



**MAHARSHI DAYANAND SARASWATI UNIVERSITY  
AJMER**

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Management Studies etc.  
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**MAHARSHI DAYANAND SARASWATI UNIVERSITY  
AJMER**

**पाठ्यक्रम**

**SYLLABUS**

**SCHEME OF EXAMINATION AND  
COURSES OF STUDY**

**FACULTY OF LAW**

**LL.M.**

**LL.M. Examination**

**Part - I (w.e.f. 2017-18)**

**Part - II (w.e.f. 2018-19)**

**मूल्य : 12/-**



**हर्षि दयानन्द सरस्वती विश्वविद्यालय, अजमेर**

MAHARSHI DAYANAND SARASWATI UNIVERSITY,  
AJMER

पाठ्यक्रम

# SYLLABUS

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*(Signature)*  
*(Dr. DKS)*



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## NOTICE

1. Change in Statutes/Ordinances/Rules/Regulations Syllabus and Books may, from time to time, be made by amendment or remaking, and a candidate shall, except in so far as the University determines otherwise comply with any change that applies to years he has not completed at the time of change. **The decision taken by the Academic Council shall be final.**

## सूचना

1. समय-समय पर संशोधन या पुनः निर्माण कर परिनियमों/अध्यादेशों/नियमों / विनियमों / पाठ्यक्रमों व पुस्तकों में परिवर्तन किया जा सकता है, तथा किसी भी परिवर्तन को छात्र को मानना होगा बशर्ते कि विश्वविद्यालय ने अन्यथा प्रकार से उनको छूट न दी हो और छात्र ने उस परिवर्तन के पूर्व वर्ष पाठ्यक्रम को पूरा न किया हो। विद्या परिषद द्वारा लिये गये निर्णय अन्तिम होंगे।

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## PAPER SCHEME FOR TWO YEAR P.G. COURSE IN LAW (LL.M.)

There shall be five theory papers and one practical paper in both the classes of LL.M. examination. All Paper shall consist of 100 marks. The minimum passing marks shall be 40 in each Paper and 50 percent in aggregate.

1. Paper I: Legal theory
2. Paper II: Judicial process
3. Paper III: Law and social transformation in India
4. Paper IV: Indian constitutional Law : The New Challenges
5. Paper V: Legal Education and Research Methodology
6. Paper VI: Practical examination

a. Doctrinal Research	25 Marks
b. Non-Doctrinal Research	25 Marks
c. Class room teaching (at least 05 Lecture in a year)	25 Marks
d. Viva in Voice	25 Marks

### Note :

1. The topic will be same for doctrinal and non-doctrinal writings and will be write in one file in two part i.e. part (a) and part (b).
2. All students have to take 05 classes of LL.B. for 25 marks under class room teaching. Teaching will be assessed by the senior faculty members.
3. Viva Voice will be taken by one internal and one external examiner on the date notified by the university. Viva will be based on paper writing to examine the knowledge of research methodology.

### LL.M part I

#### Paper I: Legal theory

1. Definition, Nature and Scope of Jurisprudence.
2. Thoughts of Legal Theory-
  - a. Analytical Legal Positivism —Bentham, Austin, Kelsen and Hart
  - b. Historical School -Savigny and Henry Maine
  - c. Philosophical School - Kant and Hegel
  - d. Sociological School —Hering, Ehrlich and Roscoe Pound
  - e. American / Scandinavian Realism —Holmes, Llewellyn and Cardozo
  - f. Natural Law School- Grotius, Hobbes, Locke, Rousseau and Stammer
  - g. Marxian Theory of Law - Karl Marx
  - h. Feminism - Kathrine T Bartlett
3. Law and Morality

4. The concept of Justice - various theories of justice in the western thought - Distributive and Compensatory Justice- Global justice, John Rawls
5. Sources of Law - Custom - Legislation - Judicial Precedent Dharma foundation of just legal ordering in Indian thought
6. Dharma - foundation of just legal ordering in Indian thought

**Select Bibliography**

1. W. Friedmann - Legal Theory
2. Ross : On Law and Justice
3. Hart: Law liberty and mortality
4. Devlin : The enforcement of Mortality
5. Stone : Legal System and lawyers reasoning's
6. Hall: Living law of democratic society
7. Patterson; Jurisprudence
8. Julius Stone: The province and functions of Law, Part - II, Chas 816(2000), Universal New Delhi

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**Paper II: Judicial process**

1. Nature of Judicial Process - as an instrument of social ordering - Judicial process and the tools and techniques of judicial creativity and doctrine of precedent - Notion and power of judicial review
2. Judicial Process and Constitutional adjudication - making and creativity in constitutional adjudication - judicial activism - Judicial accountability and judicial law making
3. Judicial Process in India.
4. The independence of judiciary and the political nature of judicial process
5. Judicial activism and creativity of the Supreme Court
6. Judicial process in pursuit of constitutional goals and values
7. new dimensions of judicial activism and structural challenges
8. Institutional accountability of Court and judicial activism - scope and limits.

**Select Bibliography**

- Cardozo: The nature of judicial process (1995), Universal Publ., New Delhi  
 Henry J Abraham: The judicial process (1998) oxford  
 J Stone: Precedent and the law: Dynamics of common Law growth (1985) Butterworth  
 W Friedmann: Legal Theory (1960), Stevens London  
 Bodenhecuner: Jurisprudence - The Philosophy and Method of the Law (1997) Universal Publ., Delhi.  
 J Stone: Legal systems and Lawyer's reasonings (1999) Universal, Delhi  
 U Baxi: The Indian Supreme Court and politics (1980), Eastern, Lucknow  
 Rajeev Dhavan: The Supreme Court of India-A Socio Legal Critique of its

**Juristic**

- Techniques (1977), Tripathi Publication, Bombay  
 John Rawls: A Theory of Justice (2000) Universal, Delhi

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**Paper III: Law and social transformation in India****1. (A). Concept of Social Change and Social Transformation**

- i. Relation between law and public opinion.
- ii. Law as an instrument of social change.
- iii. Law tradition and culture, impact of common law on India tradition & Culture.
- iv. Sociological School and its, applicability in India.
- v. Principles of Social legislation.

**(B). Religion and the law**

- i. Religion its meaning and relationship with law
- ii. Evaluation of religion as an integrative and divisive factor
- iii. Concept of secularism in Indian perspective
- iv. Religious minorities and the law

**2. (A). Language and the Law**

- i. Multi linguistic culture and its impact on policy in governance
- ii. Role of Language in society
- iii. Formation of linguistic states critical evaluation
- iv. Constitutional guarantee to linguistic minorities
- v. Language policy and the constitution : official language

**(B). Community and the Law**

- i. Caste as a socio cultural reality and role of caste as a divisive and Integrative factor.
- ii. Non discrimination on the ground of caste.
- iii. Acceptance of caste as a factor to undo past injustices - an objective analysis.
- iv. Protective discrimination, scheduled castes, tribes and backward classes.
- v. Reservation policy, statutory commissions and problems of national integration.

**3. (A). Regionalism and the Law**

- i. Role of Regionalism as a divisive and integrative factor
- ii. Concept of India as one unit
- iii. Right of Movement residence and business, impermissibility of state or regional barriers
- iv. Equality in matters of employment : the slogan "Sons of the soil" and its practice
- v. Admission to educational institutions : Preference to residents of a state

**(B) Women and the Law:**

- i. Position and role of women in Indian society
- ii. Crimes against women
- iii. Gender injustice and its various forms, causes and remedies
- iv. Women's commission
- v. Empowerment of women : Constitutional and other legal provisions

**4. (A). Children and the Law**

- i. Child Labour
- ii. Sexual exploitation
- iii. Adoption, Maintenance and related problems.
- iv. Children and education a constitutional mandate

**(B) Modernization and the Law**

- i. Modernisation as a value: constitutional perspectives
- ii. Modernisation of social institutions through law
- iii. Reform of Family law
- iv. Agrarian reform - industrialization of agriculture
- v. Criminal Law : Plea bargaining , compounding and payment of compensation to victims
- vi. Civil Law (ADR) confrontation v. consensus, mediation and conciliation , Lok adalat
- vii. The jurisprudence of sarvodaya - Gandhiji, Vinoba Bhave
- viii. Socialist thought on law and justice, an enquiry through constitutional debates on the right to property.
- ix. Marxist Legal Theory

**Select Bibliography**

- Marc Calanter (ed): Law and society in modern India (1997) oxford
- Robert Lingat: The classical Law of India (1998) oxford
- U Baxi: The crisis of the Indian Legal System (1982)
- Vikas New Delhi U Baxi (ed): Law and poverty critical essay (1988), Tripathi Bombay
- Manushi : A Journal about women and society
- Duncan Derret : The state, religion and law in India (1999) oxford university press new Delhi
- H M Seervai : Constitutional law in India (1999) Tripathi DD Basu : Shorter constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and Kiran Deshta : Law and Menace of child Labour (2000) annol publication Delhi
- Savitri Gurasekirare : Children Law and Justice (1997) Sage Indian Law Institute : Law and Social Change : Indo - American reflection (1988) Tripathi Mumbai
- J B Kriplani : Gandhi His Life and Thought 1970, Ministry of Information and Broadcasting Government of Indian

- M P Jain Outlines of Indian Legal History (1993) Tripathi Bombay
- Flavia: Law and Gender Inequality: The politics of women's rights in India (1999) oxford

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**Paper IV: Indian constitutional Law : The New Challenges****I. Federalism:**

- i. Creation of New states
  - ii. Allocation and share of resources
  - iii. The interstate of disputes on resources
  - iv. Rehabilitation of internally displaced persons and center's responsibility
  - v. Freedom of trade commerce and intercourse
  - vi. Service under Union
  - vii. Emergency Provisions
  - viii. Federal Comity
  - ix. Special status of certain states, Tribal areas, Scheduled areas
2. A. State-Meaning and scope in modern perspective
  - B. Right to equality: Privatization and its impact on affirmative action
  - C. Freedom of press and challenges of new scientific development
- i. Freedom of speech
  - ii. Right to strike, hartal and bandh
  - iii. Emerging regime of new rights and remedies –
    - a. right to education
    - b. right to information
    - c. right to privacy
    - d. right to health

**IV. Reading directive principles and fundamental duties into fundamental rights**

- V. Compensation jurisprudence
- VI. Right to life and liberty and criminal jurisprudence
- VII. Commercialization of education and its impact

**3 Stresses and strains of Governance**

- i. Right of Minorities
- ii. Secularism and religious fanaticism
- iii. Separation of powers : Stresses and strain
- iv. Judicial activism and judicial restraint
- v. PIL implementation
- v. Judicial independence
- vii. Appointment, transfer and removal of judges
- viii. Accountability executive and judiciary
- ix. Tribunals : Need necessity and constitutionality

**4. Democratic process**

- i. Nexus of politics with criminals and the business
- ii. Election : Mechanism and procedure
- iii. Election commission status
- iv. Electoral reforms : Accountability, Transparency, Free and fair, Election and remedies
- v. Coalition Government, Stability, Durability, Corrupt Practice
- vi. Grassroots democracy, Democratic decentralization and local self government

**Select Bibliography**

No specific bibliography is suggested for this course since the course materials depends upon the latest developments. These developments in the areas specialized in course can be gathered from the recent material such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

**Paper V: Legal Education and Research Methodology****1. i. Objectives of Legal Education**

- ii. Lecture method of teaching merits and demerits
- iii. The problem method
- iv. Discussion method and its suitability at postgraduate level teaching
- v. The seminar method of teaching
- vi. Examination system and problems in evaluation external and internal assessment
- vii. Student participation in, law school programmes, organization of seminars, publication of journal and assessment of teachers
- viii. Clinical legal education legal aid, legal literacy, legal survey and law reform

**2. Research Method**

- i. Socio Legal Research
  - ii. Doctrinal and non doctrinal
  - iii. Relevance of empirical research
  - iv. Induction and deduction
  - v. Identification of problem of research what is a research problem Survey of available literature and preparation of bibliography Legislative materials including subordinate legislation notification and policy statements.
3. i. Decisional materials including foreign decisions, methods of discovering the rule of the case
  - ii. Juristic writings a survey of juristic literature its relevance in selection of problems in India and foreign periodicals
  - iii. Compilation of list of reports or special studies conducted relevant to the problems.
  - iv. Formulation of the research problem

- v. Devising tools and techniques for collection of data
- vi. Methods for the collection of statutory and case material and juristic literature
- vii. Use the historical and comparative research material
- viii. Use of observation studies
- ix. Use of questionnaires / interview
- x. Use of case studies
- xi. Sampling procedures, design of sample, types of sampling to be adopted
- xii. Use of scaling techniques

**4. i. Jurimetrics**

- ii. Computerize research - A Study of legal research programmes such as lexis and west law coding.
- iii. Classification and tabulation of data use of cards for data collection rules for tabulation, explanation of tabulated data
- iv. Analysis of data qualitative and quantitative
- v. Report writing

**Select Bibliography**

High brayal, Negel Duncan and Richard Crimes : Clinical Legal Education : Active learning in, your law school (1998), Blackstone Press Ltd, London S K Agarwal (ed) : Legal Education in India (1973), Tripalhi Bombay N R Madhava Menon (ed) : A handbook of clinical Legal Education (1998) Eastern Book Company, Lucknow

M Q Price H bitner and Bysiewicz : Effective Legal Research (1978) Pauline V Young : Scientific Social Survey and Research (1962) William J Grade and Paul K Halt Methods in Social Research McGraw-Hill book company London.

H M Hvtman interviewing in Social research (1965) Paper

**Paper VI: Practical examination- paper writing based on**

- |   |          |
|---|----------|
| a. Paper writing based on doctrinal method of research      | 25 marks |
| b. Paper writing based on non-doctrinal methods of research | 25 marks |
| c. Class room teaching -at least 5 lectures in a year       | 25 marks |
| d. Viva-voce  | 25       |

The practical examination shall be conducted at the end of January on research methodology, Law teach in and clinical work. There shall be 25 marks each for doctrinal research and 25 marks each for law teaching and clinical work for marking the practical examination objective and meaningful, the following division of marks shall be taken.

1. Research Methodology
- i) Doctrinal research (25 Marks)

Each student is assigned in advance a separate topic and asked to collect materials a period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during

the assignment shall be evaluated by a group of faculty members.

- ii) **Non-Doctrinal research (25 Marks)**  
Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.
2. **Law Teaching (25 Marks)**  
A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 Minutes. The students may be asked to teach the LLB students. They can select any of the methods of teaching in legal education practical; the LLM students are evaluated internally and externally.
3. **Viva-in-Voice (25 Marks)**

Note:

1. The topic will be same for doctrinal and non-doctrinal writing and will be present in one file in two part i.e. Part (A) & Part (B).
2. All students have to take 05 classes of LLB under head of Law teaching. Teaching will be examined by senior faculty member.
3. **Viva-Voce** will be taken by one internal and one external examiner on the date notified by the university. Viva will be based on paper writing to examine the knowledge of research methodology.

### LL.M part II

#### Group -A: International law and organizations

##### **A01: INTERNATIONAL ORGANIZATION: LAW PRACTICE AND FUTURE**

Evolution of International Organization: The concert of Europe, the League of Nations and the United Nations United Nations as a Constitutional and Political System : Organs and Their functions, Law creating process including Resolutions and Declarations of the General Assembly and Specialized Agencies, Financing and Problems of financial, crisis, Amendment process, Secretary General of the United Nations

The Political Process: Blocks and Alliance, Non-aligned movement and its impact on voting in the various organs of the United Nations, African and Latin American Groups, India and the United Nations, The Big two and the United Nations Peace Keeping: UN Peace-keeping functions, UN peacekeeping force, case studies, Problems of peace enforcement through the UN Special Agencies and Non-Governmental Organizations : Constitution and functions of. Specialized agencies, Case studies of some agencies such as FAO and UNDP as illustrative organization within the UN System, Selected studies of NGOs serving as consultants, Amnesty International, International Commission of Jurists. Peaceful Change through United nations: Dispute settlement machinery of the United Nations, The role of ECOSOC in bringing

about peaceful change, UN operational programmes in the Social Field, UN Operational programmes in the Economic Field, Anticolonial consensus, Disarmament and human rights.

#### **SELECT BIBLIOGRAPHY**

D. W. Bowett :Law of International Institutions (1982) Ingrid Detter :Law Making by the International Organization (1965) Stephen, S. Good speed: Nature and Function of International Organization (1967) Wilfred Jenks : The proper Law of International Organizations (1962) D. W. Bowett: United Nations Forces: A Legal Study (1969) Leland M. Goodrich: Charter of the united Nations (1969) Leland M. Goodrich: United Nations in a Changing World (1974) Rosalyn Higgins : Development of International Law through Political Organs of the United Nations (1963) Hans Kelsen : Law of United Nations (1954) Rahmahullah Khan: Implied Powers of the United Nations (1970) Edward Macwhinney: United Nations Law Making (1984) M.S. Rajan: United Nations and Domestic Jurisdiction (1961).

#### **A PAPER II: DISARMAMENT AND PEACE STRATEGIES**

The Conceptions of Disarmament: Disarmament and world security, military alliances, arms trade, changing conceptions of disarmament. The dynamics of the Arms Race: The reasons of arms race, including nuclear weapons, Consequences of arms race in terms of resources and economic development, International implications of the arms race. Disarmament and the United Nations: History of the failure of disarmament efforts, UN Disarmament Commission, its achievements and limitations, UN Disarmament Decades of 1970's and 1980's, Negotiations leading to the signing of SALT I and SALT II, Nuclear Disarmament Problems and Perspectives, Nuclear Non-Proliferation treaty and intermediate range Missile Treaty, International regulation of nuclear weapons. International Regulation of Biological and Chemical or Weapons of Mass Destruction International regulation and Control of Militarization of Outer Space and the Ocean Bed. Conserving the world's resources: Assisting the economic development of less developed countries, Harnessing science and technology for development, Protection of human rights Peaceful settlement of international disputes, towards a balanced world trade. Peace research and its significance.

#### **SELECT BIBLIOGRAPHY**

Burns-H. Weston: 'Toward, I Nuclear Disarmament and Global Security: A Search for Alternatives (1980) J Schell: The Fate of the Earth (1982) J.N. Singh: Use of Force under International Law (1984) Julius Stone: Legal Controls of International Law (1954) M. Welzer: Just and Unjust Wars (1979) R. Kothari: Transformation and Survival: In Search of Human World Order (1988) R. Falk, et. al.: International Law: A Contemporary Perspective, pp. 473-519(1985) R. Falk: The End of World Order, pp. 155-276 (1983).

**A PAPER III: INTERNATIONAL HUMANITARIAN LAW**

International Movement for Humanization of Warfare: Contributions of classical writer; history of the Red Cross; Geneva Conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, St. Petersburg Declaration 1868. The Hague Convention of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick Persons and Civilian Persons. International Efforts to outlaw Slavery, Slave Trade and Practices similar to Slavery, Forced Labour and Trafficking in Human Beings, United Nations and Humanitarian Law, The Role of EC'OSOC and ILO; Crusade against discrimination in respect of employment and occupation, Racial Discrimination International Refugees: THE UN Relief Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status of Refugees and Stateless persons: Genocide Convention. Implementation of the Right to Self-determination: Declaration on the grant of independence to colonial countries and people, humanitarian treatment of people living under colonial rule and trusteeships, Eliminating Discrimination against Women through International Cooperation.

**SELECT BIBLIOGRAPHY**

C. Hosoya : N.Ando, Y. Czuma, R. Minear, The Tokyo War Crimes Trial (1986)  
G Tunkin: Theory of International Law (1974) G Schwarzenberger : The Law of Armed Conflicts (Vol. 11) J. Stone : Legal Controls of international Conflicts(1959) R. Fall: The Shimoda Case, 69 Am. J. Int. Law (1965) T. Taylor: Nuremberg and Vietnam : An American Tragedy (1971)

**A PAPER IV: LAW AND DIPLOMACY**

Contemporary International System: International stratification, neocolonialism dependence and domination, geopolitical considerations. Beginning of Diplomacy: Various Diplomatic Traditions, Greek, Byzantine and Indian; Golden age of Classical Diplomacy of 18th and 19th Centuries in Europe Transition from 'old' to 'new' diplomacy, impact of the First World War and the Russian Revolution, Impact of Technology on the Conduct of Diplomacy, Impact of the Nuclear Weapons. Military Alliance, Secret V, Open Diplomacy, Democratic Control of Foreign Policy.

Diplomacy in contemporary world: Cold war and its impact on diplomacy, Diplomacy of the Summit, Diplomacy in the United Nations, Development and diplomacy, Diplomacy through mass media and propaganda Crisis Management: Nicaragua, Namibia, Palestine, Sri Lanka, Iran-Iraq conflict, Diplomacy in the Law of the Sea Convention, Diplomacy and new human rights conceptions, Diplomacy and Right to Development Declaration. The Stockholm Declaration on Environment, Diplomacy and Resources.

**SELECT BIBLIOGRAPHY**

A. Ball: Modern International Negotiations (1969) I. Clark: Reform and Resistance in International Order (1980) I. Clark: The Satisfied and the Dissatisfied States

Negotiate International Law : A Case Study 18 World Politics 20-41 (1965) H. Nicolson: Diplomacy (1969) J. Stone: Law and Nations (1974) L. Hanken : How Nations Behave (1968) R.L. Friedheim : Parliamentary Diplomacy -A Survey (1976) R.P. Anand: International Courts and Contemporary Conflict (1979).

**A PAPER V: LAW OF THE SEA**

Historical introduction to the Law of the Sea Contributions of Seldon, Grotius, Bynkershock and others to the development of the early law, the Anglo-Norwegian Fisheries case and its aftermath; The technological revolution and utilization of the new resources of the sea; population explosion and its impact on the law, the U.N. Conference on the Law of the Sea; Developing nations and the uses of sea.

Right of states over territorial waters and contiguous zone, Continental Shelf, Exclusive Economic Zone, Principles for determination of maritime frontiers and Maritime Boundaries under the customary and conventional Law / Exploitation of Deep Sea-Bed Resources: International Sea Bed Authority: its functions and powers, Decision-making settlement of disputes, principles governing joint ventures; transfer of data and training of personnel of the Authority; Problems and Perspectives, Conservation of Living Resources of the High Sea; Problems of Maritime Pollution. Land-locked States and Law of the Sea, Sea as Common Heritage of Mankind; the Future of the Law of the Sea: International Sea Tribunal to Settle Disputes

**SELECT BIBLIOGRAPHY**

Orrego Vicuna: The Changing international Law of the High Seas Fisheries (1999), Cambridge Lan Brownlie: Principles of Public International Law (1998), Clarendon Press Oxford P. Chandrasekhara Rao: The New Law of Maritime Zones (1983), Milling Publications, New Delhi Samir mankababy: The International Shipping Rules (1986), Croom Helm, London. Nagendra Singh: International Maritime Law Conventions, Vol. I, Navigation (1983), Stevens & Maxwell London Myron H. Nordquist and John Norton Moor (eds.): Ocean Policy-New Institutions, Challenges and Opportunities (1999), Kluwer R.P. Anand : Law of the Sea, Caracas and beyond (1978) D. W. Bowett: Law of the Sea D. W. Dowett: Legal Regime of Island in International Law John Colombos: International Law of the Sea (1962) J.H. Hargrove: Who Protects the Ocean: Environment and the Development of the Law of the Sea, Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983) Myres S. McDougal and W. Burke: The Public Order of the Oceans (1962). D.P.P' Connel : International Law of the Sea, Vols. I & II (1982)

**A PAPER VI: PRACTICAL PAPER-**

- |                                  |          |
|----------------------------------|----------|
| a. Dissertation                  | 50 marks |
| b. Paper presentation in seminar | 25 marks |
| c. viva-voce                     | 25 marks |



There shall be one internal and one external examiner (appointed by University) for conducting Viva-Voce Exam.

### **Group -B: Criminal law**

#### **B- Paper I: Comparative criminal procedure**

Organization of Courts and Prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organization of Prosecuting agencies for prosecuting criminal, Prosecutors and the police Withdrawal of prosecution.

Pre-trial Procedures: Arrest and questioning of the accused. The rights of the accused. The evidentiary value of statements/ articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation, Trial Procedure : The accusatory system of trial and the inquisitorial system, Role of the Judge, the prosecutor or and defense attorney in the trial. Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the Court in awarding appropriate punishment, Plea bargaining  
Correction and Aftercare Services : Institutional correction of the offenders, General Comparison - After care services in India and France, The role of the court in correctional programmes in India

Preventive Measures in India: Provisions in the Criminal Procedure Code, Special enactments, Public Interest Litigation: Directions for criminal prosecution

#### **SELECT BIBLIOGRAPHY**

Ceylia Hampton: Criminal Procedure Wikins and Cross: Outline of the law of Evidence Archbold, Pleading: Evidence and Practice in Criminal Cases (2000) Eastern, Lucknow Sarkar : Law of Evidence K.N. Chandrasekharan Pillai (ed.): R.V. Kelkar's : Outlines of Criminal Procedure Patric Devlin: The Criminal Prosecution in England American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China John N. Ferdico: Criminal Procedure (1996), West Sanders & Young: Criminal Justice (1994) Christina Van Den Wyngart: Criminal Procedure Systems in European. Community Joel Samaha] Criminal Procedure (1997), West Criminal Procedure Code, 1973 The French Code of Criminal Procedure 14th and 41st Report of Indian Law Commission The Paper will be taught with reference, wherever necessary to the procedures in India, England, US, France, Russia and China.

#### **B- Paper II: Penology: treatment of offenders**

Introductory, Definition of Penology, Theories of Punishment: Retribution, Utilitarian prevention: Deterrence, Utilitarian : Intimidation, Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation - Expiation, Classical Hindu and Islamic approaches to punishment, The Problematic of Capital Punishment: Constitutionality of Capital Punishment, Judicial Attitudes

through the statute law and case law towards Capital Punishment in India—An inquiry, Law Reform Proposals

Approaches to Sentencing: Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective fines, Reparation by the offender by the court Sentencing: Principal types of sentences in the Penal Code and special laws, Sentencing in white collar crime, Presentence hearing, Sentencing for habitual offender, Summary punishment, Pleas-bargaining

Imprisonment: The state of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners. Rights of prisoner and duties of custodial staff, Deviance by custodial staff. Open prisons, judicial surveillance, basis, development reforms.

#### **SELECT BIBLIOGRAPHY**

S. Chhabra: The Quantum of Punishment in Criminal Law (1970) H.L.A. Hart: Punishment and Responsibility (1968) Herbert L. Packer: The Limits of Criminal Sanction (1968) Alf Ross: On Guilt Responsibility and Punishment (1975) A. Siddique: Criminology (1984) Eastern, Lucknow Law Commission of India, Forty-Second Report, Ch. 3( 1971) K.S. Shukla: 'Sociology of Deviant Behaviour' in 31CSSR Survey of Sociology and Social Anthropology 1969-179 (1986) Tapas Kumar Benerjee: Back-round to Indian Criminal Law (1990). R. Campjary & Co., Kolkata.

#### **B- PAPER III: PRIVILEGED CLASS DEVIANCE**

Introduction: Conceptions of white collar crimes, Indian approaches to socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understanding Indian development. Typical forms of such deviance, Official deviance (deviance by legislators, judges, and bureaucrats), and Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers. Trade union deviance (including teacher, lawyers/urban property owners); Landlord deviance (class/caste based deviance), Police deviance, Deviance on electoral process (rigging, both capturing impersonation, corrupt practices), Gender-based aggression by socially, economically and politically powerful

Official Deviance : Conception of official deviance permissible limit of discretionary powers. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission-in 1959 and 1971. The Chagla Commission Report on LIC-Mundhra Affair. The Das Commission Report on Pratap Singh Kairon, "Fire Grover Commission Report on Dev Raj Urs, The Maruti Commission Report, The Ibakkar Natarajarr Commission Report on Fairfax Police: Deviance : Structures of legal restraint on police powers in India; Unconstitutionality of "third-degree" methods and use of fatal force by police, "Encounter" killings, Police atrocities, The plea of superior orders, Rape and related forms of gender-based aggression by police and paramilitary forces. Reform suggestions

especially by the National Police Commissions, Professional Deviance: Unethical practices at the Indian Bar, The Lentin Commission Report, The Press Council on unprofessional and unethical journalism Medical malpractice.. Response of Indian Legal Order to the Deviance of Privileged Classes: Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, "CheAntualy Case"

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Upendra Baxi: The Crisis of the Indian Legal System (1982) Vikas - Publishing House, New Delhi Upendra Baxi (ed.): Law and Poverty: Essays (1988) Upendra Baxi: Liberty and Corruption: The Antualy Case and Beyond (1989) Suendranath Dwevedi and G.S. Bhargava: Political Corruption in India (1967) A.R. Desai (ed.): Violation of democratic Rights in India (1986) A.G. Noorani: Minister's Misconduct (1974) B.B. Pande: The Nature and Dimensions of Privileged Class Deviance' The Other Side of Development 136 (1987: K.S. Shtikla ed.) Indra Rothermund-' Patterns of Trade Union Leadership in Dhanbad Coal fields', 23 JIL 522 (1981).

#### B- PAPER IV: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

Introductory: Basic conceptions, Drugs' narcotics' psychotropic substances', 'Dependence', "addiction", Crimes without victims, Trafficking in drugs, Primary drug abuse, How does one study the incidence of Drug Addiction and Abuse? Self-reporting, Victim-studies, Problems of comparative studies. Anagraphic and Social Characteristics of Drug Users; Gender, Age, Religiousness, Single individuals/cohabitation, Socio- economic level of family, Residence patterns (urban/rural), Educational levels, Occupation, Age at first use, Type of Drugs use, Reasons given as cause of first use, Method of intake, Pattern of the use, Average Quantity and Cost, Consequences on addict's health (Physical/Psychic).

The International Legal Regime: Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction, The SARC and South-South Cooperation, Profile of international market for psychotropic substances, The Indian Regulatory System : Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage, The penal provisions (under the (PC and the Customs Act). India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse, The Narcotic Drugs and Psychotropic Substances Act. 1985, Patterns to resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

Human Rights Aspects: Deployment of marginalized people as carrier of narcotics, The problem of juvenile drug use and legal approaches, Possibilities

of misuse and abuse investigative prosecutor powers, Bail, The problem of different application of the Legal Regimes, especially in relation to the resource less, The Role of Community in Combating Drug Addiction: Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and after care. The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with regulatory systems, Law reforms initiatives..

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O.H.S. Becker: Outsides: The Studies in Sociology of Deviance (1966) J. A. Incard, C.D. Chambers (eds.): Drugs and the Criminal Justice System (1974) R. Cocken: Drug Abuse and Personality in Young Offenders (1971) G Edwards Busch (ed.): Drug Problems in Britain: A Review of Ten Years (1981) P. Kondanram and Y.N. Murthy : Drug Abuse and Crime : A Preliminary Study, 7, Indian Journal of Criminology, 65-68 (1979) PR. Rajgopal : Violence and Response : A Critique of the Indian Criminal System (1988) United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United nations Social Defense, Research Institute (UNSDRI) Combating Drug Abuse and related Crimes (Rome, July 1984, Publication No. 21)

#### B- PAPER V: JUVENILE DELINQUENCY

The Basic Concepts: The conception of child in Indian Constitution and Penal Code, Delinquent juvenile, Neglected juvenile, The overall situation of children/ young persons in India, also with reference to crime statistics (of crimes by and against children), Determining Factors of Juvenile Delinquency : Differential association, Anomic, Economic pressure, Peer group influence, Gang subculture, Class differentials.

Legislative Approaches: Legislative approaches during the late colonial era, Children's Act, Legislative position in various States, The Juvenile Justice Act, Constitutional Aspects, Distinction between Neglected and delinquent juveniles Competent authorities, Processual safeguards for juveniles, Powers given to government, Community ' participation as envisaged under the Act, Indian Context of Juvenile Delinquency : The child population, percentage of total sex ratio, urban-rural-urban, Neglected below poverty line, physically and mentally disabled, orphans, destitute yagrants, Laborers, etc. organized industries like zari, carpet, bidi, glass, in unorganized sector like domestic services, shops and establishments rag-pickers family trade, Delinquent number, sex-ratio to audit crime, types of offences committed recidivism, rate of increase background, Drug addicts, Victims, 'Of violence sexual abuse, battered, killed by parents, Of criminal activities like bootlegging, drug pollution as a response of protective approach, Judicial Contribution: Social action liberation concerning juvenile justice, Salient judicial decision, Role of legal profession in juvenile justice system.

Implementation : Institutions, bodies, personnel. Recruiting and funding agencies, Recruitment qualifications and salaries or fund. Other responsibilities of each agency/ person, Coordination among related agencies, Accountability annual reports and accessibility of public to juvenile justice institution. Preventive Strategies: State welfare programmes nutrition, ICWS grants-in-aid, Compulsory education Role of community, family, voluntary, bodies, individual.

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National Institute of Social -Defense. Model Rules under the Juvenile Justice Act, 2000 K.S. Shukla: Adolescence Offender: 1985 United Nations: Beijing Rules on Treatment of Young Offenders (1985) Wyron Weiner: The Child and State in India (-1990) The United Nations Declaration on the Right of Children (UNICEF periodic materials)

**B- PAPER VI: PRACTICAL PAPER-**

- |                                  |          |
|----------------------------------|----------|
| a. Dissertation                  | 50 marks |
| b. Paper presentation in seminar | 25 marks |
| c. viva-voce                     | 25 marks |

There shall be one internal and one external examiner (appointed by University) for conducting Viva-Voce Exam.

**Group -C: Business law****C-PAPER I: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

Nature of Intellectual Property Rights (IPR) and need for their protection, IPR and International perspectives, salient international conventions and treaties n IPR, Role of WIPO in promotion of IPR, WTO-TRIPS as global binding charter of IPR and its impact on national legislation, Dispute Settlement System n WTO. Copyright, Nature and scope of copyright. Term of copyright, computer software special position under copyright, law and patent law, infringement of copyright and remedies thereof, international copyright order/ trademark service mark and Internet Domain Name, Registration of trademark, Infringement and passing off action in trade mark, Intellectual Property Appellate Board Geographical indications and their registration. Patent, patentable and non patentable inventions, procedure for obtaining patent, compulsory license, emerging issues in patent such as patent in the field of biotechnology, life form, human genome, infringement of patent and remedies thereof, Patent Cooperation Treaty (PCT). Protection of plant varieties and farmers, right. UPOV convention, principle of benefit sharing. Intellectual Property and Human Rights, Protection of the rights of indigenous people, protection of human rights of impoverished masses, IPR protection and its impact on right to food security and public health, Environmental protection. Protection of Bio-diversity and Traditional Knowledge-economic, social, cultural and ethical dimensions.

**Important Acts.**

1. Copy Rights Act, 197 (As amended)
2. Trade Marks Act, 1999 (As amended)
3. Patents Act, 1970 (As amended)
4. Protection of Plant Varieties and Farmer's Right Act, 2001 (As amended)
5. Geographical Indications of Good (Registration and Protection Act, 1999 (As amended)
6. Biological Diversity Act, 2002 (As amended)

**SELECT BIBLIOGRAPHY**

Intellectual Property and International Trade (1998) Kluwer Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell Christopher Wadlow: The Law of Passing Off (1998). Sweet and Maxwell. W.R Cornish: Intellectual Property Law (1999), Sweet and Maxwell. Elizabeth Verke: Law of Patents (2005) Eastern Book Company, Lucknow. S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right: A Global Vision (2006) Indian Law Destitution publication, New Delhi. Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right. (2004) Deep and Deep Publication, New Delhi Shahid Khan and Ragunath Mashelkar: Intellectual Property and Competitive Strategies in the 21st Century, (2006), Kluwer Law International. PS. Narayan Intellectual Property Law in India. (2006) Gogia Law Agency, Hyderabad.

**C- PAPER II: LEGAL REGULATIONS OF ECONOMIC ENTERPRISES**

Industrial Policy-old and new. Its legal framework. Public Sector, Private Sector Joint Sector-Globalisation, Liberalisation: Meaning, dimensions, implications and impact of globalization. Depository System Definition and Meaning-Objectives, Depository ii international market. GDR, ADR, FCCB, Depositing system in India-Its Legal Frame Work. Dematerialization of Securities. Regulatory Authorities Telecom/Broadcasting Regulatory Authority Industrialization and Environmental Regulation: Environment Clearance Environment Audit Environment Impact Assessment Public Liability Insurant Act Sustainable Development, New Dimensions of Environmental protection role of the Judiciary. Completion Commission.

Investment Scheme for NRI : portfolio investments for NRI, purchase and sale of shares/convertible debentures or other securities on Non-repatriation basis Foreign Institutional Investment. Foreign Direct Investment, Joint Venture and transfer Technology FEMA.

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S. Aswani Kumar: The Law of Indian Trade Mark: (2041). Commercial Law House, Delhi industrial Policy Resolution- of 1948, IV56.1991 Industrial Licensing Policy 1970. 1975 Industrial Policy Statements; 1973. 1977, 1980 Reports of committees on Public: undertakings of Parliament Industries

(Development and Regulation) Act, 1951 U. Baxi & A. Dhanda: Valiant Victims and Lethal Litigation : The Bhopal Case (1989) Indian Law Institute, Law of International Trade Transaction (1973)

### C- PAPER III: LAW OF EXPORT IMPORT REGULATIONS

Basic Need of Export and Import Trade, Theories of International Trade, Free Trade, Protection Principles. WTO & GATT, Dispute Settlement Mechanism Trade Policy Review Mechanism-Anti Dumping Subsidies and Countervailing Duties. Control of Export and Import in India, The Foreign Trade Regulation Act, 1992- Exim policy, Pre-Liberalization and Post Liberalization Era in Trade Power of the Central Govt. to control foreign trade, appointment and powers of Director General of Foreign Trade, powers of the Reserve Bank of India to control foreign trade, Export promotion councils, Export oriented units and Export processing zones.

Nontariff Barriers, Export Import Bank of India, Export Credit Guarantee Corporation of India Limited, promotion of Foreign trade, agricultural products, textile and cloths. The custom Act, 1962 : Prohibition on importation and exportation of goods. The Conservation of Foreign Exchange and Preventions of Smuggling Activities Act control of smuggling activities in export and import trade.

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Government of India. Handbook of Import Export Procedures Government of India Import and Export Policy (1997-2002) Foreign Trade Development and Regulation Act 1992 and Rules Foreign Exchange Management Act 1999 Customs Manual (Latest edition) Final Treaty of GATT, 1994

### C-PAPER IV: BANKING LAW

A. Introduction (i) Nature and Development of Banking, Effects of GST in Banking System (ii) Functions of Banking B. Global Banking Institutions C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

A. (i) Central Bank, Evolution, Characteristics and Functions, (ii) Reserve Bank of India and its Role, (iii) Securitization and Reconstruction of Financial assets, (iv) Cash reserve and Statutory Liquidity ratios in Bank. B. Bank as borrowers : Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking. C. Deposit Insurance Corporation Act, 1962.

A. Bank and Customer Relationship. B. Banking Operations (i) Lending by Banks, (ii) Collection and Payments of Cheques, (iii) Negotiable Instrument & their characteristics, Cheques, Dishonor of Cheques, Appropriation of payments. C. Interference by third parties, (i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.

A. Social Banking B. Basal II norms C. Letter of Credit D. Recovery of Debts Due to Banks. C. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act. E. Recent Trends of Banking System in India.

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Basu, A.: Review of Current Banking Theory and Practice (1998) Mac Millan M. Haggood (ed.): Page's law of Banking (1989) Butterworths, London R. Goode: Commercial Law, (1995) Penguin, London Ross Cranston: Principles of Banking Law (1997) Oxford L.C. Goyle: The Law of Banking and Bankers (1995) Eastern M.L. Tannan: Tannan's Banking Law and Practice in India (1997), India Law House. New Delhi, 2 Volumes K.C. Shekhar: Banking Theory and Practice (1998), UBS Publisher Distributors Ltd. New Delhi M. Dasessse, S. Isaacs and G. Pen; E.G Banking Law, (1994), Lloyds of London Press, London V. conti and Hamaui (eds.): Financial Markets Liberalization and the Role of Banks' Cambridge University Press, Cambridge (1993) J. Dermine (ed.): European Banking in the 1990's (1993) Blackwell, Oxford K. Subrahmanyam Banking Reforms in India (1997), Tata McGraw Hill, New Delhi R.S. Narayana : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51 of 1993), Asia Law House, Hyderabad M. A. Mir: The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi Mitra: The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University Book Agency, Allahabad.

### C-PAPER V: INSURANCE LAW

Introduction; Nature of insurance contract, various kinds of insurance, proposal, policy, parties consideration, need for utmost good faith, insurable interest, indemnity, Insurance policy, law of contract and law of torts - future of insurance: need, importance and place of insurance, Constitutional perspective- the Entries 24,25,29,30,47 of List I Union List: 23,24 of List III, General Principles of Law of insurance: Definition, nature and history. The risk commencement, attachment and duration, Assignment alteration, Settlement of claim and subrogation, Effect of war upon politicians, Indian Insurance Act 1938. Insurance Regulatory Authority Act, 2000: Mutual Insurance Companies and cooperative life insurance societies, Double insurance and re-insurance, Life Insurance: Nature and scope, Event- insured against life insurance contract, Circumstances affecting the risk Amounts recoverable under life policy. Persons entitled to payment, Settlement of- claim and payment of money Marine Insurance: Nature and Scope. Classification of marine policies, The Marine insurance Act, 1963, Marine Insurance, Insurable interest, insurable value, Marine insurance policy-condition-express warranties construction of terms ea policy. Voyage deviation, Perils of the sea, Assignment of Policy, Partial laws of ship and of freight, salvage, general average, particular charges, Return of premium.

Insurance against Accidents: The Fatal Accidents Act, 1855, Objects and reason's. Assessment of compensation, Contributory negligence. Apportionment of compensation and liability, The Personal Injuries

(compensation insurance) Act 1963, Compensation payable under the Act  
 Compensation insurance scheme under the Act Compulsory: insurance  
 Property insurance: Fire Insurance, The Emergency Risks (Factories) Insurance  
 The Emergency Risks (Goods) Insurance, (policies covering risk of explosion  
 Policies covering accidental loss, damage to property, Policies covering risk of  
 storm and tempest, Glass-plate policies, Burglary and theft policies, Live stock  
 policies, Goods in transit insurance, Agricultural insurance against Third Party  
 Risks : The Motor Vehicles Act, 1988, Nature and Scope, Effect of Insolvency  
 or death on claims of insolvency and death of parties, certificate of insurance,  
 Claims tribunal : Constitution, functions, application for compensation,  
 procedure powers and award, Liability Insurance : Nature and kinds of such  
 insurance, Public liability insurance, Professional negligence insurance.  
 Miscellaneous Insurance Schemes: New Dimensions: Group life insurance,  
 Mediclaim sickness insurance.

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John Hanson and Christophe Henly : All Risks Property Insurance (1999), LLP  
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 Sreenivasan : Law and the Life Insurance Contract (19 14)

#### C-PAPER VI: PRACTICAL PAPER

a. DISSERTATION	50 MARKS
B. PAPER PRESENTATION IN SEMINAR	25 MARKS
C. VIVA-VOCE	25 MARKS

There shall be one internal and one external examiner (appointed by University)  
 for conducting Viva-Voce Exam.

#### GROUP -D: CONSTITUTIONAL AND LEGAL ORDER

##### D- PAPER I: MASS MEDIA LAW

Mass Media-Types Press Films, Radio, Television: Ownership patterns, Press,  
 private, public, Ownership patterns, films, private, Ownership patterns-Radio  
 & Television, Public, Difference between visual and non visual media - impact  
 on people's minds, Press: Freedom of Speech and Expression - Article 19(1)  
 (a) : Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy  
 and sedition, The relating to employees wages and service conditions, Price

and Page Schedule Regulation, Newsprint Control Order, Advertisement - is  
 h included within freedom of speech and expression? Press and die  
 Monopolies and Restrictive Trade Proactive Act.

Films - How far included in freedom in of speech and expression? Censorship  
 of film - constitutionality, The Abbas Case, Difference Between films and  
 press-why pre censorship valid for films but not for the press? Censorship  
 under the outer matograph Act. Radio and Television - Government monopoly:  
 Why government department? should there be an autonomous corporation?  
 Effect of television on people, report of the Chanda Committee, Government  
 policy, Commercial advertisement, internal scrutiny of serials, etc. Judicial  
 Review of Doordarshan decisions: freedom to telecast institutional  
 Restrictions: Radio and television subject to law of defamation id obscenity,  
 Power to legislate - Article 246 read with the Seventh Schedule, ower to impose  
 tax - licensing the licensing fee.

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M.P. Jain: Constitutional Law of India (Latest Edn.), Vadhwa H.M. Seervai:  
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 Control in New Development Strategies (International Center for law in  
 Development, 1980) Rajeev Dhavan : 'Onthe Law of the Press in India', 26  
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 on Some Aspects of the Second Press Commission', 26 JIL1 391 (1984) D.S.  
 Basu: The Law of Press of India (1980)

#### D-PAPER II: PUBLIC UTILITIES LAW

Public Utilities: Railways, Electricity, Gas, Road Transport, Telephone, Post  
 and Telegraph Service, Police, Fire Brigade, Banking service etc. Public  
 Utilities-Why Government Monopoly? Government and Parliamentary Control,  
 Constitutional division of power to legislate. Utilities Legislation - Patterns  
 of: Administrative Authorities -Structure of the Administrative Authorities,  
 Subordinate legislation, Public Utilities and Fair Rearing: Quasi-judicial  
 decision -Administrative Discretion Public Utilities and Consumer Protection:  
 Exclusion from M.R.T.P. Act, Rights of consumers protected by the Consumer  
 Protection Act, Rights arising from law of Contract and law of Torts, Public  
 Utilities and Their Employees : Application of Articles 16. Application of  
 Industrial law -right to strike. Public Utilities and Fundamental Rights : The  
 right to equality: the airhostess case, Are public utilities "State" for the  
 purpose of article 12 of the Constitution? Extension or the concept of state.  
 Liabilities and special privileges of public utilities: In contract, In tort, In  
 criminal law.

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P.M. Bakshi: Television and the Law (1986) Vasant Kelkar: 'Business of Postal Service' 33 IJPA, pp. 133-141 (1987) G Ramesh: 'Characteristic of Large Service Organization in a Developing Country like India' 32 IJPA, 77 (1986) Nalini Paranjpe: 'Planning for Welfare in the Indian Railways' 31 IJPA, 171-180 (1985) Arvind K. Sharma: Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy, 33 IJPA, p.99-113 Jain & Jain: Principles of Administrative Law (1986) Bhaumik: The Indian Railways Act (1981) Law Commission of India, 3 8th Report: Indian Post Office Act, 1898 (1968)

**D-PAPER III: UNION STATE FINANCIAL RELATIONS**

Federalism-Essentials'. Models of Federal Governments, Australia, Canada, Difference between federation and confederation, Evolution of federal government in India, Distribution of Legislative Power/Administrative Power: Indian Constitution, Centre State relations, Factors responsible for subordination of states, Administrative relations.

Distribution of Fiscal Power: Scheme of Allocation of taxing power, Extent of Union power of taxation, Residuary power-inclusion of fiscal power, Restrictions of Fiscal Power: Fundamental Rights, Inter-government tax immunities', Difference between tax and fee, Distribution of Tax Revenues: Tax-sharing under the Constitution, Finance commission -Specific purpose grants (Article 282)

Borrowing Power of the State : Borrowing by the Government of India, Borrowing by the States, Inter-State Trade and Commerce : Freedom of inter-state trade and commerce, Restrictions on legislative power of the Union and States with regard to trade and commerce, Planning and Financial Relations : Planning Commission, National Development Council, Plan grants Cooperative Federalism, Full faith and credit, Inter-state Council, Zonal Councils, Inter-state disputes, Federal Government in India: Model of Jammu and Kashmir. Sarkaria Commission Report, What reforms are necessary?

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H.M. Seervai: Constitutional Law of India (1991), Tripathi Bombay Sudha Bhatnagar: Union State Financial Relation and Finance: Commission (1979) Ashok Chandra: Federalism in India (1965) V.D. Sebastian: Indian Federalism: The Legislative Conflicts, Chs.7 and 8 (1980) Chandrapal: Centre-State Relations and Cooperative federalism Chs. 5 and 8 (1983) G.C.V Subha Rao: Legislative Power in Indian constitutional La', Chs. 37, 38; 39 (1982) K.P. Krishna Shetty: The Law of Union-State Relations and t't Indian Federalism Ch. 9 (1981) Administrative Reforms Commission on Centre-State Relationship Ch.3 (1969) L.M. Singhvi (ed.): Union State Relations in India, 124-154 (1969) D.T. Lakadwala: Union State Financial Relations (1967) M.P. Jain: Indian

Constitutional Law (Latest Edn.) Wadhwa K. Subba Rao: The Indian Federation (1969) K.C. Wheare: Federal Government (1963)

**D-PAPER IV: CONSTITUTIONALISM PLURALISM AND FEDERALISM**

Constitutionalism : Authoritarianism-Dictatorship Democracy - Communism, Limited Government -concept limitations on government power, What is a constitution Development of a democratic government in England Historical evolution of constitutional government Conventions of constitutionalism - Law and convention\_ Written Constitutions : USA, Canada, Australia, Switzerland South Africa and India, Separation of powers Montesquieu. Rule of Law: Concept and new horizon Marxist concept of constitutionalism, Dictatorship of if proletariat, Communist State from Stalin to Gorbache. Fundamental Rights: Human Rights, Judicial Review: European Court of Human Rights, Human Right: International Conventions, Limits and doctrine of domestic jurisdiction in international law Federalism: What is a federal government? Difference: between confederation and federation, Conditions requisite for federalism. Patterns of federal government-US, Australia, Canada, India. Judicial review - for federal umpiring, New trends in federalism: Cooperative federalism, India - Central Control V. State Autonomy, Political factors influencing federalism, Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam, Dynamic of Federalism Pluralism: What is a pluralistic society? Ethnic. Linguistic, cultural, political pluralism, Individual rights - right to dissent, Freedom of speech and expression, Freedom of the press, Freedom of association, Rights to separateness, Freedom of religion, Rights of the religious and linguistic minorities, Compensatory discrimination for backward classes, Women-rights to equality and right to special protection, Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS - Exclusion from Hindu Law, Uniform Civil Code: Non-State Law (NSLS) and State Law System- Problem of a Uniform Code v. Personal Laws - vertical federalism

Equality in Plural Society: Right of equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex, language, abolition of untouchability, Secularism - constitutional principles, Tribal Groups and Equality, Pluralism and International Concerns, International Declaration of Human Rights, Conventions against genocide, Protection of religious, ethnic and linguistic minorities, state intervention for protection of human rights, Right of self-determination.

**SELECT BIBLIOGRAPHY**

Upendra Baxi: Law, Democracy and Human Rights, Lokayan Bulletin 1, (1987) V.M. Dandekar: Unitary Elements in a Federal Constitution, 22 EPW 1865 (1988) Rajeev Dhavan : The Press and the Constitutional Guarantee of Free Speech and Expression 28 JIL 299 (1986) M.A. Fazal: Drafting A British Bill of Rights,

27 JILLI, 423 (1985) M.P. Jain: Indian Constitutional Law Wadhwa H.M. Seervai: Constitutional Law of India (1993), 'Tripathi, Bombay

#### D-PAPER V: HUMAN RIGHTS

Panoramic View of Human Rights: Human Rights is Non Western Thought, Awareness of Human Rights during the nationalist movement, Universal Declaration of Human, Rights, Constituent Assembly and Part 111, drafting process. Subsequent developments in International Law and the Position in India (e.g.) Convention of Social discrimination, torture, gender discrimination, environment and the me human rights covenants), Fundamental Right: Jurisprudence as incorporating Directive Principles : The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.), The Interaction between F.R. and D.P. Resultant expansion of basic needs oriented human rights in India

Right not be subject to Torture, Inhuman or Cruel treatment Conceptions of torture, third-degree methods, Justification for it, Outlawry of torture at international and constitutional, law level, Incidence of torture in India, Judicial attitudes. Law Reform - proposed and pending, Minority Rights Conception of minorities, Scope of protection. The position of minority "Women" and their basic rights, Communal Riots as involving violation of rights, Rights t. development of Individuals and Nations : The UN Declaration on Right to Development, 1987. The need for constitutional and legal changes in India from human rights standpoint

People's Participation in Protection and Promotion of Human Rights: Role of International NGOs, Amnesty International, Minority Rights Groups, International Bars Association. Law Asia, Contribution of these groups to protection and promotion of human rights in India. Development Agencies and Human Rights : Major international funding agencies and their operations in India. World Bank lending and resultant violation/ promotion human rights, Should development assistance be tied to observance of human rights (as embodied in various UN Declarations), Comparative Sources of Learning: EEC Jurisprudence, The Green Movement in Germany, The International Peace Movement, Models of Protection of the right of indigenous peoples : New Zealand (Maori) Australia, Aborigines and Canada (Indiana) Freedoms: Free Press - Its role in protecting human rights, Rights of association, Right to due process of law, Access and Distributive justice, Independence of the Judiciary : Role of the Legal profession, Judicial appointments tenure of judges, Qualifications of judges, Separation of judiciary from executive. European convention of Human Rights: European Commission Court of Human Rights, Amnesty International, PUCL.PUDR, Citizens for Democracy, Minorities Commission. Human Rights Commission, Remedies against Violation of Human Rights.

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M.J. Akbar: Riots after Riots (1988) U. Baxi (ed.): The Rights to be Human (1986) U. Baxi: The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi Madhvevirtha: Human Rights (1953) Nagendra Singh : Human (tights and International cooperation (1969) S.C. Kashyap: Human Rights and Parliament (1978) S.C. Khare: Human Rights and United Nations (1977) Upendra Baxi : Human Rights, Accountability and Development, Indian Journal of International Law, 279 (1978)

#### D-PAPER VI: PRACTICAL PAPER-

a. DISSERTATION	50 MARKS
B. PAPER PRESENTATION IN SEMINAR	25 MARKS
C. VIVA-VOCE	25 MARKS

There shall be one internal and one external examiner (appointed by University) for conducting Viva-Voce Exam.

#### GROUP -E: HUMAN RIGHTS LAW

##### E- PAPER I: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

Human Rights: Jurisprudence of Human Rights (i) Concept of 'Right' and 'Duty'. (A) Jural relationship, and (B) Problem in International Law of Rights, without Remedy, (ii) Meaning and Diversifications of Human Rights:- (A) Meaning derived from Scope : How to determine which human rights are Important? General or Universal? (B) Meaning derive from Values: Protective, Humanizing, Community building and Distributive. (C) Meaning derive from functions: Rational, Restraining, Legitimizing and distributive functions, (i) Justificatory Theories (A) Theology: (B) Natural Law and Natural Rights: (C) Positivist Theory: (D) Marxist Theory: (E) Utilitarian Theory: (F) Sociological Process: (ii) Contribution of Modern Theories of Human Rights in shaping the concept: (A) Modern Approaches: 1. Priori Approach. 2. Universal Perspectives Approach. 3. Ideal Observer Approach. 4. Rational Contract Approach. (B) Revived natural Rights Theory: (C) Theories based on Distributive Justice: 1. Rawls theory on Social Justice. 2. Ackerman's theory of Egalitarianism pursued. 3. Cahn's approach of identifying injustice. (D) Theories based on Autonomy: 1. Gewirth theory of liberal approach. 2. Nozick's theory of libertarianism. (E) Theories based on Equal Respect: 1. Dworkin's Theory of equality and liberty. 2. Claims flow from human dignity. 3. Application of various theories to key values. (Hi) Collective Rights: 1. Are Collective rights human rights? 2. Right to Solidarity, Development and Peace. 3. Balancing Collective rigfts'and individual human rights. Role of Jurists Sociological/Functional Approaches in Jurisprudence, Realist Movement and Judicial Process : A study of selected

ideas. Thomas Paine, Locke, J. S. Mill, Jeremy Bentham, Laski, Dworkin, Nozick and Gandhi Unit 4 Evolution of Human Rights Milestones in Development of Human Rights, Thought on International Plane (a) Evolution of Human Rights Thinking, contributions of Ancient Civilizations, Magna Carta, The British Bill of Rights, French and American Declarations. HUMAN RIGHTS, DUTIES AND RESPONSIBILITIES Universal Declaration of Human Rights, 1948 (Article 29), UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups, and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms 1999, UNESCO Declaration of the Responsibilities of the Present Generation Towards Future Generations 1997.

#### SELECT BIBLIOGRAPHY

Suggested books: Angela Hegarty: Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999) Lalit Parmar: Human Rights (1998) Rama Jis: Human Rights: Bhartiya Values (1998) David P.: Forsythe, Human Rights in International Relations Lon L. Fuller, The Morality of Law John Finnis: Natural law and Natural Rights (1980) Julius Stone: Human Law and Human Justice (2000), Universal, New Delhi M.G Chikara: Human Rights: Commitment and Batrayal (1966).

#### E- PAPER II: HUMAN RIGHTS IN INTERNATIONAL AND REGIONAL PERSPECTIVE

Emerging Trends of Different Rights in Contemporary International Scenario. Including economic, social, and cultural rights with special reference to: (a) Rights of the People and nations to Self-Determination. (b) Freedom from Discrimination (c) Right to Work (d) Right to Education (e) Right to health (f) Right to Adequate food (g) Right to adequate Shelter and Services (h) Right to Culture (i) Right to Clean Environment (j) Right to Development Major international Conventions and Treaties. Civil and Political Rights: (a) Right to Life, Liberty and Security of person: UN General Assembly resolution of Summary or arbitrary Executions, 1984, International Convention against Taking of Hostages, 1979, UN General Assembly Declaration on the Protection of All Persons from Enforced disappearance, 1992, Vienna Declaration on Human Rights, 1991, Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century, 2000. (b) Freedom from Torture: Convention on Prevention and Punishment of the Crime of Genocide, 1948, Declaration on the Protection of Women and children in emergency and Armed Conflict, 1974, Declaration on standard Minimum Rules for Treatment of prisoners, 1957. Convention on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Code of conduct for

Law Enforcement Officials, 1979, WHO Guidelines for Medical Doctors Concerning Torture or punishment in relation to detention or Imprisonment, 1975, UN Turst Fund for Victims for Torture, 1981, Declaration of Minimum Humanitarian Standards (Institute for Human Rights, Oslo) 1994. (c) Freedom from Slavery: Slavery Convention, 1926 and supplementary Convention, 1956, Convention for the Suppression of Traffic in Persons and of Exploitation of the prostitution of Others, 1949, Forced Labour Convention, 1957. (d) Administration of Justice by states: Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century, Five Yearly UN congresses on the prevention of Crime and the Treatment of Offenders. Principles relating to Independence of Judiciary, Caracas, 1980, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985. (e) Right to Freedom of Opinion and Expression: Convention on the International right of Correction, 1952, UNESCO Declaration on Fundamental Principles concerning the Contribution of the Media to Strengthening Peace and international Understanding to the Promotion of Human rights, 1978. (f) Freedom of Association including Trade Union Rights: ILO Conventions on the Freedom of Association and Protection of the Right to Organize, 1948, the Right to Organize and Collective Bargaining, 1949, Workers' Representatives, 1971, the Rural Workers Organizations, 1975, the Labour Relations (Public Services) 1978, the Collective Bargaining, 1981. (g) Right to participation in governance Rights of Minorities and Disadvantaged groups (a) Rights of Ethnic, Religious or Linguistic Minorities: Declaration on the Right of Persons Belonging to Ethnic, Religious and Linguistic Minorities, 1992. (b) Rights of the Elderly: World Assembly on Ageing, Vienna, 1982 (c) Rights of the Indigenous People: UN Voluntary Fund for Indigenous populations, 1985, Declaration on the Indigenous People, 1995 (d) Rights of Migrant Workers: Convention on the protection of the Rights of All Migrant Workers and Members of their Families, 1990, ILO Convention on Migrant Workers (e) Rights of the Disabled: UN General Assembly Declaration on the Rights of the disabled Persons, 1975, Declaration on the Rights of mentally retarded persons, 1971, Resolution on the rights of the disabled persons adopted by the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 1993. (f) Human Rights and Terrorism: UN General Assembly resolution 54/164 on Human Rights and Terrorism, 2000. Human Rights under regional charters (a) Asian charter (b) African charter (c) European charter (d) American charter

#### SELECT BIBLIOGRAPHY

Suggested Books UN, Human Rights: A Compilation of international Instruments (New York: UN Publication Division, 1983). UN Centre for Human Rights, International Human Rights standards for Law Enforcement (Geneva



: World Campaign for Human Rights, 1996). UN, The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (New York : UN Publication division, 1994). UN World Campaign for Human Rights. The African Charter on Human and people's rights (Geneva, 1990). Aggarwal, Arnita, "Human Rights of Women in India and International Standards", in MR Dube and Neeta Bora, eds, Perspectives on Human Rights (New Delhi: Anamika Publishers, 2000), pp. 97-106. Jenks, W., Human Rights and international labour Standards (London :Stevens, 1960). Ghai, Yash, "Human rights and Asian Values", Journal of Indian Law Institute, vol. 40, nos. 1- 4, 1998, pp. 67-86. Gandhi, Sandy, "Spare the Rod: Corporal Punishments in Schools and the European Convention on Human Rights", International and Comparative Law Quarterly, vol. 33, no.2, 1984, pp. 488-94. The Rome Statute of the International Criminal Court (Oxford: Clarendon Press, 2000). Cerna, Christina, M., "The Structure and Functioning of the Inter-American Court of Human Rights", British Yearbook of International Law, vol. 63, 1992, pp. 135-229. Evans, Malcolm and Rod Mergan, "The European Convention for the Prevention of Torture: Operational Practice", International and Comparative Law Quarterly, vol.41, no.3, 1992, pp. 590-614. "The European and American Conventions : A Comparison", Human Rights Law Journal, vol. 1, no. 1, 1980, pp. 44-58. Ghai, Yash, "Human Rights and Asian Values", Journal of Indian Law Institute, vol. 40, nos. 1-4, 1998, pp. 67-86. Gittleman, Richard, "The African charter on Human and People's Rights. A Legal Analysis", Virginia Journal of international Law, vol. 22, no.4, 1982, pp. 667-714. Madhusudhanana V., "European System for the protection of Human Rights (The Hague : Martinus Nijhoff, 1977) Mani, V.S., "The European unknown's Approach to human Rights: Implications on India's Trade". In H.S. Chopra, ed., India and the European Unknown in the 21st Century (New Delhi: ICWA, 1998), pp. 134-5 \*. Padilla, Davidj., "the Inter-American System for the Promotion and Protection of human Rights" Georgia Journal of International and comparative Law Quarterly, vol.20, no.2, 1990, pp. 407-12 Scheman, I.R. "The Inter-American Commission on human Rights". American Journal of International Law, vol.64, no. 2, 1965, pp. 35-48

### E-PAPER III: HUMAN RIGHT ENFORCEMENT MECHANISM

Human Rights: Implementation and Supervision by the United Nations Organisation (i) National measures of Implementation and Supervision, (ii) International Measures for Implementation and Supervision (A) Periodic reporting system. (B) Procedure for dealing with Inter-state Complaints. 1. Reverences to International Court of Justice. 2. References to European and Inter-American Court of Human Rights. 3. Fact-finding and Conciliation. (C) Procedure for consideration of Private Communications. (D)Conflicts between various Implementation Procedures (iii) United Nations Human Rights Council (iv; United Nations High Commissioner for Human Rights (v) I lulled Nations

### Commission on Human Rights

Human Rights and the International Labour Organisation (i) Permanent Supervision of the Application of the I.L.O. Standards.(A) Information and Reports 1. Information on submission of Conventions and Recommendations to the competent authorities. 2. Reports on unratified Conventions and Recommendations. 3. Reports on ratified Conventions. 4. Involvement of Employers' and Workers' Organizations in the Supervisory Procedures. (B) Supervisory Bodies: 1. The Committee of Experts on application of the Conventions and Recommendations. 2.The Conference committee on application of the Conventions and Recommendations. 3. The System of Direct Contract. (C) Contentious Procedures 1. Representations against Members. 2. Complaints against Members. (D) Special Freedom of Association Procedure. 1. The Committee of Freedom Association. 2. The Fact Finding and Conciliation Commission on Freedom of Association. (E) Non-Contentious Procedures. Human Rights: Implementation under the Regional Instruments on £ through Nongovernmental Organization (A) i. European Commission of human Rights, ii. European Court of Human Rights iii. Inter-American Commission on Human Rights. iv. Inter-American Court on Human Rights, v. O.A.S. General Assembly and the Committee of Ministers. (B) International Non-Governmental Organizations : 1. Meaning of International Non-governmental Organizations in Implementation of Human Rights, (i) Diplomatic Interventions and Mission by NGOs. (ii) Public discussions of Human Rights Violations (iii) Contribution to International Investigative Procedures, (iv) AIDS and Human Rights (v) Activities at Local levels. (C) Contribution to Development of Human Rights Norms Human Rights: Implementation Mechanism in India (i) Executive, Legislature and Judiciary, (ii) National Human Rights Commission, State Human Rights Commission(s), Other Commissions and Committees at Central and State level (iii) Human Rights Court, (iv) Information Media and Education (v) Role of N.GOs. in Promotion and Protection of Human Rights in India.

### SELECT BIBLIOGRAPHY

Suggested books : D.D. Basu : Human Rights in Indian Constitutional Law (1994) Vijay Chitnis (et.al.): Human Rights and the Law: National and Global Perspectives(1997) B.P. Singh Sehgal: law Judiciary and Justice in India (1993) James Vadakkumchery : Human Rights and the Politics in India (1996) Saxena: Tribals and the law (1997) Poornima Advani: Indian Judiciary: a Tribute (1997) Justice Venkataramiah: Human Rights in the Changing World (1998); Paramjit S. Jaiswal and and Neshtha Jaiswal: Human Rights and the Law (1996).

**E-PAPER IV: HUMAN RIGHTS AND SPECIAL INTERESTS/  
DISADVANTAGED GROUPS: WOMEN'S AND CHILDREN**

1. Philosophical and Social Perspectives
2. Status of Women in Contemporary Indian Society (i) Women (a) Poverty, Illiteracy, Lack of Independence, oppressive Social Customs and gender Bias (b) Violence against and abuse of Women in public and private domains
3. International Norms for Protection of Women (a) ILO Conventions for protection of female Labour (b) UNESCO Convention against Discrimination in Education, 1961 (c) UN Convention on Political Rights of Women 1952, Convention on Elimination of all Forms of Discrimination against Women, 1979. Convention on Nationality of Married Women, 1957, Convention on Consent to marriage, Minimum Age of Marriage and Registration of Marriages, 1962, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949. Declaration on the Elimination of Violence against Women, 1993, Convention on Political Rights of Women, 1952 (d) Declaration on the Participation of Women in Promoting International Peace and Cooperation, 1982 (e) Documents of the Four World Conferences on Women: Mexico, 1975, Copenhagen, 1980, Nairobi, 1985, Beijing, 1995 (f) Protection of women in armed conflicts (g) Other relevant development
4. The Constitution of India and Status of Women (i) Women (a) Fundamental Rights and Directive Principles and Fundamental Duties under the Constitution, (b) Special provisions for the protection of women: Article 15(3), Article 39(d) & (e), Article 42, Articles 243-D & 243-T.
5. Special Laws and Policies for Protection of Women (i) Women (a) Special Laws: Suppression of Immoral Traffic Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1982, Medical Termination of Pregnancy Act, 1971 Maternity Benefit Act, 1961. Other laws having a direct bearing on protection of women (b) Gaps between International Norms and Indian Law, if any (c) Women and public policy: female of current public debate political rights of women (reservations and protection of women) personal Laws and status of women
6. Institutional Mechanism for Protection of the Women (a) Constitutional Mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary) (b) Statutory mechanism: National Commission for Women, National Human Rights Commission, State Commissions (c) The Non-governmental organizations (d) the Information Media (e) Role of Education
7. Philosophical and Social Perspectives
8. Status of Children in Contemporary Indian Society (a) Impact of problems of Poverty and Illiteracy (b) Social and Cultural practices regarding Girl Child: Feticide, Child Marriage (c) Child Labour in unorganized sectors. Forced labour, Sale of Children (d) Child abuse inside and outside homes, trafficking in Children, Children and Custodial Crimes (e) Street Children: Child and Crime

9. International norms for Protection of Children (a) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour, 1999 (b) UN Convention on the Rights of the Child, 1989, Optional Protocol on the Involvement of Children in Armed conflict, and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, 2000. Declaration of Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster, Placement and Adoption, 1986 (c) UNK SCO: International Charter of Physical Education and Sports, 1978, Convention on Technical and Vocational Education, 1989. Convention and Recommendation against Discrimination in Education, 1960, Universal Declaration on the human Genome and Human Rights, 1997. Declaration on the Responsibilities of the Present Generation towards Future Generations, 1997 (d) World Summit for Children: Declaration and Plan of Action (e) Other relevant developments
10. The Constitution of India and Status of Children (a) Fundamental rights and Directive Principles under Indian Constitution (b) Special Protection for the child: article 15(3), Article 24, Article 39 (e) & (f), Article 45 (c) Judicial Endeavor and Children
11. Special Laws and Policies for Protection of the Child (a) Child Labour (Prohibition and Regulation) Act, 1986, Children (Pledging of Labour) Act, 1933, Young Person (Harmful Publications) Act, 1956, Child Marriage Restraint Act, 1929, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1956, Children's Act, 1960, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, Juvenile Justice (Care & Protection of Children) Act 2000. (b) Other Laws relevant to protection of the Child (a) Gaps between International norms and the Indian Law, if any (b) Government Policies
12. Institutional Mechanism for Protection of Child (a) Constitutional Mechanisms: Legislature, Executive, Judiciary (Special contribution of judiciary) (b) National Human Rights Commission, National Commission for Rights of the Child (c) Non-Governmental organizations (d) The Information Media (e) Role of Education

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Suggested Books: UN Centre for Human Rights, The Rights of the child (Geneva: World Campaign for Human Rights 1996). UN High Commissioner for human Rights, Sexual Exploitation of Children (Geneva : UN Publication Division, 1996). UN, Convention on the Rights of the Child (New York: UN Department of Public Information, 1999) UNICEF, The Child and the Law (New Delhi: UNICEF, 1994). UNICEF, The Media and the Children's Rights: A Practical Introduction for Media Professionals (New Delhi: UNESCp, 2000). UNICKI, The State of World's Children 2001 (New York: UNICEF, 2001).

Agarwal, S.P., Handbook on Child (New Delhi: Concept Publishing Company, 1992). Dennis, Michael J., "Newly Adopted Protocols to the convention on the rights of the Child", American Journal of International Law, Vol. 94, 2000, pp. 789-96. Diwan, Paras and Peeyushi Diwan, Children and Legal protection (New Delhi: Deep mid Deep Publishers, 1994). Gupta, Srinivas, "Rights of Child and Child Labour: A Critical Study". Journal of Indian law Institute, Vol. 37, No. 4, Oct. to Dec. 1995, pp. 531-42. Khanna, S.K., children and the Human Rights (New Delhi: Commonwealth, 1998). Kumar, Bindal, Problems of Working Children (New Delhi: All I Publications, 2000). Mehta, P.L. and S.S. Jaswal, Child Labour and the Law (New Delhi: Deep and Deep Publications 1966. Misra, Ranganath, "Rights of the Child", in K.P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: gyan Publishing House, 1999), pp. 38-46. Pachauri, S.K. Children and human Rights (New Delhi: APH Publishing Corporation, 1999). Pal, R.M. "Wrong and Rights of the Child", in K.P. Saksena, ed., Human Rights: Fifty years of India's Independence (New Delhi: Gyan Publishing House, 1999), pp. 47-58. Raina, B.K., "child and Human Rights: An Insight" in B.P. Singh Sehgal, ed., Human Rights in India: Problem and Perspective (New Delhi: Deep and Deep Publications, 1999), pp. 182-86. Sachar, Rajinder, "Rights of the Child", Wood Focus, vol. 13, No. 3, March 1992, pp. 22-23. Saksena, Anu, Human Rights and Child Labour in Indian Industries (New Delhi, Shipra Publications, 1999). Saksena, K.P., "Recent Supreme Court Judgment on Child Labour: A Critique", in K.P. Saksena, eds., Human Rights: Fifty years of India's Independence (New Delhi: Gyan Publishing House, 1999), pp. 73-78. Saxena, Ira, "Needs of the Child: Education for Pleasure", in K.P. Saksena, ed., Human Rights in Asia: Problems and Perspective (New Delhi: HURITER, 1984), pp. 101-110. Seth, Leila, "Rights of the Child", India International Centre Quarterly, vol. 20, no. 4, 1993, pp. 79-90. Shams, Shamusuddin, Women, Law and Social Change (1997). Sharma, A.K., "Human Rights Violations of Street Children and Child Labour in India", in B.P. Singh Sehgal ed. Human Rights in India: Problem and Perspectives (New Delhi: Deep and Deep publications, 1995), pp. 187-91. Weisner, the Child and the State in India (Delhi: Oxford University Press, 1991).

#### E-PAPER V: INTERNATIONAL HUMANITARIAN LAW REFUGEE LAW

International Humanitarian Law (IHL) (j) Origin and development of IHL with contribution of Indian ethos (ii) Sources of IHL (iii) International armed conflict and International Humanitarian Law. (iv) Doctrine of military necessity versus the principles of humanity (v) Role of IHL in non-international armed conflicts (vi) National perspectives on IHL (vii) Role of International Red Cross and NGOs Implementation and Enforcement of IHL (a) Concept of Protecting Power (b) United Nations (c) International Criminal Court and Tribunals (d) Unilateralism humanitarian intervention versus state sovereignty (e)

Humanitarian assistance (f) State obligations in times of peace and during armed conflicts-national implementation of the Geneva conventions. National legislation with penal repression of violation of International Humanitarian Law. (g) Universal Jurisdiction for the breach of IHL. Relation between International Humanitarian Law and Human Rights Law

International Humanitarian and Refugee Laws (i) History of refugee law : Definition and description (a) Meaning (b) Refugee defined in International Instruments 1942-46. (c) Refugee for the purpose of United Nations (d) Development of Statutory definition and extension of mandate (e) Other regional and related instruments (ii) Determination of Refugee Status: (a) Under the Refugee Convention 1951 and Protocol of 1967 (b) Problem of Refugees in non-armed conflict situations (economic, environmental, natural disasters) (iii) Protection under International law (a) Right of non-refoulement 1. Principle of non-refoulement 2. Non-refoulement and its relation with admission and non rejection at the frontier, 3. Extradition, 4. Expulsion 5. Illegal entry 6. Measures not amounting to non-refoulement. (b) Right to Asylum (c) UNHCR and Refugee protection

(i) Loss and denial of Refugee status and its benefits (a) Voluntary acts of individual (b) Change of circumstances (c) Protection or assistance by other States or UN agencies (d) Undeserving Cases (vi) Protection in India (a) Protection without legislation and judicial determination: case law (b) Status of refugees in India under UNHCR (c) India and 1951 Convention (ii) Solution to Refugee Problem (a) Resettlement in third country (b) Repatriation: voluntary or Forced (c) Local assimilation (d) Protective zones (iii) International Law and Internally displaced Persons: UN Guiding Principles on Internal displacement 1998 (ix) Rights and Duties of the International Community (a) Concept of burden sharing (b) Finding durable solutions: roots of refugee problem

#### SELECT BIBLIOGRAPHY

Suggested Books : Independent Commission on International Humanitarian Issues, Modern Wars: the Humanitarian Challenge, Report presented by Mohammed Bedjaoui (London : Zed Books, 1986) International Committee of the Red Cross and Henry Dunant Institute, Bibliography of International Humanitarian Law Applicable in Armed Conflict (Geneva : International Committee of the Red Cross, 1987) International Committee for the Red Cross and international federation of Red Cross and Red Crescent Societies, Handbook of the International red Cross and red Crescent movement (Geneva, 13th ed., 1994.) International Committee for the Red cross, Fundamental Rules of International Humanitarian Law applicable in armed Conflict (1979). UN Centre for Human Rights, Human Rights and Refugees (Geneva: World Campaign for Human Rights, 1993) UN centre for Human Rights, International

Humanitarian Law and Human Rights (Geneva, : World Campaign for Human Rights, 1992). UN Centre for Human Rights, Special issue on Human Rights and Humanitarian Law and Human Rights and Refugee law (New York, 1992). UNESCO, International Dimensions of Humanitarian Law (Paris : UNESCO, 1988) UNHRC, Collection of International Instruments, and other Legal tests Concerning Refugee and Displaced Persons (UNHRC, 1995) UNHCR, The State of World's Refugee : A Humanitarian Agenda (1997-98). Abi-Saab, Rozemary, "The Principles of Humanitarian Law according to the international Court Justice". International Review of the Red Cross, no. 259, 1987, pp. 367-78. Bankowski, I, ed. International Ethical Guidelines for Biomedical Research Involving Human Subjects (Geneva : WHO, 1993). Bhagwati, P.N., "International Aspect of Rights to Life, peace and Development". Denver Journal International Law and Policy vol. 19, no. 1, Fall 1990, pp. 67-76. Bond, B.E. Harrel, Imposing Aid emergency Assistance to Refugees (Oxford University Press, 1985. Carlier, Jean, Who is a Refugee? A Comparative Case Law Study (The Hague: Kluwar law International, 1971). Cassese, Antonio, "Wards of national Liberation and Humanitarian Law", in Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet (The Hague : Martinus Nijhoff, 1984), pp. 313-24. Chakraborty, Manik, Human Rights and Refugees, Problems, Law and Practices (New Delhi:Deep and Deepa, 1998). Chhangani, R.C., "Discrimination of Refugees Status in Nigeria", Indian Journal of International Law, vol. 34, 1994, pp. 455-56. Chinni, B.S., International Refugee Law: A Reader (New Delhi: Sage Publications, 2000)

### E- PAPER VI: PRACTICAL PAPER

- |                                  |          |
|----------------------------------|----------|
| A. DISSERTATION                  | 50 MARKS |
| B. PAPER PRESENTATION IN SEMINAR | 25 MARKS |
| C. VIVA-VOCE                     | 25 MARKS |

There shall be one internal and one external examiner (appointed by University) for conducting Viva-Voce Exam.

### GROUP -F: ENVIRONMENT AND LEGAL ORDER

#### F- PAPER I: ENVIRONMENT AND DEVELOPMENT; LAW AND POLICY

The Idea of Environment: Ancient and medieval writings, Traditions, Natural and biological sciences: perspectives, Modern concept: Conflicting dimension, Development: Theories of development, Right to development, Sustainable development-national and international perspectives, developing economics Policy and Law: From Stockholm to Rio and after, Post - Independence India, Role of Government, Five Year Plans, Forest Policy, Conservation strategy, Water policy.

**Population, Environment and Development:** Population explosion and environmental impact, Population and development, Population and sustainable development

**Constitutional Perspectives :** Fundamental Rights, Right to environment, Enforcement of the right, Directive principles and fundamental duties, Legislative power, Environment: Emerging concepts and challenges, Polluter pay principle : absolute liability of hazardous, industry, Precautionary principle, Public trust doctrine,

#### SELECT BIBLIOGRAPHY

C.M. Abraham: Environmental Jurisprudence in India, (1999), Kluwer Madhav Gadgil and Ramachandra Guha: This Fissured Island: An Ecological History of India (1996), Oxford R.B. Singh & Suresh Mishra : Environmental Law in India (1996), Concept Publishing Co., New Delhi Kailuif Thakur : Environmental Protection : Law and Policy in India (1997), Deep & Deep Publications, New Delhi Richard L. Riversz, et. al. (eds.): Environmental Law, The Economy and Sustainable Development (2000), Cambridge 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) Darryl D'Monte : Temples or Tombs Industry versus Environment: Three Controversies (1985), Centre for Science and Environment. New Delhi Indian Journal of Public Administration Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No. 3, pp. 353-801 Khosho: Environmental Concerns and Strategies (1988), Ashish, Delhi Centre for Science and Environment, The State of India's Environment 1982.-The State of India Environment 1984-85 and the State of Indian Environment 1999-2000 World Commission on Environment and Development, Our Common Future (1987), Oxford.

#### F- PAPER II: RESOURCES MANAGEMENT AND LAW

Water: Salinity, Bund and spill ways, Aquaculture and fishing: regulation, Irrigation, Ground water management, Interstate water management and disputes Land: Controls on land development, Eco-friendly land planning: conservation, utilization and conversion, Mining and quarrying. Concepts of common Property and State Property: Forest, Wildlife, Common facilities and the right to use: roads, parks, pathways, lakes, rivers. Natural heritage-Tribal habitat, Historical monuments. Wet lands: Wise use concept Energy: Sources, Energy related environmental problems: tapping, transmission and utilization, indiscriminate use, utilization of conventional energy: hydroelectric, thermal and nuclear, Non-conventional energy: Solar, wind, tidal and biogas.

**SELECT BIBLIOGRAPHY**

Kailash Thakur: Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi  
 WCED : Our Forest, Our Future (1999), Cambridge  
 Abraham, C.M. ; Environmental Jurisprudence in India (1999), Cluwer  
 Diwedi: India's Environmental Policies, Programmes and Stewardship (1999),  
 McMillan Enid M. Barren, et al. (eds.): Royal commission on Environmental  
 Pollution, London, UK (1998), Kluwer David B. Wilkins: Animal Welfare in Europe  
 (1997), Kluwer Mark Austen and Tamara Richards: Basic Legal Documents on  
 International Animal Welfare and Wild Life Conservation (2000), Kluwer Jack  
 Grosse: Protection and management of our Natural Resources, Wild Life and  
 Habitat (1997), Oceana Leelakrishnan, P. et al. (eds.) : Law and Environment  
 (1990) Leelakrishnan, P. : The Environmental Law in India (1999), Butterworths,  
 India Standing Committee on Environment Law American Bar Association,  
 Common Boundary Common Problems : The Environmental Consequences  
 of Energy Production (1982) S.K. Jain and A.R.K. Sastry : Threatened Plants  
 of India: A State of the Art Report (1980) Armin Rozenzanz, et al. (eds.):  
 Environmental Policy and Law in India (1988), Butter worths, India.

**F- PAPER III: PREVENTION AND CONTROL OF POLLUTION**

Pollution: Meaning, Kinds of pollution and their impact, Pollution of Water:  
 Definition, Ground water pollution, Sources, Critique of existing laws, Machinery,  
 Powers, Function Offences and Penalties. Pollution of Air: Pollutants and  
 effects, Modalities of control, Conflicts of jurisdiction of different control,  
 Agencies, Critique, of the existing legal framework, Noise Pollution: Sources  
 and effects, Different legal controls, Need for specific law.  
 Disposal of Waste: Kinds of wastes, Disposal agencies: local bodies and other  
 agencies, Disposal and recycling of wastes, Sanctions against Pollution:  
 Efficacy of criminal and civil sanctions. Corporate liability, civil and criminal,  
 Should penalties be prohibitive, Civil liability, compensatory and penal,  
 Administrative compensation system, Incentives to pollution control.

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Kailash Thakur: Environmental Protection Law and Policy in India (1997), Deep  
 & Deep publications, New Delhi Enid, M. Barson and Ilga Nielson (eds.):  
 Agriculture and Sustainable use in Europe (1998), Kluwer Leelakrishnan, P. et al.  
 (eds.): Law and Environment (1990) Leelakrishnan, P.: The Environmental Law  
 in India (1999), Butterworth's. India Indian Law Institute, Mass Disasters and  
 Multinational Liability: The Bhopal Case (1986) Inconvenient Forum and  
 Convenient Catastrophe: The Bhopal Case (1986) Armin Rozenzanz, et al. (eds.):  
 Environmental Policy and Law in India (2000), Butterworth's India.

**F- PAPER IV: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER**

International Concern for Environmental Protection: World environment  
 movement, Natural and cultural heritage, Role of international and regional  
 organizations, International Obligations towards sustainable Development:  
 International financing policy, World environment fund, Global Environmental  
 Facility (GEF), International Cooperation, Poverty alleviation Marine  
 Environment : Marine resources : conservation and exploitation, Scientific  
 research and exploration. Antarctic environment, International Seabed Authority,  
 Pollution from ships, Dumping of oil and other wastes into the sea Trans-  
 boundary Pollution Hazards: Oil pollution, Nuclear fall outs and accidents, Acid  
 rain, Chemical pollution, Green house effect, Depletion of ozone layer, Space  
 pollution. Control of Multinational Corporations and Containment of  
 Environmental Hazards: Problems of liability and control mechanisms, Disaster  
 management at international level, Monopoly of biotechnology by MNCs,  
 Disposal and Dumping of Hazardous Wastes: Transnational Problem and  
 Control.

**SELECT BIBLIOGRAPHY**

Priya Kanjan Trivedi: International Environmental Laws (1996), A.P.H. Publishing  
 Corporation, New Delhi Sri Elworthy and Jane Holder: Environmental Protection:  
 Text and Materials (1997), Butterworths Nathali L.T.J. Horbach: Contemporary  
 Developments in Nuclear Energy Law (1999), Kluwer Indian Law Institute,  
 Legal Control of Environmental Pollution (1980) Varshney, C.K. (ed.): Water  
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**F- PAPER V: BIOLOGICAL DIVERSITY AND LEGAL ORDER**

Biodiversity: Meaning, Need for protection of biodiversity. Dependence of human  
 life on the existence in flora and fauna Significance of wild life. Medicinal plants,  
 Plant and microorganism. Biodiversity and Legal Regulation: Utilization of flora  
 and fauna for bio-medical purposes, Experimentation on animals: Legal and  
 ethical issues, Genetic mutation of seeds and microorganisms, genetic  
 Engineering, Legal mechanisms of control, Recognition of regional and local  
 agencies. Development Projects and Destruction of Biodiversity: Concept of  
 sustainable development Problems in Legal Regulation of Medicinal Plants :  
 Cosmetic plants. Animal products. Utilization of flora and fauna for bio-medical  
 purposes by Multinational corporations: Problems of control, Regulation of trade  
 in wild-life products.

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

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Arjun Prasad Nagore : Biological Diversity and International Environmental Law (1996), A.P.H. Publishing Corporation, New Delhi Project Large: Plant Variety Protection and Plant Biotechnology - Options for India (1999), Allied M.S. Swaminathan: Genetic Conservation: Microbes to Man, Presidential Address as XV International Congress of Genetics, New Delhi, India, December, 12-21.1983 K.L. Mehta and R.L. Arora: Plant Genetic Resources of India: their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi P.N. Bhat et. al.: Animal Genetic Resources India(1981) P.N. Bhat: Conservation of Animal Genetic Resources in India', Animal Genetic Resources, Conservation and Management FAO, Rome (1981)

**F- PAPER VI: PRACTICAL PAPER**

a. DISSERTATION	50 MARKS
B PAPER PRESENTATION IN SEMINAR	25 MARKS
C VIVA-VOCE	25 MARKS

There shall be one internal and one external examiner (appointed by University) for conducting Viva-Voce Exam.

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