggregate.

Provided further that the difference between the internal and external assessment marks of a candidate for any subject shall not be more than 15 per cent. If the marks obtained in internal assessment by a candidate exceed the marks obtained by him in external

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assessment by more than 15 per cent, the marks obtained by him in internal assessment shall be brought down to that extent.

13. In order to improve the Class a candidate shall be permitted to reappear at the external written examination for any subject or subjects, in subsequent attempts.
14. Terms shall be granted for each subject independently at the end of the semester. A candidate who fails to complete his/her terms successfully with respect to one to one or more subject can complete the same during the semesters when the subjects are taught.
15. The external candidate would be governed by the existing rules.
16. Term valid for six years, if granted.

Internal Assessment :

Work for internal assessment in each semester course shall comprise of :

- A. Written work carrying 25 marks :
 - (a) Longish Term Paper-15 marks or 2 questions of $7\frac{1}{2}$ marks each.
 - (b) Two Tests-10 marks (of 5 marks each).
- B. Oral Work carrying 15 marks:
 - (a) Tutorial Discussion -10 marks.
 - (b) Oral Test-5 marks.

Longish Term Paper and Dissertation :

1. The students will have to complete a longish term paper or a project in lieu thereof for any two subjects.
2. As far possible the contents of the longish term paper shall be the following depending upon the nature of the

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topi assigned:

- (a) Collection of relevant material-Judicial, Legislative, Juristic, comparative and international and/or otehrwise.
 - (b) Critical analysis and appreciation of this material.
 - (c) Proper citation of necessary reference consulted and relied upon.
 - (d) Empirical data when the LTP is non-doctrinal (fild visit).
- 3.
- (a) For all semester the LTPs shall be submitted not leter than stipulated date for submission as notified by the Head, Department of Law.
 - (b) The students are to make two typed/hand written copies of the logish tem papers since the one submitted to the University will be retained by it as part of the record and will not be returned to the students.
 - (c) In case of Dissertation three typed copies are to be submitted, one to external referee, one with the department and one to the concerned teacher.
 - (d) No candidate shall be allowed to publish the LTP/ Dissertation, submitted to the Department of Law, University of Pune, without prior written sanction of the Head, Department of Law, University of Pune.
4. The paper shall run into 3000 to 5000 words.

Nature of Topics of LTP and Dissertation

5. (a) The topic shll relate to a specific area of enquiry.

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- (b) While assigning the topic it shall be kept in view that sufficient material in libraries within reach of the student exists and/or the area of inquiry is suitable for field study.
 - (c) The topic would be so delimited that the student is required to go beyond the standard text-books and to consult the reference material or conduct field study for preparing his/her paper/dissertation.
- 6.
- (a) A list of topics or projects to be assigned to students shall be prepared by the teacher of the subject concerned and sent to the Head, Department of Law, University of Pune, within the stipulated date in each semester. The topics (titles) or projects of LTP/Dissertation shall be finalized with the approval of HOD Law.
 - (b) These topics or projects or dissertation titles shall be communicated and assigned to the students at the beginning of each term by the teacher concerned. The student shall submit synopsis of all the above assignments to the concerned teacher who shall, approve the same before writing the final LTP OR dissertation.
 - (c) Any additional topic suggested by the students and approved by the teacher and the Head, Department of Law, can also be assigned.
 - (d) The candidate shall submit 3 monthly progress reports (typed) on the work done by him/her to

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HOD through the concerned subject teacher.

A. Periodic Written Tests

1. There shall be two periodic written tests for each subject in every semester.
2. The topic(s) for the test may be announced by the teacher concerned in advance.
3. The test shall be conducted by the Department.
4. A detailed record of the test shall be maintained by the teacher concerned which can at any time be examined by the HOD Law, University of Pune.

B. Oral Work

(a) Group discussions and seminars :

- (i) Group discussions and seminars shall be regularly held during the tutorial period on pre-assigned topics or pre-prepared papers in consultation with the Head, Department of Law. The Department may arrange weekly seminars running for two hours.
- (ii) A record of the same shall be maintained by the teacher concerned which can at any time be scrutinized by the Head, Department of Law, University of Pune.

(b) Oral Test :

- (i) There shall be one oral viva test towards the end of each semester for each subject.
- (ii) The topic(s) for the test shall be assigned by the teacher concerned well in advance. Questions

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are to be asked also on the LTP.

- (iii) The oral test shall be conducted jointly by the teacher concerned and another appointed by the Head of the Department from the Faculty for about 15 minutes per student.
- (iv) A record of the oral tests shall be maintained by the teacher concerned which can at any time be scrutinized by the HOD Law.

NOTWITHSTANDING what has been provided above regarding the components of internal assessment work and the marks for each such component, a student shall have the choice to select any two subjects in any semester for writing the long term papers, he/she shall be required to appear at the written tests as prescribed, but those written test shall carry 12½ marks (5+7½ marks) each and such student would be required to attempt two questions instead of one at each such test.

C. Internal Assessment :

The evaluation of internal assessment work shall be made with reference to the norms laid down below :

1. Norms for the assessment of oral work in order of priority :
 - (a) Participation
 - (b) Grasp
 - (c) Ready response
 - (d) Expression
 - (e) Presence
2. Norms for the assessment of written work in order of priority :

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- (a) Coverage of the subject-matter
 - (b) Arrangement and presentation
 - (c) Nature of reference materials used
 - (d) Critical appreciation and original contribution, if any.
3. Points to be covered in the teacher's report :
- (a) Coverage of the subject-matter under the topic
 - (b) Extent of critical appreciation of matter discussed
 - (c) Expression and presentation
 - (d) Nature of reference material used and accuracy of citations
 - (e) Original contribution, if any.
8. The total performance of the student, in internal and external examination shall be shown separately on the result sheet.

Conversion of Marks into Classes :

- (1) 70% and above - Distinction
- (2) 60% to 69% - First Class
- (3) 55% to 59% - Higher Second Class
- (4) 50% to 54% - Second Class
- (5) 40% to 49% - Pass Class (for individual subject)

General Objectives of LL.M. Studies (Regular) :

- 1. To make the students aware of the conceptual basis, nature of the law and its formulation.
- 2. To familiarise them with the basic principles underlying each course of study.
- 3. To acquaint them with the evolutionary processes of each law in the context of social, political, economic and other factors.
- 4. Exposition of the subject-matter in detail with the help

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of legislative, judicial and other materials.

5. To inculcate the capacity to :
 - (a) Interpret and evaluate law, legal processes and legal institutions.
 - (b) Analyze fact situations and suggest probable legal solutions.
 - (c) Evaluate societal needs, and suggest viable solutions through modification in the existing laws, processes and institutions.
6. To familiarize the students with the use of the library and to develop the capacity to search and collect reading and reference materials on a given topic.
7. To develop the capacity for coherent and reasoned expression.
8.
 - (a) To introduce them to research methodology and its practical applications.
 - (b) To train them in the writing of research papers/ dissertations.
 - (c) To train the students in skills for collection of empirical data and applying the law to practical situation to study role of law in social change (practical ramification).

Expectations of Students' Attainment :

The students shall be expected to exhibit :

1. Understanding of the basic principles in each course.
2. Acquaintance with up-to-date statutory, judicial and other materials.
3. Appreciation of leading juristic writings.
4. Coherent and reasoned expression.

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5. Solution of given problems in the context of laws and principles.
6. Anticipation of legal solutions to evolve societal needs.
7. Capacity for critical appreciation of the materials studied, and ability for independent thinking.
8. Familiarity with the elementary rules of research methodology and practice in legal research and writing.
9. To understand practical implication and ramification of theoretical law with interdisciplinary approach.

ATKT Rules :

No student shall be allowed to take an admission and appear in the examination of LL.M. Semester III unless he/she passes LL.M. Semester I in all the four papers with aggregate 50% marks and similarly no student will be permitted to take an admission and appear in the examination of Semester IV unless he/she passes LL.M. Semester II in all the four papers with aggregate 50% marks.

List of Subjects

Semester I

- LW-101 Constitutional and legal order I
- LW-102 Legal Theory and feminist jurisprudence I
- LW-103 Law, social transformation and judicial process in India I
- LW-104 Research Methods and legal education I

Semester II

- LW-201 Constitutional and legal order II
- LW-202 Legal theory and feminist jurisprudence II

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LW-203 Law, Social Transformation and Judicial Process in India II

LW-204 Research Methodology and legal education II

Semester III

LW-301 International Law and Practice

LW-302 International Organizations their role and International law

LW-303 Principles of Criminal Law and Procedure

LW-304 Criminology

LW-305 Law of Contracts

LW-306 Company Law

LW-307 Trade Unionism and collective bargaining

LW-308 Law relating to social security and wages

LW-309 Medical Law

LW-310 Information Technology Law

LW-311 Concept and Development of Human Rights

LW-312 Human Rights and International Order

LW-313 Administrative process - nature and scope

LW-314 Administrative process and judicial control

LW-315 Public International Trade Law - Role of UNO-I

LW-316 Public International Trade Law-II

LW-317 Resource Management and Law

LW-318 Prevention and Control of Pollution

Semester IV

LW-401 International Humanitarian Law

LW-402 Penology

LW-403 Business Laws

LW-404 Industrial relations and adjudication

LW-405 Biotechnology Law

LW-406 Protection and enforcement of Human Rights

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in India

LW-407 Comparative Administrative Law

LW-408 Basic aspect of private international trade law

LW-409 Environment and international legal order.

LW-101 Constitutional and Legal Order I

Objectives :

To give comprehensive idea of the juristic basis, scope and content of each Fundamental Right as enshrined in the Indian Constitution, the limitations placed on the right, and an evaluation of the manner in which the judiciary has attempted to establish a balance between Fundamental Rights and State Control.

Importance of directives principles of State Policy as laying down the perspective for the preferred values of the society, and their relationship to Fundamental Rights, would also be studied.

To critically study the value system emanating from the fundamental rights in the social context of their functioning. A comparison with value systems as found in the respective Constitutions of Canada, Australia, U.K., USA and South Africa in this area to be studied.

To study the Center-State relations in India in all their aspects, the conflict they have generated and the possible solutions.

Since the contents and the limits of the above provisions have essentially been worked out through the decisions of superior courts, the emphasis would be on the analysis and evaluation of the leading decisions and other materials in the context of societal needs, and the extent to which our policy has succeeded in balancing the various conflicting interests.

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Expectations from the students :

Beside familiarity with the Indian Constitutional provisions, the students would also be expected to make a comparative study of the basic concepts, in the area of Fundamental Rights and Centre-State Relations from other Constitutions.

A thorough knowledge of leading cases and other relevant materials and the capacity to appreciate evaluate the same would be essential.

The capacity to apply the principles to problems, actual or imaginary, and to suggest viable solutions to them, would also be expected.

1. Constitutional Law of India.

- (a) Main objects of Indian constitutional Law.
Preamble
- (b) Significance of Preamble in judicial Review of provisions of constitution.
- (c) Important features of Indian Constitutional Law
- (d) Comparison of Indian Constitution with other major constitution...

2. Entrenched Bill of Rights: (Part III of Indian constitution) :

- (a) Parliament's Power to limit application of fundamental Rights :
 - (i) Article 32 A, 32 B, 31 C.
 - (ii) IX the Schedule.
- (b) Amenability of fundamental Rights. Basic features doctrine.
- (c) Relationship between Fundamental Rights and Directive Principles of State Policy.

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3. *Enforceability of fundamental Rights :*
 - (a) Significance of the article 12.
 - (b) Scope and concept of 'State' under Article 12.
 - (c) Whether and other authorities include public authorities like.
 - (d) Functional analysis of definition of State.
4. *Defition and nature of Law under part III :*
 - (a) Inter relationship between Art. 13 (1) and Art. 13 (2).
 - (b) Whether Personal Laws are conevered by phrases 'Existing Laws} and 'Laws in force'.
 - (c) Doctrine of Eclipse.
 - (d) Whether the doctrine is applicable to post Constitutional legislations ?
 - (e) Whether Law under article 13 covers amendment in the light of doctrine of basic structure ?
 - (f) Doctrine of severability and waiver.
5. (I) *Right of Equality :*
 - (a) Fundamental principles of Equality (Art. 14).
 - (b) Classical view of equality (Doctrine of reasonable classification).
 - (c) Modern view of equality (Equality as absence of arbitrariness).
 - (d) Interrelationship of article 14 with articles 15 and 16.
- (II) *Safeguard against Discrimination in Public Life :*
 - (a) Need for definition of discrimination.

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- (b) Affirmative action in favour of women, children educationally and socially backward classes and SCs, STs)Article 15(3) and 15(4).

(III) Combating Discrimination in Public Employment : (Article 16) :

- (a) Reservations in appointment and posts in favour of backward classes... distinction between Art. 15(4) and 16(4).
- (b) Judicial interpretations of articles 15 and 16.
- (c) Premandal Era.
- (d) Mandal Commission case.
- (e) Post Mandal scenario.
- (f) determination of Criteria of backward classes.
- (g) Doctrine of creamy Layer.
- (h) Kalekar commission and mandal commission.

6. *Fundamental Freedoms : (Art. 19) :*

- (a) Availability of fundamental freedoms under article 19 to Citizens only.
- (b) Can legal persons enjoy protection under article 19 ?
- (c) Freedom of speech and expression.
- (d) Purview of term “Speech and expression”.
 - Freedom of press.
 - Freedom of broad casters and electronic Media.
 - Article 19 and use of Internet.
 - Commercial speech.

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- Right to know.
- Right to silence.
- Books and Cinemas etc.

- (g) Extent of restriction.
 - Reasonable restriction.
 - State censorship.
 - Doctrine of prior restraint, other reasonable restrictions.
 - Judicial Review.
- (h) Freedoms under article 19(1)(b) to (g).

7. *Right to life and personal Liberty (Art. 21) :*

- (a) Principle of due process of Law...a comparative perspective.
- (b) Judicial interpretation of the term 'life and liberty'.
- (c) Protection of third generation of rights.)Group rights, rights of prisoners, rights of children, rights of workers, rights of women, rights of refugees, Adivasis etc).
- (d) Protection under article 21 to foreigners.
- (e) article 21 and right to human dignity.
- (f) Rape as violation of article 21.
- (g) Compensation for violation of article 21.
- (h) Right to education Art. 21-A.

Pareventive detention and fundamental rights (Article 22)

Safeguard against abuse of criminal law (Article 20)

- (a) Freedom against self-incrimination.
- (b) protection against double jeopardy.

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- (c) Protection against retrospective operation of criminal law.
- 8. (a) *Freedom of religion : (Art. 25) :*
 - Religious freedom for every person.
 - Freedom of conscience and freedom to profess, preach and practice religion.
 - protection if confined to essential tenet of the religion.
- (b) Protection of freedom of Religions Denominations (Art. 26) :
 - Nature of religious denominations.
 - Limited protection.
 - Absence of protection to secular activities.
 - Acope of State's power to introduce social welfare and reforma in different religions.
- (c) Scope of article 27 and article 28.
- (d) Conversion and freedom of religion.
- 9. *Cultural and Educational Rights of Minorities :*
 - (a) Criterion to determine the status of Minority State wise or in accordance with whole of India.
 - (b) Meaning of term culture.
 - (c) Right to establish educational institution of minority (Art. 30).
 - (d) Judicial Review.
- 10. *Right to enforce fundamental rights : (constitutional remedies) under Article 32 & 226 :*
 - Interrelationship between article 32 and 226.
 - Writ jurisdiction of the SupremenCourt and High

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Courts writs.

-Nature and application of the writs.

-Public interest litigation, conditions to resort to the litigation.

-Judicial attitude towards the litigation.

-Significant and recent precedents.

Selected Bibliography for Constitutional Law

Paper 1 & 2

It is in addition to that of CDC & syllabus of Pune University :

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39. *Religion, Federalism, and the Struggle for Public Life : Cases from Germany, India, and America (Hardcover)* : by William Johnson Everett, Publisher : Oxford University Press (November, 1997).
40. *Democracy and Federalism in the European Union and the United States : Exploring Post-National Governance (Paperback)* : by Sergio Fabbrini (Editor), Publisher : Routledge; New edition (January, 2005).
41. *Parliamentary Versus Presidential Government (Oxford Readings in Politics and Government)* : by Arend Lijphart (Paperback-March, 1992).
42. *Parliament in India* : by W. H. Morris-Jones, Publisher : University Microfilms; 1st American edition (1974).
43. *Rethinking presidency and parliament in India* : by Hans Raj, Publisher : Surjeet Publications; 1st edition (1989).
44. *Encyclopaedia of Indian Parliament : Executive legislation in India, an analytical study of central ordinances (Unknown Binding)* : by Hans Raj,

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Publisher : Anmol Publications; 1st ed edition (1996).

45. *Parliament and foreign policy in India* : by Lad Kumari Jain, Publisher : Exclusive distributors, Rupa Books International (1986).
46. *Presidents of India, 1950-2000 (Hardcover)* : by Janak Raj, Publisher : Regency Publications (July 1, 2002).
47. *Federation of India Community Associations President's Reunion, July 29, 1995* : by Rita N. Singh, Publisher : The Federation (1995).

**LW-102 : Legal Theory and Feminist
Jurisprudence-I
Syllabus 1st Semester**

Objectives :

To give a clear understanding of scope, nature and function of Law.

An understanding of nature and working of authoritative sources of law in development of legal system.

An analysis of legal concepts in context of social developments and changing economic and political attitudes.

And an appreciation of the purpose of law, and its relationship to ethics and justice. (The course aims at developing an insight into the juristic foundations of a legal system-an understanding of the law as it exists and functions in society.

Expectations from the students :

The students are expected to acquire a clear understanding of juristic theories and to develop the capacities their critical appreciation (and expression of the same in the

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context of societal needs.

The capacity to apply the theories to Indian legal materials and to illustrate the principles with Indian materials, wherever possible, would also be expected.

Topics :

1. Natural law theories :
 - (a) Classical era of Natural law.
ST Thomas Aquinas.
Grotious.
Hobbes.
Locke.
Rousseau.
 - (b) German Transcendental Idealism-Kant
 - (c) Revival of Natural Law.
-Stammler.
-Fuller.
-John Finnis.
 - (d) Semi-socialological natural Law-Prof. H.L.A. Hart.
2. Legal positivism :
 - (a) Austin's analytical theory of Law.
 - (b) Pure Theory of Law-Hans Kelson.
 - (c) H.L.A. Hart's concept of Law.
3. Historical school of Law-Sir Henry Maine-Savigny.
4. Sociological Jurisprudence :
 - (a) Prof. Pound-Social Engineering Theory.
 - (b) prof. Patterson.
 - (c) Prof. Selznick.
5. American legal Realism :
 - (a) Jerome Frank.

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- (b) Karl Lewellyn.
- (c) Indian Judicial process & relevance to American legal realism.

Suggested Readings : Legal Theory I & II

1. W. friedmann-legal theory.
2. Julius Stone-Social Dimension of Law & Justice.
3. C. K. Allen-Law in the making.
4. Lloyd-Introduction to Jurisprudence.
5. Dias Text on Jurisprudence.
6. H.L.A. Hart-Law, Liberty and morality.
7. Lord Devlin-The enforcement of moral.
8. Basilmitchell-Law morality and religion in a secular society.
9. Prof. Julius Stone-Human law and Human justice.
10. Prof. Julius Stone-Province & functions of law.
11. Prof. Roscoe Pound-Jurisprudence Vol. I to IV.
12. R. Warrenton-Post modern jurisprudence.
13. J. M. Balkin-The legal subject and the problem of legal coherence.
14. Ronald Dworkin-Laws empire.
15. Ronald Dworkin-Morality principle.
16. Patton-Text on jufisprudence.
17. Honfeld-Fundamental legal conceptions.
18. John Rawls-Theory of justice.
19. John Rawls-Political Liberalism.
20. Catherine Mackinnon-Difference & Dominance-on sex discrimination.
21. Catherine Mackinnon-Towards a Feminist theory of state.

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22. K. Bartlett & R. Kennedy Feminist legal theory.
23. K. Weis Berg-Feminist legal theory foundation.
24. Precedent in Indian Legal System-Prof. A. Lakshminath.

**LL.M. Syllabus
Compulsory Course**

**LW-103 : Law, Social Transformation and Judicial
Process in India I**

Objectives of the Course :

The course is designed to offer the teacher and taught with :

1. Awareness of Indian approaches to social, economical and political problems in the context of Law as a means of social control and change.
2. Spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law.
3. To spell out and assess the role and task of the legislature in contemporary Indian in the context of the State ideals of secularism, democracy and socialism.
4. To identify role of Law in contemporary Indian society as a tool of empowerment of the disadvantaged sections of society its achievement, failures and limitations.
5. To explain the principles, goals and objectives of legislative formulations.
6. To spell out various factors involved in and responsible for legislative formulations.

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7. To point out and explain effectiveness of legislation as a State-tool for shaping society and peoples life in modern societies. To understand the legislative trends and policy in present context.

Note : In light of the objectives of the course the students shall be in a position to critically and analytically evaluate legislative actions, identifying its importance, significance and shortcomings and counter pressures and forces. Examine the specific problem from the socio-legal perspective and suggest suitable amendments in current law to make law more effective and meaningful.

Topics for Study :

1. Law and social change (achievements and failures) :
 - 1.1 Law as an instrument of social change.
 - 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonization.
 - 1.3 Justice-Socio-economic and political, equality, freedoms, individualism and collectivism as foundation of Law making in India.
 - 1.4 Law making in the area of fundamental duties- Part IV A and Directive Principles of State Policy- Part IV.
2. Use of Law by State to control and regulate people in modern democracies and autocracies, with special reference to Indian Democracy and its contemporary trend.

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3. Process of Legislative Law making (jurisprudential analysis) problems and perspective in formulation of legislative law in the contemporary context.
4. Relationship between following concepts and their influence on social behaviour and their challenges to law.
 1. Law and Development.
 2. Law and Public opinion-correlation between public opinion and legislative formulation and implementation.
 - (a) Religion as a divisive factor.
 - (b) Secularism as a solution to the problem.
 - (c) Reform of law on secular lines : Problems.
 - (d) Freedom of religion and non-discrimination on the basis of religion.
 - (e) Religious minorities and the law.
5. Community disadvantaged sections and the Law.
Law and disadvantage sections of society : Women, children, Backward classes and minority. Study of protective and empowerment measures under the Constitutional and Statutory Laws.
 - (a) Caste as a divisive factor.
 - (b) Non-discrimination on the ground of caste.
 - (c) Acceptance of caste as a factor to undo past injustices.
 - (d) Protective discrimination : Scheduled castes, tribes and backward classes.

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6. Regionalism and the law :
 - (a) Regionalism as a divisive factor.
 - (b) Concept of India as one unit.
 - (c) Right of movement, residence and business; impermissibility of state or regional barriers.
 - (d) Equality in matters of employment : the slogan “Sons of the soil” and its practice.
 - (e) Admission to educational institutions : preference to residents of a state.
7. Education, Media and the Law.
8. Economic, Political structure and the Law-Parliamentary demo. Co-op Federalism.
9. Democratic decentralization & local self-government-Panchayat system.

Select Bibliography :

1. Marc Galanter (ed.), Law and Society in Modern India (1997), Oxford.
2. W. Friedmann : Law in Changing Society.
3. W. Friedmann : Legal Theory.
4. J. Stone : Social Dimensions of Law and Justice.
5. Julius Stone. The Province and Function of Law, Part II, Chs. 1.8-16 (2000), Universal, New Delhi.
6. Vilhelm Aubert : Sociology of Law.
7. C. K. Allen : Law in the Making.
8. A. V. Dicey : Law and Public Opinion in England.
9. Roscoe Pound : (a) Law and Morals, (b) Law, Liberty

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and Morality.

10. Delvin : The Enforcement of Morals.
11. H. A. Hart : (a) Law, Liberty and Morality, (b) Concept of Law.
12. Basil Mitchell : Law, Morality and Religion in a Secular Society.
13. Subbarao : Social Justice and Law.
14. Gangurde : Law and Social Change.
15. Sandanshiv : Law and Social Change.
16. P. B. Gajendragadkar : Law, Liberty and Social Justice.
17. K. P. Krishna Shetty : Fundamental Rights and Socio-economic Justice in the Indian Constitution.
18. M. Singhvi : Law and Poverty.
19. G. S. Sharma (ed.) : Secularism its implications for Law and Life in India.
20. Sham, Shamsuddin : Women Law and Social Change.
21. Paras Diwan : Women and Legal Protection.
22. Granville Austin : Protective Discrimination.
23. S. K. Ghosh : Protection of Minorities and Scheduled Castes.
24. C. J. Samuel (ed.) 'Principles of Legislation and Judicial Process' Department of Law, University of Pune.
25. Robert Lingat, The Classical Law of India (1988), Oxford.
26. U. Baxi, The Crisis of the Indian legal System (1982), Vikas, New Delhi.
27. U. Bxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
28. Manushi, A Journal About Women and Society.
29. Duncan Derret, The State, Religion and Law in India

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- (1999), Oxford University Press, New Delhi.
30. H. M. Seervai, Constitution Law of India (1996), Tripathi.
 31. D. D. Basu, Shorter Constitution of India (1996), Prentice-Hall of India(P) Ltd., New Delhi.
 32. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000), Armol Publications, Delhi.
 33. Savitri Gunasekhare, Children, Law and Justice (1997), Sage.
 34. Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988).
 35. J. B. Kripalani, Gandhi : His Life and Thought, (1970), Ministry of Information and Broadcasting, Government of India.
 36. M. P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
 37. Agnes, Flavia, Law and Gender Inequality : The Politics of Women's Rights in India (1999), Oxford.

Select Bibliography :

1. Julius Stone. The Province and Function of Law, Part II, Chs. 1.8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995), Universal New Delhi.
3. J. Stone, Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths.
4. W. Friedmann, Legal Theory (1969), Stevens, London.
5. Bodenheimer, Jurisprudence-the Philosophy and Methods of the law (1997), Universal, Delhi.
6. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi.

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7. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.
8. Rajeev Dhavan, *The Supreme Court of India-A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi, Bombay.
9. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
10. Edward H. Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago.

LW-104 : Research Methaods and Legal Education I

Objectives of the Course :

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself/hereself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunmae can be eliminated by following other methods of learning such as case method, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed also to develop skills in research and writing in a systematic manner.

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The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the minimum 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 in conducting research in this course. Practical training will be imparted through regular workshop for which one hour per week will be reserved.

Expectation of Student's Attainments :

By the end of the course the students are expected to know the framework of Legal education and the various methods of imparting legal education. The students must be practically oriented to use the legal knowledge in various fields. Such as classroom teaching, empirical field research & consultancy etc. and combining all for development of discipline of law.

By the end of the course the students are expected to develop a scientific approach to socio-legal problems. They should be able to design and execute small-scale research problems. The practical skill in conducting research will be evaluated on their performance in the workshop. The students will also be expected to submit a term paper for internal evaluation ? To make Law a living reality the students shall be taught the alternative approaches to law that help in reducing the burden on Law and Legal institution for regulating society.

(Note : In this subject, the students in sem.-I & II shall conduct research, doctrinal and non-doctrinal, Law teaching and clinical work for 20 marks each sem. in the internal examination. The topics for empirical research must be

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current and socially relevant. The topics assigned to LL.M. students should be such which encourage creativity in them and involve them in collection of empirical data and field work in such areas in which it is feasible).

Semester-I (Paper-I)

(A) Legal Education and the modern multi and trans-disciplinary approaches

1. Objectives of legal education.
2. Lecture method of teaching-Merits and demerits, communication skills.
3. The problem Method.
4. Discussion method and its suitability at postgraduate level teaching.
5. The seminar method of teaching.
6. Examination system and problems in evaluation-external and internal assessment.
7. Student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers/Out come of the seminars and the implementation of reports of various seminars symposia, workshops.
8. Clinical legal education-legal aid, legal literacy, legal survey and law reform.
9. Curriculum Reform and Teaching Methods in various areas of law.
10. Post graduate Teaching and Research.
11. Teachers training, facilities etc for research.
12. Assessment of students skills to be taught/use of

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Library in research.

13. Language and the Law :
 - (a) Language as a divisive factor : formation and linguistic states.
 - (b) Constitutional guarantees to linguistic minorities.
 - (c) Language policy and the Constitution, official language : with language system.
 - (d) Non-discrimination onground of language.
 14. Alternative approaches to Law. Role of social scientists, social change and social reformers.
 - (a) Jurisprudence of sarvodaya Gandhiji, Vinobha Bhave, Jayprakash Narayan, surrender of dacoits, Naxalite movement : causes and cure, concepts of gram Nyayalayas.
 - (b) Indian Marxist critique of law and justice.
- (B) Research in Law :**
1. The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e. characteristics of scientific methodology).
 2. Application of scientific method to the study of Socio-legal phenomena-limitations & difficulties.
 3. Socio-legal research and Legal research models.
 4. Doctrinal and non-doctrinal research.
 5. Relevance and Significance of empirical research.
 6. What is a research problem ? Formulation of research problem.
 7. Survey of available literature and bibliographical

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research.

8. Legislative material including subordinate legislation, notification and policy statements.

LW-201 : Constitutional and Legal Order II

Objectives :

To give comprehensive idea of the juristic basis, scope and content of each Fundamental Right as enshrined in the Indian Constitution, the limitations placed on the right, and an evaluation of the manner in which the judiciary has attempted to establish a balance between Fundamental Rights and State control.

Importance of directives principles of State Policy as laying down the perspective for the preferred values of the society, and their relationship to Fundamental Rights, would also be studied.

To critically study the value system emanating from the fundamental Rights in the social context of their functioning. A comparison with value systems as found in the respective Constitutions of Canada, Australia, U.K., USA and South Africa in this area to be studied.

To study the Center-State relations in India in all their aspects, the conflict they have generated and the possible solutions.

Since the contents and the limits of the above provisions have essentially been worked out through the decisions of superior courts, the emphasis would be on the analysis and evaluation of the leading decisions and other materials in the context of societal needs, and the extent to which our plicy has succeeded in balancing the various conflicting interests.

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Expectations from the students :

Beside familiarity with the Indian Constitutional provisions, the students would also be expected to make a comparative study of the basic concepts, in the area of Fundamental Rights and Centre-State Relations from other Constitutions.

A thorough knowledge of leading cases and other relevant materials and the capacity to appreciate and evaluate the same would be essential.

The capacity to apply the principles to problems, actual or imaginary, and to suggest viable solutions to them, would also be expected.

**LW-202 : Legal Theory & Feminist Jurisprudence II
Syllabus - IInd Semester**

Objectives :

The objective of this study is to give a clear understanding of the nature, scope and function of Law. The study of any legal system at postgraduate level necessitates its basic foundations to enable students to acquaint with the nature of legal system and its role in the development of society.

An analysis of legal concepts in the context of social development and changing socio-economic and political attitude and an appreciation of the purpose of Law and its relationship to ethics and justice. This course aims at developing an insight into the jurist foundation of a legal system and understanding of a Law as it exist in a

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contemporary society.

The nature and foundations of Law have undergone change in a recent past, the current trends and developments are essentially to be studied in the context of justice viz. gender, social and economic along with new challenges and its responses.

Topics :

1. Doctrine of precedent :
 - Nature and scope.
 - Authority of precedent.
 - Bindingness of precedent.
 - Precedent in British legal system.
 - Ratio decidendi-obiterdicta.
 - Theories of ratio decidendi.
 - Art 141 of the Indian Constitution.
 - Doctrine of Prospective overruling.
 - Advisory Jurisdiction and precedent.
2. Concept of Legal Right :
 - Nature and definitions.
 - Theories of Rights.
 - Fundamental legal conceptions of Right (Hohfeldian Analysis).
 - Kind of Rights.
3. Feminist Jurisprudence :
 - Nature and Types of Feminism.
 - Gender justice and feminism.
 - Indian Constitution of Feminist Jurisprudence.
4. Rawls Theory of Justice :
 - Notion of Justice.
 - Distributive Justice.
 - Applicability of Rawls Theory to Indian Legal system.

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5. Law and Enforcement of Morals :
- Basis and nature of morality.
 - Role of morality.
 - Morality and Indian Legal system.

LL.M. Syllabus

Compulsory Course

**LW-203 : Law, Social Transformation and Judicial
Process in India**

Objectives of the Course :

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.

The course is designed to offer the teacher and be taught with :

1. To analyze and evaluate the legal process from a broaden juristic perspective.
2. To study the nature of judicial process as an instrument of social ordering.

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3. To highlight the role of court as policy maker, participant in the power process and as instrument of social change.
4. To expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

Expectation from students :

The students are expected :

1. to be familiar with the significance and role of judiciary.
2. to be aware of current judicial trends.
3. to be able to evaluate judicial activism and restraint in view of special problems and pressures in India.
4. to familiarize themselves with the various theories, techniques, aspects and alternative way of attaining justice.
5. To understand and explain the nature of judicial process and appreciate the judiciary in the interpretation of law and shaping the contours of law.

Topics for Study :

The following syllabus prepared with the above perspective will spread over a period of one semester.

1. Nature and scope of judicial process :
 - (a) Judicial process as an instrument of social ordering.
 - (b) Judicial process and creativity in law-common law model-Legal Reasoning and growth of law-change and stability.
 - (c) The tools and techniques of judicial creativity and precedent.
 - (d) Legal development and creativity through legal reasoning under statutory and codified systems.
2. Special Dimensions of Judicial Process in Constitutional

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Adjudications :

- (a) Notions of judicial review.
 - (b) 'Role' in constitutional adjudication-various theories of judicial role.
 - (c) Tools and techniques in policy-making and creativity in constitutional adjudication.
 - (d) Variants of judicial and juristic activism.
 - (e) problems of accountability and judicial law-making.
3. Judicial Process in India :
- (a) Indian debate on the role of judges and on the notion of judicial review.
 - (b) The "independence" of judiciary and the "political" nature of judicial process, National Judicial Commission-role and purpose.
 - (c) Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
 - (d) Judicial process in pursuit of constitutional goals and values-new dimensions of judicial activism and structural challenges.
 - (e) Institutional liability of courts and judicial activism-scope and limits.
4. The Concepts of Justice :
- (a) The concept of justice or Dharma in Indian thought.
 - (b) Dharma as the foundation of legal ordering in Indian thought.
 - (c) The concept and various theories of justice in the western thought.
 - (d) Various theoretical bases of justice : the liberal contractual tradition, the liberal utilitarian tradition

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and the liberal oral tradition.

5. Relation between Law and Justice :
 - (a) Equivalence Theories-Justice as nothing more than the positive law of the stronger class.
 - (b) Dependency theories-for its realization justice depends on law, but justice is not the same as law.
 - (c) The independence of justice theories-means to end relationship of law and justice-The relationship in the context of the Indian constitutional ordering.
 - (d) Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.
6. Relationship between judiciary and other organs of State :
7. Need of judicial restraint (judicial activism vis-a-vis judicial restraint) Exclusion of judicial review under the Constitution, Statute and self-imposed rules of judicial restraint.
8. Reform of Court processes :
Civil law : (ADR) :
 - (a) Confrontation v. consensus.
 - (b) Mediation and conciliation.
 - (c) Lok Adalats.

Select Bibliography :

1. Julius Stone. The Province and Function of Law, Part II, Chs. 1.8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995),

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- Universal, New Delhi.
3. Henry L. Abraham, *The Judicial Process* (1988), Oxford.
 4. J. Stone, *Precendent and the Law : Dynamics of Common Law Growth* (1985), Butterworths.
 5. W. Friedmann, *Legal Theory*, Stevens, London.
 6. Bodenheimer, *Jurisprudence-the Philosophy and Methods of the Law*, Universal, Delhi.
 7. J. Stone, *Legal System and Lawyers' Reasonings* (1999), Universal, Delhi.
 8. U. Baxi, *The Indian Supreme Court and olitics* (1980), Eastern, Lucknow.
 9. Rajeev Dhavan, *The Supreme Court of India-A Socio-Legal Critique of its Juritic Techniques* (1977), Tripathi, Bombay.
 10. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
 11. Edward H. Levi, *An Introduction to Legal Reasoning*, University of Chicago.
 12. N. K. Jayakumar, *Judicial process in India-Limitations and Leeways*, APH Publishing Corporation, New Delhi.
 13. Dr. S. P. Sathe, *Judicial activism*.
 14. *How to judge the Judge*.
 15. *Democracy by decree-some reflection of judicial activism*.
 16. *Hart-Dworkin controversy*.

**LW-204 : Research Methodology and Legal Education
II**

(A) Identification of problem of research :

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1. Decisional material including foreign decisions; methods of discovering the 'role of the case,' tracing the history of important cases & ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof. Identifying the ratio/principle having binding character.
2. Juristic writing-a survey of juristic literature relevant to selected problems in India and foreign periodicals.
3. Compilation of list of reports or special studies conducted and related to the problem.

(B) Preparation of research design :

1. Hypothesis : its role, definition, criteria of a workable hypothesis and its sources.
2. Major steps of preparation of research design.
3. Devising tools and techniques for collection of data : Methodology.
4. Methods for the collection of statutory and case materials and juristic literature.
5. Use of historical and comparative research materials.
6. Research tools : Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools).
7. Use of case studies and surveys.
8. Sampling techniques :
 - (a) Design of sample.
 - (b) Its uses and advantages in research.
 - (c) Random sampling, simple random, stratified random, systematic random.
 - (d) Non-random sampling, haphazard, availability and purposive etc.

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9. Scaling Techniques-Types, utility, modus operandi (a) Elementary statistics, design & stages in statistical investigation and interpretation. Preparing Diagrams & graphs.
10. Induction and deduction.
11. Content analysis.
12. Data collection, Data processing and analysis and interpretation of data.
13. Classification and tabulation of data-use of cards for data collection-Rules for tabulation. Explanation of tabulated data.
14. Jurimetrics and socio-metrics.
15. Computerized research-a study of legal research programmes such as Lexis and west law coding.
16. Research report (Report writing) Citation rules and modes of legal writing.
(tie-up with industries, colleges, student welfare, NSS, NCC, Legal literacy and training programme etc.
 1. Wilkinson-Bhandarkar-Research Methodology.
 2. Selltis Johoda-Research Methodology.
 3. Stott D. LegalResearch.
 4. Mackie S.-Legal Research, How to find & understand Law.
 5. Campbell, Fox Kentey-Students guide to Legal writing.
 6. Clinch-using a law library.
 7. Ackoff R. L.-design of social research.
 8. Beveridge WIR-Art of Scientific investigation.
 9. Claire Selltis and others-Research methods in Social Relations.
 10. Weber Max-Methodology of Social Science.

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11. Elhance-Fundamentals of Statistics.
12. Black & Champion-Research Methodology.
13. Goode and Hatt-Methods in Social Research.
14. Young, Pauline V.-Scientific Social Survey and Research.
15. Seltiz, Jahoda et al : Research Methods in social Relations.
16. Festinger L. and Katz, Daniel : Research Methods in the Behavioural Sciences.
17. Madge John : Tools of Social Science.
18. Berelson B. : Content Analysis in Communication Research.
19. Miller D. : Hand Book of Research Design and Social Measurement.
20. Jain S. N. : Legal Research and Methodology.
21. Lynon MacDonald : The Sociology of Law and Order.
22. Gurwich and Moore : Sociology of Law.
23. Alfred Kaplan : The Conduct of Enquiry.
24. C. M. Coroll and Frederic Coroll : Methods of Sociological Research.
25. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education : Active Learning in your Law School, (1988), Blackstone Press Limited, London.
26. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
27. N. R. Madhava Menon (ed.) A Handbook of Clinical Legal Education (1988), Eastern Book Company, Lucknow.

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28. M. O. Price, H. Bitner and Bysiewiez, *Effective Legal Research* (1978).
29. Pauline V. Young, *Scientific Social Survey and Research* (1962).
30. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw-Hill Book Company, London.
31. H. M. Hyman, *Interviewing in Social Research* (1965).
32. Payne, *The Art of Asking Questions* (1965).
33. Erwin C. Surrency, B. Fieff and J. Crea, *A Guide to Legal Research* (1959).
34. Morris L. Cohan, *Legal research in Nutshell*, (1996), West Publishing Co.
35. Harvard Law Review Association, *Uniform System of Citations*.
36. ILI Publication, *Legal Research and Methodology*.
 1. *Scientific social surveys of research : An introduction to the background, content, methods, principles*. Author-Young Pauline V., Prentice Hall of India Pvt. Ltd., Delhi, 4th edition, 1996.
 2. *Research methods in criminal justice and crime*. Author-Hage, Frank F., MacMillan Publication, New York, 1993.
 3. *Law and social change : Essays on labour laws welfare research methodology and environmental protection*. Author-S. N. Singh, P. G. Krishnan Memorial Foundation, New Delhi, 1900.
 4. *participation observation : A methodology for studies*.

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Saga Publications, London, 1989.

5. Doing participatory research. Maguire pat. Publication TCIESE, New York, 1987.
6. Handbook of action research-participative inquiry, practice, reason. Peter, Bradbury, Hilary, Saga Publication, London, 2001.
7. Research Methodology in social sciences. A> N. Sadhu, Singh Amarjit, Himalaya, Bombay 3rd edi., 1985.
8. Social Research. Sarantakos Sotirios, McM Press Ltd., London, 2nd edi., 1998.
9. Qualitative inquiry and research design 'choosing a five traditions. Creswell John W. Sage Publication, New Delhi, 1998.
10. Diel work with children-holmes Robyn M. Sage Publication, New Delhi, 1998.

Indian journal of Social work :

1. Knowing children : Participant observation with minor. Fine gary Alan, Sandstrom Kent. sage Publication, New Delhi, 1988.
2. Qualitative research design : A interactive approach Maxwell, Joseph A, Sage Publication, New Delhi, 1996.
3. Participatory research and evaluation : experiment in research as a process of liberation-Fernandes Walter, Rajesh Tandon. Indian Social Institute, New Delhi, 1856.
4. Methods for development work and research : A guide for practitioners-Mikkelsen Britha, Saga Publication, New Delhi, 1995.
5. Doing research on crime and justice-King Roy D.

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- Emma Wincup-Oxford university Press,, 2000.
6. Research Methods in Criminal Justice and Criminology, Hagen Franke F., MacMillan Publishing Co., New York, 1993.
 7. Doing legal research : A guide for social scientists and mental health professionals, Morris Roberta, Sales Bruce D, Shuman Daniel W. Sage Publication, London.
 8. Research Methodology : A step by step guide for beginners-Kumar Ranjit, Sage Publication, London, 1996.
 9. Developing effective research proposals-Punch Keith, Sage Publication, London, 2000.
 10. Introduction to action research, Greenwood, David J. Levin, Morten, Sage Publication, London, 1998.
 11. Methodology in social research : Dilemmas and perspective essays in honour of R. Mukharjee, Sage Publication, New Delhi, 2000.

LW-301 : International Law and Practice

Objectives :

The post second World War had witnessed the phenomenon growth in International Organizations intended to play a significant role in maintaining peace at international or global level. The United Nation as a world body had assumed greater power in restructuring international relations amongst Nation State. The loosely international legal order based on mutual co-operation and co-existence had become a necessary condition for peace and progress around the world.

The emergence and evolution of International law as a tool or mechanism is therefore to be looked at from aforesaid perspective, this paper therefore focuses upon the

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nature, sources and different dimensions of International law. At the same time the transcended nature of International Law is to be viewed and studied like law of sea and outer space as well as Law of treaty. The basic object of this paper is to develop greater acquaintance among the students about its role and its significance at International level under changing circumstances.

1. Emergence and development of International Law :
 - Nature and Scope of International Law.
2. Sources of International Law :
 - General Assembly resolutions.
 - Codification of international law.
 - Other sources.
3. State :
 - State Responsibility.
 - Recognition of State.
 - Theories of recognition.
 - Kinds of Recognition.
4. Law of the Sea :
 - Sea conventions.
 - Exclusive Economic zone.
 - Continental shelf.
5. Law of outer space :
 - Peaceful use of outer space.
 - Role of International Law.
6. law of Treaty :
 - Vienna convention.
 - Treaty Law in India.
 - Doctrines.

LW-302 : International Organizations their role and International law

Objectives :

The role of International organization in the realm of International Law is very much crucial and important. The prime duty of International Organization is not only to maintain peace among independent sovereign state but also to create an atmosphere for mutual understanding and to work towards amelioration of human conditions in respective countries. United Nation and its organs collectively work toward collective security and peaceful settlement of conflicts among the nation states.

The transformation of an International world order merely a governing body to mechanism or a tool for social as well as economic development amongst the countries have acquired a new dimensions in the recent past.

Socio-economic and political process and the role to be played by the International Organization in restructuring or reshaping the socio-economic life of the countries is to be studied in this paper. Hence the primary aim of this paper is to provide a platform to students to undertake an in-depth analysis from International Organizations as well as non-governmental organizations.

1. Evolution of United Nations :
 - Organs and their functions.
 - General Assembly.
 - Security Council.
 - Economic Social Council.
 - Concept of collective security.

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2. Individual and International Law :
 - Nationality.
 - Aliens.
 - Extradition.
 - Asylum.
 - Diplomatic agents.
3. Modalities for Implementation of Rights :
 - Dispute settlement machinery.
 - The role of Ecosoc.
 - UN operational programmes in social and economic field.
4. Special agencies and NGOs :
 - Functions of special agencies.
 - Amnesty International.
 - International Commission of jurists.

Group-Criminal Law

LW-303 : Principles of Criminal Law and procedure

Objectives :

To study the general principles of criminal law their development.

To acquaint the students with modern trends in criminal law in India and England.

To explain the principles as applied in India and as elaborated through judicial pronouncement.

(Though specific offences have not been a part of the courses, the application of the general principles would be illustrated with reference to specific offences in extenso.

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The emphasis in the course would be on an understanding of the modern trends and developments in criminal law and the need for changes in Indian criminal law in the present socio-economic context).

Expectations of Students Attainments :

The students should be expected to be well conversant with the principles of criminal law as they have developed in the U.K. and as applied in India.

A familiarity with leading cases and the capacity to evaluate the judicial role in the evolution of principles would be necessary.

An understanding of the modern trends, the appreciation of the desired changes in India would be expected.

The students would be expected to illustrate the principles in their application to specific offences in extenso.

Topics for Study :

1. Crime and Criminal law;-elements of crime-stages in the commission of crime.
2. Principles of criminal liability-mens rea and actus reus-strict liability-vicarious liability-criminal liability of corporation.
3. Preliminary crimes : Abetment, criminal conspiracy, attempt.
4. General defences :
 - (a) Excusable :
Ignorance of law and fact; executive and judicial acts; accident; necessity; duress or coercion; infancy; drunkenness; insanity; consent; triviality.

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(b) Justifiable :

Right of private defence of person and property.
Provocation.

5. Burden of proof with relation to General Defences.

6. Rights and protection of accused.

Suggested Readings :

1. Glanville Williams : Criminal Law (General Part).

**Group-Criminal Law
LW-304 : Criminology**

Objectives :

To clarify the purpose and role of Criminology as a social science.

To spell out correlation between the fact of deviational conduct and law as a process of control.

To explain the role and relevance of deviation in society.

To specify causative pressures those inhibit or encourage deviational behaviour.

To instill in the students logical understanding of the phenomenon of crime.

To help them perceive limitations of law for checking the occurrence of crime.

To enable them to palm better legal and extra-legal techniques to meet anti-social conduct.

Expectations from the students :

Students are expected :

To be aware of the perspectives of Criminology and Criminal law.

To comprehend meaning and relevance of deviational

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conduct in civilised societies.

To appreciate and evaluate the established theories of crime causation and to be acquainted with prominent events, factors and pressures responsible for anti-social conduct in modern Indian society.

Topics for Study :

1. Deviance-notion of deviance-crime as deviance-functions of deviance-various sociological perspectives to crime and deviance; privileged class deviance-official deviance, police deviance, professional deviance and response of Indian Legal Order to the deviance of privileged class.
2. Criminology-nature and scope-different approaches and schools in criminology.
3. Theories of Crime Causation-biological, psychological, sociological, economic theories-multiple causation theories.
4. Juvenile Delinquency-concept and causes-Legislative and Judicial approaches to Juvenile Justice, Institutional services, and Juvenile aftercare services.
5. Violence-nature and kinds-contributory factors-approaches to violence in India-violence against women, depressed classes; communal violence-Terrorism-and Legal Responses.
6. Victims of Crime-UN Declaration on the basic Principles of victims of crime and abuse of power; Victim's Rights-fair access to justice, restitution, compensation and assistance-victim's compensation scheme in India; Human Rights-Protection of Human Rights Act.

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Suggested Readings :

1. Ahmed Siddique : Criminology, Problems and Perspectives.
2. Upenrra Baxi : The Crisis of the Indoan Legal System.
3. E. H. Sutherland, D. R. Cressey, D. Luckenbill : Principles of Criminology.
4. G. B. Vold, T. J. Bernard, J. B. Snipes : Theoretical Criminology.
5. Sue Titus Reid : Crime and Criminology.
6. John Conklin : Criminology.
7. Larry Siegel : Criminology.
8. K. S. Williams : Textbook on Criminology.
9. K. D. Gour (ed.) : Criminal Law and Criminology.
10. Pillai K. S. : Theories of Criminology.
11. Tierney John : Criminology : Theory and Context.
12. Erich Goode : Deviant Behaviour.
13. M. J. Sethna : Society and The Criminal.
14. M. B. Clinard : Sociology of Deviant Behaviour.
15. D. R. Simon : Elite Deviance.
16. T. Barker, D. L. Carter : Police Deviance.
17. R. L. Akers : Social learning and Social Structure : A General Theory of Crime and Deviance.
18. Jyotsna Shah : Juvenile Delinquency in India.
19. N. K. Chakrabarti : Juvenile Justice : In the Administration of Criminal Justice.
20. N. L. Mitra : Juvenile Delinquency and Indian Judicial System.
21. Shobha Saxena : Crimes against Women and Protective Laws.
22. P. R. Brass : The Production of Hindu-Muslim violence

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in Contemporary India.

23. M. J. Akbar : Riot after riot reports on case and communal violence in India.
24. V. N. Rajan : Victimology.
25. Mundrathi : Law on Compensation : To Victims of Crimes and Abuse of Power.

**LL.M. Syllabus
Business laws**

Paper - 1

LW-305 : Law of Contracts

Objectives :

To study the general principles of Law of Contracts and Special contracts in India in context of their judicial development and interpretation.

To given an appreciation of the emerging trends necessitated by modern trade and commerce, change in nature and functions of the State and planned economy taking into account the recent developments like globalization.

To develop the capacity to evaluate the law and judicial decisions in the light of changing needs of industrialized planned and welfare society.

Expectations of Students' Attainment :

The students would be expected to be will conversant with the general principles and the law relating to special contracts in India.

They will also be expected to be familiar with the leading judicial decisions (English and Indian), and with

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important comparative developments elsewhere.

The capacity to evaluate the law and judicial pronouncements in the context of social needs would be expected of them.

1. Formation of contract :
 - Agreement & objects.
 - Consideration.
 - Capacity to contract.
 - Free consent.
2. Breach of contract :
 - Vitiating element.
 - Remedies.
3. Quasi Contract Types of quasi contract :
 - Breach of quasi contract.
 - Remedies of quasi contract.
4. Agency and Indian Partnership Act :
 - Agency principle.
 - Right and duties.
 - Legal position of principal.
 - Legal position of Agent.
 - Legal position of 3rd party.
5. Sale of Goods Act :
 - Foundation of contract of sales.
 - Breach of contract of sale.
 - Remedies of contract of sale.
6. Bailment and pledge and indemnity and guarantee.

Suggested Readings for LW-910 and LW-010

1. A. G. Guest (ed.) : Anson's Law of Contract.
2. A. G. Guest : Law of Contract.

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3. P. S. Atiya, Introduction to the Law of Contract.
4. Avtar Singh : Law of Contract.
5. G. C. Cheshire, H. S. Fifoot : Cases on the law of Contract.
6. Chitty : Chitty on Contracts, Vol. I : General principles
Vol. 2 : Specific Contracts.
7. Pollock and Mulla on the Indian Contract and Specific Relief Acts.
8. Cheshire and Fifoot, The Law of Contract.
9. Bowstead on Agency.
10. Lindley on partnership.
11. Mulla on Partnership Act and Sale of Goods Act.
12. K. Poonuswami & K. K. Puri, Cases and Materials on Contracts.
13. G. M. Treitel : Law of Contract.
14. S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa : Iyer's Law of Contract.
15. R. S. Sim and S. V. Powell : Case book on contract.

Paper - 2

LW-306 : Company Law

Objectives :

To study the legal and quasi-legal problems connected with the corporate sector with particular reference to the laws, regulations and administrative frame-work relating to the organization and working of joint stock enterprises, and the regulation of the capital market in India.

To give an appreciation of the significance of the law of corporate enterprises in industrializing India, and a comprehension of the economic and social values which corporate enterprises ought to subserve in a planned welfare economy, and an evaluation of the India company law and

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practice in that context.

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

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

Expectations of Student's Attainment :

The students would be expected to be well conversant with the Indian company law and the broad features of its practice in India, as also with the relevant case law.

A basic comparative knowledge of company law and the practice in other countries would also be required.

Capacity to appreciate the social and economic objectives of corporate enterprises in a planned welfare economy, and to evaluate the Indian law and practice in the context would be necessary.

Students would also be expected to appreciate the legal and quasi-legal problems of Indian company law and its administrative and suggest viable solutions to them.

16. Meaning of Corporation-definition and nature of corporate personality :
17. Powers and Authority of Corporation :
 - Memorandum of Association
 - Articles of Association
 - Doctrine of ultra-vires, lifting of corporate veil and Doctrine of indoor management and its exception.
 - Legal implication of above documents & doctrines.
18. Corporate capital:
 - Corporate Capital - Share, debentures and deposits

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- Its allotment and transfer
- Securities

19. Directors:

- Legal position of Directors
- Powers, Rights, Duties and liabilities

20. Control over Corporate Management & Corporate Governance:

- By share holders:

- (i) Meetings
- (ii) Prevention of Oppression & Mismanagement

- By the Central Government:

- (i) Registrar of Companies
- (ii) Company Law Board, Tribunals, SEBI.
- (iii) Inspectors

21. Amalgamation, absorption and reconstruction of Company

22. Investors protection through winding up:

- Modes of winding up
- Liquidators
- Consequences of winding up.
- Powers of the Court.

Suggested Readings for Corporate Laws-I & II

1. J.M. Thomson : Palmer's Company Law
2. Gover : Principles of Modern Company Law.
3. R.H. Pandiya : The Companies Act.
4. Ramaiya : Guide to the Companies Act.
5. B.D. Devadason and T.V.S. Devadason : Company Meeting and Resolutions.
6. Indian Law Institute : Current Problems of Corporate

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Law.

7. S.M. Shah : Lectures on Company Law
8. Topham and ivamy ; Company Law.
9. M.K. Ghosh : Indian Company Law.
10. Arya : Company Directors.
11. S.C. Sen : The New Frantiers of Company Law.
12. Ramaiya : The Monopolies and Restrictive Trade Practives Act.
13. Venkoba Rao : The Monopolies and Restrictive Trade Practice Act.
14. Report of the High Powered Expert Committee on Companies and MRTP Acts, 1978 (The Sachar Committee Report).
15. Gore Browne on Companies.
16. Pennington on Company Law.
17. D.S. Chopra : Case book on company Law.
18. Datta ; Company Directors.

Labour Laws - Paper-I

LW-307 : Trade Unionism and collective bargaining

Objectives :

In a rapidly industrializing country like India balancing the conflicting interests in the industrial sector is necessary for the sustainable growth of economy. It is conspicuous that the social, economic and political foreces influence the process of collective bargaining in more ways than one. Conversely, the process makes a great impact upon many factors of our socio-economic system. Necessarily, norms and standards are to be evolved in order to bring industrial peace. The limits, scope and the conceptual dimensions of

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collective bargaining and trade unionism have to be learned in a detailed manner and with a comparative analysis wherever possible. The course is intended to cover following aspects.

1. To explain the development of trade union movement and the rationale of trade unionism with special reference to India and its economic development.
2. To study the law regarding the trade unions and special problems of trade unionism in India.
3. To study the theory of collective bargaining and the collective agreements in India.
4. To understand the problems affecting labour management relations with particular reference to India.

Expectation of student's Attainments:

To be familiar with the growth of the trade union movement, its rationale and the laws relating to trade unions in India, with particular reference to Maharashtra.

To identify special problems of the trade union movement in India.

To exhibit an understanding of the theory of collective bargaining and appreciate collective bargaining in India - problems, prospects & perspectives.

The students must be acquainted in brief with the various modalities of resolution of disputes, and exhibit

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knowledge of their merits and demerits. They must develop comparative understanding of collective bargaining vis-a-vis adjudication. At the same time the students shall have understanding of the concept of worker's participations in management and its problems and perspectives. In light of the above coverage the students shall have knowledge of ILO conventions, recommendations and obligations.

Topic for Study :

1. Freedom of Organisation

International norms:

Right to association of industrial and unorganized labour.
Right to association in India: the Constitutional and legal aspects.

2. Collective Bargaining Conceptual and Processual Issues-

Conception of collective bargaining: a comparative appraisal or Methodological aspects.

3. Collective bargaining- Nature, definition, theories, advantages, disadvantages, conditions for successful collective bargaining, Collective bargaining in India-an evaluation.

4. Trade union and Bargaining process

(a) Types of bargaining : Plant level, Industry level, National level.

(b) Trade unionism, Law and economic development

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- (c) Rights & Liabilities of trade unions (TU. Act & MRTU & PULP Act).
- (d) Trade union as a bargaining agent.
- 5. Legal Control of Collective Bargaining Endeavours -
 - (a) Strike in its various dimensions (Pen-down, Tool down, Go slow, stay in, sit in, picketing)
 - (b) Gherao
 - (c) Lock out
- 6. Factors affecting Collective Bargaining
 - (a) Multi-Unionism
 - (b) Other factors
 - (c) Conditions for successful functioning: comparative analysis.
- 7. Collective Bargaining and Political Process
 - (a) Wage policy
 - (b) Work discipline
 - (c) National income and profit.
- 8. Collective Bargaining and Political Process
 - (a) Problem of outsiders in the union
 - (b) Affiliation of unions to political parties
 - (c) Policies towards workers, Participatoin in management - role of State,

Statues to be studied:

Trade Unions Act 1926

MRTU & PULP Act 1971

Industrial Disputes Act 1947

(Note : The reports of Commissions and Committees and relevant ILO Conventions are to be referred).

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Select bibliography :

1. Gillian S. Morris and Timothy J. Archer, *Collective Labour Law* (2000), Oxford.
2. Nick Humphrey, *Trade Union Law* (1997), Blackstone, London.
3. John Browsers and Simon Hentyball, *Text book on Labour* (1998), Blackstone, London.
4. Stephen Dery and Richard Mitchell, *Employment Relations Individualisation and Union Exclusion* (1999), Blackstone, London.
5. Roger Blanpain, Chris Engels (Eds.), *Comparative Labour Law and Industrial Relations in Industrialised Market Economies* (1999) Kluwer.
6. Indian Law Institute, *Labour Law and Labour Relations*, (1987)
7. ILO, *Collective Bargaining*.
8. ILO, *Collective Bargaining in Industrialised Market Economies*.
9. Mary Sur, *Collective Bargaining* (1965).
10. R.W. Rideout, *Principles of Labour Law*, (1983).
11. Otto Kahn-Freund, *Labour and the Law*, (1977).
12. A.V. Rajagopalan, "Approaches to collective bargaining -Intricacies" 1982 Vol. II *Labour Law Notes* P.J. 42.
13. B.R. Patil, *Sectionalised Bargaining in Textile Industry in Coimbatore* 20 *Indian Journal of Industrial Relations* 44 (1985).
14. Elias T. Ramos, "Growth of Collective Bargaining in

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the Philippines, 1953-74", Indian Journal of Industrial relations 559 (1987).

15. T.O. Ekeehukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria" 18 Indian Journal of Industrial relations 607 (1983).
16. Y.R.K. Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978).
17. Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of Industrial Relations 329 (1982).
18. K.D. Srivastava, Law relating to trade unionism.
19. A.N. Sarma, Industrial relations in India, Deep & Deep and Publications.

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Labour Law - II

LW-308 : Law relating to social security and wages

Social security is a necessary phenomenon of a welfare state. The ideal of social security contained in the Constitution, the concept embodying the ideals in the various Statutes and the plethora of administrative measure of the State are indicative of the recognition of social security as an important objective to be achieved in our democratic process. This course shall examine the various dimensions of labour security measures and seek linkages with social security would expose the students to the evolution and theory of concept of social security, social insurance and labour welfare.

To study the laws regarding social security legislation in India and their judicial interpretation. To appreciate the legal problems connected with the coverage of the Statutes, nature and extent of the risks covered, types and extend of benefits, claims, settlement, procedures etc.

In this course Constitutional ideals for decent wages and the judicial interpretations of these ideals are significant areas of study. More often than not the workers' demand for more wages leads to acute controversy. How have the statutory and decisional law balance the interests so as to achieve industrial peace. Necessarily, the different facets of wages, the rationale of wage differentials, the impact of wage increase on the socio-economic set up and the national wage policy perspectives constitute important components of the study. All these problems are to be assessed in the light of the international norms laid down by the ILO and reports of various commissions and committees.

Topics for Study :

1. Labour welfare and security as part of the general social security in the welfare State
2. **Origin and Development**
 - (a) Western countries charitable institutions professional guilds Philanthropic organizations workmen's compensation law in England and USA.
 - (b) Eastern societies India : Joint family system,
 - (c) International norms on social security for labour : the ILO measures
3. **Constitutional Perspective :**
 - (a) Fundamental Rights : realization of the rights through meaningful social security measures : right to life, the wider dimensions.
 - (b) Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age sickness and disablement, maternity relief.
4. **From Compensation to Insurance :**
 - (a) Judicial interpretation of the expression "arising out of and in the course of employment"
 - (b) Employees state insurance benefits : an improvement over workmen's compensation
5. **Towards an ideal Social Security Scheme : the Futuristic :**
 - (a) Comprehensive and integrated social security : an utopian concept or a pragmatic approach ?
 - (b) Funding

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- (c) Benefits and beneficiaries
- (d) Role of trade unions
- (e) Social security clauses in collective agreements
- (f) Trade union schemes with its own fund.
(Social security legislations namely, The Workmen's compensation Act 1923, Employee's state Insurance act 1948, Employees Provident Fund Act, Maternity benefit and Gratuity Act. The Acts their objects, frame-work & important provisions of the legislations must be appropriately co-related with the above topics.)

7. Wage Law and Wage Policy :

- (a) *Constitutional Perspectives on wages*
 - 1. Denial of minimum wage as forced labour
 - 2. Constitutionalisation of legal rights : elevation of legal to fundamental rights.
 - 3. The Constitutional ideals
 - 4. Right to work
 - 5. Right to living wage
 - 6. Right to equal pay for equal work
 - 7. Workers participation in management : impact on wage determination.
- (b) *Theories and facets of wages*
 - 1. Theories of wages
 - 2. Wages, bonus and dearness allowance
 - 3. Basic wages
 - 4. Bonus as deferred wages or share of profits—eligibility
 - 5. Allowances and concessions.
 - 6. Cash incentives : Percentage on turn-over (Production linked wages)
 - 7. Low wages & high perks as a camouflaging stratagem of defeating ceiling on wages.

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(c) *Wage differentials : Rational policy or Unjust Practice ?*

1. Inter-industry, intra-industry and regional factors
2. Private sector-public sector, difference in wages
3. Capacity of industry to pay and wage fixation

(d) *National wage policy : problem and perspectives*

1. National wage policy
2. Need for integrated approach : income, price and wage
3. Problems of mixed economy
4. Capital intensive sector
5. Labour intensive sector
6. Wages in Multi-national corporations : impact of globalization

(e) *International Standardizations*

Role of ILO : conventions and recommendations

Relating to wages.

Statutes to studied :

The Workmen's Compensation Act, 1923.

Employees' State Insurance Act, 1948.

Employees' Provident Funds Act, 1952.

The Maternity Benefit Act, 1961.

The Gratuity Act, 1972.

The Minimum Wages Act 1948.

[**Note** : The reports of Commissions and Committees and relevant ILO Conventions are to be referred.]

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Suggested Readings :

1. O.P. Malhotra, Law of Industrial Disputes (1999).
2. R.R. Singh, Labour Economics Chs. 6, 7, 8, and 9 (1971).
3. G.L. Kothari, Wages, Dearness Allowances and Bonus (1968).
4. Y.B. Singh, Industrial Labour in India Part-I (1960)
5. V.V. Giri, Labour Problem in Indian Industry Ch.6 (1972)
6. Report of the National Commission on Labour 1969 (Relevant Portions).
7. International Labour Office, Wages (1968).
8. International Labour Office, Wage Fixing (1981)
9. International Labour Office, Minimum Wage Fixing (1981).
10. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India" 15 JILI 444 (1973).
11. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of sweated Labour in India Problems and Prospets" 23 J.I.L.I. 495 (1981).
12. R.D. Agarwal, Dynamics of Labour Relations in India (1972).
13. Sahab Dayal, "Wage, Income and Industrial Relations in Modern India : An Evaluation of selected Empirical Implications." 15 Indian Journal of Industrial Relations 295 (1977).

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14. Madhuri G. Seth, "Bonus in Equity Perspective," 15 Indian Journal of Industrial Relations 119 (1979).
15. Deepak Lal Theories of Industrial Wage Structures : A Review" 15 Indian Journal of Industrial Relations 167 (1979).
16. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344 (1985).
17. R.L. Chawla, "Wage Policy and Industrial Relations, A Brazilian Case Study," 17 Indian Journal of Industrial Relations 27 (1981).
18. G.A. Johnston : The International Labour Organization (Europe Publication, London, 1970).
19. Dr. Vivek Bhattacharya : Social Security Measures in India (Metropolitan, Delhi, 1970).
20. Bakshi and Mitra : Workmen's Compensation Act and other Social Insurance Legislations.
21. K.D. Srivastava : Commentaries on Employees, State Insurance Act.
22. T.A. Raj Gopal : Employees' Provident Funds Act and Scheme (Laws of India Pvt. Ltd., Madras, 1967).
23. Larson : Workmen's Compensation Law.
24. F.L. Barawala : The Law and Practice of the Provident Fund in India.
25. Dr. C.B. Mamoria : Principles of Social Security (Kitab Mahal, Allahabad, 1965).
26. Report of the Royal Commission of Labour in India, 1931.
27. Report of the National commission on Labour, 1969.

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Science, Technology and Law - I

LW-309 : Medical Law.

Objectives :

To explore the role of law and state play in controlling science and technology

To make the students aware of the development of medical science.

To explore the students to the various problems of medicine and law and to acquaint them with the existing law and it's missing links.

Expectations of Students' attainments :

The Students are expected to be well aware with the importance and use of medical science and technology in the development of human society.

To be well conversant with the law regarding medical field and pharmaceutical industry.

To identify special problems in the regulation of medical practice, research and development in India.

Topics for Study :

1. Introduction emphasising on linkages between law science and technology-whether study of law is a science importance of the study of natural sciences in building legal theory.
2. Interrelationships between law and medicine justifications for legal interventions in the field of medicine and medical education.
3. The Regulation and Organization of Medical Education and Profession in India Implications of privatization of medical education Important legal interventions in medical profession notion of profession self regulation

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through education, codes of conduct, institutional discipline and disciplinary proceedings legal regulation of medical profession relevant constitutional provisions brief introduction of a) Indian Medical Council Act, 1956 with up to date amendments b) Homoeopathy Central Council Act, 1973. c) Dentists Act, 1948 Need for the prevention and mushrooming of fake medical practices status of paramedics judicial response to medical profession.

4. Legal Regulation of Medical Experimentation and Research the doctrine of informed consent experimental abuses experimentation on fetuses and children experimentation on people in custody, including psychiatric custody.
5. Relationships between Doctor and Patient confidentiality and privilege with special reference to AIDS patient Patient's right of full disclosure of course of therapy including side effects of drugs medical negligence a) as a tort b) deficient service under Consumer Protection Act, 1986. c) Doctor Patient relationship whether a contract of service or contract for service medical malpractice judicial review.
6. Legal Regulation of Pharmaceutical Industry brief overview of pharmaceutical in India critical analysis of Drugs(control) Act, 1950; Pharmacy Act, 1948; Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954; Drugs and Cosmetic Act, 1940-Impact of Patents law on Indian Pharmaceutical Industry and dumping of unsafe drugs.

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7. Legal Regulation of Blood banks Plastic surgery and its misuses accountability of doctors in framing post mortem reports sensitization of doctors to conduct medical examination of prosecutrix role of doctors in safeguarding fundamental right to first aid. Issues involved in Pre-Natal Diagnostic Techniques (Regulation and Prevention of misuse) Act, 1994 ; Medical Termination of Pregnancy Act, 1971 The Transplantation of Human Organs Act, 1994; Artificial Insemination Surrogated Motherhood Euthanasia; Sterilisation and mentally handicapped.

Suggested Readings :

1. Freeman : Law and Medicine
2. Andrew Grubb : Principles of Medical Law.
3. Michael Davies : Textbook on Medical Law.
4. Ian Kennedy and Andrew Grubb : Medical Law.
5. Homi Shapari Mehta : Medical Law and Ethics in India.
6. Lyon's Medical Jurisprudence for India.
7. Bonne Fremgen : Medical Law and Ethics.
8. Poornima Advani : Doctor, Patient and the Law.
9. Anoop Kaushal : Medical Negligence and Legal Remedies.
10. Modi's Medical Jurisprudence.
11. Peter Bartlett and Ralph Sandland : Mental Health Law : Policy and Practice.
12. Digumurti Bhaskar Rao (ed.) : HIV/AIDS and Ethics and Human Rights.

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13. Austen Garwood Gowers : Living Donor Organ Transplantation : Key Legal and Ethical Issue.
14. S.V. Jogerao : Current Issues in Criminal Justice and Medical Law.
15. Jonathan Montgomery : Health Care Law.
16. Edward Richard and Katherine Rathbun : Medical Care Law.
17. R.K. Bag : Law of Medical Negligence and Compensation
18. Mason and Mc Call Smith : Law and Medical Ethics.
19. Pragya Kumar : Medical Education in India.

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Science, Technology & Law - II

LW-310 : Information Technology Law.

Objectives :

The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer Science and Information Technology. To acquaint the students with the national and international legal order relative to these.

Expectations of Student's attainment :

The students are expected :

To exhibit understanding of the interaction between computer science, technology and Law.

To be well conversant with the law regarding Information Technology.

To identify special problems in the legal order of Information Technology.

Topics for Study :

1. Introductory-Notion of artificial intelligence Artificial Intelligence v/s Human Resources Growth of Computer science and technology Information Technology and its impact on human Life-E-commerce, E-governance, E-justice, E-education and other imp. Processes with reference to India.
2. Cyber Jurisprudence and nature of Cyber Law-Basic Terminologies of cyber law evolution of Nettiquatics, cyber culture, cyber society cyber space and problem of Jurisdiction Nature and scope of cyber rights and their comparison with other legal rights Interrelationship between Fundamental Rights and Cyber Rights.

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3. Information Technology Act, 2000. Historical genesis of IT Act-Unictral Model Law 1998 critique of IT Act with reference to developments in U.K. and U.S.A. problem of communication convergency.
4. Intellectual Property Rights and Information Technology Law relating to protection of software and patenting of hardware Regulation of transfer of computer technology (Unfair means, Restrative trade practices etc.)
5. Invasion of Privacy Rights and Computers Central data banks and privacy rights consumer credit, privacy rights and computer systems.
6. Cyber crimes Nature of cyber crimes comparison with traditional crimes-range of cyber crimes Hacking, virus and malicious programme, fraud and theft, gambling, cyber pornography, stalking, harassment, hate speech cyber terrorism.

Suggested Readings :

1. Yatindra Singh : Cyber Laws.
2. Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.
3. Linda Brennan and Victoria Johnson : Social, ethical and policy implication of Information Technology.
4. Kamath Nandan : Law relating to Computer, Internet and E-Commerce.
5. Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to Cyber Marts.
6. Lawrence Lessing : Code and other Laws of cyberspace.
7. Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.

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8. Ian L loyd : Information Technology Law.
9. Elizabeth MacDonald and Diane Rowland : Information Technology Law.
10. P.S. Narayana : Intellectual Property Rights in India.
11. Rodney Dryer : Intellectual Property and the Internet.
12. V.K. Unni : Trade Marks and the emerging concepts of Cyber Property Rights.
13. S.K. Sharma : Encyclopedia of Cyber Laws and Crimes.
14. Christopher Health : Legal Rules of Technology transfer in Asia
15. Michael Caloyannides : Privacy Protection and Computer Forensics.
16. Joseph Wellis : The Computer and Internet Fraud Manual.
17. Chris Reed and John Angel (ed) : Computer Law.
18. Matthew Collins : The Law of Defamation and the Internet
19. Yee Fen Lim : Cyberspace Law.
20. S.V. Jogarao : Computer Contracts.
21. S.S. Ahmed : A Guide to Information Technology : Cyber Law and E-Commerce.
22. S.T. Vishwanathan : The Indian Cyber Law and Rules.
23. Markandey Katiju Law in the Scientific Era.
24. John Zinian (ed) World of Science and Rule of Law
25. Cees Hamelink : The Ethics of Cyberspace.
26. David Bainbridge Software Copyright Law.
27. Sookmoon : Computer Law.
28. W.R. Cornish : Intellectual Property Law
29. W.R. Mann : Transfer of Technology
30. D.P. Mittal : Law of Information Technology

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Human Rights Law - I

LW-311 : Concept and Development of Human Rights

Objectives :

In contemporary civilized societies human rights have been developed as determinative factors of socio-economic, politico-legal process. After the second world war concept of human rights had assured and acquired most significant, predominant and dominant role to restructure civilized societies based on liberty, Justice equality and democratic principles. It becomes imperative to inculcate Human Rights values and develop acquaintance about the concept and its importance amongst students. Any law or legal system sans Human rights is no law or no legal system. This perspective or impression is a necessary condition for understanding not only the concept of Human Rights, but its nature and subsequent development at National or International levels. Hence, this course aims at to highlight the concept of Human Rights, their evolution and their importance in our society.

Topics for Study :

1. Historical view – leading to international concern with human rights.
2. Philosophical & legal foundation of Human rights.
3. Classification of Human Rights.
4. Specific norms relating to
 - Minorities
 - Genocide
 - Children
 - Prisoners
 - Racial discrimination

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Human Rights Law - II

LW 312 : Human Rights and International Order

Objectives :

Human Rights are the right of human beings which have universal application and their values. Human rights have acquired a new dimension with the adoption of Universal Declaration of Human Rights in 1948. United Nations is a world body, entrusted with the task of maintaining peace and promoting human rights awareness at global or international level Charter of the United Nations or international conventions have very persuasive force, and are authoritative instruments for protection and enforcement of human rights. Similarly, like United Nations, regional organizations play a very vital or pivotal role to prevent and curb human rights violations at regional level. Role of these organizations assumes more significance or importance to maintain human rights standards in respective countries.

Although international or regional organizations non-governmental organizations have increasingly played a very crucial role in restructuring human rights and promoting their awareness. Human rights perspectives are necessarily to be analysed with the functioning or working of these organizations. Hence, the paper aims to make students aware about role of these organizations as well as the role of the international court of justice.

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Topics for Study :

1. International Human Rights Standards
 - United Nations Charter
 - Universal Declaration of Human Rights
 - Covenant on civil and political rights
 - Covenant on economic social and cultural rights
2. Role of Regional Organizations
 - European convention on Human Rights/Court of human Rights
 - American convention on Human Rights/Courts
 - African convention on Human Rights
3. Protection agencies and mechanism
 - Non governmental organizations (NGOs)
 - UNICEF
 - UNESCO
 - International Commission of Human Rights
 - ILO International Labour Organization
4. Role of International Court of Justice

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Administrative Law - I

LW-313 : Administrative process nature and scope

Objectives :

With the emergence of a State as a welfare institution its administration and administrative law have become all pervading feature across the world. The aim of this course is to study the structure, governance, organization, powers and functions of public authorities in India. The expansion of the powers of the state necessitates to undertake a scrutiny of its various functions viz. legislative, executive as well as judiciary. Indian Administrative law is essentially a judge made law and therefore students are expected to be familiar and acquainted with the development of the subject.

Topics for Study :

1. Introduction
 - Nature & Scope of Administrative Law & Administrative Process.
2. Rule of Law & Separation of Powers.
 - Classification of Administration Power.
3. Delegated Legislation
 - Emergence & growth
 - Limits on delegation
4. Contractual & Tortious Liability
5. Administrative Discretion
 - Nature and structure
 - Doctrine of Fundamental Rights and Administrative Discretion.
 - Limits of administrative discretion

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Suggested Readings Paper-I, II and III

1. H.W. Wade-Administrative Law.
2. DeSmith-Judicial Review of Administrative Action
3. Garner-Administrative Law
4. D.D. Basu-Comparative Administrative Law.
5. Wade & Philips-Constitutional Law.
6. Dicey-Introduction to Law of the Constitution.
7. O Hood Philips-Constitutional Law & Administrative Law.
8. M.P. Jain, S.N. Jain-Principles of Administrative Law.
9. M.P. Jain-The evolving Indian Administrative Law.
10. B. Schwartz –An introduction to American Administrative Law.
11. M.P. Jain-Cases and materials on Administrative Law.
12. K.S. Shukla & S.S. Singh-Lokayukta-A socio legal study.
13. Ivor Jennings-Law and the Constitution.
14. K.C. Davis-Discretionary justice.
15. Neville L. Brown & J.F. Garner French Administrative law.
16. Peter H. Schuck – Foundations of Administrative Law.
17. P.P. Craig - Administrative Law
18. Alex Carol-Constitution & Administrative Law.
19. Neil Hawke & Neil Papworth - Introduction to Administrative Law.
20. Jaffe-Judicial Control of Administrative Law.

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Administrative Law - II

LW-314 : Administrative process and Judicial control

Objectives

Administrative law is basically a product of judicial decisions and judicial process. Judicial review of administrative function or judicial control of administrative processes is the hall mark of modern administrative law. The historical evolution of judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making the ground on which decisions are to be challenged and the limitation the judicial review are required to be studied in detail Similarly, the procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process makes an administrative justice fair and reasonable. This paper aims furnishing the profound and comprehensive outlook of judicial review and lay down standards for administrative behaviour.

Topics for Study :

1. Judicial Review of Administrative Functions.
 - Grounds of Judicial Review
 - Judicial Review through writs.
 - Powers of the Supreme Court & Courts.
 - administrative discretion
2. Principles of Natural Justice
 - Doctrine of Bias
 - Hearing
 - Reasoned Decision
 - Institutional Decisions
3. Control of Delegated Legislation
 - Judicial control
 - Legislative control
 - Publication

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4. Promissory Estoppel and legitimate expectations.
5. Government privileges in legal proceedings.

Suggested Readings :

1. H.W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner Administrative Law
4. D.D. Basu - Comparative Administrative Law.
5. Wade & Philips - Constitutional Law.
6. Dicey - Introducton to Law of the Constitution.
7. O Hood Philips - Constitutional Law & Administrative Law.
8. M.P. Jain, S.N. Jain-Principles of Administrative Law.
9. M.P. Jain–The evolving Indian Administrative Law.
10. B. Schwartz –An introduction to American Administrative Law.
11. M.P. Jain-Cases and materials on Administrative Law.
12. K.S. Shukla & S.S. Singh-Lokayukta-A socio legal study.
13. Ivor Jennings-Law and the Constitution.
14. K.C. Davis Discretionary justice.
15. Neville L. Brown & J.F. Garner French Administrative law.
16. Peter H. Schuck – Foundations of Administrative Law.
17. P.P. Craig - Administrative Law
18. Alex Carol-Constitution & Administrative Law.
19. Neil Hawke & Neil Papworth - Introduction to Administrative Law.
20. Jaffe - Judicial Control of Administrative Law.

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International Trade Law - I

**LW-315 : Public International Trade Law Role of
UNO I**

Objectives of the Course

The object of this course is to endow students with an understanding of the legal environment in which international trade and commerce are conducted by business entities in both civil and common law countries. The course will examine the private and public law aspects of international trade and commerce. The private law component will deal with transactions, such as sale of goods, forms of payments, and related issues, such as customs, shipping law and insurance law and private international law aspects with particular reference to dispute resolution. The public law component will consider the impact of international obligations, both multilateral and bilateral, on the conduct of trade and commerce. It will also consider the principles of international law relating to contracts and dispute settlement and arbitration.

There is a special focus on GATT WTO. The course will also enable the students to comprehend impact of privatization and Globalization on law, with regard to International business transaction, both in relation to nations inter se and between private companies and multinational corporations (MNCs) too.

Emphasis is also put on enabling the students to critically view New International Economic Order (NIEO). Attention is also to be paid to provide them theoretical grounding of some of the important and basic principles of trade theory and international economics.

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Expectations of student's attainments :

On successful completion of this course, students are expected to have an understanding of the public and private law components of international trade and commerce, international treaties, including customs laws, regulating international trade and commerce such as the sale of goods, forms of payments, insurance and securities over international transactions, the forms and nature of international dispute resolution.

They are expected to study the text of the relevant conventions and decisions and opinions expressed by different international bodies must form the basis of their understanding. They are also expected to critically analyze all the international conventions with regard to Indian scenario.

**LW-315 Public International Trade Law Role of
UNO-I**

Topics for Study :

(I) Background

- (a) Meaning and Nature of International Trade [Economic] Law
- (b) Sources of International Trade Law
- (c) Development and evolution of International Trade Law in pre and post World war periods.
- (d) Codification of International Economic Law and role of International Organization.

(II) Foundation of Modern Trade Theory and its Historical evolution

(III) Advantages and Disadvantages of International Trade

(IV) Relationship between International Trade and development

(V) Role of UNO in Evolving International Trade Law and NEW INTERNATIONAL ECONOMIC ORDER (NIEO)

1. Meaning of NIEO.
2. The UN and the NIEO.
3. The UN Declaration of a NIEO.
4. Program of action on the Establishment of NIEO.
5. Promotion of cooperation among Developing Countries.
6. Charter of Economic Rights and Duties of states (CERDS).
7. Problems and prospects of the NIEO.
8. Significance of NIEO.
9. Implications of the NIEO for India.

(VI) The United Nations Conference on Trade and Development (UNCTAD).

1. Philosophical and political origins of UNCTAD.
2. Role and achievements.
3. Structure and functions of UNCTAD.
4. Institutional, Legal and Economic framework of UNCTAD.

(VII) International Economic Agencies :

A-International Monetary Fund (IMF).

B-International Bank for Reconstruction and Development (IBRD).

C-The International Centre for Settlement of Investment Disputes (ICSID) 1965

D-World Bank

E-World Intellectual Property Organization (WIPO).

(VIII) The United Nation's Commission for International Trade Law (UNCITRAL)

1. Work Carried out by UNCITRAL.
2. UNCITRAL Arbitration Rules 1976.
3. UNCITRAL Conciliation Rules 1980.
4. UNCITRAL Modth Law an International Commercial Arbitration, 1985.

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Public International Trade Law-II

LW-316 : GATT

Relevance of GATT and WTO

I. Towards Global Trade :

- (a) Globalization of Economic activity.
- (b) Waves of Globalization.
- (c) Anxiety behind globalization of Trade.
- (d) Law and Globalization.
- (e) International Trade and Regionalism.

II. General Agreement on Tariffs and Trade-(GATT), 1947

- 1. Historical evolution of the GATT.
- 2. Objectives of the GATT 1947.
- 3. Conventions and main principles of the GATT.
- 4. Fundamentals of GATT.
- 5. Outline of GATT agreement 1947.
- 6. Non discrimination and most favoured Nation clause.
- 7. Purpose of MFN clause in GATT.
- 8. Special and differential Treatment & GATT.
 - (a) GATT rules and developing countries.
 - (b) GATT-Art. XV implementation of Generalized System of preferences (GSP) and its Structure.
 - (c) reciprocity and free Rider's problem.
 - (d) Graduation concept.

III. GATT negotiation Rounds

- Procedures of GATT Negotiations.
- Tariff Barriers and Non-Tariff barriers.
- Bilateral and Multilateral Trade agreements of GATT.
- method of Multilateral Trade Negotiation under GATT.

IV. GATT-1994

- Salient features of GATT 1994.
- Final Act embodying the results of the Uruguay Round of multilateral Trade Negotiations.
- Decision on measures in favor of least developed countries in GATT 1994.
- List of developed, Developing and Least developed Countries.

V The World Trade Organisation (WTO)

- (1) Salient features of Agreement of Establishing WTO
- (2) Objectives of WTO
- (3) Scope
- (4) Functions of WTO
- (5) Structure
 - (a) Ministerial conference
 - (b) General Council
 - (c) The Dispute Settlement body
 - (d) Trade Policy Review Body
 - (e) Council for Trade in Goods, Trade in services and Trade Related aspects of Intellectual Property Rights.

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- (f) Subsidiary Bodies.
 - (g) A committee on Trade and Development, A committee on Balance of payment restrictions and budget, Finance and administration.
 - (h) Bodies provided under the plurilateral Trade agreements.
- (6) The Secretariat
 - (7) Budget and Contribution
 - (8) Status of WTO
 - (9) Decision making
 - (10) Amendments
 - (11) Membership and Withdrawal
 - (12) Miscellaneous

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Environmental Law - I

LW- 317 Environmental & Law

Paper I Resources Management and Law

Objectives of the course

The concept of environmentally embedded in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. Towards the close of the last millennium one finds widening dimensions of environmental consciousness. How do these developments stand reflected in formulation of policies and in following constitutional values in India ? This is the thrust of the paper.

Sustainable use of resources, natural and man-made, is the desideratum in an environmentally conscious period of human development. Wise use of water, land, forest and other common property resources, such as wet lands, lakes, roads and parks become an important task in this respect. Protection of various energy resources is equally significant element in countering wastage, indiscriminate use and unwise choice.

Topics for Study :

1. The idea of Environment
 - 1.1 Ancient and medieval writings
 - 1.2 Traditions
 - 1.3 Natural and biological sciences : perspective
 - 1.4 Modern concept : conflicting dimension
2. Development
 - 2.1 Theories of development
 - 2.2 Right to development
 - 2.3. Sustainable development - national and international perspectives.
 - 2.4 Developing economies

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3. Policy and Law
 - 3.1 From Stockholm to Rio and after
 - 3.2 Post-independence India
 - 3.3 Role of government
 - 3.3.1 Five Year Plans
 - 3.3.2 Forest Policy
 - 3.3.3 Conservation strategy
 - 3.3.4 Water Policy
4. Population, Environment and Development
 - 4.1 Population explosion and environmental impact
 - 4.2 Population and sustainable development
5. Constitutional Perspective
 - 5.1 Fundamental Rights
 - 5.1.1 Right environment
 - 5.1.2 Enforcement of the right
 - 5.1.3 Directive principles and fundamental duties
 - 5.1.4 Legislative power :
 - 5.2 Environment : Emerging concepts and challenges
 - 5.2.1 Polluter pay principle : absolute liability of hazardous industry
 - 5.2.2 Precautionary principles
 - 5.2.3 Public trust doctrine
1. Water
 - 1.1 Salinity
 - 1.2 Bund and spill ways
 - 1.3 Aquaculture and finishing : regulation
 - 1.4 Irrigation
 - 1.5 Ground water management
 - 1.6 Interstate water management and dispute

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2. Land
 - 2.1 Controls on land development
 - 2.2 Eco-Friendly land planning: conservation, utilization and conversion.
 - 2.3 Mining and quarrying
3. Concepts of Common Property and State Property
 - 3.1 Forest
 - 3.2 Common facilities and the right to use: roads, parks, pathways, lakes, rivers
 - 3.3 Natural heritage - tribal habitat
 - 3.4 Historical monuments
 - 3.5 Wet lands: Wise use concept
4. Energy
 - 4.1 Sources
 - 4.2 Energy related environmental problems: tapping, transmission and utilization, indiscriminate use.
 - 4.3 Utilization of conventional energy: hydro-electric, thermal and nuclear
 - 4.4 Non-conventional energy: Solar, wind, tidal and biogas.

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3. R.B. Singh & Suresh Misra, Environmental Law in India (1996), Publishing Co., New Delhi.
4. Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi.
5. Richard L. Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.
6. Christopher D. Stone, Should Troos Havo Standing and other Essays on Law, Morals and the Environment (1996), Oceana.
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8. Charles A.R. Webster, Environmental Health Law (1981).
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10. Department of Science and Technology, government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
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20. Henrick Ringbom (ed.) Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer.
21. Claus Bosselmann and Benjamin J. Richardson, Environmental Justice and Market Mechanism (1999),
22. Jean-Pierre Beurier, New Technologies and Law, the Economy and Sustainable Development (2000), Kluwer.
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26. Zhiguo Gao, *Environmental Regulation of Oil and Gas* (1998), Kluwer.
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30. British Institute of International and Comparative Law, *Selected Documents on International Law* (1975), London.
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Environment Law - II

LW-318 : Prevention and Control of Pollution

Objectives of the Course :

Pollution hazards bring the worst harm to the environment. Legal measures are attempted to prevent or control various kinds of pollution and their aftermath. Can land pollution hazards be prevented or controlled effectively by criminal sanctions especially in a developing country like India ? What other legal strategies can be adopted at this level ? To what extent can corporate civil liability be extended for remedying pollution maladies particularly mass disasters. One has to be a critic of the existing laws and to look forward to desirable mechanism of control over pollution hazards. This paper aims at shedding light on these areas.

Concepts of environmental protection lay scattered in isolated provisions of general legislation in India before world consciousness was aroused by the Stockholm conference in 1972. In the post Stockholm period there were many legislative activism in such areas like control of pollution and forest conservation. This legislative activism culminated in the enactment of environment (Protection) Act 1986 with a plethora of delegated legislation and delegation of powers. The central government has become the guardian of environmental protection and formulated rules and regulations on coastal zones, noise pollution and preparedness on environmental disasters. There are attempts in making laws for implementation of norms laid down in international conferences.

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Topics for Study :

1. Pollution :
 - (a) Meaning
 - (b) Kinds of pollution and their impact
2. Pollution of water :
 - (a) Definition
 - (b) Ground water pollution
 - (c) Sources
 - (d) Critique of existing laws
 - (e) Machinery
 - (f) Powers
 - (g) Function
 - (h) Offences and penalties
3. Pollution of air :
 - (a) Pollutants and effects
 - (b) Modalities of control
 - (c) Conflicts of jurisdiction of different control
 - (d) Agencies
 - (e) Critique of the existing legal framework
4. Noise Pollution :
 - (a) Sources and effects
 - (b) Different legal controls
 - (c) Need for specific law
5. Disposal of Waste :
 - (a) Kinds of waste
 - (b) Disposal agencies : local bodies and other agencies
 - (c) Disposal and recycling of wastes

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6. Sanctions against pollutions :
 - (a) Efficacy of criminal and civil sanctions
 - (b) Corporate liability, civil and criminal
 - (c) Should penalties be prohibitive ?
 - (d) Civil liability, compensatory and penal
 - (e) Administrative compensation system
 - (f) Incentives to pollution control
7. General Laws on Environmental Concern :
 - (a) Code of Criminal Procedure : Public nuisance
 - (b) Provisions in the Indian Penal Code
 - (c) Local bodies law : An overview
8. Environment (Protection) Act, 1986 :
 - (a) Necessary and proper clause : Concentration of power on the Central Government
 - (b) Delegated legislation : Power to make rules, regulation and to issue directions
 - (c) Delegations of powers.
9. Coastal Zone Management :
 - (a) Sea erosion
 - (b) CRZ notification
 - (c) Prohibitions and exemptions
 - (d) Permissible activities
 - (e) Classification of zones
 - (f) Regulation of sea resorts
 - (g) Eco-tourism
 - (h) Coastal zone management plans
 - (i) Aquaculture
10. Laws on Hazardous substance and concept of absolute liability of hazardous industries.
11. Preparedness on Environmental Disasters

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12. Emerging Legal Controls
 - (a) Eco-mark
 - (b) Environmental audit
 - (c) Environment Impact assessment
 - (d) Public participation in environmental decision making
 - (e) Environment information

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1. Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep Publications (New Delhi).
2. Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998), Kluwer.
3. John F. Mc.Eldownery and Sharron Mc.Eldowney, Environmental Law and Regulation (2000).
4. Leelakrishnan, P. et.al. (eds.), Law and Environment (1990).
5. Leelakrishnan, P., The Environmental Law in India (1999), Butterworths.
6. Fredorick A. Anderson, et.al. Environmental Improvement Through Economic Incentives (1977).
7. David Hughes, Environmental Law (1999), Butterworths, London.
8. Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs-Merrill, New York.
9. Indian Law Institute, Mass Disasters and Multinational Liability : The Bhopal Case (1986).

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10. Inconvenient Forum and Convenient Catastrophe : The Bhopal Case (1986).
11. Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (2000), Butterworths India.
12. Leelakrishnan, P. et.al. (eds.), Law and Environment (1990), Eastern, Lucknow.
13. Leelakrishnan, P., The Environmental Law in India (1999), Butterworths, India.
14. Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
15. Indian Law Institute, Environment Protection Act : An Agenda for Implementation (1987).
16. Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No. 3.
17. Findley, R. W. and Farber, D. A., Environmental Law.
18. David Hughes, Environmental Law (1990), Butterworths, London.
19. Armin Rozencranz, et. al. (eds.), Environmental Policy and Law in India (2000), Oxford.

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International Law & Organisation - III

LW-401 : International Humanitarian Law

Objectives :

International Law has been viewed as a Law regulating relations among the States individual having object and not being subject of International Law. This principle or understanding are resulted in a premise that International Law does not confer right or impose duty upon individual instead it could appeal or ask the nation state to provide basic amenities necessary for human beings to live his or their life. In view of sovereignty of a State statement of its own national and Stateless persons subject to limited exceptions which are under exclusive jurisdiction of a State. This unsatisfactory state of affairs was an inadequate to prevent ill treatment to individuals particularly during war which has become the beginning of a new branch of International Law at the end of last century.

War being a last resort of settlement of disputes however it results in destruction and mass killing with the advance of science and technology and the new brand of warfares has given a new dimensions to war and war crimes. The new character of modern war and threat of nuclear or biological weapons have been altogether a new concern for survival of humanity. The emergence of humanitarian law as an independent subject to study the use of force by State as well as status of individual vis-a-vis war or war related crimes to meet this challenge United Nations has actively involved in prescribing certain standards or treatment of humanity and overseeing the implementation of these measures in difficult situations. The paper therefore emphasis the need to undertake a greater scrutiny of humanitarian

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perspective of warfare as well as the fall outs of war. It also encompasses the status of refugee and their related aspects to be studied from humanitarian point of view.

Topics for Study :

1. Use of force by States :
 - Use of force and International Law
 - Law before 1945
 - Different categories of use of force
 - Declaration of use of force 1987
2. War :
 - Effects of outbreak of war
 - War crimes and punishment
 - War and the U.N.
 - Enemy character
 - Laws of warfare
 - Belligerent occupation
 - Neutrality
 - Blockade
 - Contraband
 - Disarmament
 - Intervention
 - Aggression
3. Humanitarian Law :
 - Amelioration of wounded and sick
 - Prisoners of war
 - Role of Red-Cross
 - International Terrorism
 - International Criminal Court
4. War and Warfares :
 - Conventional
 - Biological
 - Nuclear

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5. International Law and Refugee :
 - Concept of refugee
 - UN Relief and rehabilitation
 - International refugee organization
 - Convention on Refugee.

Suggested Readings :

1. B. S. Chimni, International Refugee (2000).
2. M. K. Balchandran, Rose Varghese, Introduction to International Humanitarian Law (1997).
3. John Colombos, International Law of the Sea.
4. P. Chandrashekhara Rao, The New Law of Maritime Zones (1983).
5. Nagendra Singh, International Maritime Law Conventions, Vol. Navigation.
6. Oppenheim, International Law, Vol. I.
7. R. P. Anand, Legal Regime of the Sea Bed and the Developing Countries.
8. Kaye Holloway, Modern Trends in Treaty Law.
9. Nagendra Singh, India and International Law.
10. Burns H. Weston, Toward Nuclear Disarmament and Global Security : A Search for Alternative.
11. J. N. Singh, Use of Force under International Law.
12. G. Schwarzenbeyger, The Law of Armed Conflicts (Vol. II).
13. M. Walzer, Just and Unjust Wars.
14. R. P. Anand, Law of the Sea, Caracas and beyond.
15. D. W. Bowett, Law of the Sea.

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Criminal Law - III

LW-402 : Penology

Objectives :

To spell out commonly known punitive policies.

To state historical and social explanation and nature of commonly used agencies and institutions for detection and prevention of crime and for dealing with the offenders after the crime is committed.

To assess the role and nature of governmental and other agencies for meeting crime in India.

Expectations from the students :

The students are expected :

To be familiar with the evaluation of major punitive policies and modes of execution.

To be aware of the modern penological trends and experiments.

To be familiar with the machinery of crime control in India and be able to critically evaluate its success and shortcomings.

Topics for Study :

1. Introduction - old and new penology.
2. Theories of punishment and their justifications.
3. Capital punishment and other forms of punishments - problems and perspective.
4. Sentencing - process and policies.
5. Probation of offenders and parole system in India.
6. Prison system - open prison - reforms and prisoner's rights.
7. Police - prevention of crime - investigation - Human Rights in India.
8. Problems of Drug addiction and Law.

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Suggested Readings :

1. P. K. Sen : Penology : Old and New.
2. Veeder and Kay : Penology : A Realistic Society.
3. Nigel Walker, Sentencing in a Rational Society.
4. Hall, Jerome, The Aims of Criminal Law.
5. H.L.A. Hart, Punishment and Responsibility.
6. Fitzgerald P. J. : Criminal Law and Punishment.
7. Stephen, James : General View of Criminal Law of England.
8. Walter Moberly : Ethics of Punishment.
9. Cross : The English Sentencing System.
10. Thomas D. A. : Principles of Sentencing.
11. Chhabra Kripal Singh : Quantum of Punishment in Criminal Law in India.
12. Johnson, Hubert : Crime, Correction and Society.
13. S. K. Ghosh : Crime on the Increase.
14. J. E. Hall Williams : The English Penal System in Transition.
15. D. S. Chopra : Quantum of Punishment.
16. Jackson R. M. : Enforcing the Law.
17. Shah : Probation in India.
18. Datir R. N. : Prison as a Social System.
19. Vidya Bhushan : Prison System in India.
20. S. P. Srivastava : The Indian Prison Community.
21. Harjit Sandu : A Study of Prison Impact.
22. Bhattacharya : Prisons.
23. D. Bayley : Police and Political Development in India.
24. R. Reddy and S. Sheshadri (ed.) : Developing Society and Police.
25. Government of India : Law Commission Reports : 29th, 33rd, 35th, 39th, 40th, 47th, 64th, 87th, 91st and 105th.

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Business Law - III

LW-403 : Business Laws

Objectives :

To acquaint the students with the rights, duties, liabilities of various parties under the Acts in the course.

Expectations of Students' Attainment :

The students would be expected to be well conversant with the Indian Statute Laws and the broad features of its practice in India, as also with the relevant case law.

A basic comparative knowledge of and the practice in other countries would also be required.

Capacity to appreciate the social and economic objectives in a planned welfare economy, and to evaluate the Indian law and practice in the context would be necessary.

Students would also be expected to appreciate the legal and quasi-legal problems of Indian law and its administration and suggest viable solutions to them.

Topics for Study :

1. Banking :
 - Control by Government and its agencies and Accounts and Audit.
 - Banks and its customers.
2. Insurance Laws :
 - Life insurance - types of insurances, types of covers.
 - General insurance
 - (i) Marine insurance
 - (ii) Accidents
 - (iii) Property

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3. Negotiable Instruments Act :
 - Kinds of Negotiable Instrument and their essential requirements.
 - Legal position of -
 - (i) Issuer of Negotiable Instrument
 - (ii) Issuee of Negotiable Instrument
 - (iii) Banks
4. Consumer Protection Act :
 - (i) Rights of Consumers
 - (ii) Liabilities of Sellers
 - (iii) Breaches and Remedies

Suggested Readings :

I. Banking Regulation Act, 1949 :

1. R. B. Sethi : Banking Regulation Act, 1949.
2. R. Krishnan : Banking Commission.
3. A. G. Sharma : State in relation to Commercial Banking in the Developing Economy of India.
4. F. E. Perry : Law and Practice relating to Banking, Vol. I and II.
5. A. Ramaiya : The Reserve Bank of India Act of 1934.
6. Sid Mittra : A New Horizon in Central Banking.
7. G. P. Gupta : The Reserve Bank of India and Monetary Management.

II. Negotiable Instrument Act :

1. Daver : Mercantile Law.
2. R. H. Pandia : Mercantile Law.
3. Clive Schmittoff : Charlesworth Mercantile Law.
4. T. R. Sromovasan : Bashyam and Adiga on the Negotiable Instruments Act.
5. Government of India Report on Negotiable Instrument Law, 1975.
6. David A. L. Smout : Gharmers on Bill of Exchange.
7. M. S. Parthasarathy : Cheques in Law and Practice.
8. Maurice Megrah : Byles on Bills of Exchange.

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Labour Law - III

LW-404 : Industrial relations and adjudication.

Objectives of the Course :

The appropriate governments hold the reins of industrial adjudication. The scope and extent of discretion in referring a dispute as well as in implementing a decision present complex questions and are areas of interesting study. What are the international norms relating to industrial adjudication? Are they followed in India ? Is the statutory silence on the criteria for adjudication conducive to bringing industrial peace? How did the process of judicial review help evolving significant formulations on certain areas of industrial relations despite the statutory prescription of finally of industrial adjudication ? These problems are to be studied from a critical angle and with a comparative thrust on development in other common law countries. The course is intended to cover following aspects :

1. To evaluate the legislative prescriptions and judicial decisions in terms of factual problems.
2. To understand and appreciate the Central and Maharashtra Legislative prescriptions aiming at prevention and resolution of industrial disputes.
3. To familiarise with the trends of decisions and awards with a view to the promotion of better Labour Management Relations.
4. To know the working of the dispute settlement machineries under the Central and Maharashtra Legislations, their appointment, powers, procedures, impact on labour Management Relations and the finality of awards.

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Expectations of Student's Attainment :

The students shall be expected -

To be well conversant with the law and its historical background and judicial application.

To evince an appreciation of problems of labour-management relations in India with special reference to Maharashtra.

To exhibit an understanding of the fundamental theoretical relations in India with special reference to Maharashtra.

To exhibit an understanding of the fundamental theoretical principles on which the laws are based.

To evince acquaintance with up-to-date statutory and judicial materials.

To exhibit capacity to provide solutions to given problems in the context of learned laws and principles.

Conversance with basic I.L.O. conventions and recommendations in the field would also be expected.

Topic for Study :

1. Constitutional Perspectives and Foundations :
 - (a) Constitutional authorization for institutional framework (legislative entries, Article 323 B)
 - (b) Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles.
2. Modalities of the resolution of industrial disputes, other than collective bargaining - Works Committee Conciliation-Arbitration- Adjudication.
The Industrial Disputes Act - Objects, framework and scope. Important definitions under the Act.

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3. Access to Adjudicatory Justice :
Reference of industrial disputes by the appropriate government under Section 10 of the Industrial Disputes Act, 1947.
 - (a) Threshold control by government : reference.
 - (b) Extent of governmental discretion : time, expediency and matters for adjudication.
 - (c) Limitations on discretion.
 - (d) Political overtones and pressure tactics.
 - (e) Judicial restraint or liberalism, the ideal juristic approach.
 - (f) Direct access to adjudicatory authority by employer and employee : problems and perspectives.
 - (g) International norms.
 - (h) Comparative overview of access to adjudicatory process in the UK and Australia.

4. Adjudicatory Process :
 - (a) Industrial adjudication as a modality of harmonising interests of capital and labour.
 - (b) Impact on employer's prerogatives and employee's rights.
 - (c) Silence of the statute on criteria for adjudication.
 - (d) Equity and justice as guiding principle.
 - (e) Industrial conflicts and the vistas of decisional process: A comparative probe.
 - (f) Post-natal control by government over adjudication.

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5. Judicial Review of the Adjudicatory Process :
 - (a) Finality of decision making in adjudicatory process : a myth.
 - (b) Jurisprudence of industrial adjudication : formulations through constitutional remedies of writs and appeal.
 - (c) Jurisdiction of the adjudicatory authority in respect of dismissal of workmen.
 - (d) Juridical formulation of the concept of industry.
 - (e) Retrenchment the widening dimensions through decisional law.
6. Agreements, settlements, awards-commencements, operation, duration persons on whom binding.
7. Domestic inquiry - Disciplinary action powers of Labour Courts and Tribunals under Section 11A of the Industrial Disputes Act, 1947.
8. Prevention of industrial disputes :
 - (i) Compensations under Chapter V A and Chapter IB of the Industrial Disputes Act 1947.
 - (ii) Provisions regarding change of service conditions (Sections 9A, 33, 33A,B,C, Industrial Disputes Act).
 1. Unfair Labour Practices and victimisation.
 2. Standing order - role in industrial relations (preparation, certification, interpretation, appeal)
 3. Worker's participation in Management in India - Experience, expectation and scope.

Note : Under each heading comparative study shall be conducted on the basis of BIR Act 1946 to draw valid suggestions to improve the existing law under I.D. Act, 1947.

Select Bibliography :

1. Malhotra, The Law of Industrial Disputes, Vol. I (1988).
2. ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX and XI.
3. Rideout, Principles of Labour Law (1983), Ch. 4, 5 and 6.
4. Russel A. Smith, et. al. Collective Bargaining and Labour Arbitration (1970) Part-II.
5. Robert A. Gorman, Basic Text on Labour Law, Ch. 23, 24 and 25 (1976).
6. Relevant portions of the Report of the National Commission on Labour.
7. I. P. Massey, "A Legal Conundrum in Labour Law", 14 JILI 386 (1972).
8. S. C. Srivastava, "Voluntary Labour Arbitration : Law and Policy", 23 JILI 349, (1981).
9. Arjun P. Agarwal, "Conciliation and Arbitration of Labour Dispute in Australia", J.I.L.I. 30 (1966).
10. D. C. Jain, "Meaning of Industry : Wilderness of Conjectural Justice" (1986) 3, S.C.C. Journal 1.
11. T. N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.
12. Chaturvedi, R. G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997).
Refer to : 1) I.D. Act 1947.
2) BIR Act 1946
3) Industrial Employees (Standing Orders) Act.
Reports of Commissions and Committees.

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Suggested Readings :

1. Indian Law Institute Publication : Labour Relations and the Law.
2. K. D. Srivastava : Commentaries on Industrial Disputes Act.
3. O. P. Malhotra : Law of Industrial Disputes.
4. Katju : Domestic Inquiry.
5. V. P. Arya : Strikes, Lockouts and Gheraos.
6. National Commission on Labour : Report 1969.
7. Government of Maharashtra : Unfair Labour Practice Commission Report, 1969.
8. Zivan Tonic - Worker's Participation in Management.
9. Govt. of India - Report of the Study Group in Workers Participation of Management 1959.
10. ILI - Labour Relation and the Law.

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Science, Technology & Law - III

LW-405 : Biotechnology Law

Objectives :

To make the students aware of the development in Biotechnology.

To make students conscious of various legal problems arising due to development in such an area in India.

To identify the changes needed in the law.

Expectations of the Students' Attainment :

The students are expected -

- to acquire a minimum knowledge of various fields in Biotechnology.

- to know in detail the legal regulation of Biotechnology in India.

- to identify the problems in the legal regulation of biotechnology.

- to acquire the capability to evaluate the adequacy of law in solving the problems with comparative perspectives.

Knowledge of the latest developments and current trends would be necessary.

Topics for Study :

1. Introduction : Meaning of Biotechnology-various fields in Biotechnology-Decoding the structure of the DNA/ RNA. The technology of Splicing; Cloning; Cell-Fusion; Genetic Engineering.

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2. The case for and against Genetic Engineering-The problem of biohazards in recombinant DNA Research-new forms of life-social responsibility of scientists-multinational and imperialist appropriation and use of Biotechnology; failures of self-regulation and vicissitudes of legal regulation-Human rights and the right of scientific research-cost of innovations and invention-biohazards; non-exploitative Biotechnology-Intellectual property rights and Biotechnology-technology transfer and commercialization.
3. Agriculture Biotechnology-Biosafety and biodiversity-conservation of biological diversity-impact of biotechnology on biological diversity-legal regulation of biological diversity and farmer's right-experimentations on seeds, plants, animals-genetic mutation of seeds and microorganisms-bioethics and patenting of plants-green revolution-growth of seed, fertilizer and pesticides industry and its impact; agro-business and reckless commercial exploitation of biotechnology.
4. Medical Biotechnology-biotechnology and human health-conquest of disease-diagnostic biotechnology-genetic screening-prevention of genetic disease and mental retardation-uses and abuses of amniocentesis-cloning of human beings-obsolescence and resilience of law.
5. Legal Regulation of Biotechnology-regulation of governmental sponsored research-regulation of private R & D-regulation of deliberate release of genetically mutated microorganisms-Comparative perspectives-U.S.A., E.E.C., U.K., INDIA,-progress of biotechnology and legal regulation in India.

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Suggested Readings :

1. U. Baxi : Biotechnology and Legal Order, New Dilemmas of the Future of Law and Human Nature.
2. Maie-Wan Ho : Genetic Engineering : Dreams or Nightmare ? The Brave New World of Bad Science and Big Business.
3. Phillip Grubb : Patents for Chemicals, Pharmaceuticals and Biotechnology.
4. Arjun Prasad Nagore : Biological Diversity and International Environmental Law.
5. K. L. Mehta and R. I. Arora : Plant Genetic Resources of India, Their Diversity and Conservation.
6. P. N. Bhat (ed.) : Animal Genetic Resources in India.
7. Ann Johnston (ed.) : New Technologies and Development.
8. M. J. Malinowski : Biotechnology : Law, Business and Regulation.
9. M. S. Swaminathan (ed.) : Agro-Biodiversity and Farmer's Rights.
10. Supriya Chakraborty, Biodiversity.
11. G. C. Satpathy : Biological Weapons and Terrorism.
12. Gale Peterson : Understanding Biotechnology Law.
13. George Smith : Bioethics and the Law.
14. Vandana Shiva : Biopiracy.
15. Westerlund : Biotech Patents.
16. Oliver Mills : Biological Inventions : Moral Restraints and Patent Law.

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17. Steven McGiffen : Biotechnology : Corporate powers versus the public interest.
18. Thomas Murray and Maxwell Mehimen (ed.) : Encyclopedia of ethical, legal and policy issues in Biotechnology.
19. Glowka Lyle : Law and Modern Biotechnology.
20. Kenneth Sibley : The Law and Strategy of Biotechnology Patents.
21. Gladys White (ed.) : New Developments in Biotechnology : Ownership of Human Tissues and Cells.
22. Gerald Kamstra (ed.) : Patents on Biotechnological Inventions : The EC Directive.
23. Richard Goldberg and Julian Lonbay (ed.) : Pharmaceutical Medicine, Biotechnological European Law.
24. June Grindley and Jill Ogden : Understanding Biopharmaceutical : Manufacturing and regulatory issues.

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Human Rights Law - III

LW-406 : Protection and Enforcement of Human Rights in India

Objectives :

Though the concept of human rights is developed as a modern phenomenon across the world, however, Indian society did contain human rights values since ancient time. Since their inception of evolution human rights have witnessed various changes and have been transformed with the changing time. Indian culture, philosophy and ethos which were based on concept of dharma, did contain the notion of human rights in their fold.

This manifestations have been amply reflected in the Indian Constitution. The making of Indian Constitution was coincided with Universal Declaration of Human rights, which is based on trinity of values of liberty, justice and equality, Indian dimension of human rights, is necessarily to be understood with the dynamics of constitutional philosophy and provisions of Part-III (fundamental rights) Part-IV (Directive Principles) and IV-A (fundamental duties). More significantly as a response to an international call and standards of human rights Indian Parliament had enacted protection of Human Rights Act-1994 which sought to establish National and State Human Rights Commission. This paper focuses/emphasizes on the study of nature, scope and functioning of these Commissions, along with the contribution of judicial process in the realm of human rights protection.

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Topics for Study :

1. Indian Constitution and Human Rights :
 - Fundamental rights
 - Directive principles of State Policy
 - Fundamental duties
2. Rights of Oppressed Groups :
 - Schedule caste and schedule tribes
 - Bonded labour
 - Women
3. Protection of Human Rights Act 1993 :
 - National Human Rights Commission
 - State Human Rights Commission
4. Human Rights and Its Implementation :
 - National Minorities Commission
 - National Commission on Women
 - National Commission on SC and ST
5. Judicial Activism and Development of Human Rights Jurisprudence.

Suggested Readings :

1. Lalit Parmar - Human Rights.
2. John Finnis - Natural Law and Natural Rights.
3. M. G. Chitkara - Human Rights - Commitment and Betrayal.
4. Francisco Forrest Martin - International human rights law and practice.

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5. Luck Clements - European human rights taking a case under the convention.
6. Evelyn A. Ankumah - The African Commission on Human Rights and Peoples Rights.
7. R. S. Sharma and P. K. Sinha - Perspectives in human rights development.
8. B. P. Singh Seghal - Human Rights in India.
9. J. Krishna Iyer - Human Rights.
10. Chandan Bala - International Court of Justice - Its functioning and settlement of international disputes.
11. Justice Venkataramiah - Human rights in the changing world.
12. D. D. Basu - Human rights in Indian Constitutional Law.
13. Paras Diwan and Piyush Diwan - Women and Legal Protection.
14. Philip Alston - Children, rights and the law.
15. Kelly D. Askin, Dorlan m. koening Women and International Human Rights Law.
16. Simon Creighton, Vicky King - Prisons and the Law.
17. Haksar Urmila - Minority protection and international bill of human rights.

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Administrative Law - III

LW-407 : Comparative Administrative Law

Objectives :

The study of Indian Administrative law is essentially to be undertaken in comparative manner since it owes its origin and growth from other countries. British, U.S. and French legal system have contributed to a greater extent in the realm of Administrative law. Doctrine of separation of powers, Rule of Law and Judicial Review of Administrative function in these countries are the important and relevant factors for study. This paper focuses analytical and theoretical scrutiny of Administrative Law and its component in comparative manner to enable the students and develop amongst them the proper understanding of the subject.

Topics for Study :

1. Evolution of Administrative Law in various systems.
 - French system
 - England
 - U.S.
 - Australia
2. Rule of Law, Parliamentary Sovereignty and Administrative Law in England.
3. Judicial Control of Administrative powers in England and U.S.
 - Grounds and Remedies.
4. Ombudsman in India and Parliamentary Commissioner in England.
5. Civil liberties
 - Freedom of person, property and discussion.

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Suggested Readings Paper-I, II and III :

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law.
6. Dicey - Introduction to Law of the Constitution.
7. O Hood Philips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. M. P. Jain - The Evolving Indian Administrative Law.
10. B. Schwartz - An Introduction to American Administrative Law.
11. M. P. Jain - Cases and Materials on Administrative Law.
12. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
13. Ivor Jennings - Law and the Constitution.
14. K. C. Davis - Discretionary Justice.
15. Neville L. Brown and J. F. Garner - French Administrative Law.
16. Peter H. Schuck - Foundations of Administrative Law.
17. P. P. Craig - Administrative Law.
18. Alex Carol - Constitution and Administrative Law.
19. Neil Hawke and Neil Papworth - Introduction to Administrative Law.
20. Jaffe - Judicial Control of Administrative Law.

International Trade Law - III

**LW-408 : Basic Aspect of Private International
Trade Law**

Topics for Study :

**I. Law relating to International Contracts and Sale
of Goods :**

Law of International Contract :

1. Standard contract forms applied to specified international transactions.
2. Offer, acceptance and price consideration in international sales contract.
3. Performance of contract.
4. Countertrade.
5. Frustration of contract.
6. Conflict of Laws.

International Sale of Goods :

1. Special trade terms in Export Sales.
2. Definitions, kinds, difference between rights and duties of buyers and sellers, rights of unpaid seller.
3. Standardization of terms in International sales.
4. Uniform conditions of Export Sales.
5. International chamber of commerce.
6. Unification of the Law of International Sales - United Nation's Convention on contracts for the International Sales of Goods (Vienna 1980 and Hague).

II. Transportation of Exports (Carriages)

Carriage of Goods by Sea :

1. Unimodal and multimodal transport.
2. Contract of carriage by sea.
3. Bills of Lading.

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4. International convention governing Bills of Lading.
5. Charter party Liability of ship owner for loss or damage of goods.

Container Transport : Course of Business in Container Transport, Legal Problems of Container Transport

Carriage of Goods by Air

Carriage of Goods by Land

III. Law Relating to

Financing and Payment in International Trade

1. Meaning types and Control of foreign investment.
2. Bill of exchange - meaning.
3. Letters of Credit - characteristics and kinds.
4. Bank Guarantees and other guarantees.

Insurance of Exports :

Marine and Aviation Insurance.

IV. Emergence of Transnational Corporation :

1. Conception of TNCs
2. Regulations of TNCs by UN
3. UN Commission on TNC
4. UN code of conduct for TNCs
5. Recent trends of TNCs.

V. Settlement and Resolution of International Trade Disputes :

1. Judicial Settlement of International Trade Disputes.
2. Non-judicial dispute Settlement - Conciliation and International arbitration.

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Statutes and Conventions to be referred :

Geneva Protocol on Arbitration Clauses 1923.

International Convention for the Unification of Certain Rules relating to Bills of Lading, Brussels, 1924 (The Hague Rules).

Geneva Convention on the Execution of Foreign Arbitral Awards 1927.

Convention for the Unification of Certain Rules Relating to International Carriage by Air, Warsaw, 1929 (Warsaw Convention).

Convention providing a Uniform Law for Bills of Exchange and Promissory Notes, Geneva, 1930.

Convention on the Law Applicable to International Sales of Goods, The Hague, 1955.

Hague Protocol to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12 October 1929 (The Hague Protocol) 1955.

Convention on the contract for the International Carriage of Goods by Road, Geneva, 1956.

Convention on the Recognition and Enforcement of Foreign Arbitral Awards, New York, 1958.

Convention Supplementary to the Warsaw Convention for the Unification of Certain Rules relating to International Carriage by Air performed by a Person other than the Contracting Carrier (Gudalajara) 1961.

Convention Relating to a Uniform Law on the International Sales of Goods, the Hague, 1964.

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Convention Relating to a Uniform Law on the Formation of Contracts for the International Sales of Goods, 1964.

Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters, The Hague, 1965.

Brussels Protocol amending the Hague Rules relating to Bills of Lading 1968 (Hague-Visby Rules).

Guatemala Protocol, 1971.

Protocol to Amend the Convention for the Unification of Certain Rules relating to International Carriage by Air signed at Warsaw on 12th October 1929 as Amended by the Protocol Done at the Hague on 28th September 1955, Guatemala city, 8th March 1971.

United Nations Convention on the Limitation Period in the International Sale of Goods, New York, 1974.

Montreal Additional Protocol No. 1, 1975.

Additional Protocol No. 1 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air signed at Warsaw on 12th October 1929.

Montreal Additional Protocol No. 2, 1975.

Additional Protocol No. 2 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as Amended by the Protocol Done at the Hague on 28th September 1955.

Montreal Additional Protocol No. 3, 1975.

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Additional Protocol No. 3 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as Amended by the Protocols Done at The Hague on 28th September 1955 and at Guatemala City on 8th March 1971.

Montreal Additional Protocol No. 4, 1975.

Additional Protocol No. 4 to Amend the Convention for the Unification of Certain Rules Relating to International Carriage by Air Signed at Warsaw on 12th October 1929 as Amended by the Protocol Done at the Hague on 28th September 1955.

Convention on Limitation of Liability for Maritime Claims, 1976.

United Nations Convention on the Carriage of Goods by Sea, Hamburg, 1978 (Hamburg Rules).

Protocol Amending the Convention on the Limitation Period in the International Sale of Goods, Vienna, 1980.

Uniform Rules concerning the Contract for International Carriage of Goods by Rail (CIM), 1980.

United Nations Convention on contracts for the International Sale of Goods, Vienna, 1980.

United Nations Convention on International Multimodal Transport of Goods, Geneva, 1980.

Unidroit Convention on Agency in the International Sale of Goods, Geneva, 1983.

Convention on the Law Applicable to contracts for the International Sale of Goods, The Hague, 1985.

UNIDROIT Convention on International Factoring, Ottawa, 1988.

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United Nations Convention on International Bills of Exchange and International Promissory Notes, 1988.

United Nations Convention on the Liability of Operators of Transport Terminals in International Trade, Vienna, 1991.

United Nations Convention on Independent Guarantees and Stand-by Letters of Credit, 1996.

Convention for the Unification of Certain Rules for International Carriage by Air, Montreal, 1999.

Recommended Books :

1. International Trade Law - Theory and Practice, Raj Bhalla.
2. International Trade Law Hand Book - R. K. Bhalla, 2000.
3. Cases and Materials on International Trade Law, 2002, Paul Toll.
4. Year Books of UN's Commission on International Trade Law.
5. Contract of Sale in International Trade Law - M. L. Marsinghe.
6. International Trade Law and Practices - Lew Clive.
7. International Trade Law (Second edition) - Ronal A. Cass - Michel Knoll.
8. Uniform Commercial Law in 21st century : proceeding of the congress of UN Commission on International Trade Law.
9. International Economics Theory and Policy, VIth Edition, Paul Krugman, Maurice.
10. Politics of International Economic Relation - John Ederman - Jeffrey Hart.

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11. International Economics - James Gerber.
12. 'Unification of the Law of International Sale of Goods - Issues and Importance' - Rahmatullah Khan.
13. Unification of International Shipping Legislation - Rahmatullah Khan.
14. Law relating to carriers - Vijaya Raghvan.
15. Bills of Lading in International Law and Practice - Justice I. K. Thommen.
16. International Organizations - Gupta S. P.
17. International Law from below - Social Movement and Third World Resistance - Balkrishna Rajgopal.
18. India at WTO Dispute Settlement System - Ravindra Pratap.
19. International Economics - Robert Carbaugh.
20. The WTO - Law, Practice and Policy - Mitsuo Matsushita, Petros Mavroidis.
21. WTO and Indian Economy - G. K. Chadha.
22. Schmitthoff's Export Trade - The Laws Practice of International Trade - Leo D Arcy, Carole Murray.
23. Green Alternatives to Globalization a Manifesto - Michael Wood and Caroline Lucas.
24. A Handbook of Global International Policy - Surat S. Nagel.
25. WTO Developing Countries - Surendra Bhandari.
26. Conventions on International Trade Law - Indira Carr Richard Kidner.
27. World Trade Review.

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Environment Law - III

LW-409 : Environment and International Legal Order

Objectives of the Course :

Through the centuries of their growth, societies had done their best to keep their neighbourhood clean and healthy, industrialisation brought in its wake unprecedented and unpredicted environmental hazards and upset the old ethos and equilibrium. The environmental consciousness is an offshoot of this saga of industrial growth. It is said that the world environmental consciousness had made a radical change in the character of international law from a moral code of ethics among nations to an almost positive law imposing on the states to observe environmental norms. Striking a significant note at the close of the last millennium, areas of international concern on environment are legion. Modes of reconciling the conflicts are also varied. The concept of sustainable development is a significant tool both at the international level and at the domestic system for reconciliation of environmental values and developmental needs.

Topics for Study :

1. International Concern for Environment Protection :
 - 1.1 World environment movement
 - 1.2 Natural and cultural heritage
 - 1.3 Role of international and regional organizations

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2. International Obligations towards Sustainable Development :
 - 2.1 International financing policy
 - 2.2 World environment fund
 - 2.3 Global Environmental Facility (GEF)
 - 2.4 International co-operation
 - 2.5 Poverty alleviation
3. Marine Environment :
 - 3.1 Marine resources : conservation and exploitation
 - 3.2 Scientific research and exploration
 - 3.3 Antarctic environment
 - 3.4 International seabed authority
 - 3.5 Pollution from ships
 - 3.6 Dumping of oil and other wastes into the sea
4. Trans-boundary Pollution Hazards :
 - 4.1 Oil pollution
 - 4.2 Nuclear fall outs and accidents
 - 4.3 Acid rain
 - 4.4 Chemical pollution
 - 4.5 Green house effect
 - 4.6 Depletion of ozone layer
 - 4.7 Space pollution
5. Control of Multinational Corporation and Containment of Environmental Hazards :
 - 5.1 Problems of liability and control mechanisms
 - 5.2 Disaster management at international level
 - 5.3 Monopoly of biotechnology by MNCs
6. Disposal and Dumping of Hazardous Wastes :
Transnational Problem and Control.

Select Bibliography :

1. Priya Kanjam Trivedi, International Environment Laws (1996), A.P.H. Publishing Corporation, New Delhi.
2. Sir Elworthy and Jane Holder, Environmental Protection : Text and Materials (1997), Butterworths.
3. Nathali L.T.J. HORBACH, Contemporary Developments in Nuclear Energy Law (1999), Kluwer.
4. Henrick Ringbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer.
5. Claus Bosselmann and Benjamin, J. Richardson, Environmental Justice and Market Mechanism (1999), Kluwer.
6. Jean-Pierre Beurier, New Technologies and Law of Marine Environment (2000), Kluwer.
7. Richard L. Reversz et.al. (eds.), Environmental Law, The Economy and Sustainable Development (2000), Cambridge.
8. Dovor Vidas, Protecting the Polar Marine Environment (2000), Cambridge.
8. Aynsley Kellor, International Toxic Risk Management (1999), Cambridge.
9. Zhiguo Gao, Environmental Regulation of Oil and Gas (1998), Kluwer.
10. Indian Law Institute, Legal Control of Environmental Pollution (1980).

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11. Varshney, C. K. (ed.), *Water Pollution and Management* (1983), Wiley Eastern, New Delhi.
12. World Commission on Environment and Development, *Our Common Future* (1987), Oxford.
13. British Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975), London.
14. Standing Committee on Environmental Law American Bar Association, *Common Boundary/Common Problems : The Environmental Consequences of Energy Protection* (1982).
15. J. M. Spector, "Elephants, Donkeys and other Creatures ? Presidential Election Cycles and International Law of the Global Commons" 15 AM.U. INTL'L.rev.5, pp. 976-1038 (1999).

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