



BANGALORE UNIVERSITY

Dept. of Studies in Law

BANGALORE

**TWO YEAR LL.M DEGREE COURSE (CBCS) SEMESTER
SCHEME REVISED SYLLABUS**

(w.e.f. September 2024)

**University Law College
& Department of Studies in Law
Jnana Bharathi Campus, Bangalore - 560 056.**

TWO YEAR LL.M DEGREE COURSE (CBCS) SEMESTER SCHEME

REVISED SYLLABUS 2024

(w.e.f. September 2024)

SPECIALIZATION BRANCHES:

- 1. CONSTITUTION AND LEGAL ORDER**
- 2. CORPORATE AND COMMERCIAL LAW**
- 3. LABOUR AND EMPLOYMENT LAW**
- 4. HUMAN RIGHTS AND ENVIRONMENTAL LAW**
- 5. CRIMINAL LAW**

I SEMESTER

COMPULSORY PAPERS:

Paper -1: Research Methods and Legal Writing

Paper -2: Comparative Public Law

SPECIALIZATION PAPERS:

CONSTITUTION AND LEGAL ORDER:

Paper -3: Fundamental Rights and Directive Principles of State Policy

Paper -4: Local-Self Government and Federal Governance

CORPORATE & COMMERCIAL LAW:

Paper -3: Banking Law

Paper -4: International Trade Law

LABOUR AND EMPLOYMENT LAW:

Paper -3: Collective Bargaining Paper - 4: Industrial
Adjudication

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -3: International Environmental Law

Paper -4: Environmental Laws and Policies in India

CRIMINAL LAW:

Paper -3: Comparative Criminal Procedure

Paper -4: Drug Addiction, National Security and Human Rights

II SEMESTER

COMPULSORY PAPERS:

Paper -1: Advanced Jurisprudence

Paper -2: Judicial Process

SPECIALIZATION PAPERS:

CONSTITUTION AND LEGAL ORDER:

Paper -3: Mass Media Law

Paper -4: Centre-State Relations and Constitutional Governance

CORPORATE & COMMERCIAL LAW:

Paper -3: Intellectual Property Law

Paper -4: Competition Law

LABOUR AND EMPLOYMENT LAW:

Paper - 3: Law Relating to Civil Servants

Paper - 4: Laws relating to Agricultural Labour and other forms of Unorganized Workers

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -3: Resource Management and the Law

Paper -4: Concept and Historical Development of Human Right

CRIMINAL LAW:

Paper -3: Juvenile Justice and Law Relating to Women

Paper -4: Crime and Justice: Penology and Treatment of Offenders

III SEMESTER

COMPULSORY PAPER:

Paper -1: Practical Paper.

SPECIALIZATION PAPERS:

CONSTITUTION AND LEGAL ORDER:

Paper -2: National Security, Public Order and Rule of Law.

Paper -3: Open Elective

Paper -4: MOOCs

CORPORATE & COMMERCIAL LAW:

Paper -2: Corporate Social Responsibility

Paper -3: Open Elective

Paper -4: MOOCs

LABOUR AND EMPLOYMENT LAW:

Paper -2: Wages

Paper -3: Open Elective

Paper -4: MOOCs

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -2: Human Rights- International Perspectives Paper -3: Open Elective

Paper -4: MOOCs

CRIMINAL LAW:

Paper -2: Socio-Economic Crimes: Origin and Development

Paper -3: Open Elective

Paper -4: MOOCs

IV SEMESTER

DISSERTATION – Report & Viva -voce

SPECIALIZATION PAPER:

CONSTITUTIONAL AND ADMINISTRATIVE LAW:

Paper -1: Judicial Review

CORPORATE & COMMERCIAL LAW:

Paper -1: Cyber Law

LABOUR AND EMPLOYMENT LAW:

Paper -1: Social Security Law

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -1: Human Rights- Indian Perspectives

CRIMINAL LAW:

Paper -1: Collective Violence and Criminal Justice System

SYLLABUS
COMPULSORY PAPERS

RESEARCH METHODS AND LEGAL WRITING

Course Outcome: -

- To understand basics of Research and Legal Research
- To know the stages of Research Process including different types of Methods and Techniques to do Research
- To understand different methods of analyzing the Data collected, Reporting and to draft different kinds of Legal Writing.

Unit – I Basics of Legal Research

- 1.1 Meaning, objectives of Legal Research
- 1.2 Characteristics of Scientific Method – Applicability of Scientific Method
- 1.3 Kinds in Research
- 1.4 Concepts and Constructs- Relationship between Theory and Fact
- 1.5 Stages of Research Process

Unit - II Research Problem, Hypothesis & Testing of Hypothesis, Research Design, Sampling

- 2.1 Research Problem – Definition, Determination, Sources of Data
- 2.2 Hypothesis – Meaning and Definitions, Characteristics, Research Questions and Hypothesis
- 2.3 Testing of Hypothesis
- 2.4 Research Design – Meaning and Essentials of Research Design, Forms of Research Design, and Major Steps
- 2.5 Sampling Techniques – Definition, Basic Assumptions, Classifications

Unit – III Research Methods and Tools

- 3.1 Social and Legal survey
- 3.2 Case Method
- 3.3 Jurimetrics
- 3.4 Questionnaire Schedule
- 3.5 Observation and Interview

Unit – IV Tabulation, Analysis, Interpretation and Reporting

- 4.1 Classification and Tabulation of Data
- 4.2 Analysis and Interpretation of Data
- 4.3 Use of Statistical Methods and Computers in Legal Research
- 4.4 Reporting and Methods of Citations

4.5 Ethics in Research

Unit – V Legal Writing

5.1 Foundations of Writing

5.2 Research and Teaching

5.3 Transmittal Letter, Client Opinion Letter and E-mail Correspondence

5.4 Pleadings

5.5 Office memo

5.6 Memorandum of Law

5.7 Appellate brief

5.8 Philosophy & Ethics

5.9 Plagiarism Tools

5.10 Use of AI Technology in Research & Writing

Bibliography & Suggested Reading

1. Whitney, F.L, *The Elements of Research*.
2. Goode, William J. and Hatt, Faul H., *Methods in Social Research*.
3. I.L.I., *Legal Research and Methodology*.
4. Amy E. Sloan, *Basic Method Research – Tools and Materials*.
5. Pauline V. Young, *Scientific Social Survey and Research*.
6. Morris L. Cohan, *Legal Research in a Nutshell*.
7. Carol M. Bast, *Foundations of Legal Research and Writing*.
8. Erwin C. Surrency, B. Fielf, and J. Crea, *A Guide to Legal Research* (1959).
9. H.M. Hyman, *Interviewing in Social Research* (1965).
10. Harvard Law Review Association, *Uniform System of Citations*.
11. Hugh Brayal, Nigel Duncan, and Richard Grimes, *Clinical Legal Education: Active Learning in Your Law School* (1998), Blackstone Press Limited, London.
12. ILI Publication, *Legal Research and Methodology*.
13. M.O. Price, H. Bitner, and Bysiewiez, *Effective Legal Research* (1978).
14. Morris L. Cohan, *Legal Research in a Nutshell* (1996), West Publishing Co.
15. N.R. Madhava Menon (ed.), *A Handbook of Clinical Legal Education* (1998), Eastern Book Company, Lucknow.
16. Pauline V. Young, *Scientific Social Survey and Research* (1962).
17. Payne, *The Art of Asking Questions* (1965).
18. S.K. Agrawal (Ed.), *Legal Education in India* (1973), Tripathi, Bombay.
19. William J. Grade and Paul K. Hatt, *Methods in Social Research*, McGraw-Hill Book Company.
20. G.V. Ajjappa and Sumeet Malik, *Legal Method: An Introduction*, Eastern Book Company.
21. P. Ishwara Bhat, *Idea and Methods of Legal Research*, Oxford University Press, India.40

COMPARATIVE PUBLIC LAW

Course Outcome

- To understand the Comparative analysis of the Constitution of India, USA and UK;
- To analyze the Functioning of various legal systems across the globe;
- To understand origin, development, scope, limitations and amendments of the Indian Constitution;
- To understand different forms of government;

Unit-I : Public Law - Constitution and Administrative Law

- 1.1 Nature of Public Law and its Importance in Governance
- 1.2 Concept of Constitution
- 1.3 Meaning and Idea of Constitution, Nature and Goals
- 1.4 Living Constitution
- 1.5 Constitution as Supreme Law
- 1.6 Study of Comparative Constitutional Law in India, USA and UK.

Unit-II: Constitutionalism and its Elements

- 2.1 Concept, Distinction between Constitution and Constitutionalism
- 2.2 Essential features of Constitutionalism
- 2.3 Constitutional foundations of powers
- 2.4 Supremacy of Legislature in Law Making
- 2.5 Rule of law
- 2.6 Separation of Powers
- 2.7 Federalism
- 2.8 Independence of Judiciary and Judicial Review

Unit-III: Forms of Government

- 3.1 Federal and Unitary Forms
- 3.2 Features, Advantages and Disadvantages
- 3.3 Models of Federalism and Concept of Quasi-federalism
- 3.4 Role of Courts in Preserving Federalism
- 3.5 Distribution of Powers between Centre and States
- 3.6 Parliamentary and Presidential Forms of Government

Unit-IV: Scope and Importance of Fundamental Rights

- 4.1 Evolution of Fundamental Rights
- 4.2 Magna Carta 1215

- 4.3 Bill of Rights 1689
- 4.4 Fundamental Rights: Comparative Study in India, USA and U.K.
- 4.5 Restrictions and Exceptions to Fundamental Rights in India

Unit-V Constitutional Review

- 4.1 Methods of Constitutional Review
- 4.2 Concept and Origin of Judicial Review
- 4.3 Limitations on Judicial Review
- 4.4 Amendment of Constitution
- 4.5 Various Methods of Amendment
- 4.6 Limitations on Amending Power: Comparative Perspective
- 4.7 Theory of Basic Structure: Origin and Development

List of Recommended Books/Suggested Readings:

1. B. Shiva Rao, *Framing of Indian Constitution* (Universal Law, 2004).
2. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).
3. Christopher N. May and Allan Ides, *Constitutional Law: National Power and Federalism* (3rd ed., Aspen Publishers, 2004).
4. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
5. David Strauss, *The Living Constitution* (Oxford University Press, 2010).
6. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
7. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006).
8. H.M. Seervai, *Constitution of India* (Universal, 2004).
9. M.V. Pylee, *Constitution of the World* (Universal Publishers, 2006).
10. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
11. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010).
12. S.N. Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
13. Sudhir Krishna Swamy, *Democracy and Constitutionalism in India – A Study of the Basic Structure Doctrine* (Oxford University Press, 2009).
14. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
15. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
16. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009).

17. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights," 26(2) *South Asian Studies* 299-309 (July-December 2011).
18. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights," 60(4) *International and Comparative Law Quarterly* 867-894 (October 2011).
19. Bruce Ackerman, "The New Separation of Powers," 113(3) *Harvard Law Review* 634-729 (2000).
20. Daryl Levinson and Richard H. Pildes, "Separation of Parties, Not Powers," 119(8) *Harvard Law Review* 2311-2386 (2006).
21. David Anoussamy, "Who Governs India?" 14(4) *South Asia Politics* 18-21 (August 2011).
22. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism," 97(7) *Virginia Law Review* 1685-1726 (November 2011).
23. David Strauss, "Do We Have a Living Constitution?" 59(4) *Drake Law Review* 973-984 (Summer 2011).
24. Devi Prasad Singh, "Sovereignty, Judicial Review, and Separation of Power," 7(5) *Supreme Court Cases* J-13 (September 2012).
25. G.N. Ray, "Mass Media and Parliamentary Democracy," 31(2) *Press Council of India Review* 1-10 (April 2010).
26. Geoff Holland, "Standing as a Barrier to Constitutional Justice: Can We Create a New Public Law Paradigm," 22(3) *Bond Law Review* 78-81 (December 2010).
27. Glen Staszewski, "Political Reasons, Deliberative Democracy, and Administrative Law," 97(3) *Iowa Law Review* 849-912 (March 2012).
28. Gustavo Fernandes de Andrade, "Comparative Constitutional Law: Judicial Review," 3 *University of Pennsylvania Journal of Constitutional Law* 977.
29. Jan-Erik Lane, "Models of Federalism," 1 *Indian Journal of Federal Studies* 30-50 (January 2011).
30. Jonathan Siegel, "Institutional Case for Judicial Review," 97(4) *Iowa Law Review* 1147-1200 (May 2012).
31. K.K. Venugopal, "Separation of Power and the Supreme Court of India," 2(2) *Journal of Law and Social Policy* 64-82 (July 2008).
32. Karthiga Sridhar Gopal, "Writ of Mandamus," 241(4) *Madras Law Journal* 71-79 (2009).
33. L.N. Sharma, "Democracy and Development in South Asia: Experiences and Suggestions for Reforms," 55(4) *Indian Journal of Public Administration* 867-881 (2009).
34. Linda Bosniak, "Persons and Citizens in Constitutional Thought," 8(1) *International Journal of Constitutional Law* 9-29 (January 2010).
35. Mark Tushnet, "The Possibilities of Comparative Constitutional Law," 108 *Yale Law Journal* 1225 (1999).
36. Najma Akhtar, "Affirmative Action and Positive Discrimination for the Most Disadvantaged in India," 2 *Indian Journal of Federal Studies* 93-97 (2010).
37. Quinn Rosenkranz, "Subjects of the Constitution," 62(5) *Stanford Law Review* 1209-1292 (May 2010).
38. Rajvir Sharma, "Judiciary as Change Agent: Some Insights into the Changing Role of Judiciary in India,"

- 58(2) *Indian Journal of Public Administration* 264-286 (April-June 2012).
39. Rebecca Brown, "Assisted Living for the Constitution," 59(4) *Drake Law Review* 985-1000 (Summer 2011).
40. Schapiro, "Judicial Federalism and the Challenges of State Constitutional Contestation," 115(4) *Penn State Law Review* 983-1006 (Spring 2011).
41. Subhash Chandra Singh, "Redressing Socio-economic Exclusion: A Critical Look into Affirmative Action Policies in India," 37(1-2) *Indian Bar Review* (January-June 2010).
42. Tom Ginsburg, Eric Posner, "Sub Constitutionalism," 62(6) *Stanford Law Review* 1583-1628 (June 2010).

Judicial Process

Course Outcome:

- To understand the concepts of Judicial Activism and various techniques employed in Judicial decision making;
- To understand Judicial Process in constitutional Adjudication
- To understand the Law Commissions and the Statutory rules of interpretation in India;
- To understand the concept of Justice and evaluate various theories.

Unit – I Nature of Judicial Process

- 1.1 Nature of Judicial Process;
- 1.2 Judicial process as an Instrument of Social Ordering;
- 1.3 Judicial process and creativity in law-common law model-Legal Reasoning and growth of law – Change and Stability;
- 1.4 Precedent- The Doctrine of Precedent, Reasons, Ratio Decidendi and Obiter Dictum – Wambaugh’s test and Dr. Goodhart’s method of determining the Ratio Decidendi
- 1.5 Legal Development & Creativity through Legal Reasoning under statutory and codified systems

Unit–II Special dimension of Judicial Process in Constitutional Adjudications

- 2.1 Notions of Judicial Review in Common Law and Civil Law
- 2.2 “Role” in constitutional adjudication-various theories of Judicial Role.
- 2.3 Tools and techniques of Judicial Creativity and Policy Making; Creativity in Constitutional Adjudication.
- 2.4 Problems of Accountability and Judicial Law- Making.
- 2.5 Law Reporting is a tool for effective observance of the law of precedent.

Unit–III Judicial Process in India

- 3.1 Indian debate on the role of Judges and on the notion of Judicial Review
- 3.2 The “Independence” of Judiciary and the “Political Nature of Judicial Process
- 3.3 Judicial Activism and Creativity of the Supreme Court- The New Dimensions
- 3.4 Judicial Process in pursuit of Constitutional goals and values- Structural Challenges
- 3.5 Institutional Liability of Court and Judicial Activism – Scopes and Limits
- 3.6 The Law Commission of India and its role in Law making in India
- 3.7 Role of AI in Judicial Process and Law Making

Unit–IV The Concept of Justice

- 4.1 The Concept of Justice or Dharma in Indian thought;

- 4.2 Dharma as the foundation of legal ordering in Indian Thought;
- 4.3 The Concept and various theories of Justice in the Western Thought;
- 4.4 Various theoretical bases of Justice- The Liberal Contractual Tradition; The Liberal Utilitarian Tradition and The Liberal Moral Tradition.

Unit-V Relation between Law & Justice

- 5.1 Equivalence Theories-Justice as nothing more than the Positive law of the stronger class.
- 5.2 Dependency theories-For its realization justice depends on law, but justice is not the same as law
- 5.3 The Independence of Justice theories-means to end relationship of Law and Justice – The relationship in the context of the Indian Constitutional ordering
- 5.4 Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by the Theories of Justice

List of Recommended Books/Suggested Readings:

1. Julius Stone, *The Province and Functions of Law*, Part II, Chs. 1, 8-16 (2000), Universal, New Delhi.
2. Cardozo, *The Nature of Judicial Process* (1995), Universal, New Delhi.
3. G. Henry J. Abraham, *The Judicial Process* (1988), Oxford.
4. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985), Butterworths.
5. W. Friedmann, *Legal Theory* (1960), Stevens, London.
6. Bodenheimer, *Jurisprudence – The Philosophy and Method of the Law* (1997), Universal, Delhi.
7. J. Stone, *Legal System and Lawyer's Reasoning* (1990), Universal, Delhi.
8. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow.
9. Rajeev Dhavan, *The Supreme Court of India – A Socio-Legal Critique of Its Juristic Techniques* (1977), Tripathi, Bombay.
10. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
11. Edward H. Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago.
12. Rajeev Dhavan, *The Supreme Court of India*.
13. Amartya Sen, *The Idea of Justice*.

ADVANCED JURISPRUDENCE

Course Outcome

- It gives idea to the students about the creative formation and evolution of law;
- It helps the students to understand the nature and value of Jurisprudence;
- To understand various theories of law and State;
- It brings awareness among students towards rights, duties, obligations and liabilities of a subject towards the State;

Unit I:

- 1.1 Nature and Value of Jurisprudence.
- 1.2 Natural Law- Attractions of Natural law, a Brief History,
- 1.3 20th century Revival of Natural Law;
- 1.4 Fuller and the Morality of Law, Finnis and the Restatement of Natural law
- 1.5 Classical English Positivism – Theories by John Austin and Bentham
- 1.6 Origin & Development of Indian Jurisprudence- Dharma.

Unit II:

- 2.1 Fundamental Legal concepts Rights
- 2.2 Nature and basis – Hohfield's Analysis of Rights,
- 2.3 Concepts of Duty, Obligation and Liability, Concept of Property.
- 2.4 Concept of Ownership & Possession

Unit III:

- 3.1 Sociological Jurisprudence and sociology of Law
- 3.2 Theories of Max Weber, Durkheim, E.Erlich, Roscoe Pound and Unger on the Development of modern law
- 3.3 Legal Realism – American and Scandinavian Realists.

Unit IV:

- 4.1 Historical and Anthropological Jurisprudence –. F.K.Von Savigny and Sir Henry Maine
- 4.2 Marxist theories of Law and State.
- 4.3 Post-Modernism and Law.
- 4.4 Critical Legal Studies & Feminist Jurisprudence

Unit V:

- 5.1 Modern Trends in Normative and Analytical Jurisprudence
- 5.2 Economic approach to Law
- 5.3 Theories of H.L.A. Hart, R.W. Dworkin
- 5.4 John Rawl's Theory of Justice – Pure Theory of Law.
- 5.5 Epistemology of Law – Richard A. Posner

List of Recommended Books/Suggested Readings:

- 1 M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence*, 7th ed., London: Sweet & Maxwell.
- 2 Julius Stone, *Legal System and Lawyer Reasoning* (1967, Stevens, London) (Relevant Chapters).
- 3 R.W.M. Dias, *Jurisprudence*, 5th edn., Indian Reprint, Butterworth India.
- 4 W.N. Hohfeld, *Fundamental Legal Concepts*.
- 5 F.J. Fitzgerald, *Salmond on Jurisprudence*, 12th ed., Indian Reprint (London: Sweet & Maxwell) (Relevant Chapters).
- 6 E. Bodenhemier, *Jurisprudence – Indian Edition*.
- 7 J. Raz, *Concept of Legal System*.
- 8 Julius Stone, *Social Dimensions of Law and Justice* (1967, Stevens).
- 9 Richard A. Posner, *The Problems of Jurisprudence*, Universal Law Publishing Co.
- 10 Surya Prakash Sinha, *Sinha's Jurisprudence (Legal Philosophy)* (1993)

SPECIALIZATION PAPERS

CONSTITUTION AND LEGAL ORDER

FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

Course Outcome

- Enables student to understand to the concept of Fundamental Rights and distinction between Fundamental Rights and DPSP
- To understand how interdependent nature of the Fundamental Rights and DPSP
- DPSP are recognized by enacting suitable legislation by the Union and the State legislatures

Unit -I Concept of Fundamental Rights

- 1.1 Evolution of Fundamental Rights
- 1.2 Concept of Fundamental Rights and Relation with Natural Rights
- 1.3 Enforcement of Fundamental Rights
- 1.4 Definition of “State” - Rights against state
- 1.5 Rights against non-state actors
- 1.6 Is there need to enlarge the definition of State?

Unit -II Forms of Fundamental Rights

- 2.1 Right to Equality
- 2.2 Right to Freedom and Right against Exploitation
- 2.3 Fundamental Freedoms and Right to Information
- 2.4 Right to Life and Personal Liberty
- 2.5 Arrest, Preventive Detention and National Security,
- 2.6 Freedom of Religion and Secularism

Unit –III Fundamental Rights: Limitations, Suspension and Amendment

- 3.1 Limitations on Fundamental Rights
- 3.2 Exceptions to Fundamental Rights (Arts.31-A, 31-B and Ninth Schedule)
- 3.3 Suspension of Fundamental Rights –Effects (44th Amendment)
- 3.4 Remedies against Violation/Threat of Violation of Fundamental Rights
- 3.5 Effects of Indemnity Granted under Article 34.

Unit-IV Directive Principles of State Policy and their Unenforceability

- 4.1 Development and Importance of Directive Principles of State Policy and their Unenforceability
- 4.2 Emerging Regime of New Rights and Remedies under the garb of Fundamental Rights

– Use of DPSP and International Instruments in Interpreting FRs.

4.3 Significance and Importance of Fundamental Duties

Unit-V FRS AND DPSP and Judicial Review

5.1 Judicial Response on FRs and DPSP

5.2 Amendment to FRs and DPSP (*Shankari Prasad to I.R.Coelho's Case*)

5.3 FRs and Judicial Review

5.4 Reasonableness Test and Strict Scrutiny Test

5.5 Rights Test and Essence of Rights Test

List of Recommended Books/Suggested Readings:

1. H.M. Seervai, *Constitutional Law of India – Vol. I & II.*
2. V.N. Shukla, *Constitution of India.*
3. Subhash C. Jain, *The Constitution of India.*
4. D.D. Basu, *Commentaries on Constitutional Law of India, Vol. A to E.*
5. M. Hidayatullah (Ed.), *Constitution of India.*
6. M.P. Jain, *Indian Constitutional Law.*
7. Subba Rao G.C.V., *Indian Constitutional Law.*
8. Pande G.S., *Constitutional Law of India.*
9. Saharay H.K., *Constitution of India.*
10. Pylee M.V., *Our Constitution: Government & Politics.*
11. Tope T.K., *Constitutional Law of India*

LOCAL-SELF GOVERNMENT AND FEDERAL GOVERNANCE

Course Outcome

- To understand the origin and evolution of Local Self Government in India;
- To understand the Constitutional decentralization of Legislative Power to Local Self Governments;
- To know the working of reservation policy in Local Self Governments;

Unit-I Local Self-Government

- 1.1 Federalism in India and Local Self Government
- 1.2 Evolution of Local Self Government in India
- 1.3 Lord Ripen's Resolution
- 1.4 Royal Commission.
- 1.5 Community development programme, National Extension Service.
- 1.6 The Balvantrai Mehta committee report
- 1.7 Vasant Rao Naik committee report

Unit -II Local Self-Government and Constitutional Amendment

- 2.1 73rd and 74th Constitutional amendments
- 2.2 Subject matters of 11th and 12th Schedule of the Constitution of India
- 2.3 Constitutional division of power to legislate
- 2.4 Constitutional Assembly Debates on Panchayath Raj

Unit-III Rural local self-government

- 3.1 Importance of Rural local self-government
- 3.2 Rural local self-government: Origination
- 3.3 Powers and functions of Rural local self-government

Unit-IV Urban local self-government

- 4.1 Significance Urban local self-government
- 4.2 Organization of Urban local self-government
- 4.3 Urban local self-government: powers and functions

Unit-V Local Self Government and Sarkaria Commission

- 5.1 Sarkaria Commission Report: An Analytical Study
- 5.2 Finance and Local self Govt; Bureaucracy and Local self Govt
- 5.3 Women's reservation in Panchayat and its effects

5.4 Gram Nyayalaya

5.5 Schemes implemented by Grama Panchayat as notified by the Union Government – Suvarna Grama Yojana, MNREGA, PMGSY

List of Recommended Books/Suggested Readings:

1. S.P. Aiyar and U. Mehta (eds.), *Essays on Indian Federalism*, Bombay, Allied Publishers, 1965.
2. D.D. Basu, *An Introduction to the Constitution of India*, New Delhi, Prentice Hall, 1994 (in Hindi also).
3. K.R. Bombwall, *The Foundations of Indian Federalism*, Bombay, Asia Publishing House, 1967.
4. R. Khan, *Rethinking Indian Federalism*, Shimla, Indian Institute of Advanced Studies, 1997.
5. R. Kothari, *Party System and Election Studies*, Bombay, Asia Publishing House, 1967.
6. J.A. Kousar, *Federalism and Good Governance: Issues across Cultures*, New Delhi, South Asian, 1998.
7. P. Kumar, *Studies in Indian Federalism*, New Delhi, Deep and Deep, 1988.
8. Z. Hasan (ed.), *Parties and Party Politics in India*, New Delhi, Oxford University Press, 2001.
9. J. Manor, "Parties and the Party System," in A. Kohli (ed.) *India's Democracy: An Analysis of Changing State-Society Relations*, Princeton NJ, Princeton University Press, 1988.
10. S. Pai, *State Politics: New Dimensions: Party System, Liberalisation and Politics of Identity*, Delhi, Shipra, 2000.
11. M. Weiner, *Party Building in a New Nation: The Indian Congress*, Chicago, University of Chicago Press, 1967.
12. C.E. Zirakzadeh, *Social Movements in Politics: A Comparative Study*, New York, Addison Wesley, Longman, 1997.
13. Pradeep Satcheva, *Administration in India*, Kitab Mahal, New Delhi, 2000

MASS MEDIA LAW

Course Outcome

- To develop insight regarding Mass Media
- To develop insight regarding constitutional provisions and Mass Media
- To acquire the thorough knowledge about various laws related to Mass Media
- To understand emerging issues relating to Mass Media

Unit – I Introduction to Mass Media

- 1.1 Evolution of Mass Media: From Print to Digital
- 1.2 Different types of Media and their importance: Print Media, Electronic Media and Digital Media
- 1.3 Role of Media in Democracies
- 1.4 Types of Media Ownership; Foreign Direct Investment in Indian Media
- 1.5 Concentration of Media Ownership: Is it a threat to democracy? Can Competition law prevent it?

Unit – II Constitution of India and Media

- 2.1 Freedom of Speech and Expression in Print, Electronic and Digital Media [Article 19 (1) (A)]
- 2.2 Permissible grounds of restrictions on Freedom of Speech and Expression [article 19 (2)]; Suspension during emergency [article 358]
- 2.3 Permissibility of Pre-Censorship of Media
- 2.4 Freedom of speech and expression *vis-à-vis* Parliamentary privileges
- 2.5 Right to Privacy – Media and Privacy, Evolution of Law of on Privacy in India and UK.
- 2.6 Commercial Advertisements
- 2.7 Legislative Competence to regulate Media
- 2.8 Constitutional Restrictions - Parliamentary Privileges and State Assemblies and Media with Land Mark Decisions.

Unit – III Legislative Framework Governing Media

- 3.1 Laws relating to Registration and Licensing Of Media
- 3.2 Laws relating to price and page control of newspapers
- 3.3 Laws relating to certification of films
- 3.4 Regulation of cable television and OTT Platforms; Programme Code and Advertising Code
- 3.5 Laws relating to employee wages and service conditions in media industry

- 3.6 Laws relating to Defamation, Obscenity, Blasphemy And Seditious
- 3.7 Information Technology (Intermediary guidelines and Digital media Ethics Code) rules, 2021

Unit – IV Media and Regulatory Bodies

- 4.1 Ministry of Information and Broadcasting
- 4.2 Department of Telecommunications, Ministry of Communications
- 4.3 Press Council of India (PCI); News Broadcasters Federation - Professional News Broadcasting Standards Authority (NBF PNBSA); Indian Broadcasting and Digital Foundation - Broadcast Content Complaints Council (IBDF - BCCC); the Advertising Standards Council of India (ASCI)
- 4.4 Telecom Regulatory Authority of India (TRAI)
- 4.5 Central Board of Film Certification (CBFC)

Unit – V Mass Media: Emerging Issues of Concern

- 5.1 Protecting intellectual property in the Media industry
- 5.2 Privacy concerns and public interests in news reporting
- 5.3 Media trial, Reporting of judicial proceedings
- 5.4 Gag orders against Media
- 5.5 Proliferation of fake news and online falsehood

List of Recommended Books/Suggested Readings:

1. Lorette Stafford, *An Evolution of Mass Communication over the Ages* (Academic Informedia LLC, 2020).
2. John V. Vilanilam, *Growth and Development of Mass Communication in India* (National Book Trust, India, 2003).
3. Eli M. Noam, *Who Owns the World's Media? Media Concentration and Ownership around the World* (OUP, 2016).
4. Justin Schlosberg, *Media Ownership and Agenda Control: The Hidden Limits of the Information Age* (Routledge, 2016).
5. D.D. Basu, *Law of the Press* (Lexis Nexis-Butterworths Wadhwa, 2010).
6. M.P. Jain, *Indian Constitutional Law (Volume 2)* (Lexis Nexis-Butterworths Wadhwa, 2010).
7. H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing Company, 2008).
8. Gautham Bhatia, *Offend, Shock or Disturb: Free Speech under the Indian Constitution* (OUP, 2016).
9. Abhinav Chandrachud, *Republic of Rhetoric: Freedom of Speech and the Constitution of India* (Penguin, 2017).
10. Devika Sethi, *War over Words: Censorship in India, 1930 – 1960* (Cambridge University Press,

2019).

11. Somesvara Bhaumika, *Cinema and Censorship: The Politics of Control in India* (Oriental BlackSwan, 2009).
12. Soli J. Sorabjee, *The Emergency, Censorship and the Press in India, 1975 – 77* (Central News Agency, 1977).
13. Justice E.S. Venkaramiah, *Freedom of Press: Some Recent Trends* (B.R. Publishing House, 1987).
14. *Annual Survey of Indian Law*, published by the Indian Law Institute, Chapters on Constitutional Law.

CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

Course Outcome

- To develop insight regarding federalism and distribution of Legislative Power
- To understand the distribution of fiscal power in Federal State
- To understand Centre-State relation during an Emergency

Unit-I Federalism

- 1.1 Models of Federal Government – U.S.A, Australia, Canada
- 1.2 Difference between Federalism and confederation
- 1.3 Evolution of Federal Government in India
- 1.4 Unitary Features of the Constitution of India

Unit-II Distribution of Legislative Power / Administrative Power

- 2.1 Legislative Relations between Centre and States
- 2.2 Parliaments Power to legislate in State List
- 2.3 Administrative Relations and Cooperative Federalism
- 2.4 Common Civil Service and Impact on Autonomy of States

Unit-III Distribution of Fiscal Power

- 3.1 Financial Relations - Dependence of States on Centre - Grant in Aid & Scheme of allocation of taxing power
- 3.2 Extent of Union power of taxation, Residuary power – inclusion of fiscal power, Restrictions of Fiscal Power
- 3.3 Inter-Government tax immunities
- 3.4 Difference between Tax, Fee and Surcharge
- 3.5 Distribution of Tax Revenues
- 3.6 Finance Commission – Specific purpose Grants (Article 282)

Unit-1V Inter-State Trade and Commerce

- 4.1 Freedom of Inter-State Trade and Commerce
- 4.2 Restrictions on legislative power of the Union and States with regard to Trade and Commerce

Unit-V Centre –State Relations and Emergency

- 5.1 Emergency and Division of Powers
- 5.2 Judiciary and Division of Powers
- 5.3 Article 356 and the Role of Governor
- 5.4 Sarkaria Commission Report
- 5.5 What Reforms are Necessary?

List of Recommended Books/Suggested Readings:

1. H.M. Seervai, *Constitutional Law of India* (1991), Tripathi, Bombay.
2. Sudha Bhatnagar, *Union-State Financial Relations and Finance Commissions* (1979).
3. Ashok Chandra, *Federalism in India* (1965).
4. V.D. Sebastian, *Indian Federalism: The Legislative Conflicts* Chs. 6, 7, and 8 (1980).
5. Chandrapal, *Centre-State Relation and Cooperative Federalism* Chs. 5 and 8 (1983).
6. K.C. Wheare, *Federal Government*.
7. M.P. Jain, *Outlines of Indian Legal History*.
8. M.V. Pylee, *Constitutional History of India*.
9. Rama Jois M., *Legal and Constitutional History of India*.
10. M.C. Setalvad, *Constitutional History of India*.
11. A.B. Keith, *Constitutional History of India*.
12. H.M. Seervai, *Constitutional Law of India – Vol. I & II*.
13. G.C.V. Subbarao, *Legislative Powers in Indian Constitutional Law*.
14. V.D. Sebastian, *Indian Federalism: The Legislative Conflict*.
15. L.M. Singhvi, *Union-State Relations in India*.
16. K. Subba Rao, *The Indian Federation*.
17. K.P. Krishna Shetty, *The Law of Union-State Relations and Indian Federalism*.
18. Ashok Chandra, *Federalism in India*.
19. G.C.V. Subba Rao, *Indian Constitutional Law*.
20. G.S. Pande, *Constitutional Law of India*.
21. H.K. Saharay, *Constitution of India*.
22. M.V. Pylee, *Our Constitution Government & Politics*.
23. T.K. Tope, *Constitutional Law of India*.
24. G.C.V. Subbarao, *Legislative Powers in Indian Constitutional Law* Chs. 37, 38, 39 (1982).
25. Richard M. Pious, *The American Presidency* 293-331, Ch. 9 (1979).
26. Daniel J. Elazar, *American Federalism* Chs. 3 and 4 (1984).
27. K.P. Krishna Shetty, *The Law of Union-State Relations and Indian Federalism* Ch. 9 (1981).
28. *Report of the Eighth Finance Commission*.
29. *Administrative Reforms Commission on Centre-State Relationship* Ch. 3 (1969).
30. *Constituent Assembly Debates* Vol. 9, 203, 240, and 302-349; Vol. 10, 325-342.

31. *Administrative Reforms Commission Report of the Study Team on Centre-State Relationship*
(1967) Vol. 1, Sections I and II, pp. 1-15

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Course Outcome

- Students get enlightened about the fundamental difference between Public Order, Law and Order and the Security of the State
- Enables students to understand how the national security laws are applied by the Executive and tested by the Judiciary
- Enables to know the nexus between Rule of Law and National Security

Unit-I: Origin of Concept of Preventive Detention, National Security, Public Order

- 1.1 Emergency Detention in England - Civil Liberties;
- 1.2 Pre-Independence law – Defence of India Act, 1915; Government of India Act, 1935;
- 1.3 Meaning and Concept of Security of State, Public Order, Rule of Law;
- 1.4 Concept of Subjective satisfaction or objective assessment of detaining authorities.

Unit-II: Rule of Law, Preventive Detention under Indian Constitution

- 2.1 Article 14 - Special courts and tribunals;
- 2.2 Article 21 - Due process and special legislation;
- 2.3 Article 22 - Preventive Detention and Safeguards;
- 2.4 Article 34 – Martial Law

Unit-III: Martial Law

- 3.1 Article 359 – Suspension of enforcement of Fundamental Rights and judicial review
- 3.2 Constitution (Forty-Fourth) Amendment Act, 1978
- 3.3 Constitution (Fifty-Ninth) Amendment Act, 1988

Unit-IV: Special Legislations

- 4.1 Unlawful Activities (Prevention) Act, 1967
- 4.2 The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA)
- 4.3 National Security Act, 1980
- 4.4 Armed Forces (Special Powers) Act, 1958

Unit-V: Civil Liberties and Emergency

- 5.1 Emergency provisions: Article 352, 356, 360
- 5.2 Declaration of Emergencies: 1962, 1965, 1970 and 1975;
- 5.3 Suspension of Article 19 rights on declaration of emergency

- 5.4 President's Right to suspend right to move any court
- 5.5 Article 21 - special importance - its non-suspend ability
- 5.6 Access to Courts and Emergency

List of Recommended Books/Suggested Readings

1. G.O. Koppell, "The Emergency, the Courts and Indian Democracy," *8 J.I.L.I.* 287 (1966).
2. H.M. Seervai, *The Emergency, Future Safeguards and the Habeas Corpus: A Criticism* (1978).
3. International Commission of Jurists, *Status of Emergency and Human Rights* (1984).
4. N.C. Chatterji and Parameshwar Rao, *Emergency and the Law* (1966)
5. Hallie Ludsin, *Preventive Detention and the Democratic State* (2016)
6. Abhinav Sekhri, "Article 22 — Calling Time on Preventive Detention" *Indian Journal of Constitutional Law* 173–85.

JUDICIAL REVIEW

Course Outcome

- To know about the Origin, Object and Implications of Judicial Review in India;
- To analyze the grounds for judicial review of Administrative Actions and directions in India;
- To understand the circumstances to invoke Article 32(3) towards Administrative Actions;

Unit-I: Fundamental Concept of Judicial Review

- 1.1 Meaning, Scope and Origin and Its Democratic Legitimacy
- 1.2 Meaning, Scope and Origin of Judicial Review
- 1.3 Democratic elements in Judicial Review
- 1.4 Purposes of Judicial Review
- 1.5 Effects of Judicial Review

Unit –II: Judicial Review of Legislative and Administrative Actions

- 2.1 Judicial Review of Legislation
- 2.2 Judicial Review of Administrative Actions
- 2.3 Grounds
- 2.4 Scope – Permissibility of Merits Review

Unit-III: Limits on Judicial Review

- 3.1 Doctrine of Political Questions
- 3.2 Judicially Manageable Standards
- 3.3 Policy Matters

Unit-IV: Constitutional Framework for Judicial Review of Administrative Actions in India

- 4.1 Indian Federalism and Judicial Review
- 4.2 Power and Jurisdiction of the Supreme Court
- 4.3 Power and Jurisdiction of High Courts
- 4.4 Subordinate Courts and Judicial Review of Administrative Actions – Is there a need to invoke Article 32 (3)
- 4.5 Writs – Mandamus, Certiorari, Quo warranto, Prohibition, Habeas Corpus.

Unit-V: Judicial Activism and Judicial Review

- 5.1 Judicial Activism as an Extension of Power of Judicial Review.
- 5.2 Exclusion of Judicial Review.

List of Recommended Books/Suggested Readings:

1. M. P. Jain & S. N. Jain - *Principles of Administrative Law*, 6th Edition 2001, Lexis Nexis Butterworth's, Wadawa Nagpur.
2. P. Massey - *Administrative Law*, 7th Edition 2008, Eastern Book Company, Lucknow.
3. H.W.R. Wade and C.F. Forsyth - *Administrative Law*, 10th Edition 2009, Oxford University Press, New York.
4. Dr. CD Jhqa - *Judicial Review of Legislative Acts*, Second Edition 2009.
5. Garner - *Administrative Law*, 8th Edition 1996, Oxford University Press.
6. De Smith - *Judicial Review of Administrative Action*, 6th Revised Edition 2006, Sweet and Maxwell.
7. S. P. Sathe - *Administrative Law*, 7th Edition 2006, Lexis Nexis, Butterworth's.
8. Richard J. Pierce & Kenneth Culp Davis - *Administrative Law Treatise*.
9. Subba Rao G. C. V - *Administrative Law*.

CORPORATE AND COMMERCIAL LAW

BANKING LAW

Course Outcome

- To understand the nature, origin, evolution and trends in the Banking system of India;
- To analysis of law relating to banking companies in India;
- To evaluate the intricacies of relation between banker and customer in relation to the scope of permissive lending;

Unit – I: Introduction

- 1.1 Nature, development, history and evolution of indigenous banking in India; different kinds of banks and their functions
- 1.2 Growth of Multi-functional banks in India and legal issues
- 1.3 Globalization and advent of Foreign Banks in India
- 1.4 Impact of Technology on Banking Operations, Banking Services - Internet Banking, ATM, Debit Card, Credit Card , and Banking Frauds
- 1.5 Major Reforms and committees

Unit – II: Law Relating to Banking Companies in India

- 2.1 Controls by government and its agencies, on management, accounts and audit
- 2.2 Lending by Banks & Credit Policy, CIBIL
- 2.3 Merger, Acquisition, Reconstruction and Reorganization
- 2.4 Suspension and winding up

Unit – III: Social Control over Banking and Deposit Insurance

- 3.1 Social Control, Nationalization
- 3.2 Evolution of private ownership, Nationalization and Disinvestment
- 3.3 Protection of depositors
- 3.4 Priority lending
- 3.5 Promotion of under privileged classes
- 3.6 Deposit Insurance -The Deposit Insurance Corporation Act, 1961; objects and reasons
- 3.7 Establishment of Capital of DIC; Registration of baking companies, insured banks, liability of DIC to depositors; Relations between insured banks, DIC and Reserve Bank of India.

Unit – IV: The Central Bank

- 4.1 Evolution of Central Bank
- 4.2 Economic and social objectives
- 4.3 The Reserve Bank of India as the Central Bank
- 4.4 Organizational Structure

- 4.5 Function of the RBI: Regulation of minority mechanism of the economy, Credit control, Exchange Control, Monopoly of currency issue.
- 4.6 Bank rate policy formulation
- 4.7 Control of RBI over non-banking companies
- 4.8 Financial companies & Non-financial companies.
- 4.9 Meaning of Block chain and Crypto currency: overview of Indian legal System and Blockchain; Governmental rules, regulation, guidelines; Key Regulatory Bodies (RBI, SEBI, TRAI) and their Role.
- 4.10 Reserve Bank of India (RBI) guidelines; Supreme Court Judgments on Block chain / Crypto currency; current status and Proposed Legislation. Block chain in financial Services; Securities and Exchange Board of India (SEBI) Regulations; Implementation in Banking and Finance.
- 4.11 Legal Status and Recognition of Crypto currency in India; Classification of Crypto currencies as Currency, Commodity, or Security; Taxation Issues; Anti-Money Laundering (AML) and Counter-Terrorism Financing (CTF) Regulations.

Unit – V: Relationship of Banker and Customer and Lending

- 5.1 Relationship of Banker and Customer & its Legal Character
- 5.2 Banker's of Lien, Protection of bankers
- 5.3 Customers-Nature and type of accounts; Special classes of customers- lunatics, minor, partnership, corporations, local authorities; Banking duty to customers; Paying and Collecting Banks and their duties; Consumer protection: Banking as service
- 5.4 Lending by Banks & Good lending principles- Lending to poor masses
- 5.5 Consortium Lending
- 5.6 Securities for advances- Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty
- 5.7 Default and recovery; Debt recovery tribunal; Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002; Recovery of Debts due to Banks and Financial Institutions Act, 1993 (DRT, Act) with special reference to the Debt Recovery Tribunal
- 5.8 Non-Performing Assets
- 5.9 Insolvency and Bankruptcy Code

List of Recommended Books/Suggested Readings:

- 1. Basu, A. - *Review of Current Theory and Practice* (1999), Macmillan.
- 2. C. Goodhart - *The Central Bank and the Financial System* (1995), Macmillan, London.
- 3. Gabrie Moens and Peter Gillies - *International Trade and Business: Law, Policy and Ethics*.
- 4. J. Dermine (ed) - *European Banking in the 1990's* (1993), Blackwell, Oxford.

5. Janakiraman Committee - *Report on Securities of Operation of Banks and Financial Institution* (1993).
6. Jayanta Bagchi - *WTO: An Indian Perspective* (2000), Eastern Law House, New Delhi.
7. K. Subrahmanyam - *Banking Reforms in India* (1997), Tata McGraw Hill, New Delhi.
8. K.C. Shekar - *Banking Theory and Practice* (1998), USB Publishers Ltd, New Delhi.
9. L.C. Goyle - *The Law of Banking and Bankers* (1995), Eastern, Lloyds of London Press, London.
10. M. Dasse, S. Issacs, and G. Pen - *E.C. Banking Law* (1994).
11. M. Hapgood (ed) - *Paget's Law of Banking* (1989), Butterworths, London.
12. M. J. Sthna - *Law Relating to Negotiable Instruments* (2006).
13. M. L. Tannan - *Tannan's Banking Law and Practice in India* (Vol-I, 2008).
14. M. N. Srinivasan - *Principles of Insurance Law* (8th Ed.).
15. M.A. Mir - *The Law Relating to Bank Guarantee in India* (1992), Metropolitan Book, New Delhi.
16. M.L. Tannan - *Tannan's Banking Law and Practice in India* (1997), India Law House.
17. Michael Chissick & Kelmen Alistair - *Electronic Commerce: Law and Practice* (Sweet & Maxwell).
18. Mitra - *The Law Relating to Banker's Letters of Credit and Allied Laws* (1998), University Book Agency, Allahabad.
19. Nandan Kamath - *Law Relating to Computers, Internet & E-Commerce* (Universal Law Publishing).
20. Narasimham Committee - *Report on the Financial System* (1991) – Second Report (1999).
21. OECD - *Related Party Transactions and Minority Shareholders Rights* (2012), OECD Publishing.
22. P. N. Varshney & KPM Sundharam - *Banking Theory, Law and Practice* (Nineteenth Reprint).
23. R. Goode - *Commercial Law of Banking* (1995), Penguin, London.
24. R.K. Talwar - *Report of Working Group on Customer Service in Banks*.
25. R.S. Narayana - *The Recovery of Debts Due to Banks and Financial Institutions Act, 1993* (51 of 1993), Asia Law House, Hyderabad.
26. Ross Cranston (ed.) - *European Banking Law: The Banker-Customer Relationship*.
27. Ross Cranston - *Principles of Banking Law* (1997), Oxford.
28. S. Chapman - *The Rise of Merchant Banking* (1984), Allen & Unwin, London.
29. Subodh Markandaya and Chitra Markandeya - *Law Relating to Foreign Trade in India: Being a Commentary on the Foreign Trade (Development and Regulation) Act, 1992*, Universal Law Publishing Co, Pvt. Ltd, Delhi.
30. V. Conti and Hamuai (eds.) - *Financial Markets Liberalization and the Role of Banks* (1993), Cambridge University Press.

INTERNATIONAL TRADE LAW

Course Outcome

- To analyze the application of Domestic laws to international trade;
- To emphasize on the role of International Organizations and international legal framework in regulating international trade and transactions;
- To understand trade and investment policies in India and its related foreign frameworks

Unit –I: The World Trade Organization

1.1 Introduction to International Trade Law

1.2 Historical Background of WTO

1.3 Economic Theories of free trade: Doctrine of Absolute Advantage and the doctrine of comparative advantage and their modern versions-

1.4 The GATT and Trade in Goods- Evolution of GATT, Most Favoured Nation treatment and the principle of National Treatment. Quantitative Restrictions. State trading Enterprises, General and Security Exceptions -Transition of GATT to WTO.

1.5 WTO as an International Institution - Framework Agreement and the Accession of Members. Marrakesh Agreement Structure and Function of the WTO. Evolution of the Dispute Settlement Mechanism and the Dispute Settlement Understanding. Trade Review Mechanism.

1.6 WTO in 21st century Doha Development Round.

Unit –II: World Trade Organization

2.1 Agreement on Technical Barriers to Trade Sanitary and Phytosanitary Agreement. TBT and SPS Agreements. WTO and Environment Protection. Application of Precautionary Principle.

2.2 General Agreement on Trade in Services (GATS) - Meaning of trade in services. General obligations. Specific obligations. Financial services. Telecommunication services. India and the GATS. Trade Remedies-Anti-dumping Duties. Countervailing Duties. Safeguard Measures

2.3 Trade-Related Aspects of Intellectual Property Rights (TRIPs) - IPRs covered by TRIPs. Compulsory License and Public Health

2.4 TRIMS- Trade Related Investment Measures

Unit –III: Transnational transactions and resolution

3.1 Transnational Commercial Laws: Meaning, Sources and Scope of Transnational Commercial Law. Movement towards Unification of National Commercial laws.

3.2 The role of International Chamber of Commerce in the development of Transnational Commercial Laws.

3.3 International Carriages. Carriage of goods by sea. Carriage by air. Multimodal transportation.

3.4 UNIDROIT and UNCITRAL

3.5 International Sales. Concept of Proper Law of Contract and its application. Vienna Convention on Contract for International Sale of Goods and International Payments

3.6 International commercial contracts UNCITRAL Model Law on international commercial arbitration. Indian Arbitration and Conciliation Act, 1996. Enforcement of foreign arbitral awards.

Unit –IV: Law and Policy on Trade and Investment

4.1 EXIM Policy

4.2 Foreign Trade (Development and Regulation) Act, 1992. Foreign Exchange Management Act, 1999. The legal framework. The practice.

4.3 Importation and Exportation of Goods – Prohibition, Prevention, Detection of Illegal Goods, Custom Duties the Industries (D & R) Act and its application

Unit –V Foreign Investment in India

5.1 FDI; FIPP (Foreign Investment Policy & Promotions)

5.2 Special Economic Zones

List of Recommended Books/Suggested Readings:

1. Bhagirath Lal Das - *The WTO: A Guide to the Framework for International Trade*.
2. Carole Murray & David Holloway - *Schmitthoff's Export Trade: The Law & Practice of International Trade*.
3. Chauh J. C. T - *Law of International Trade*, 3rd Edn.
4. Indira Carr - *International Trade Law*.
5. Michael K. Levine - *Inside International Trade Policy Formulation*.
6. Rao M. B - *WTO & International Trade*, 2nd Edn.
7. Universal Law Publishing Co. Pvt. Ltd - *Delhi*, 1999.

INTELLECTUAL PROPERTY LAW

Course Outcome

- To understand concept *sui generis* system in IP law;
- To understand the international regime on different forms of IP
- To know and understand Indian Law relating to patent, trademarks, GI, Designs, circuits, copyrights and cyber-IPs.

Unit –I: International regime of Intellectual Property Rights

- 1.1 History and International Regime: Pre- TRIPs and post TRIPs
- 1.2 Balancing Rights of the IPR Holder and the Society
- 1.3 IPR and Human Rights
- 1.4 Interface between IPR and Competition Law
- 1.5 National Regime

Unit –II: Law of Copyright and Design

2.1. Copyright

- 2.1.1 Meaning, Nature, Justification, Registration
- 2.1.2 History and International Treaties
- 2.1.3 Idea/expression Dichotomy; Copyright in Concept Notes, Copyright in non- human authorship- Legal Issues of Artificial Intelligence on Ownership Rights;
- 2.1.4 Moral Rights
- 2.1.5 Rights of Performers, Rights of Broadcasting Organizations etc.,
- 2.1.6 Modes of Transfer
- 2.1.7 Infringement: Civil and Criminal Remedies
- 2.1.8 Border Protection Measures
- 2.1.9 Fair Dealing
- 2.1.10 Copyright in Database, Software and Digital Works

2.2 Industrial Design and Layout Designs of Integrated Circuit

- 2.2.1 Meaning, Scope and Registration
- 2.2.2 History, International Developments
- 2.2.3 Designs v/s Copyright and Trademark
- 2.2.4 Infringement and Remedies

Unit –III: Law of Patent and Undisclosed Information

3.1 Patent

- 3.1.1 Standards of Patentability - Patentable inventions & Ethical Considerations
- 3.1.2 Transfer of technology & Patent Ownership
- 3.1.3 Working of Patents and Compulsory licensing- Patentee Rights and Government Control
- 3.1.4 Biotech Patent, Bio Safety, Bio Ethics
- 3.1.5 Impact of TRIPs and TRIPs Flexibilities
- 3.1.6 Pharma patents *vis a vis* Public Health Issues
- 3.1.7 Patent vis-à-vis Copyright: Software and Computer Programs

3.2. Undisclosed Information

- 3.2.1 Rationale and Subject matter of Confidential Information
- 3.2.2 Trade Secrets v. other forms of protection, techniques of protection (India and International level)

Unit -IV: Law of Trademark, Geographical Indication and Sui Generis Protection

4.1 Trademark

- 4.1.1 Meaning, Nature, Justifications
- 4.1.2 Registration (India and International level) and Scope of Protection
- 4.1.3 Kinds: Conventional and non-conventional
- 4.1.4 Licensing and Assignments
- 4.1.5 Passing off, Infringement and Remedies
- 4.1.6 Character Merchandising
- 4.1.7 Comparative Advertisement and Disparagement
- 4.1.8 Interplay of Unfair Competition and Trademark Law

4.2 Geographical Indication

- 4.2.1 National and International Perspective
- 4.2.2 Meaning, Nature and Justification
- 4.2.3 Registration, Infringement and remedies
- 4.2.4 TRIPS and Concerns for developing countries

4.3 Sui Generis System of Intellectual Property Protection

- 4.3.1 TRIPS, International Institutions and Treaties & different *sui generis* Protection.
- 4.3.2 Role of Intergovernmental Committee on Intellectual Property and Genetic Resources,
- 4.3.3 Protection of new varieties of plants, UPOV; Protection of Plant Varieties and Farmers Rights Act, 2001
- 4.3.4 Protection of Software Programs;

4.3.5 Protection of Traditional Knowledge, folklore, cultural expressions and Indigenous Knowledge

4.3.6 Concepts of benefit sharing, prior informed consent etc.; Biological Diversity Act, 2002, *sui generis* rights

Unit –V: Intellectual Property in the Digital Age

5.1 Impact of internet & AI on IP Protection

5.2 WIPO Digital Agenda: WCT and WPPT

5.3 Protection of Trademark: Use of trademarks as Meta tags, Domain name dispute resolution

5.4 Protection of Copyright: Liability of ISPs, Rights of Performers and Digital Broadcasters, Licensing and Rights Management

5.5 Digital Rights Management (DRM) and fixation of intermediaries' liabilities;

5.6 Block chain and IPR – Current Legal issues and challenges

List of Recommended Books/Suggested Readings:

1. Alka Chawla - *Copyright and Related Rights: National and International Perspectives* (2007), Macmillan India Ltd., Delhi.
2. Ashwani Bansal - *Law of Trade Marks in India with Introduction to Intellectual Property Laws* (2009), Institute of Constitutional and Parliamentary Studies, New Delhi.
3. Carlos M. Correa (ed) - *Intellectual Property and International Trade* (1998), Kluwer.
4. Christopher Wadlow - *The Law of Passing Off* (1998), Sweet and Maxwell.
5. Copinger and Skare James - *On Copyright* (1991), E.P. Skare James, London.
6. David Bainbridge - *Intellectual Property* (2003), Pearson Education, Delhi.
7. David Bainbridge - *Software Copyright Law* (1999), Butterworths.
8. Elizabeth Verkey - *Law of Patent* (2005), Eastern Book Company, Lucknow.
9. Holyoak & Torremans - *Intellectual Property Law* (2010), Oxford University Press, New York.
10. International Copyright and Neighbouring Rights - *Stephen M. Steward* (1983), London.
11. Iver P. Cooper - *Biotechnology and Law* (1998), Clerk Boardman Callaghan, New York.
12. J. K. Das - *Intellectual Property Law* (2008), Kamal Law House, Kolkata.
13. J. S. Sarkar - *Trademarks: Law and Practice* (1997).
14. J.A.L. Sterling - *World Copyright Law* (2009), Sweet & Maxwell, London.
15. Janice M. Mueller - *Patent Law* (2009), Wolters Kluwer Law & Business, New York.
16. Jayanti Bagachi - *World Trade Organization: An Indian Perspective* (2000).
17. Jeremy Philips and Alison Firth - *Introduction to Intellectual Property Law* (2001), LexisNexis Butterworths, UK.
18. Kailasam and Vedaraman - *Law of Trade Marks and Geographical Indications* (2009), Wadhwa,

Nagpur.

19. Latha R. Nair & Rajendra Kumar - *Geographical Indications: A Search for Identity* (2005), Lexis Nexis, New Delhi.
20. Lionel Bentley and Brad Sherman - *Intellectual Property Law* (2003), Oxford University Press, New Delhi.
21. Mira T. SundaraRanjan - *Moral Rights* (2011), Oxford University Press, New Delhi.
22. Narayanan, P. - *Intellectual Property Rights*.
23. P.S. Sangal & K. Ponnuswamy - *Intellectual Property Law* (1994).
24. Patent Co-operation Treaty Hand Book - (1998), Sweet and Maxwell.
25. Phillippe Culet - *Intellectual Property Protection and Sustainable Development, Policy* (2007), Cambridge University Press, New York.
26. Richard Arnold - *Performers' Rights* (2004), Sweet & Maxwell, London.
27. Shailaja Menon - *Protection of IP in Cyber Space* (2003), Author Press, Delhi.
28. Shiv Sahai Singh - *The Law of Intellectual Property Rights*, Deep & Deep.
29. Sookman - *Computer Law* (1998), Carswell.
30. Srikanth Venkataraman - *Understanding Design Law* (2008), Universal Law Publishing Co. Pvt. Ltd, New Delhi.
31. Steven D. Anderson (ed.) - *The Interface Between Intellectual Property Rights and Competition*.
32. Tanya Aplin & Jennifer Davis - *Intellectual Property Rights Law* (2009), Oxford University Press, New York.
33. Terenee P. Stewart (ed.) - *The GATT Uruguay Round: A Negotiating History (1986-1994) The End Game (Part-1)* (1999), Kluwer.
34. V.K. Ahuja - *Intellectual Property Rights in India* (2009), Lexis Nexis Butterworths, Wadhwa, Nagpur.
35. W. R. Cornish - *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (1999), Universal Law Publishing Co. Pvt. Ltd, Delhi.

COMPETITION LAW

Course Outcome

- To know the evolution of law from MRTP Act to the Competition Act, 2002;
- To analyze the role of Competition Law in Trade, Market and Commerce;
- To assess the impact of international trade laws on the development of the Competition Law in India;

Unit – I: MRTP Act Metamorphosis into the Competition Act

- 1.1 Introduction to Competition and Concept of Perfect Competition
- 1.2 Theories on IP and Competition and the Concept of Open- Market System.
- 1.3 Competition Policy & Regulation of Competition
- 1.4 MRTP Act: Formation & Features
- 1.5 Anti-Competitive Practices and its Regulation under MRTP Act

Unit –II: Competition Act 2002

- 2.1 Regulatory Authorities under the Competition Act
- 2.2 Competition Law & Policy: Conceptual Study of Relevant Supreme Court Decisions
- 2.3 Regulation of Unfair Competition, Abuse of Dominant Position –Concept, forms and treatment in India
- 2.4 Regime and Need for Competition Policy- Consumer Protection

Unit –III: Competition Policy and IPR

- 3.1 Intellectual Property Rights: Introduction to various IP Assets
- 3.2 Patent Policy and its Regulation under the Indian Laws.
- 3.3 Abuse of IPR and Regulation of Combinations
- 3.4 Conflict of Competition Policy and Patent Policy
- 3.5 TRIPS and its impact on Competition and Patent-Monopoly

Unit-IV: Competition Policy under the EU and USA

- 4.1 Regulation of Unfair Competition in UK
- 4.2 Anti-trust Policy and Unfair Competition in USA
- 4.3 Doctrine of Exhaustion: under the legal regime of EU, USA and India
- 4.4 Competition Policy: Conceptual Study on the Decisions under US Anti- Trust Laws and the U.K

Unit- V: WTO and its impact on Competition Laws with reference to UNCTAD

- 5.1 International Dimensions of Competition Law Globalization and competition law
- 5.2 Competition Rules of WTO
- 5.3 International Enforcement and Judicial Assistance
- 5.4 Emerging Principles of International Competition Law

List of Recommended Books/Suggested Readings:

1. Avtar Singh - *Competition Law* (2012), Eastern Law House.
2. Srinivasan Parthasarthy - *Competition Law in India* (2012), Wolters Kluwer.
3. Gurbax Singh - *Law of Consumer Protection*.
4. Suzanne Rab - *Indian Competition Law: An International Perspective* (2012), CCH - A Wolters Kluwer Business.
5. *Law of Monopolistic, Restrictive and Unfair Trade Practices*, Wadhwa & Co.
6. *Taxmann's Guide to Competition Act*.
7. Vinod Dhall - *Competition Law Today*, Oxford University Press.
8. Alexandra Karmerling - *Restrictive Covenants Under Common and Competition Law* (2007), Sweet & Maxwell, London.
9. *The Reform of EC Competition Law: New Challenges*, Alphen aan den Rijn.
10. *Competition Law and Cartels*, ICFAI University.
11. *Competition Law: Emerging Trends*, ICFAI University.
12. D P Mittal - *Competition Law and Practice* (2008), Taxmann's Allied Services, New Delhi.
13. Maher M. Dabbah - *EC and UK Competition Law: Commentary, Cases, and Materials*, Cambridge, UK.
14. S. M. Dugar - *Guide to Competition Law: Containing Commentary on Competition Act, MRTP Act & Consumer Protection Act* (2010), LexisNexis Butterworths, Wadhwa Nagpur.
15. Irina Haracoglou - *Competition Law and Patents: A Follow-on Innovation Perspective in the Biopharmaceutical Industry*, Cheltenham, UK.
16. Martin Smith - *Competition Law: Enforcement and Procedure* (2001), Oxford University Press.
17. Barry J. Rodger - *Competition Law and Policy in the EC and UK* (1999), Cavendish, London.
 - A. E. Rodriguez - *The Limits of Competition Policy: The Shortcomings of Antitrust in Developing and Reforming Economies* (2010), Aspen Publishing.
18. T. Ramapp - *Competition Law in India: Policy, Issues, and Developments* (2006), Oxford University Press, New Delhi.
19. *Telecommunications, Broadcasting and the Internet: EU Competition Law and Regulation*, Thomson Reuters Limited, London.
20. Van Der Jones Woude - *EC Competition Law Handbook*, Sweet & Maxwell, London.
21. Richard Whish - *Competition Law* (2009), Oxford University Press.
22. Yang-Ching Chao - *International and Comparative Competition Law and Policies: India* (2008), Kluwer Law International.

CORPORATE SOCIAL RESPONSIBILITY

Course Outcome

- To study the International Legal Frameworks (Millennial Development Goals, SDGs) of CSR;
- To Analysis of Section 135 of the Companies Act of 2013 and the guidelines by the government;
- To gain insight into the issues and challenges faced by CSR;

Unit-I: Corporate Social Responsibilities

- 1.1 Meaning, definitions, and history of CSR,
- 1.2 Corporate Philanthropy & Corporate Citizenship
- 1.3 Potential business benefits of CSR, Stages of organizational growth with CSR
- 1.4 Chronological evolution of environmental aspects of CSR
- 1.5 Models of CSR, Carroll's model on CSR – Major Codes on CSR Initiatives in India, Models of CSR in India.

Unit II: International Legal framework for Corporate Social Responsibility

- 2.1 Millennium Development Goals, Sustainable Development Goals, Relationship between CSR and MDGs
- 2.2 United Nations (UN) Global Compact, UN guiding principles on business and human rights
- 2.3 OECD – CSR policy tool, ILO Tripartite declaration of principles concerning multinational enterprises and social policy (ILO MNE).

Unit III: CSR Legal Provisions in India

- 3.1 Voluntary guidelines for CSR by the Government of India, Section 135 of the Companies Act, 2013
- 3.2 Scope for CSR Activities under Schedule VII, CSR Rules.

Unit IV: Issues and Challenges of CSR in India

- 4.1 Market based pressure and incentives, Civil Society pressure
- 4.2 Ethical values, current trends and opportunities in CSR
- 4.3 Successful Corporate initiatives and challenges of CSR
- 4.4 Major CSR Initiatives.

Unit V: Stakeholders of CSR

- 5.1 Role of Public Sector in Corporate, Government Programmes
- 5.2 Role of Non-profit and Local Self Governance in implementing CSR
- 5.3 Global Compact Self-Assessment Tool, Roles and responsibilities of Corporate Foundations.

List of Recommended Books/Suggested Readings:

1. William B. Werher Jr. and David Chandler - *Strategic Corporate Social Responsibility: Stakeholders in a Global Environment (Second Edition)*, Sage Publications.
2. Sanjay K. Agarwal - *Corporate Social Responsibility in India*, Sage Publications.
3. Mark S. Schwartz - *Corporate Social Responsibility: An Ethical Approach*, Broadview Press.
4. George Pohle and Jeff Hittner - *Attaining Sustainable Growth through Corporate Social Responsibility*, IBA Global Business Services.
5. W. B. Werther Jr. & David Chandler - *The Strategic Corporate Social Responsibility*, Thousand Oaks, CA: Sage..

CYBER LAW

Course Outcome

- To know about the computer and web technologies and its role in the Cyberspace;
- To understand about legal issues of cyber space and digital domain (conflict of laws and jurisdiction);
- To understand about contractual and consumer protection issues in Cyberspace;

Unit I: Cyberspace

- 1.1 Cyber Law and Introduction- Conceptual And Theoretical Perspectives of Cyber Space and Cyber Law
- 1.2 Computer and Web Technology
- 1.3 National and International Perspective

Unit II: Cyber Law Legal Issues and Challenges In India, USA And EU

- 2.1 Data protection and cyber security.
- 2.2 legal recognition of digital evidence
- 2.3 Recognition of liability in digital world
- 2.4 Cybercrimes and issues in transnational crimes

Unit III: Contractual and Consumer Protection Issues

- 3.1 Contractual Issues;
- 3.2 E-contracts – concept
- 3.3 Acceptance of contract: applicability of postal rule
- 3.4 Types of E- commerce
- 3.5 E-commerce directives and Regulations
- 3.6 Incorporation of terms
- 3.7 Identity of contracting parties
- 3.8 E-contracts: extent of details: Overview of UNCITRAL Model Law on e-commerce: Information Technology Act,2000
- 3.9 Consumer Protection Issues
- 3.10 Consumer Protection Act
- 3.11 EC Directive on distance selling
- 3.12 E-commerce Directive
- 3.13 Payment Issues

- 3.14 Fraud Risk and Protection
- 3.15 Breach of contract
- 3.16 Credit cards, debit cards and Digital Cash
- 3.17 Charge back agreements

Unit IV: Electronic Signatures

- 4.1 Provisions under IT Act
- 4.2 Certifying authorities
- 4.3 Issuing authorities
- 4.4 PKI
- 4.5 Electronic Signature Certificate
- 4.6 EDI and Electronic fund transfer
- 4.7 Grant, Revocation and withdrawal of ESC

Unit V: Intellectual Property Rights and Related Issues

- 5.1 Digital copyright, linking, caching,
- 5.2 Digital rights management, DMCA
- 5.3 Patents
- 5.4 Trademarks and domain names
- 5.5 Brand identities, search engines and secondary market
- 5.6 ICANN
- 5.7 Database Right
- 5.8 Jurisdiction
- 5.9 Addressing multiple jurisdiction
- 5.10 Application of International law
- 5.11 Zippo Test
- 5.12 Current trends

List of Recommended Books/Suggested Readings

1. Tabrez Ahmad - *Cyberlaw, E-Commerce & M-Commerce* (2009), APH Publishing Corporation.
2. Paul Todd - *Law of E-Commerce* (2005), Cavendish.
3. Jeremy Phillips - *Butterworths E-Commerce and IT Law Handbook* (4th ed., 2007), LexisNexis Butterworths, London.
4. T. Ramappa - *Legal Issues in Electronic Commerce* (2003), Macmillan.

5. Rodney Ryder - *Guide to Cyber Laws* (3rd ed., 2007), Wadhwa & Co.
6. M.H.M. Schellekens - *Electronic Signatures: Authentication Technology from a Legal Perspective* (2004), T.M.C. Asser Press.
7. Karnika Seth - *Cyber Laws in the Information Technology Age* (2009), LexisNexis Butterworths, New Delhi.
8. Vakul Sharma - *Information Technology: Law and Practice* (2nd ed., 2007), Universal Law Publishing Co

LABOUR AND EMPLOYMENT LAW

COLLECTIVE BARGAINING

Course Outcome

- To understand the meaning of Collective Bargaining and its relation with Freedom of Association
- To gain insight into the importance of Collective Bargaining for Labourers
- To know about the effectiveness of Collective Bargaining in organized and unorganized sector.

Unit –I: Freedom of Association and Concept of Collective Bargaining

- 1.1 Comparative study of Freedom of Association
- 1.2 ILO response to Freedom of Association.
- 1.3 Relationship between Freedom of Association and Collective Bargaining.
- 1.4 Judicial Response to Freedom of Association.
- 1.5 Legal Concept of Collective Bargaining.
- 1.6 Historical Background of Collective Bargaining in India
- 1.7 Dr. BR Ambedkar's contribution towards Labour Rights – Historical perspectives contribution;
- 1.8 Pre-requisites of Collective Bargaining.
- 1.9 Advantages and Disadvantages of Collective Bargaining.
- 1.10 Judicial Response to Collective Bargaining.
- 1.11 Collective Bargaining V/S Industrial Adjudication.
- 1.12 Contribution of 1st and 2nd National Commission on Labour for Collective Bargaining.
- 1.13 ILO response to Collective Bargaining.

Unit –II: Legal Control and Process of Collective Bargaining

- 2.1 Concept of Strike.
- 2.2 Different kinds of Strike.
- 2.3 Legal response to the concept of Strike.
- 2.4 Strike as a legal control on the concept of Collective Bargaining.
- 2.5 Subject matter of Collective Bargaining in changed economics scenario.
- 2.6 Negotiation and contract administration as a process of Collective Bargaining.
- 2.7 Different kinds of Collective Bargaining.
- 2.8 Levels of Collective Bargaining.
- 2.9 Content of Collective Bargaining Agreement.

Unit –III: Economic Implications and factors influencing Collective Bargaining

- 3.1 Relationship between income and wages with Collective Bargaining.

- 3.2 Influence of wage policy on Collective Bargaining.
- 3.3 Ethical codes in Industrial relations and Collective Bargaining.
- 3.4 Factors for success and failure of Collective Bargaining.
- 3.5 Size of Trade Unions.
- 3.6 Finance.
- 3.7 Outside leadership.
- 3.8 Inter and Intra Union rivalry.
- 3.9 Multiplicity of Trade Union.
- 3.10 Politicization.
- 3.11 Meaning of recognition of Trade Union.
- 3.12 Problems of recognition of Trade Union.
- 3.13 Recent debates on recognition of Trade Union.
- 3.14 Recognition of Trade Union in other countries.
- 3.15 Contribution of Indian Labour Conference, Standing Labour Committee and Planning Commission for recognition of Trade Union.
- 3.16 Response of National Commission on Labour to problems of Collective Bargaining.
- 3.17 Unfair Labour Practice and Collective Bargaining.

Unit –IV: Collective Bargaining in Public Sector- A Comparative Study

- 4.1 Position of Collective Bargaining in Public Sector.
- 4.2 An Empirical study of Collective Bargaining in Public and Private Sector.
- 4.3 Need for Collective Bargaining in Unorganized Sector.
- 4.4 Comparative study of Collective Bargaining between UK& USA.
- 4.5 Collective Bargaining in other Countries.

Unit –V: Globalization and its Impact on Collective Bargaining

- 5.1 Meaning and Development of Globalization.
- 5.2 Impact of globalization on Collective Bargaining in India.
- 5.3 Right of Public Sector employer to be consulted about changes in terms of employment.
- 5.4 Role of Trade Union for collective Bargaining in Global Era.
- 5.5 Community Unionism and Trade Union renewal in the U.K.
- 5.6 Economic arguments for and against Workers Participation in Management.

NOTE: The syllabus to be taught with reference Code of Industrial Relations 2020.

List of Recommended Books/Suggested Readings

1. Gillian S. Morris and Timothy J. Archer, *Collective Labour Law* (2000) Oxford.
2. Nick Humphrey, *Trade Union Law* (1997), Blackstone, London
3. John Bowers and Simon Hentyball, *Text Book on Labour Law* (1988), Blackstone, London
4. Stephen Dery and Richard Mitchell, *Employment Relations Individualization and Union Exclusion* (1999) Blackstone, London
5. Roger Blanpain, Chris Engels (Eds), *Comparative Labour Law and Industrial Relations in Industrialised Market Economics* (1999) Kluver
6. Indian Law Institute, *Labour Law and Labour Relations* (1987)
7. ILO, *Collective Bargaining*
8. ILO, *Collective Bargaining in Industrialised Market Economics*
9. Mary Sur, *Collective Bargaining* (1965)
10. R. W. Rideout, *Principles of Labour Law*, Chs. 8, 9, and 10 (1983)
11. Ottkahnfreund, *Labour and Law* (1977)
12. V. Rajagopalan, "Approaches to Collective Bargaining- 'Intricacies'" 1982 Vol. II Labour Law Notes P.J 42
13. R. Patil, *Sectionalised Bargaining in Textile Industry in Ciombatore* 20 Indian Journal of Industrial Relations 44 (1985)
14. Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian Journal of Industrial Relations 559 (1987)
15. T. O. Ekeehukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria" 18 Indian Journal of Industrial Relations 607 (1983)
16. Y. R. K. Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)
17. Shab Dayat, "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of Industrial Relations 329 (1982)
18. D'souza, *Labour Law*
19. Joshi, *Labour Law*
20. Kumar, *Understanding Labour Welfare Administration*
21. Deakin, *Labour Law*
22. Tiwari, *Labour Law*
23. Lal, *Modern Labour Economics*

INDUSTRIAL ADJUDICATION

Course Outcome

- To understand the method resolution of dispute in India;
- Helps the students to understand the relation between trade union, recognition and bargaining power of trade union;
- Helps the students to assess the impact of Globalization on the process of Collective bargaining in India;

Unit –I: Constitutional Perspectives and Foundations

- 1.1 Constitutional Authorization for Institutional Framework (Legislative Entries, Article 323 B).
- 1.2 Constitutional goals protecting Capital and Labour enshrined in the Fundamental Rights and Duties and The Directive Principles
- 1.3 Dr. BR Ambedkar's contribution towards Labour Rights – Historical Perspectives – Contributions;

Unit- II: Access to Adjudicatory Justice

- 2.1 Threshold control by government: reference.
- 2.2 Extent of government discretion: time expediency and matters for adjudication
- 2.3 Limitations on discretion.
- 2.4 Political overtones and pressure tactics.
- 2.5 Judicial restraint or liberalism, the ideal juristic approach.
- 2.6 Direct access to adjudicatory authority by employer and employee: problems and perspectives.

Unit- III: Adjudicatory Process

- 3.1 Industrial adjudication as a modality of harmonizing interests of capital and labour.
- 3.2 Impact on employer's prerogatives and employee's rights
- 3.3 Silence of the Statute on the criteria for adjudication
- 3.4 Equity and justice as guiding principle
- 3.5 Industrial conflicts and the vistas of decisional process: a comparative probe
- 3.6 Post-natal control by government over adjudication

Unit-IV: Judicial Review of the Adjudicatory Process

- 4.1 Finality of decision making in adjudicatory process: a myth.
- 4.2 Jurisprudence of industrial adjudication authority in respect of dismissal of workmen
- 4.3 Jurisdiction of the adjudicatory authority in respect of dismissal of workmen
- 4.4 Juridical formulation of the concept of industry
- 4.5 Retrenchment the widening dimensions through law
- 4.6 Recent amendments to the I.D. Act, 1947 (Code of Industrial Relations 2020)
- 4.7 Second National Labour Commission on Industrial Adjudication.

Unit V: Comparative Perspectives on Industrial Adjudication.

- 5.1 ILO conventions and recommendations relating to Labour Dispute Settlements.
- 5.2 History of the development of U.K.'s Industrial System-Settlement of Individual and Collective Dispute.
- 5.3 Arbitration and Conciliation of labour disputes in the common wealth of Australia.
- 5.4 The American Arbitration system to resolve labour disputes.
- 5.5 Similarities in labour dispute settlement and case law adjudication between India, UK and Australia.

NOTE: The syllabus to be taught with reference to Code of Industrial Relations, 2020.

List of Recommended Books/Suggested Readings:

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

LAW RELATING TO CIVIL SERVANTS

Course Outcome: -

- To understand the constitutional approaches to Civil Servants and its related intricacies (recruitment, promotion etc.);
- To understand the principles of conflict and compromise in the ambit of civil service;
- To understand the procedure involved in the settlement of disputes over service matters (including comparative study of the same);

Unit-I Civil Servants: Constitutional Dimensions.

- 1.1 Concept of civil servant-meaning of civil servant or person holding a civil post, tests for determining a person as a civil servant.
- 1.2 Meaning of service rules read with Article 308 and 309 of Indian constitution.
- 1.3 Doctrine of Pleasure- meaning of doctrine of pleasure, safeguards of doctrine of pleasure, exceptions to doctrine of pleasure, limitations upon doctrine of pleasure.
- 1.4 Voluntarily and compulsory retirements from public service

Unit-II Fundamental Rights and Civil Servants.

- 2.1 Equality and protective discrimination- Equality in matters relating to employment, matters relating to recruitment, matters relating to selection and appointment, equality in matters relating to promotions, equality in the matter of pay scales, state's power to lay down qualifications under Article 16(1), educational qualifications as basis of classification, correction of date of birth.
- 2.2 Principles governing reservation.
- 2.3 Extent of reservation.
- 2.4 Residence in a state as qualification.
- 2.5 Article 16(4): a transitory provision.
- 2.6 Reservation in promotion-constitutional amendments and its constitutionality.
- 2.7 Carry forward rule read with Article 16(4B).
- 2.8 Reservation for backward classes-Mandal Commission case, Justice Ram Nandan Committee on Creamy layer, developments after Mandal Commission case till recent times.
- 2.9 Reservation under services of state for EWS read with Article 16(6) and its constitutionality and implementation in different states.
- 2.10 Reservation in context with religion and caste-reservation and inter caste marriages, reservation and conversion.
- 2.11 Reservation in super speciality institutions.

Unit-III Benefits, leave for civil servants and public service commission.

- 3.1 Dearness allowance, machinery for fixation and revision, pay commission.
- 3.2 Kinds of Leave and conditions of eligibility.
- 3.3 Social Security-retiral benefits, maternity benefits and employment of children of those dying in harness.
- 3.4 Comparative evaluation of benefits between the State Government and the Central Government Employees.
- 3.5 UPSC and Karnataka State Public Service Commission.

Unit-IV Special Categories of Services

- 4.1 Judicial services: subordinate judiciary-judicial officers and servants: appointment and conditions of service
- 4.2 Officers and servants of the Supreme Court and High Courts: recruitment and conditions of service, disciplinary proceedings.

Unit-V Settlement of Disputes over Service matters

- 5.1 Departmental remedies: representation, review, revision and appeal: role of service organizations
- 5.2 Remedy before the Administrative Tribunal: jurisdiction, scope and procedure- merit and demerits-exclusion of jurisdiction of courts
- 5.3 Judicial review of service matters-jurisdiction of the Supreme Court and High Courts
- 5.4 Comparative position in England, United States and France.

Note: Students are to study laws and rules relating to service matters, make empirical investigations and write a paper on a significant problem.

List of Recommended Books/Suggested Readings

1. *ILI* (by Justice M. Raama Jois), *Services under the State* (1987)
2. N. Narayan Nair, *The Civil Servants under the Law and the Constitution* (1973)
3. K.K. Goyal, *Administrative Tribunals Act* (1985)
4. Seervai, *Constitutional Law of India*
5. Arjun P. Aggarwal, "Freedom of Association in Public Employment", 14 *JILI* (1972)
6. C.K. Kochukoshy, "All India Services-Their Role and Future", 25 *J.I.L.I.359* (1983)
7. Douglas Vass, "The Public Service in modern Society", 1983 *I.J.P.A.* 970
8. Z.M.S Siddiqui, "Sanctions for the breach of contracts of service", 25 *J.I.L.I.359* (1983)
9. O.P. Motial "Compulsory Retirement", 1975 *I.J.P.A* 247
10. D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 *J.P.A* 92
11. G.C.V. Subba Rao, "The *O.N.G.C Case* and New Horizons in Public Services Law", 1975 *S.C.J.* 29 33

LAWS RELATING TO AGRICULTURE LABOUR AND OTHER FORMS OF UNORGANISED WORKERS

Course Outcome: -

- To understand the various problems and the response legislative framework that exists.
- To study in context with allied agricultural activities such as poultry, dairy, bee keeping etc.
- To analyze the various practices relating to dispute settlement mechanisms;

Unit-1 Historical development of Agricultural Labour.

- 1.1 Ancient village setup.
- 1.2 Impact on introduction of land system during colonial rule.
- 1.3 Spreading of commercial Agricultural (1850-1947)
- 1.4 Land reforms in pre-independent and post-independent India

Unit-II Concept of Agriculture Labour and Special Feature.

- 2.1 Meaning and definition of agriculture labour as per different reports and commissions, and legislations.
- 2.2 Composition & Categories of agricultural labour
- 2.3 Meaning of farmer and their classification
- 2.4 Contribution of Dr. B. R Ambedkar and Dr. Babu Jagajivan Ram for green revolution and farmers.
- 2.5 Points of difference between agricultural labour and industrial labour.

Unit-III Problems of Agricultural Labour and Allied Agricultural Labour.

- 3.1 Meaning of allied agricultural labour-dairy farm workers, poultry farming, bee keeping.
- 3.2 Problem of Employment of agricultural labour: recent trends
- 3.3 Problem of Minimum Wages in agriculture with different states experience.
- 3.4 Employment of Child labour and Women labour in agricultural labour.
- 3.5 Problem of Organisation in agricultural labour.
- 3.6 Problem of Bonded Labour System in agriculture
- 3.7 Problem of Indebtedness in agriculture.
- 3.8 Problem of Working Conditions-hours of work.
- 3.9 Problem of Occupational Risks.
- 3.10 Problem of Distribution of Land to Tribal agricultural labour.
- 3.11 Impact of distribution of agricultural labour on Environment.
- 3.12 Problem of treating agriculture as an Industry.

3.13 Problem of Social Security of agricultural labour.

Unit-IV Legislative response to problems of Agricultural Labour including allied Agricultural Labour and Schemes.

- 4.1 Indian constitution and agricultural labour.
- 4.2 Mahatma Gandhi National rural Employment Guarantee Act 2005
- 4.3 Wage legislation applicability to agricultural labour.
- 4.4 Child labour legislations and their application to agricultural labour.
- 4.5 The Bonded Labour System (Abolition) Act 1976.
- 4.6 Karnataka Debt Recovery Act 1968 and the Karnataka Prohibition of Charging Exorbitant Interest Act 2004.
- 4.7 Insecticides Act 1968 and recent amendments.
- 4.8 The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.
- 4.9 Social Security Legislations
- 4.10 Kerala Agriculture Workers Act 1974.
- 4.11 Dairy farming and related laws.
- 4.12 Poultry farming and related laws.
- 4.13 Crop insurance schemes, whether based crop insurance scheme and other union government and
- 4.14 Karnataka State Government Schemes for agricultural labour.

Unit-V ILO and Agriculture Labour

- 5.1 Difference between conventions and recommendations.
- 5.2 ILO conventions and recommendations on agricultural labour.
- 5.3 Ratification of ILO conventions on agricultural labour by India.

List of Recommended Books/Suggested Readings:

1. Manojkumar Srivastava, *Law Relating to Agriculture Labour* (Deep and Deep Publications, 1st January 1993)
2. Ruddar Datt, K. P. M. Sundharam, *Indian Economy* (S. Chand and Company Ltd., 2004), Chapters 30, 32, and 37
3. Narender Kumar, *Constitutional Law of India* (Allahabad Law Agency, 2016)
4. Dr. N. Dasharath & Dr. V. Sudesh, "Welfare and Safety of Agricultural Labourers: Legal Issues and Challenges," *Legal Spectrum Journal* (published by Vivekananda Law College, Puttur,

2023)

5. Abdul Aziz, "Unionizing Agricultural Labourers in India: A Strategy", *13 Indian Journal of Industrial Relations* 307 (1977)
6. First National Commission on Labour (1969), National Commission on Labour (1976), Second National Commission on Labour (2000), Agricultural Labour Committee Reports (1956-57), Three Labour Enquiries (1963-65, 1974-75, and 1977-78)
7. Rural Labour Enquiry Report *on Indebtedness Among Rural Labour Households*, Karnataka State Ereshi Committee Report on Farmers' Suicide, Mr. Swaminathan Commission Report on Farmers
8. The Agricultural Workers (Welfare and Protection) Bill, 2022
9. The Kerala Dairy Farmers Welfare Fund (Amendment) Bill, 2023
10. The Insecticides (Amendment) Bill, 2019
11. The Kerala Dairy Farmers Welfare Fund Act, 2007
12. The National Dairy Development Board Act, 1987

WAGES

Course Outcome

- To Helps the student in understanding the various constitutional perspectives on wages (Right to work, living wage, equal pay for equal work etc.);
- To Analyzes the various theories relating to the spectrum of wages (types and kinds of evolution);
- To have a in-depth study of the concepts of wage differentials with relation to National Wage Policy (Code of wages, 2020);
- Further introduces the students to the dimension of international standardization frameworks on wages;

Unit-I Constitutional Perspectives on wages

- 1.1 Denial of minimum wages as forced labour
- 1.2 Constitutionalism of legal rights; elevation of legal to fundamental rights
- 1.3 The Constitutional ideals
- 1.4 Right to work
- 1.5 Right to living wage
- 1.6 Right to equal pay for equal work
- 1.7 Workers Participation in management: impact on wage determination.

Unit-II Theories of Facets of Wages

- 2.1 Theories of Wages
- 2.2 Wages, bonus and dearness allowance; Basic wage
- 2.3 Bonus as deferred wage or share of profits – eligibility
- 2.4 Allowances and concessions
- 2.5 House rent allowance
- 2.6 City Compensatory allowance
- 2.7 Educational allowance
- 2.8 Conveyance allowance
- 2.9 Cash incentives: percentage and turn-over
- 2.10 Medical allowance
- 2.11 Leave travel concession
- 2.12 Free and subsidized food and products
- 2.13 Leave encashment
- 2.14 Overtime allowance

2.15 Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages.

Unit-III Wage Differentials: Rational Policy or Unjust Practice?

- 3.1 Equality honored or violated?
- 3.2 Diminishing the differential: disincentive to initiative and productivity or elimination or irrational disparity in remuneration?
- 3.3 Inter – industry, Intra-industry and regional factors
- 3.4 Private sector – public sector difference in wages – government servants
- 3.5 Capacity of industry and wage fixation

Unit-IV Wages, Price and Tax

- 4.1 Increase of wages – impact on price
- 4.2 Increase of price-impact on wages
- 4.3 Tax-impact on price and goods
- 4.4 Taxation on goods and increase of prices
- 4.5 Taxation on wage income a cut on real wages
- 4.6 Wages and the consumer

Unit-V National Wage Policy: Problem and Perspectives

- 5.1 National wage policy
- 5.2 Need for integrated approach: income, price and wage
- 5.3 Problems of mixed economy
- 5.4 Capital intensive sector
- 5.5 Labour intensive sector
- 5.6 Wages in Multi-national corporations: impact of globalization

Unit-VI International Standardization

- 6.1 Role of ILO: convention and recommendations relating to wages
- 6.2 Recommendations of the National Labour Commission relating to Wages
- 6.3 A Comparative Study of Wage Legislations in UK, USA & Australia.
- 6.4 An empirical study of wages in the organized and unorganized sectors.

NOTE: The syllabus to be taught with reference to Code of Wages 2020

List of Recommended Books/Suggested Readings

- 1. O.P. Malhotra, *Law of Industrial Disputes* (1999).
- 2. R.R. Singh, *Labour Economics*, Chs. 6, 7, 8, and 9 (1971).
- 3. G.L. Kothari, *Wages, Dearness Allowances and Bonus* (1968).

4. Y.B. Singh, *Industrial Labour in India*, Part I (1960).
5. V.V. Giri, *Labour Relations in Indian Industry*, Ch. 6 (1972).
6. Report of the National Commission on Labour (1969) (relevant portions).
7. International Labour Office, *Wages* (1968).
8. International Labour Office, *Wage Fixing* (1981).
9. International Labour Office, *Minimum Wage Fixing* (1981).
10. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India," 15 *Journal of the Indian Law Institute* 444 (1973).
11. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India—Problems and Prospects," 23 *Journal of the Indian Law Institute* 495 (1981).
12. R.D. Agarwal, *Dynamics of Labour Relations in India* (1972).
13. Sahab Dayal, "Wage, Income, and Industrial Relations in Modern India: An Evaluation of Selected Empirical Implications," 15 *Indian Journal of Industrial Relations* 295 (1977).
14. Madhuri G. Seth, "Bonus in Equity Perspective," 15 *Indian Journal of Industrial Relations* 119 (1979).
15. Deepak Lal, "Theories of Industrial Wage Structure: A Review," 15 *Indian Journal of Industrial Relations* 167 (1979).
16. C. Mani Sastry, "Wage Structure and Regional Labour Market," 21 *Indian Journal of Industrial Relations* 344 (1985).
17. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach," 15 *Journal of the Indian Law Institute* 444 (1973).
18. R.L. Chawla, "Wage Policy and Industrial Relations: A Brazilian Case Study," 17 *Indian Journal of Industrial Relations* 27 (1981).

SOCIAL SECURITY LAW

Course Outcome

- Fortifies the students with the knowledge of the origin, development and constitutional manifestation of the concept of Social Security;
- Enables the students to carry out comparative study of Social Security Laws across various legal systems;
- Helps the students in understanding the purpose, scope and applicability of recent social security laws;

Unit-I Social Security

- 1.1 Meaning
- 1.2 Distinction with labour welfare
- 1.3 Modality, social prescription, social assistance and social insurance
- 1.4 Labour social security as part of the general social security in the welfare state.

Unit-II Origin and Development

- 2.1 Western countries charitable institutions professional guilds philanthropic organization workmen's compensation law in England.
- 2.2 Eastern Societies-India: joint family system, statutory schemes
- 2.3 International norms on social security for Labour; the ILO measures

Unit-III Constitutional Perspectives

- 3.1 Dr. BR Ambedkar's contribution towards Labour Rights – Historical perspectives contribution;
- 3.2 Fundamental Rights: realization of the rights through meaningful social security measures; right to life, the wider dimensions.
- 3.3 Right to adequate means of livelihood, free legal aid, public assistance in case of unemployment, old age, sickness and disablement, maternity relief

Unit-IV from Compensation to Insurance

- 4.1 Judicial interpretation of the expression "arising out of and in the –course of employment
- 4.2 Employees state insurance benefits; an improvement over workmen's compensation

Unit-V Social Security: Law and Practices, the Comparative Perspectives

- 5.1 The United Kingdom
- 5.2 Redundancy Rights & Transfer of Undertakings
- 5.3 The United State

Unit-VI Towards an ideal Social Security Scheme: The Futuristic

- 6.1 Comprehensive and integrated social security: a utopian concept or a pragmatic approach?
- 6.2 Funding
- 6.3 Benefits and beneficiaries
- 6.4 Role of trade unions
- 6.5 Social Security in collective agreements
- 6.6 Trade union schemes with its own fund

Unit- VII Recent Social Security Legislation

- 7.1 Mahatma Gandhi National Rural Employment Gaurantee Act 2005.
- 7.2 Un-Organised Workers Social Security Act 2009.
- 7.3 Contribution Workers Welfare Board of Karnataka State including Construction Workers Cess Act – 2008
- 7.4 Attempts by Karnataka State for introducing social security Law for Un- Organised Workers.
- 7.5 Social Security for construction workers as per building & other construction Workers (Regulation of Employment and condition of services) Act of 1996.

NOTE: The syllabus to be taught with reference to The Code of Social Security 2020 and The Occupational Safety, Health and Working Conditions Code 2020

List of Recommended Books/Suggested Readings

1. R. N. Choudhary, *Commentary on the Workmen's Compensation Act 1923* (2000), Orient
2. S. C. Srivastava, *Social Security and Labour Laws* (1985)
3. R. W. Rideout, *Principles of Labour Law* (1988), Chs. 12, 13
4. H. K. Saharay, *Industrial and Labour Laws of India* (1987), Chs. 7 and 8
5. Munkun, *Employer's Liability* (1985), Chs. 1, 2, 3, 22, and 23
6. Harry Calvert, *Social Security Laws* (1978)
7. *Report of the National Commission on Labour* (1969) (relevant portions)
8. Neeru Sehgal, "Employment of Women and Reproductive Hazards in the Workplace", 29 JILI 201 (1987)

HUMAN RIGHTS AND ENVIRONMENTAL LAW

INTERNATIONAL ENVIRONMENTAL LAW

Course Outcome: -

- To Understand of Legal Framework and treaties governing International Environmental Law
- To Analysis Global Environmental Issues
- To Apply principles of International Environmental Law to real world scenarios

Unit-I

- 1.1 History and development of International Environmental Law
- 1.2 Sources and Principles of International Environmental Law
- 1.3 Global Environmental Change- International Equity- Protection of Global Atmosphere
Global Environmental Education- Global Trade Order and Environment- Environmental Crimes

Unit-II

- 2.1 International Conventions- Treaties- Declarations-Bilateral and Multilateral Agreements
- 2.2 Stockholm Declaration, United Nations Conference on Environment and Development, UNFCCC, Kyoto and Montreal Protocol, Vienna Convention, Nairobi Declaration, Declaration and Conference on Sustainable Development- World Charter for Nature

Unit-III

- 3.1 International Environmental Organizations/ Institutions-UN, UN General Assembly, Economic and Social Council, United Nations Environment Programme, World Meteorological Organization, International Union for Conservation of Nature, World Commission on Environment and Development, International Panel Climate Change, United Nations Commission on Sustainable Development, World Bank, International Court of Justice.

Unit-IV

- 4.1 Marine Environment- Antarctic environment
- 4.2 United Nations Convention on Law of Sea, marine pollution and its effect, oil pollution, International Tribunal for the Law of the Sea.
- 4.3 International Maritime Organizations, Pollution in the Marine Environment, Response to Marine Pollution Casualties, Liability and Compensation for Ship-Source Pollution, Regional Approaches to the Protection of Marine Environment, Protection of Marine Diversity, International Law for Ocean and Climate

Unit-V

- 5.1 Trans-boundary Pollution- Trans-boundary Air Pollution- Trail Smelter case, Rotterdam Convention, Basel Convention, Bamako Convention

List of Recommended Books/Suggested Readings

1. Priya Kanjan Trivedi, *International Environmental Laws* (1986), A.P.H. Publishing Corporation, New Delhi
2. Sir Elworthy and Jane Holder, *Environmental Protection: Text and Materials* (1977), Buttersworth
3. Nathalie L. T. J. Horbach, *Contemporary Developments in Nuclear Law* (1999), Kluwer
4. Henrick Ringbom (ed.), *Competing Norms in the Law of Marine Environmental Protection* (1997), Kluwer
5. Claus Bosselmann and Benjamin J. Richardson, *Environmental Justice and Market Mechanism* (1999), Kluwer
6. Jean-Pierre Beurier, *New Technologies and Law of Marine Environment* (2000), Kluwer
7. Richard L. Revesz et al. (eds.), *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge
8. Davor Vidas, *Protecting the Polar Marine Environment* (2000), Cambridge
9. Aynsley Kellow, *International Toxic Risk Management* (1990), Cambridge
10. Zhiguo Gao, *Environmental Regulation of Oil and Gas* (1998), Kluwer
11. Indian Law Institute, *Legal Control of Environmental Pollution* (1980)
12. Varshney, C. K. (ed.), *Water Pollution and Management* (1983), Wiley Eastern, New Delhi
13. World Commission on Environment and Development, *Our Common Future* (1987), Oxford
14. British Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975), London
15. Standing Committee on Environmental Law, American Bar Association, *Common Boundary/Common Problems: The Environmental Consequences of Energy Production* (1982)
16. J. M. Spector, "Elephants, Donkeys and Other Creatures? Presidential Election Cycles and International Law of the Global Commons", *American University International Law Review* 5, pp. 976-1038 (1999)

17. S. Bhat, "Environment Protection and International Law"
18. Elizabeth R. DeSombre, "Global Environmental Institutions"
19. Stuart Bell and Donald McGillivray, *Environmental Law*
20. Mukund Govind Rajan, *Global Environmental Politics*
21. Stephen C. McCaffrey and Rachael E. Salcido, "Trans-global Issues in Environmental Law"
22. Richard L. Revesz, *Environmental Law, the Economy and Sustainable Development*
23. Wolf and Stanley, *Environmental Law*
24. Robin Churchill and David Freestone, *International Law and Global Climate Change*
25. Thomas G. Weiss, *Global Environmental Institutions*
26. Simon Ball and Stuart Bell, *Environmental Law*
27. P. K. Rao, *International Environmental Law and Economics*
28. Parishit Ballabh, *International Environmental Law*
29. Joyeetha Gupta, *The Climate Change Convention and Developing Countries: From Conflict to Consensus?*
30. Diwan, A. P. and D. K. Arora, *Recent Advances in Environmental Ecology* (1995), New Delhi: Anmol Publications Pvt. Ltd.
31. Philippe Sands et al., *Principles of International Environmental Law* (2012), UK: Cambridge University Press
32. Misra Ravi, *Marine Environment* (2002), Anmol Publications Pvt. Ltd., New Delhi

ENVIRONMENTAL LAWS AND POLICIES IN INDIA

Course Outcome: -

- To analyze the evolution and framework of environmental laws and policies in India and their role in promoting sustainable development.
- To understand the regulatory mechanisms governing pollution control, biodiversity conservation, and natural resource management in India.
- To assess the role of judiciary and landmark judgments in shaping environmental jurisprudence in India.
- To explore the challenges and opportunities in implementing environmental laws and fostering public participation in environmental decision-making.

Unit-I

- 1.1 Environmental Issues- Evolution of Indian Environmental laws- Environment (Protection) Act, 1986
- 1.2 Major Rules under EPA, 1986 – 2019 Rules - Hazardous Wastes Rules, Municipal Solid Wastes Rule, Waste Management Rules, Solid, Plastic Bio Medical. E-Waste, Construction and Demolition Waste Management
- 1.3 Ozone Depleting Substances Rules, Plastic Manufacture Sales and Usage Rules and Notifications
- 1.4 Coastal Regulation Zone notification, Environment Impact Assessment notification, Five Years Plans, Environmental Policies, And Strategies

Unit-II

- 2.1 Administrative Machineries- Pollution Control Boards - Government Organizations
- 2.2 NGOs- Corporate criminal liability and Social Responsibility- Social Movements, eco-democracy, -environmental decision-making civic society and environment
- 2.3 Role of Youth, Women, Children, Scientists, Environmentalists, Professionals

Unit-III

- 3.1 Foreign Policies pursued by India
- 3.2 Environment Impact Assessment, Eco-labeling, Carbon Trading, Carbon Credit, Clean Development Mechanism, Eco-tourism, eco-consumerism, sustainable development, green marketing, environmental audit, national environmental awards, national air ambient quality standards

Unit IV

- 4.1 Development and Environment, Natural Disaster Management
- 4.2 Disaster Management Act, 2005
- 4.3 Compensatory Afforestation Fund Act, 2016
- 4.4 Forest Conservation Act, 2023

Unit-V

- 5.1 Judiciary- Principles and Doctrines- Principle Of Absolute Liability, Precautionary Principle, Polluter's Pay Principle, Public Trust Doctrine, Inter- Generational Equity Principle.
- 5.2 Public Interest Litigation-Indian Constitution, citizen and state, National Green Tribunal.

List of Recommended Books/Suggested Readings

1. C. M. Abraham, *Environmental Jurisprudence in India* (1999), Kluwer
2. R. B. Singh and Suresh Misra, *Environmental Law in India* (1996), Concept Publishing Co., New Delhi
3. Kailash Thakur, *Environmental Protection: Law and Policy in India* (1997), Deep and Deep Publications, New Delhi
4. Richard Revesz et al. (eds.), *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge
5. Stuart Bell and Donald McGillivray, *Environmental Law* (2000), Blackstone Press
6. Charles A. R. Webster, *Environmental Health Law* (1981)
7. P. Leelakrishnan et al. (eds.), *Law and Environment* (1990), Eastern
8. P. Leelakrishnan, *The Environmental Law in India* (1999), Butterworths-India
9. *Legislative Measure and Administrative Machinery for Ensuring Environmental Protection* (1980) (Tiwari Committee Report)
10. Thomas J. Schoenbaum, *Environmental Policy Law* (1992), Foundation Press, Inc., Westbury, New York
11. Darryl D'Monte, *Temples or Tombs: Industry versus Environment: Three Controversies* (1985), Centre for Science and Environment, New Delhi
12. *Indian Journal of Public Administration, Special Number on Environment and Administration*, July-September 1988, Vol. XXXV, No. 3, pp. 353-801
13. Khosho, *Environmental Concerns and Strategies* (1988), Ashish, Delhi
14. Centre for Science and Environment, *The State of India's Environment 1982, The State of India's Environment 1984-85, and The State of Indian Environment 1999-2000*
15. World Commission on Environment and Development, *Our Common Future* (1978),

Oxford

16. John F. McEldowney and Sharron McEldowney, *Environmental Law and Regulation* (2000), Blackstone Press
17. Frederick R. Anderson et al., *Environmental Improvement Through Economic Incentives* (1977)
18. David Hughes, *Environmental Law* (1999), Butterworths, London
19. Indian Law Institute, *Mass Disasters and Multinational Liability: The Bhopal Case* (1986)
20. *Inconvenient Forum and Convenient Catastrophe: The Bhopal Case* (1986)
21. Armin Rosencranz et al. (eds.), *Environmental Policy and Law in India* (2000), Butterworths India
22. Indian Law Institute, *Environment Protection Act: An Agenda for Implementation* (1987)
23. *Indian Journal of Public Administration, Special Number on Environment and Administration*, July-September 1988, Vol. XXXV, No. 3
24. V. R. Bhattacharya, *Some Aspects of Social Security Measures in India* (1970)
25. Pravin Sheth, *Environmentalism: Politics, Ecology and Development* (1997), Jaipur: Rawat Publications
26. Katiyar, *Environmental Concerns, Depleting Resources and Sustainable Development* (1997), Jaipur: Pioneer Publishers
27. R. K. Sapru, *Environment Management in India* (1987), New Delhi: Ashish Publishing House
28. Amiya Kumar Das, *Urban Planning in India* (2007), New Delhi: Rawat Publications
29. Susan Buckingham, "Constructing Local Environmental Agendas"
30. D. K. Bhatnagar, *Sustainable Development: Mobilization and Globalization* (2008), New Delhi: Cyber Tech Publications
31. Jane Holder and Maria Lee, *Environmental Protection Law and Policy*
32. I. Mohan, *Environmental Crisis*
33. Indrajit Dube, *Environmental Jurisprudence: Polluter's Liability* (2007), New Delhi: Lexis Nexis Butterworths
34. Paramjit S. Jaswal and Nishtha Jaswal, *Environmental Law: Environment Protection, Sustainable Development and the Law* (2006), Delhi: Pioneer Publications
35. C. M. Jariwala, *Environmental Justice* (2004), New Delhi: APH Publishing Corporation
36. Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (2004), Oxford: Oxford University Press
37. Indrajit Dube, *Environmental Jurisprudence: Polluter's Liability* (2007), New Delhi: Lexis Nexis Butterworths

38. Paul Q. Watchman, "Climate Change"

39. Forest Conversation Act 2023

RESOURCE MANAGEMENT AND THE LAW

Course Outcome: -

- To examine the legal framework governing the utilization, allocation, and conservation of natural resources.
- To analyze the interplay between environmental, economic, and social factors in resource management.
- To explore international conventions and treaties influencing resource management policies in India.
- To critically evaluate the role of law in balancing resource exploitation and sustainability.

Unit-I

- 1.1 Ecosystem- its diversity-
- 1.2 Assessment of risk from chemicals and biological introductions to ecological system
- 1.3 Ecology- its limits, material cycle in ecosystem
- 1.4 Concept of Natural Resources- types of natural resources- Lake environment.
- 1.5 Introduction 1.1 The Types of resources and Resource management 1.2 Resource management – traditional approach 1.3 Sustainable approach to manage resources 1.4 Agenda 21 and Resource management 1.5 Constitutional Provisions (Adopted from sadar valabhai patel university Gujarat)

Unit-II

- 2.1 Bio-diversity- meaning- need for protection of biodiversity
- 2.2 Concept of sustainable development
- 2.3 Protection of biosphere resources
- 2.4 Convention on biodiversity, Forest- Wildlife-Convention on International Trade in Endangered Species of wild fauna and Flora indigenous people- forest dwellers- tribal people-natural heritage.

Unit-III

- 3.1 Land- land resources and landscape management
- 3.2 Urban planning
- 3.3 Modern rural agricultural practices industrialization, mining- quarrying.

Unit IV

- 4.1 Water –water quality and management of water courses

- 4.2 Ground water management- aquaculture and fishing- irrigation- Helsinki Convention, wet lands- Ramsar convention

Unit V

- 5.1 Energy-sources-conventional energy- hydro-electric, thermal and nuclear, non-conventional energy- solar, wind, tidal, biogas and bio fuel

List of Recommended Books/Suggested Readings

1. C. M. Abraham, *Environmental Jurisprudence in India* (1999), Kluwer
2. R. B. Singh and Suresh Misra, *Environmental Law in India* (1996), Concept Publishing Co., New Delhi
3. Kailash Thakur, *Environmental Protection: Law and Policy in India* (1997), Deep and Deep Publications, New Delhi
4. Richard Revesz et al. (eds.), *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge
5. Stuart Bell and Donald McGillivray, *Environmental Law* (2000), Blackstone Press
6. Charles A. R. Webster, *Environmental Health Law* (1981)
7. P. Leelakrishnan et al. (eds.), *Law and Environment* (1990), Eastern
8. P. Leelakrishnan, *The Environmental Law in India* (1999), Butterworths-India
9. *Legislative Measure and Administrative Machinery for Ensuring Environmental Protection* (1980) (Tiwari Committee Report)
10. Thomas J. Schoenbaum, *Environmental Policy Law* (1992), Foundation Press, Inc., Westbury, New York
11. Darryl D'Monte, *Temples or Tombs: Industry versus Environment: Three Controversies* (1985), Centre for Science and Environment, New Delhi
12. *Indian Journal of Public Administration, Special Number on Environment and Administration*, July-September 1988, Vol. XXXV, No. 3, pp. 353-801
13. Khosho, *Environmental Concerns and Strategies* (1988), Ashish, Delhi
14. Centre for Science and Environment, *The State of India's Environment 1982, The State of India's Environment 1984-85, and The State of Indian Environment 1999-2000*
15. World Commission on Environment and Development, *Our Common Future* (1978), Oxford
16. John F. McEldowney and Sharron McEldowney, *Environmental Law and Regulation* (2000), Blackstone Press
17. Frederick R. Anderson et al., *Environmental Improvement Through Economic Incentives*

(1977)

18. David Hughes, *Environmental Law* (1999), Butterworths, London
19. Indian Law Institute, *Mass Disasters and Multinational Liability: The Bhopal Case* (1986)
20. *Inconvenient Forum and Convenient Catastrophe: The Bhopal Case* (1986)
21. Armin Rosencranz et al. (eds.), *Environmental Policy and Law in India* (2000), Butterworths India
22. Indian Law Institute, *Environment Protection Act: An Agenda for Implementation* (1987)
23. *Indian Journal of Public Administration, Special Number on Environment and Administration*, July-September 1988, Vol. XXXV, No. 3
24. V. R. Bhattacharya, *Some Aspects of Social Security Measures in India* (1970)
25. Pravin Sheth, *Environmentalism: Politics, Ecology and Development* (1997), Jaipur: Rawat Publications
26. Katiyar, *Environmental Concerns, Depleting Resources and Sustainable Development* (1997), Jaipur: Pioneer Publishers
27. R. K. Sapru, *Environment Management in India* (1987), New Delhi: Ashish Publishing House
28. Amiya Kumar Das, *Urban Planning in India* (2007), New Delhi: Rawat Publications
29. Susan Buckingham, "Constructing Local Environmental Agendas"
30. D. K. Bhatnagar, *Sustainable Development: Mobilization and Globalization* (2008), New Delhi: Cyber Tech Publications
31. Jane Holder and Maria Lee, *Environmental Protection Law and Policy*
32. I. Mohan, *Environmental Crisis*
33. Indrajit Dube, *Environmental Jurisprudence: Polluter's Liability* (2007), New Delhi: Lexis Nexis Butterworths
34. Paramjit S. Jaswal and Nishtha Jaswal, *Environmental Law: Environment Protection, Sustainable Development and the Law* (2006), Delhi: Pioneer Publications
35. C. M. Jariwala, *Environmental Justice* (2004), New Delhi: APH Publishing Corporation
36. Marie-Claire Cordonier Segger and Ashfaq Khalfan, *Sustainable Development Law: Principles, Practices and Prospects* (2004), Oxford: Oxford University Press
37. Indrajit Dube, *Environmental Jurisprudence: Polluter's Liability* (2007), New Delhi: Lexis Nexis Butterworths
38. Paul Q. Watchman, "Climate Change"

CONCEPT AND HISTORICAL DEVELOPMENT OF HUMAN RIGHTS

Course Outcome: -

- To understand the philosophical and historical origins of human rights and their evolution across civilizations.
- To analyze the emergence of modern human rights frameworks and their relationship with justice and equality.
- To examine key historical events and movements that shaped the global human rights discourse.
- To evaluate the role of cultural, political, and social contexts in shaping human rights ideologies over time.

Unit -I

- 1.1 Concept and Development of Human Rights
- 1.2 Notions and Theories relating to Rights
- 1.3 Classification of Rights
- 1.4 Relationship with other Concepts
- 1.5 First, Second and Third Generation rights

Unit – II

- 2.1 Historical Antecedents, National and International Perspectives
- 2.2 Universalism and Cultural Relativism
- 2.3 Globalization and Cultural Relativism
- 2.4 Changing conception of Justice and Globalized Legal Order.

Unit –III

- 3.1 International Standards for Protection of Human Rights
- 3.2 United Nations Human Rights Regime
- 3.3 Universal Standards and Enforcement
- 3.4 Convention on the Elimination of Discrimination Against Women
- 3.5 ILO and Other conventions dealing with Human rights.

Unit-IV

- 4.1 Customary International law relating to Human Rights
- 4.2 Universal Declaration of Human Rights.
- 4.3 International Covenant on Civil and Political Rights.
- 4.4 International Covenant on Social Economic and Cultural Rights.

Unit- V

- 5.1 UN Mechanism for the Protection of Human Rights.
- 5.2 Enforcement of Human Rights
- 5.3 Regional Organization
- 5.4 Regional Standards and Enforcement.
- 5.5 Role of International NGO"s

List of Recommended Books/Suggested Readings

1. A. G. Noorani (South Asian Human Rights Documentation Centre), *Challenges to Civil Rights Guarantees in India* (Oxford University Press, New Delhi, 2012).
2. B. S. Chimni, *International Refugee Law: A Reader* (Sage Publications, New Delhi, 2000).
3. Commonwealth Human Rights Initiative (CHRI), *A Partnership for Human Rights: Civil Society and National Human Rights Institutions* (Print World, New Delhi, 2011).
4. Cyrille Fijnaut, Jan Wouters, and Frederik Naert (Eds.), *Legal Instruments in the Fight Against International Terrorism: A Transatlantic Dialogue* (Martinus Nijhoff Publications).
5. David G. Ritchie, *Natural Rights: A Criticism of Some Political & Ethical Conceptions* (Swan Sonnenschein & Co. Ltd, New York).
6. Jack Donnelly, *The Concept of Human Rights* (Croom Helm, 1985).
7. Felipe Gómez Isa and Koen de Feyter (Eds.), *International Protection of Human Rights: Achievements and Challenges* (University of Deusto, Bilbao, 2006).
8. Henry J. Steiner and Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (Oxford University Press, Second Edition, 2000).
9. Isaac Kramnick, *Essays in the History of Political Thought* (Prentice-Hall, Inc., Englewood Cliffs, New Jersey, 1969).
10. Janusz Symonides (Ed.), *New Dimensions and Challenges for Human Rights* (Rawat Publications, 2003).
11. Jeremy Waldron, *Theories of Rights* (Oxford University Press, 1984).
12. Maurice Cranston, *What Are Human Rights?* (London: Bodley Head, 1973).
13. Ratna Kapur, *Makeshift Migrants and Law: Gender, Belonging, and Postcolonial Anxieties* (Routledge India, 2012).
14. David Kinley, *Civilizing Globalization: Human Rights and the Global Economy* (Cambridge University Press, 2009).
15. Jean-Marc Coicaud and Michael W. Doyle (Eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).

16. André Béteille, "The Idea of Indigenous People" 39 *Current Anthropology* 187-191 (1998).
17. G. L. Williams, "The Concept of Legal Liberty" in R. S. Sumners (Ed.) *Essays in Legal Philosophy* (University of California Press, 1976).
18. Shalini Marwaha, "Historical and Philosophical Evolution of Human Rights: A Journey from First Generation to Third Generation Rights" XI (2) *MDU Law Journal* 34 (2006).
19. Robert McCorquodale, "Globalization and Human Rights" 21 *Human Rights Quarterly* 42 (1999).
20. Snehal Fadnavis, "Historical Development of International Human Rights Movement" IX *Journal of the Institute of Human Rights* 71 (2006).
21. Stephen Marks, "The Human Right to Development: Between Rhetoric and Reality" Vol. 17 *Harvard Human Rights Journal* 137-168 (2004).
22. B. S. Waghmare, *Human Rights - Problems and Prospects* (Kalinga Publications, Delhi, 2001).
23. Geraldine Van Bueren, *International Law on the Rights of the Child* (Martinus Nijhoff Publishers, 1995).
24. Surya Deva, "Human Rights Realization in an Era of Globalization: The Indian Experience" *Buffalo Human Rights Law Review* (2006).

HUMAN RIGHTS- INTERNATIONAL PERSPECTIVES

Course Outcome: -

- To study the international legal instruments and frameworks for the promotion and protection of human rights.
- To examine the role of the United Nations and other international organizations in enforcing human rights standards globally.
- To analyze the challenges of implementing human rights in diverse political and socio-economic contexts.
- To explore global issues such as refugees, genocide, and discrimination from a human rights perspective.

Unit -I

- 1.1 Human Rights, Democracy and Good Governance.
- 1.2 Science, Technology and Human Rights: Indian and International Perspective.
- 1.3 Rights of Special Groups: International Perspective
- 1.4 Human Rights, Globalization and State Sovereignty.

Unit – II

- 2.1 Crimes against Humanity
- 2.2 Nuremberg Tribunal
- 2.3 Genocide, Slavery/bonded labour
- 2.4 Torture, Piracy, Trafficking in Human Beings

Unit -III

- 3.1 International Criminal Court
- 3.2 International Terrorism
- 3.3 United Nation Conventions
- 3.4 Organized Crime

Unit –IV

- 4.1 International Humanitarian Law
- 4.2 Historical Perspective
- 4.3 The Geneva Conventions
- 4.4 Modern Context

Unit- V

- 5.1 International Refugee Law
- 5.2 Migrants
- 5.3 Internally Displaced Persons
- 5.4 Indigenous Peoples.

List of Recommended Books/Suggested Readings

1. A. J. M. Milne, *Human Rights and Human Diversity: An Essay in the Philosophy of Human Rights* (State University of New York Press, Albany, New York, 1986).
2. Andrew Clapham, *Human Rights: A Very Small Introduction* (Oxford University Press, 2007).
3. Peter G. Danchin and Elizabeth A. Cole (Eds.), *Protecting the Human Rights of Religious Minorities in Eastern Europe: Human Rights Law, Theory and Practice* (Columbia University Press, 2002).
4. Philip Alston and Mary Robinson, *Human Rights and Development: Towards Mutual Reinforcement* (Oxford University Press, New York, 2005).
5. Philip Alston, *The United Nations and Human Rights* (Oxford University Press, 1995).
6. Upendra Baxi, *Human Rights in A Post Human World: Critical Essays* (Oxford University Press, 2007).
7. V. S. Mani (Ed.), *Handbook of International Humanitarian Law* (Oxford University Press, 2007).
8. William G. Andrews, *Constitution and Constitutionalism* (D. Van Nostrand Company, Inc., Princeton, New Jersey, 1968).
9. Manoj Kumar Sinha, *International Criminal Law and Human Rights* (Manak Publications, Delhi, 2010).
10. Omprakash Mishra (Ed.), *Forced Migration in South Asia: Displacement, Human Rights, and Conflict Resolution* (Manak Publications, 2004).
11. Simon Bagshaw, *Developing a Normative Framework for the Protection of Internally Displaced Persons* (Transnational Publishers, 2005).
12. Upendra Baxi, *The Future of Human Rights* (Oxford University Press, 2002).
13. B. Hydervali, "The Jurisprudence of Human Rights," XXX (4) *Indian Bar Review* 25 (2003).
14. Harsh Sethi, "Technology and Human Rights," *Social Action* 39-45 (1990).

15. Honey Kern, "An End to Intolerance: Exploring the Holocaust and Genocide," 91 *The English Journal* 1100-103 (2001).
16. M. Chandrasekharan, "Human Rights and Biotechnology in the 21st Century," *CULR* 2000.
17. M. K. Bhandar, "Role of Information Technology in the Protection of Human Rights," *MDU Law Journal* 223 (2001).
18. Subhash C. Singh, "INL Bioethics & Human Rights," *JILI* 201 (2009).
19. Sumbul Rizvi, "International Dimensions of Refugee Law," *ISIL Yearbook of International Humanitarian and Refugee Law* 103-15 (2004).
20. Bhaskar Rao, "Refugee Law vis-a-vis International Humanitarian Law," *ISIL Yearbook of INL, HRL and Refugee Law* 215-21 (2005).
21. Lindsay Moir, "The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949," Vol. 47 *International and Comparative Law Quarterly* 337-361 (1998).
22. Robert Kolb, "The Relationship Between International Humanitarian Law and Human Rights Law - A Brief History of the 1948 Universal Declaration of Human Rights and the 1949 Geneva Conventions," *International Review of the Red Cross* 409-20 (1998).
23. Sumbul Rizvi, "International Dimensions of Refugee Law," *ISIL Yearbook of International Humanitarian and Refugee Law* 103-15 (2004).
24. Thomas Graditzky, "Individual Criminal Responsibility for Violations of International Humanitarian Law Committed in Non-International Armed Conflicts," No. 322 *International Review of the Red Cross* 29-56 (1998).
25. Toni Pfanner, "The Establishment of a Permanent International Criminal Court - ICRC Expectations of the Rome Diplomatic Conference," No. 322 *International Review of the Red Cross* 21-28 (1998).

HUMAN RIGHTS- INDIAN PERSPECTIVES

Course Outcome: -

- To understand the constitutional provisions and legal frameworks safeguarding human rights in India.
- To evaluate the role of judiciary and statutory bodies like the National Human Rights Commission in promoting human rights.
- To analyze contemporary issues such as gender justice, caste discrimination, and minority rights in the Indian context.
- To explore the intersection of human rights with development, governance, and social justice in India.

Unit- I

- 1.1 Conceptual dimensions of Human Rights in India
- 1.2 Issues of Human Rights in India,
- 1.3 Social, Economic, Political and Cultural Rights

Unit- II

- 2.1 Constitutional Recognition and Enforcement of Human Rights in India
- 2.2 Inter- relation between Fundamental Rights and Directive Principles of State Policy.

Unit- III

- 3.1 Protection of Human Rights in India
- 3.2 Statutory enforcement of human rights in India
- 3.3 National Human Rights Commission.
- 3.4 State Human Rights Commission
- 3.5 National Commission for Women

Unit- IV

- 4.1 Role of Media
- 4.2 Role of NGO"s in protection of Human Rights
- 4.3 Human Rights of Special Groups in India
- 4.4 Human Rights, Women and Development
- 4.5 Human Rights, Children and Development
- 4.6 Aged and disabled
- 4.7 Scheduled Castes and Scheduled Tribes

4.8 Minorities

Unit- V

- 5.1 Environmental Governance
- 5.2 Various Legislation on Environment
- 5.3 Right to Clean Environment
- 5.4 Right to Development

List of Recommended Books/Suggested Readings

1. Durga Das Basu, *Human Rights in Constitutional Law* (New Delhi: Prentice-Hall of India Pvt. Ltd., 1994).
2. Flavia Agnes, *Law and Gender Inequality* (Oxford University Press, 2001).
3. Jayna Kothari, *The Future of Disability Law in India* (Oxford University Press, Delhi, 2012).
4. L. N. Basu, *Human Rights in Global Perspective* (Avinash Publishers, Jaipur, 2003).
5. Manoj Kumar Sinha, *Implementation of Basic Human Rights* (Manak Publications Pvt. Ltd., New Delhi, 2012).
6. Office of the UN High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles and Responsibilities* (United Nations Publication, 2010).
7. Office of the United Nations High Commissioner for Human Rights, *Good Governance Practices for the Protection of Human Rights* (United Nations, Geneva, 2007).
8. Omprakash Mishra (Ed.), *Forced Migration in South Asia: Displacement, Human Rights, and Conflict Resolution* (Manak Publications, 2004).
9. Paton, *A Textbook of Jurisprudence* (Oxford University Press, 2004).
10. Rebecca J. Cook (Ed.), *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press, 1994).
11. Rebecca Wallace, *International Human Rights: Text and Materials* (Central Law Agency, 2001).
12. S. K. Kapur, *Human Rights under International Law and Indian Law* (Central Law Agency, Allahabad, 2001).
13. Simon Bagshaw, *Developing a Normative Framework for the Protection of Internally Displaced Persons* (Transnational Publishers, 2005).

14. Upendra Baxi, *Future of Human Rights* (Oxford University Press, 2012).
15. Varun Gauri and Daniel Brinks, *Courting Social Justice: Judicial Enforcement of Social and Economic Rights in the Developing World* (Cambridge University Press, 2008).
16. Kara Abramson, "Beyond Consent, Towards Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol," 44 (2) *Harvard International Law Journal* 473 (2003).
17. Anna Gallagher, "Human Rights and the New UN Protocols on Trafficking and Migrant Smuggling: A Preliminary Analysis," 23 *Human Rights Quarterly* 975-1004 (2001).
18. Anthea Elizabeth Roberts, "Traditional and Modern Approach to Customary International Law: A Reconciliation," 95:757 *The American Journal of International Law* 757 (2001).
19. Ashley Tomlynson, "Slavery in India and the False Hope of Universal Jurisdiction," Vol. 18:231 *Tulane Journal of International and Comparative Law* (Winter 2009).
20. Balakrishnan Rajagopal, "Pro-Human Rights but Anti-Poor: A Critical Evaluation of the Indian Supreme Court from a Social Movement Perspective," *Human Rights Review* (April-June 2007).
21. Bhaskar Rao, "Refugee Law vis-a-vis International Humanitarian Law," *ISIL Yearbook of INL, HRL and Refugee Law* 215-21 (2005).
22. C. Raj Kumar, "National Human Rights Institutions: Good Governance Perspectives on Institutionalization of Human Rights," Vol. 19 (2) *American University International Law Review* 259 (2003).
23. Christopher McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," Vol. 19 No. 4 *The European Journal of International Law* 655-724 (2008).
24. Diego Rodrigues Pinzon, "The International Human Rights Status of Elderly Persons," 18 *American University International Law Review* 915-1008 (2003).
25. Gomhe Aldar, "The Principles of Self-determination Make Strange Litigants in International Relations," Vol. 26 *Indian Journal of International Law* 425-47 (1986).
26. Gunnar Beck, "The Idea of Human Rights between Value Pluralism and Conceptual Vagueness," 25 *Penn State International Law Review* 615 (2008).
27. Jens David Ohlin, "Is the Concept of the Person Necessary for Human Rights?" 105 *Colum. Rev.* 209.
28. John O'Manique, "Development, Human Rights and Law," 14(3) *Human Rights*

Quarterly 385 (1992).

29. Jonathan Todres, "Women's Rights and Children's Rights: A Partnership with Benefits for Both," 10 *Cardozo Women's LJ*. 603 (2004).
30. R. Pound, "Fundamental Legal Conceptions," 50 *Harv. L.R.* 572 (1937).
31. Robert S. Gorelick, "Self-determination and the Absurd," Vol. 23 *Indian Journal of International Law* 17-37 (1983).
32. S. Bhatt, "Human Rights: A Perspective from Environmental Law," in A. P. Vijapur and Kumar Suresh (Eds.), *Perspectives on Human Rights* 244-250 (New Delhi: Manak Publications, 1999).
33. Surya Deva, "Public Interest Litigation in India: A Critical Review," 28 (1) *Civil Justice Quarterly* 19-40 (2009).
34. Vijayashri Sripathi, "Human Rights in India - Fifty Years after Independence," 26:93 *Denver Journal of International Law and Policy* (1997).
35. Surya Deva, "Globalization and its Impact on the Realization of Human Rights: Indian Perspective on a Global Canvas" in C. Raj Kumar, K. Chockalingam (Eds.), *Human Rights, Justice and Constitutional Empowerment* 237-263 (OUP, 2003).

CRIMINAL LAW

COMPARITIVE CRIMINAL PROCEDURE

Course Outcome: -

- To understand the structure of Criminal Courts in India;
- To draw a comparative study of the Indian Criminal Jurisprudence with other foreign jurisprudences;
- To understand the Pre-Trial and Trial Procedures in the Courts of Law;

UNIT-I Organization of Courts and Prosecuting Agencies

- 1.1 Hierarchy of Criminal Courts and their jurisdiction.
- 1.2 Nyaya Panchayats in India.
- 1.3 Panchayats in tribal areas.
- 1.4 Organisation of Prosecuting Agencies for prosecuting criminals.
- 1.5 Prosecutors and the Police.
- 1.6 Withdrawal of Prosecution.

UNIT-II Pre-trial Procedure

- 2.1 Arrest and questioning of the accused; Procedure of arrest
- 2.2 The Evidentiary value of statements/articles seized/collected by the police.
- 2.3 Right of accused of legal representation in courts
- 2.4 Roles of the prosecutor and the judicial officer in investigation.

UNIT-III Trial Procedures

- 3.1 The Accusatory System of Trial and The Inquisitorial System.
- 3.2 Role of the judges, the prosecutor and Defence Attorney in the trial.
- 3.3 Forensics and Digital evidence;
- 3.4 New kinds of Evidence (a)DNA, (b) Finger print, (c) Brain mapping, legal status of Narco Analysis etc.
- 3.5 Admissibility and Inadmissibility of Evidence.
- 3.6 Expert Evidence.
- 3.7 Appeal of the Court in awarding appropriate punishment
- 3.8 Plea Bargaining.
- 3.9 Rights of Victims – as per BNSS; Witness Protection - Guidelines for Protection of Vulnerable Witnesses
- 3.10 Legal Aid – public participation in criminal justice.

UNIT-IV Correction and after care services

- 4.1 Institutional correction of the offenders.
- 4.2 General comparison- After-care services in India and France.
- 4.3 The role of the court in correctional programmes in India.
- 4.4 Recidivism and Euthanasia

UNIT-V Preventive Measures in India

- 5.1 Provisions in BNSS
- 5.2 Provisions under Special enactments Police Act
- 5.3 National Investigation Agency Act, 2008 (NIAA) Arms Act etc. ED Act
- 5.4 Directions for criminal prosecution through Public Interest litigation

NOTE: The Paper to be taught with reference, wherever necessary, to procedures in India, UK, US, France, Russia & China;

List of Recommended Books/Suggested Readings

- 1 Celia Hampton, *Criminal Procedure*.
- 2 Wilkins and Cross, *Outlines of the Law of Evidence*.
- 3 Archbold, *Pleading, Evidence and Practice in Criminal Cases*.
- 4 Sarkar, *Law of Evidence*.
- 5 K. N. Chandrashekar Pillai (Ed.), *R.V. Kelkar's Outlines of Criminal Procedure* (2000).
- 6 Patrick Devlin, *The Criminal Prosecution in England*.
- 7 *American Series of Foreign Penal Codes: Criminal Procedure Code of People's Republic of China*.
- 8 John N. Ferdico, *Criminal Procedure* (1996) West.
- 9 Sanders & Young, *Criminal Justice* (1994).
- 10 Christina Van Den Wyngaert, *Criminal Procedure Systems in the European Community*.
- 11 Joel Samaha, *Criminal Procedure* (1997) West.
- 12 Criminal Procedure Code, 1973.
- 13 The French Code of Criminal Procedure.
- 14 14th and 41st Reports of Indian Law Commissions
- 15 Witness Protection Scheme 2018

DRUG ADDICTION, NATIONAL SECURITY AND HUMAN RIGHTS

Course Outcome

- To understand the nature and social characteristics of drug, drug user, addiction, victim studies and its related legal implications;
- To understand the various international legal reforms relating to narcotics law;
- To assess the implications of narcotics and drug abuse on the society, national security and human rights;

UNIT-I Introduction

- 1.1 Basic Conceptions: Drugs, Narcotics, Psychotropic Substances
- 1.2 Dependence, Addiction
- 1.3 Crimes Without Victims
- 1.4 Trafficking in Drugs
- 1.5 Primary Drug Abuse
- 1.6 Difference between Traditional Crime and White-Collar Crime
- 1.7 NDPS and White-Collar Crime
- 1.8 Self-Reporting
- 1.9 Victim studies
- 1.10 Problems of Comparative studies

UNIT-II Anagraphic and Social Characteristics of Drug Users

- 2.1 Gender
- 2.2 Age
- 2.3 Religiousness
- 2.4 Single individuals/cohabitation
- 2.5 Social economic level of family
- 2.6 Residence factors (Urban/ Rural)
- 2.7 Educational level
- 2.8 Occupation
- 2.9 Age and first use
- 2.10 Type of drug use
- 2.11 Reasons given as cause of first use
- 2.12 Method of intake

- 2.13 Pattern of use
- 2.14 Average quantity and cost
- 2.15 Consequences on addicts health (Physical/ Psychic)

UNIT-III The International Legal Reforms

- 3.1 Analysis of the background, text and operation of the Single Convention on Narcotics Drugs, 1961, 1972
- 3.2 Analysis of the Convention on Psychotropic Substances, 1971
- 3.3 International collaboration in combating Drug Addiction
- 3.4 The SAARC and South-South Cooperation
- 3.5 Profile of international market for Psychotropic Substances

UNIT-IV National Security and Terrorism

- 4.1 Preventive Detention
- 4.2 Unlawful Activities (Prevention) Act, 1967
- 4.3 National Investigation Agency Act, 2008 (NIAA); National Investigative Agency
- 4.4 Armed Forces (Special Powers) Act, 1958 and Crimes against Humanity

UNIT-V Human Rights Aspects

- 5.1 Deployment of marginalized people as carrier of narcotics
- 5.2 The Problem of Juvenile drug use and Legal approaches
- 5.3 Possibilities of misuse and abuse of investigative prosecutory powers
- 5.4 Bail
- 5.5 Right to Health under Article 21 of the Constitution and NDPS Act
- 5.6 The Role of Community in Combating Drug Addiction and Terrorism Profile of community initiative in inhibition of dependence and addiction (e.g. addiction and aftercare), The role of educational system, medical profession, mass media,
- 5.7 Law Reform Initiative

List of Recommended Books/Suggested Readings

1. H.S. Becker, *Outsider: Studies in the Sociology of Deviance* (1966).
2. J.A. Incard & C.D. Chambers (Eds.), *Drug and the Criminal Justice System* (1974).
3. R. Cocken, *Drug Abuse and Personality in Young Offenders* (1971).
4. G. Edwards Busch (Ed.), *Drug Problems in Britain: A Review of Ten Years* (1981).
5. P. Kondanram and Y.N. Murthy, "Drug Abuse and Crime: A Preliminary Study," *Indian Journal of Criminology* 7, 65-68 (1979).

6. P.R. Rajgopal, *Violence and Response: A Critique of the Indian Criminal System* (1988).
7. United Nations, *Economic and Social Reports of the Commission on Narcotics Drugs*.
8. Social Defence, Research Institute (UNSDRI), *Combating Drug Abuse and Related Crimes* (Rome, July 1984, Publication No. 21).
9. Lok Sabha and Rajya Sabha Debates on the 1986 Bill on Psychotropic Substances.

Useful Journals in This Area:

- 1 The Law and Society Review (USA)
- 2 Journal of Drug Issues (Tallahassee, Florida)
- 3 International Journal of Addictions (New York)
- 4 British Journal of Criminology
- 5 Journal of Criminal Law, Criminology, and Police Science (Baltimore, Md.)
- 6 Journal of Criminal Law and Criminology (Chicago, Ill.)
- 7 International Journal of Offender Therapy and Comparative Criminology (London)
- 8 Bulletin on Narcotics (United Nations)

JUVENILE JUSTICE AND LAW RELATING TO WOMEN

Course Outcome

- To understand the theories of origin, evolution and practice of the concept of Juvenile under the Indian penal system;
- To analyze the various legislative provisions addressing the challenge of juvenile crimes, The Bharatiya Nyaya Samhita, 2023;
- To assess and analyze the various legislations and provisions relating to women welfare and representation and its judicial perspectives;

UNIT-I Introduction

- 1.1 The conception of Child in Indian Constitution and The Bharatiya Nyaya Samhita, 2023
- 1.2 International Conventions relating to Rights of Children
- 1.3 The Overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- 1.4 Determining Factors of Juvenile Delinquency
- 1.5 Differential association
- 1.6 Anomie
- 1.7 Economic Pressure
- 1.8 Peer Group Influence
- 1.9 Gang Sub Culture
- 1.10 Class differentials

UNIT-II Legislative Approaches

- 2.1 Legislative approaches during the late colonial era.
- 2.2 History of Juvenile Justice Legislations in India: The Children Act, 1960 and legislative position in various states
- 2.3 The Juvenile Justice Act, 2000
- 2.4 The Juvenile Justice (Care and Protection of Children) Act, 2015: major changes
- 2.5 The Bharatiya Nyaya Samhita, 2023;
- 2.6 Distinction between Child in Need of Care and Protection” and Child in Conflict with Law”
- 2.7 Competent authorities
- 2.8 Procedural safeguards for children under the Juvenile Justice (Care and Protection of Children) Act, 2015, The Bharatiya Nyaya Samhita, 2023
- 2.9 Powers given to government

2.10 De-Institutionalization as envisaged under the Act

UNIT III Laws relating to Women

3.1 Human Trafficking

3.2 Domestic Violence

3.3 Sexual Offences: BNS, 2023 and POCSO Act, 2012

3.4 Sexual Harassment at Work Place

3.5 Dowry Prohibition

3.6 Sex determination

3.7 Relevant Provisions of the Information Technology Act, 2000

UNIT-IV Implementation and Preventive Strategies

4.1 Preventive Strategies relating to juvenile justice

4.2 State welfare programmes: health, nutrition ICDS, grants in aid

4.3 Compulsory education

4.4 Role of community, family, voluntary, bodies, individuals

4.5 The role of Law Enforcement Authority in protection of women

UNIT-V Judicial Contribution

5.1 Social action litigation concerning juvenile justice and justice to women

5.2 Salient Judicial decisions

5.3 Role of legal profession

List of Recommended Books/Suggested Readings

- 1 National Institute of Social Defense, *Model Rules under the Juvenile Justice Act, 1986*.
- 2 K.S. Shukla, *Adolescent Offender* (1985).
- 3 United Nations, *Beijing Rules on Treatment of Young Offenders* (1985).
- 4 Myron Weiner, *The Child and the State in India* (1990).
- 5 *The United Nations Declaration on the Rights of the Child*.
- 6 UNICEF, *Periodic Materials*.
- 7 Law Commission of India, *64th Report on the Suppression of Immoral Traffic in Women and Girls Act, 1956* (1975).
- 8 Law Commission of India, *84th Report on Rape and Allied Offences: Some Questions of Substantive Law, Procedure, and Evidence* (1980).
- 9 Law Commission of India, *146th Report on Sale of Women and Children* (1993).
- 10 Law Commission of India, *172nd Report on Review of Rape Laws* (2000).
- 11 Law Commission of India, *202nd Report on Proposal to Amend (B.N.S.S)*.

SOCIO ECONOMIC CRIMES: ORIGIN AND DEVELOPMENT

Course Outcome:-

- To understand the concept of deviance and its theories
- To know the diverse forms of deviance and its related intricacies (Official Deviance, Police Deviance, Professional Deviance etc.)
- To analyze the effectiveness of existing Indian legal provisions towards mitigating the problem of deviance

UNIT-I Introduction

- 1.1 Concept of white-collar crimes and socio-economic crimes
- 1.2 Privileged class deviance in India and types
- 1.3 Official deviance- deviance by legislators, judges, bureaucrats
- 1.4 Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
- 1.5 Trade Union deviance and deviance relating to teachers, lawyers, urban property owners
- 1.6 Land lord deviance and class/caste-based deviance
- 1.7 Police deviance
- 1.8 Deviance on electoral process-rigging, booth capturing, impersonation, corrupt practices
- 1.9 Gender based aggression by socially, economically and politically powerful.
- 1.10 Political Deviance

UNIT-II Official Deviance

- 2.1 Conception of Official deviance-permissible limit of discretionary powers
- 2.2 The Chambal valley dacoit Vinoba Mission and jai Prakash Narain Mission 1959 and 1971.
- 2.3 The Chagla Commission Report on LIC-Mundhra Affair
- 2.4 The Das Commission Report on Pratap Singh Kairon
- 2.5 The Grover Commission Report on Dev Raj Urs
- 2.6 The Maruti Commission Report
- 2.7 The Ibakkar-Natarajan Commission Report on Fairfax
- 2.8 Judges Accountability in India
- 2.9 Laws relating to Judges Accountability and Public Response
- 2.10 Disclosure of property by judges

UNIT-III Police deviance

- 3.1 Legal restraint on police powers in India
- 3.2 Unconstitutionality of “third degree” method and use of fatal force by police
- 3.3 “Encounter Killings”; Police atrocities and the plea of surrender orders
- 3.4 Gender based aggression by police and para military forces
- 3.5 Reform suggestions especially by the National Police Commissions

UNIT-IV Professional Deviance

- 4.1 Unethical practices at the Indian Bar
- 4.2 The Lentin Commission Report
- 4.3 The Press Council on Unprofessional and Unethical Journalism
- 4.4 Medical malpractice

UNIT-V Response of Indian Legal Order to the Deviance of Privileged Classes

- 5.1 Vigilance Commission
- 5.2 Public Accounts Committee
- 5.3 Ombudsman
- 5.4 Commissions of Enquiry
- 5.5 Food Safety and Standards Act, 2006
- 5.6 Prevention of Corruption Act, 1988
- 5.7 Prevention of Money Laundering Act, 2002

List of Recommended Books/Suggested Readings

1. Upendra Baxi, *The Crises of the Indian Legal System* (1982) Vikas Publishing House, New Delhi.
2. Upendra Baxi (ed), *Law and Poverty: Essays* (1988).
3. Upendra Baxi, *Liberty and Corruption: The Antulay Case and Beyond* (1989).
4. Surendranath Dwevedi and G.S. Bhargava, *Political Corruption in India*.
5. A.R. Desai (ed), *Violation of Democratic Rights in India* (1986).
6. A.G. Noorani, *Minister's Misconduct* (1974).
7. B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in *The Other Side of Development* 136 (1987: K.S. Shukla ed.).
8. Indira Rotherm, "Patterns of Trade Union Leadership in Dhananabad Coal Fields" 23 J.I.L.I. 522 (1981).

CRIME AND JUSTICE: PENOLOGY AND TREATMENT OF OFFENDERS

Course Outcome: -

- To understand the Kinds and Theories of Crime;
- To know about the working of the penal mechanism in India;
- To analyze the intricacies of Sentencing Policy in light of Indian Jurisprudence;

UNIT-I Introduction

- 1.1 Introduction: Definitions, Kinds of crimes, cybercrimes, information technology
- 1.2 Theories of Punishment:
- 1.3 Retribution
- 1.4 Utilitarian prevention: Deterrence
- 1.5 Utilitarian Intimidation
- 1.6 Behavioral Prevention: Incapacitation
- 1.7 Behavioral prevention; Rehabilitation- Expiation
- 1.8 Classical Hindu and Islamic approaches to punishment

UNIT-II Capital Punishment and changes required

- 2.1 Constitutionality of Capital Punishment
- 2.2 Judicial Attitudes towards Capital Punishment in India- An inquiry through the statute law and case law
- 2.3 Law Reform Proposals.

UNIT-III Different Approaches in Sentencing

- 3.1 Alternatives to Imprisonment
- 3.2 Probation
- 3.3 Corrective Labour, Community services
- 3.4 Fines & Collective Fines
- 3.5 Reparation by the offender/by the Court
- 3.6 Imprisonment
- 3.7 Victim Compensation

UNIT-IV Sentencing

- 4.1 Principal types of sentences in the BNS and Special Laws.
- 4.2 Sentencing in white collar crimes.

- 4.3 Pre-sentence hearing
- 4.4 Sentencing for habitual offender
- 4.5 Summary Punishment & Plea-bargaining

UNIT-V Prison Reforms

- 5.1 The Conditions of India's jails today
- 5.2 The disciplinary regime of Indian prisons
- 5.3 Classification of prisoners
- 5.4 Rights of prisoners and duties of custodial staff
- 5.5 Deviance by custodial staff
- 5.6 Open prisons
- 5.7 Judicial Surveillance-basis-development reforms

List of Recommended Books/Suggested Readings

1. S. Chhabra, *The Quantum of Punishment in Criminal Law* (1970).
2. H.L.A. Hart, *Punishment and Responsibility*.
3. Herbert L. Packer, *The Limits of the Criminal Sanction*.
4. Alf Ross, *On Guilt, Responsibility and Punishment*.
 - a. Siddique, *Criminology* (1984) Eastern, Lucknow.
5. Law Commission of India, *Forty-Second Report* Ch.3 (1971).
6. K.S. Shukla, "Sociology of Deviant Behaviour" in *3 ICSSR Survey of Sociology and Social Anthropology 1969-79* (1986).
7. Tapas Kumar Banerjee, *Background to Indian Criminal Law* (1990), R. Campray & Co., Calcutta.
8. Sharon Byrd, "Kant's Theory of Punishment: Deterrence in its Threat; Retribution in its Execution" *Law and Philosophy* 151-200 (1989).
9. Rajeev Kumar, "Rarest of Rare: Theory of Theories," 38(4) *Indian Bar Review* 105-114 (2011 Oct-Dec).
10. Vishwanath Paranjape, "Victims of Crime: A Victimological Approach," 60(1): 41-56p *Indian Police Journal (Prev. Police R&D Journal)* 2013 Jan-Mar 73.

COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

Course Outcome: -

- To understand types of violence;
- To analyze the role of Police and Judiciary in dealing with collective violence;
- To explore the relationship between caste religion and violence;

UNIT-I Introduction

- 1.1 Nations of “force,” “coercion,” “violence”
- 1.2 Distinctions: “Symbolic” violence, “Institutionalized” violence, “Structural” violence
- 1.3 Legal order as a coercive normative order
- 1.4 “Constitutional” and “criminal” speech: Speech as incitement to violence
- 1.5 “Collective political violence” and legal order
- 1.6 Rights of the victims in the Indian criminal justice system
- 1.7 Compensation and assistance to the victims
- 1.8 Collective Violence and Judicial response

UNIT-II Approaches to Violence in India

- 2.1 Religiously sanctioned structural violence: Caste and gender based
- 2.2 Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India
- 2.3 Gandhiji’s approach to non-violence
- 2.4 Discourse on political violence and terrorism during colonial struggle
- 2.5 Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

UNIT-III Agrarian Violence and Repression

- 3.1 The nature and scope of agrarian violence in the 18th-19th centuries India
- 3.2 Colonial legal order as a causative factor of collective political (agrarian) violence
- 3.3 The Telangana struggle and the Legal Order
- 3.4 The Report of the Indian Human Rights Commission on Arwal Massacre
- 3.5 Study of reports pertaining to violence erupting due to agrarian protest in Karnataka

UNIT-IV Violence against the Scheduled Castes and Women

- 4.1 Notion of Atrocities

- 4.2 Incidence of Atrocities
- 4.3 Uses of Criminal Law to combat Atrocities or certain aftermath of Atrocities
- 4.4 Violence against women

UNIT-V Communal Violence

- 5.1 Incidence of courses of “communal” violence
- 5.2 Findings of various commissions of inquiry
- 5.3 The Role of police and para-military systems in dealing with communal violence
- 5.4 Operation of criminal justice system and firing & in relation to communal violence
- 5.5 Legal and judicial approach towards Communal Violence.

List of Recommended Books/Suggested Readings

1. U. Baxi, “Dissent, Development and Violence” in R. Meagher (ed.), *Law and Social Change, Indo-American Reflections*, 92 (1988).
2. U. Baxi (ed.), *Law and Poverty: Critical Essays* (1988).
3. A.R. Desai (ed.), *Peasant Struggles in India* (1979).
4. A.R. Desai, *Agrarian Struggles in India: After Independence* (1986).
5. A.R. Desai, *Violation of Democratic Rights in India* (1986).
6. D.A. Dhangare, *Peasant Movement in India: 1920-1950* (1983).
7. Ranjit Guha, *Elementary Aspects of Peasant Insurgency in Colonial India* (1983).
8. Ranjit Guha (ed.), *Subaltern Studies Vol. 1-6* (1983-1988).
9. T. Honderich, *Violence for Equality* (1980).
10. Mark Juergensmeyer, “The Logic of Religious Violence: The Case of Punjab,” *22 Contributions to Indian Sociology* 65 (1988).
11. Rajni Kothari, *State Against Democracy* (1987).
12. G. Shah, *Ethnic Minorities and Nation-Building: Indian Experience* (1984).
13. K.S. Shukla, “Sociology of Deviant Behaviour,” in *3 ICSSR Survey of Sociology and Social Anthropology 1969-1979* (1986).
14. S. Muralidhan, “Rights of Victims in the Indian Criminal Justice System,” *National Human Rights Commission Journal* (2004).

<p style="text-align: center;">HUMAN RIGHTS (OPEN ELECTIVE FOR STUDENTS OF OTHER DEPARTMENTS)</p>

Course Outcome: -

- To understand the Evolution of Human Rights
- To analyze Constitutional Provisions and evaluate Human Rights Issues
- To examine Institutional Mechanisms and Assess Policy and Legal Responses

Unit-I Concept and Development of Human Rights

- 1.1 Meaning, Scope and Development of Human Rights
- 1.2 U.N. and Human Rights- UNHCR
- 1.3 UDHR 1948, ICCPR, 1966 and ICESCR, 1966
- 1.4 Protection of Human Rights Act, 1993 (NHRC and SHRC)
- 1.5 First, Second and Third Generation Human Rights

Unit-II Human Rights and Constitution of India

- 2.1 Human Rights and Constitutional Values: Democracy and Rule of Law
- 2.2 Human Rights and Fundamental Rights
- 2.3 Human Rights and Directive Principles of State Policy
- 2.4 Legislative Power of State – International Treaties and Covenant
- 2.5 Human Rights Violation- Constitutional and Statutory Remedies

Unit-III Human Rights and Environmental Law

- 3.1 Environmental pollution, its effect on life, water air, andland
- 3.2 Environment (Protection) Act, 1986 and National Environmental Policy 2006
- 3.3 Preservation of Natural Resources and Sustainable Development
- 3.4 International conventions on protection of Environment, NGOs and Civil Society Organization
- 3.5 Judicial Review: PIL and Environment

Unit-IV Human Rights and the Labour Law

- 4.1 Human Rights- ILO and Development of Labour Law Jurisprudence
- 4.2 Constitutional and Statutory rights of Labour
- 4.3 Human Rights and Unorganized Labour
- 4.4 Human Rights and Contract Labour

4.5 Human Rights and Agriculture Labour

Unit-V Human Rights and Vulnerable Groups

- 5.1 Human Rights and Women
- 5.2 Human Rights and Children
- 5.3 Human Rights and Disabled Persons
- 5.4 Human Rights and Minorities and Indigenous Persons
- 5.5 Human Rights and Refugees, Migrants, Displaced Persons

List of Recommended Books/Suggested Readings

1. Durga Das Basu, *Human Rights in Constitutional Law*, Prentice-Hall of India Pvt. Ltd., New Delhi.
2. A.G. Noorani (South Asia Human Rights Documentation Centre), *Challenges to Civil Rights Guarantees in India*, Oxford University Press, 2012.
3. Upendra Baxi, *Future of Human Rights*, Oxford University Press, 2012.
4. Jayna Kothari, *The Future of Disability Law in India*, Oxford University Press, 2012.
5. Kailas Thakur, *Environmental Protection: Law and Policy in India*, Deep and Deep Publication, New Delhi.
6. P. Leelakrishnan (2005), *Environmental Law in India*, New Delhi: Lexis Nexis Butterworths.
7. S. Shanthakumar (2007), *Introduction to Environmental Law*, New Delhi: Wadhwa and Company.
8. Meenu Paul, *Labour and Industrial Law*, Allahabad Law Agency, Faridabad, 2003.
9. V.G. Goswami, *Labour and Industrial Laws*, Central Law Publications, Allahabad, 2011.
10. N. Dasharath, *Vision for Social Justice*, Prof. V.B. Coutinho Trust (Regd.), 2009.
11. Srivatsava, *Agricultural Labour*, Deep and Deep Publication.