

**Regulations Governing One Year Post-Graduate  
Degree Programme in Law (LL.M- Semester  
Scheme) under Choice Based Credit System (CBCS)  
2014**

University Law College and P.G.Department of Studies and  
Research in Law

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**Bangalore University**

## **Regulations Governing One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme) under Choice Based Credit System (CBCS) 2014**

### **1. Preamble**

**1.1.** Introduction of **One Year LL.M Degree Programme** like in all developed countries is one of the measures suggested by the round table on legal education set up by the Ministry of Human Resource Department, Government of India, in order to restructure and revamp legal education system in the country. On the direction of the MHRD, the University Grants Commission has appointed an Expert Committee in 2010 to examine the said suggestion and the committee on examination, recommended introduction of the **One Year LL.M Degree Programme** and also formulated guidelines for the purpose. The UGC has approved the proposal and formally issued the guidelines in order to facilitate Universities fulfilling the conditions laid down therein to prepare them to introduce the Programme from 2012-13.

**1.2.** University Law College and P.G. Department of Studies and Research in Law, Bangalore University, Bangalore being a premier institution in the country in the field of legal research and higher

education in law cannot afford to lag behind in implementing any policy measure aimed at achieving academic excellence. Therefore, a decision was taken to restructure the existing 2 Year LL.M Programme into **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** with necessary changes in the title and contents of the syllabus as per the UGC Guidelines vide D.O.No.5-1/99(CPP-II), January 2013. Keeping in view the provisions in the UGC guidelines, present Regulations has been formulated to govern the teaching, research, admission and conduct of examinations for the purpose of awarding One Year LL.M Degree in the five branch of specializations. As per the decision, it is proposed to incorporate a comprehensive and competitive mix of law subjects, seminars, dynamic learning opportunities and special events promoting dialogue and interaction with prominent legal and other personalities. The following specializations will be offered from the academic year 2014-15:

- 1. Constitutional and Administrative Law**
- 2. Corporate and Commercial Law**
- 3. Labour and Employment Law**
- 4. Human Rights and Environmental Law**
- 5. Criminal Law**

## **2. Definitions:**

**2.1. Academic Year** is a period of nearly 12 months devoted to completion of requirements specified in the Scheme of Teaching and the related examinations.

**2.2. CBCS** means Choice Based Credit System.

**2.3 Chairman** means Chairman of P.G.Department of Studies and Research in Law, Bangalore University, Bangalore.

**2.4. Compulsory Courses** means certain fundamental papers which every student admitted to the Programme, irrespective of the branch of specialization, shall successfully complete to receive the Post Graduate Degree in Law and which cannot be substituted by any other course.

**2.5. Course** means a component of the academic programme known as subject or paper.

**2.6. Credit** means the unit by which the course work is measured. Each course carries a prescribed number of credits.

**2.7 Department** means P.G. Department of Studies and Research in Law, Bangalore University, Bangalore.

**2.8. External Examiner** shall mean an examiner who is not in the employment of Bangalore University.

**2.9. Foreign Student** shall mean a student who is not an Indian citizen.

**2.10. Grade** is an index to indicate the performance of a student in the selected course. These Grades are arrived at by converting marks scored in each course by the candidate after completing his/her Internal Assessment and Semester-end Examinations. These grades are awarded for each subject after conversion of the marks and after completion of the examinations in each semester.

**2.11. Grade Value (GV)** refers to an indication of the performance of the student in a given semester. GV is the weighted average of all Grades a student gets in a given semester. The GV depends on the number of subjects a student takes and the grades awarded to him /her for each of the subjects so chosen.

**2.12. Open Electives** means a course offered by the Department for the students of other Departments of Bangalore University, Bangalore.

**2.13. Principal** means Principal of University Law College, Bangalore University, Bangalore.

**2.14. Semester System** means a programme wherein each academic year is apportioned into two semesters. Each semester will be referred to as a term of 16 weeks including teaching and research but excludes admission and conduct of examinations.

**2.15. Specialization Papers** means the papers other than the compulsory papers that a student shall study in the Department.

## **3. Admission**

**3.1.** The Department shall conduct Admission Test for the purpose of admission to **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)**. The test shall be conducted with the objective of testing the aptitude for teaching/research, legal reasoning and comprehension/basic knowledge. Syllabus for the entrance test shall be as published from time to time and the pattern for the entrance test shall be MCQ (Multiple Choice Questions).

3.2. No candidate shall be eligible for appearing in the Admission Test and to seek admission to **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** unless he/she has passed with not less than 50% marks [5% relaxation for SC/ST, Category I and differently abled candidates] in the aggregate of 3yrs/5yrs LL.B degree examination conducted by Bangalore University or any other University recognised by UGC leading to the award of LL.B Degree.

3.3. Merit List of the candidates for the purpose of admission to **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** shall be based on the criteria of assessment for selection of candidates as specified below:

Sl.No	Components	Weightage (max marks) in %
1	50% of the marks secured by the candidate in All India Admission Test	50
2	50% of the Marks obtained in LL.B Degree 3/5 Years (Aggregate)	50
3	Total	100

3.4. The number of candidates to be admitted to the **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** shall be 08 (Regular Seats) and 2 (Payment Seats) in each branch of specialization.

3.5. The admission of the candidates shall be based on merit cum reservation policy of the State Government/Rules of Bangalore University issued from time to time.

3.6. No student shall be permitted to pursue any other course of study, be in employment or take up practice during the period of study of **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)**.

3.7. A foreign student from other than English speaking countries seeking admission to **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** shall have completed the TOEFEL or other equivalent exam apart from fulfilling the minimum eligibility conditions. However, he/she shall be exempted from the admission test.

#### 4. Duration of the Programme and Contact Hours

4.1. The duration of the Programme shall be One Year consisting of 2 Semesters.

4.2. Each of the semesters shall be of a working duration of 16 weeks excluding the time required for conducting the semester-end examinations. There shall be a minimum of 30 contact hours in each week including class room teaching, library work, seminars and research.

4.3. There shall be 6 contact hours of class-room teaching and two hours of tutorials/Clinical teaching in each week for a paper of 3 Credits and 4 contact hours of class-room teaching and two hours of tutorials/Clinical Teaching in each week for a paper of 2 Credits. 2 hours of class room teaching per week is equivalent to 1 Credit.

4.4. The Duration of the Semesters shall be as follows:

**Semester-I** shall be for a period of 16 weeks starting from August.

**Semester-II** shall be for a period of 16 weeks starting from January.

4.5. The Term and Vacations shall be as notified by the University from time to time.

#### 5. Course Structure and Credits

**One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** shall have a total of 26 credits with the following components:

- There shall be 3 compulsory papers of 3 credits each.
- There shall be 6 papers in each branch of specialization of two credits each.
- Dissertation shall have 5 credits.

#### 6. Medium of Instruction

The Medium of Instruction and Examination shall be English.

#### 7. Attendance

7.1. Each semester shall be taken as a unit for the purpose of calculating the attendance.

7.2. Every student shall attend a minimum of 75% of classes held in every subject including the specialization and the compulsory papers and shall complete the assignments, practicals as prescribed by the Department from time to time during the semester. A student failing to put in the minimum required attendance in the semester shall be ineligible to appear/write the semester-end examinations.

7.3. A student who is ineligible to appear/write the semester-end examinations owing to shortage of attendance, if desirous of completing the course, shall take re-admission to the respective semester and thereafter appear for examination after fulfilling the minimum attendance with the approval of the Bangalore University, Bangalore.

## 8. Dissertation

8.1. Students appearing for the **One Year Post-Graduate Degree Programme in Law (LL.M-Semester Scheme)** Examination shall submit a Dissertation prepared under the guidance of a Research Supervisor.

8.2. All permanent members of the faculty of the Department and other teachers approved by the Departmental Council shall be eligible to be a Research Supervisor.

8.3. The student shall select the topic for Dissertation in consultation with the Research Supervisor and submit the topic along with the research proposal for the approval of the Principal/Chairman.

8.4. The Dissertation shall be submitted to the University fifteen days prior to the date of commencement of the second semester examination through the Principal/Chairman of the Department.

8.5. The Dissertation shall be between 125-150 type written pages on A4 size papers with 1.5 line spacing, 12 Font size for the body of the text and 10 Font size for the footnotes in Times New Roman and submitted in 3 copies.

## 9. Examination, Evaluation and Revaluation

9.1. Students shall be evaluated for 100 marks in each theory paper.

9.2. Evaluation in each theory paper shall broadly be based on two segments:

- a) Continuous evaluation of the paper by the course teacher.
- b) Evaluation through a semester end examination.

9.3. Semester end examination shall be held for 70 marks in each theory paper. Remaining 30 marks shall be assigned for continuous internal assessment as below:

<b>Continuous Internal Assessment (30 Marks)</b>	
Class Test	10 marks
Seminar	05 marks
Assignment	10 marks
Class Attendance	05 marks

9.4. The semester end examination shall be conducted at the end of the I Semester and II Semester respectively in the subjects taught during the semester. (**Odd with Odd semester and Even with Even semester**).

9.5. The examination fee shall be prescribed by the University from time to time.

9.6. The dissertation shall carry 150 marks for 5 credits out of which 100 marks shall be assigned for written work and the remaining 50 marks shall be for the presentation and viva-voce.

9.7. Every paper shall be evaluated internally and externally for 70 marks in addition to the continuous internal assessment of 30 marks as prescribed above. Dissertation carrying 150 marks shall be evaluated internally and externally with 100 marks for the written work and 50 marks for presentation and viva-voce. However, if there is a difference of more than 20% marks between the internal and external valuation, the theory paper/dissertation shall be referred to a third examiner by the Chairman of the Department/ Chairman, BOE and the marks awarded by the third examiner shall be final.

9.8. The Examination for the **One Year Post-Graduate Degree Programme in Law (LL.M- Semester Scheme)** shall consist of the papers as stated in the content of the Semester Programme.

## 10. Criteria for Passing Courses/Marks and Grade

10.1. A candidate shall be declared to have passed in the examination if he/she has obtained not less than 32 Marks out of 70 Marks and 13 Marks out of 30 Marks in continuous internal assessment and 50% in the aggregate of both the written examination and continuous evaluation *i.e.*, equivalent or more than B Grade in each theory paper.

**10.2.** A candidate who secures 50% or more marks in any paper may be granted exemption from reappearing in that paper.

**10.3.** The percentage of minimum marks for a pass in the Dissertation and Viva Voce will be 50% of the maximum marks *i.e.*, equivalent or more than B Grade.

**10.4.** A candidate who secures pass marks in theory paper but fails in the Dissertation shall be declared to have failed in the examination.

**10.5.** The marks obtained for the dissertation shall be added to the aggregate marks obtained in the papers under the semester scheme.

**10.6.** The candidate who fails in any one or more of the theory papers but passes in the Dissertation need not resubmit the Dissertation.

**10.7.** A candidate who has failed to secure the minimum marks for the dissertation may submit a new or revised dissertation before 15 days of the commencement of LL.M 2<sup>nd</sup> semester examination of the next year.

**10.8.** The Dissertation submitted by the student will become the property of the University and no part thereof shall be published without the prior permission of the University.

**10.9.** The Viva-voce examination will be conducted by a Committee consisting of the Chairman BOE, Principal/Chairman of the P.G.Department and an External Examiner.

### **10.10 Grades and Divisions**

After evaluation, only grades shall be allotted to the students. Grading system shall be as under:

<b>Sl.No</b>	<b>% of marks obtained</b>	<b>Grade</b>	<b>Grade Value</b>
<b>1.</b>	70% & Above	A++	7
<b>2.</b>	65% to 69.75%	A+	6
<b>3.</b>	60% to 64.75%	A	5
<b>4.</b>	55% to 59.75%	B+	4
<b>5.</b>	50% to 54.75%	B	3
<b>6.</b>	Below 50%	F	0 (ZERO)

### **10.11. Revaluation**

There shall be revaluation as per Bangalore University Rules.

### **11. Eligibility for Promotion**

There shall be full carry over system from I Semester to II Semester provided that for promotion from I Semester to II semester, a candidate must have complied with the prescribed requirement of attendance and must have applied for first semester examination by paying the prescribed fees.

### **12. Time Limit for completion of the Course**

Time Limit for completing the Course shall be 3 years from the date of taking admission to first semester LL.M Programme.

### **13. Repeal and Savings**

**13.1.** On and after the commencement of **One Year LL.M Degree Programme Regulations**, the Regulations in force governing Two Year LL.M Programme shall stand repealed.

Provided that such repeal shall not affect the candidates admitted to the Two Year LL.M Programme under earlier regulations and shall continue to be governed by the same.

**13.2.** The University shall issue such orders, instructions, guidelines etc and prescribe such formats, procedures etc as it may deem fit to implement the provisions of **One Year LL.M Degree Programme Regulations**.

**13.3.** In case of any difficulty in the implementation or giving effect to the provisions of **One Year LL.M Degree Programme Regulations**, the Vice-Chancellor may interpret and take such decisions that he or she deems fit and his/her decision shall be final.

**Schedule**  
**Detailed Course Structure**

**1. Constitutional and Administrative Law:**

**1<sup>st</sup> Semester LL.M**

**Compulsory Papers (Total 6 Credits out of which each Paper carries 3 Credits)**

Paper 1. Research Methods and Legal Writing

Paper 2. Comparative Public Law

**Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 3. Fundamental Rights and Directive Principles of State Policy

Paper 4. Local-Self Government and Federal Governance

Paper 5. Mass Media Law

**2<sup>nd</sup> Semester LL.M**

**Compulsory Papers (3 Credits)**

Paper 6. Law and Justice in a Globalizing World

**Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 7. Centre-State Relations and Constitutional Governance

Paper 8. General Principles of Administrative Law

Paper 9. Judicial Review

**Paper 10. Dissertation (5 Credits)**

**2. Corporate and Commercial Law:**

**1<sup>st</sup> Semester LL.M**

**Compulsory Papers (Total 6 Credits out of which each Paper carries 3 Credits)**

Paper 1. Research Methods and Legal Writing

Paper 2. Comparative Public Law

**Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 3. Competition Law  
Paper 4. International Trade Law  
Paper 5. Intellectual Property Law

## **2<sup>nd</sup> Semester LL.M**

### **Compulsory Papers (3 Credits)**

Paper 6. Law and Justice in a Globalizing World

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 7. Banking Law

Paper 8. Corporate Social Responsibility

Paper 9. Cyber Law

### **Paper 10. Dissertation (5 Credits)**

## **14.3. Labour and Employment Law:**

### **1<sup>st</sup> Semester LL.M**

### **Compulsory Papers (Total 6 Credits out of which each Paper carries 3 Credits)**

Paper 1. Research Methods and Legal Writing

Paper 2. Comparative Public Law

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 3. Collective Bargaining

Paper 4. Industrial Adjudication

Paper 5. Law Relating to Civil Servants

### **2<sup>nd</sup> Semester LL.M**

### **Compulsory Papers (3 Credits)**

Paper 6. Law and Justice in a Globalizing World

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 7. Laws relating to Agricultural labour and other forms of Unorganized Workers

Paper 8. Wages

Paper 9. Social Security Law

### **Paper 10. Dissertation (5 Credits)**

## **14.4. Human Rights and Environmental Law:**

### **1<sup>st</sup> Semester LL.M**

### **Compulsory Papers (Total 6 Credits out of which each Paper carries 3 Credits)**

Paper 1. Research Methods and Legal Writing

Paper 2. Comparative Public Law

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**



Paper 3.International Environmental Law

Paper 4.Environmental Laws and Policies in India

Paper 5. Resource Management and the Law

## **2<sup>nd</sup> Semester LL.M**

### **Compulsory Papers (3 Credits)**

Paper 6.Law and Justice in a Globalizing World

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 7.Concept and Historical Development of Human Rights

Paper 8.Human Rights- International Perspectives

Paper 9.Human Rights- Indian Perspectives

### **Paper 10. Dissertation (5 Credits)**

## **14.5. Criminal Law:**

### **1<sup>st</sup> Semester LL.M**

### **Compulsory Papers (Total 6 Credits out of which each Paper carries 3 Credits)**

Paper 1.Research Methods and Legal Writing

Paper 2.Comparative Public Law

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 3.Comparative Criminal Procedure

Paper 4.Drug Addiction, National Security and Human Rights

Paper 5.Juvenile Justice and Law Relating to Women

### **2<sup>nd</sup> Semester LL.M**

### **Compulsory Papers (3 Credits)**

Paper 6.Law and Justice in a Globalizing World

### **Specialization Papers (Total 6 Credits out of which each Paper carries 2 Credits)**

Paper 7.Crime and Justice: Penology and Treatment of Offenders

Paper 8.Socio-Economic Crimes: Origin and Development

Paper 9.Collective Violence and Criminal Justice System

### **Paper 10. Dissertation (5 Credits)**

### **OPEN ELECTIVE UNDER (CBCS): Human Rights (2 Credits)**

# **I Semester**

## **Compulsory Papers**

### **Paper 1. Research Methods and Legal Writing**

#### **Unit – I Basics of Legal Research**

- Meaning, objectives of legal research
- Characteristics of scientific method – applicability of scientific method
- Kinds of Research
- Concepts and constructs- relationship between theory and fact
- Stages of Research Process

#### **Unit - II Research Problem, Hypothesis, Research design, Sampling**

- Research Problem – Definition, Determination, Sources of Data
- Hypothesis – Meaning and definitions, Characteristics, Research Questions and Hypothesis
- Research Design – Meaning and essentials of Research Design, Forms of Research Design, and major steps
- Testing of Hypothesis
- Sampling techniques – definition, basic assumptions, classifications

#### **Unit – III Research methods and tools**

- Social and legal survey
- Case method
- Jurimetrics
- Questionnaire Schedule
- Observation and interview

#### **Unit – IV Tabulation, analysis, interpretation and Reporting**

- Classification and Tabulation of Data
- Analysis and interpretation of Data
- Use of Statistical methods and computers in legal research
- Reporting and Methods of Citations
- Ethics in research

#### **Unit – V Legal Writing**

- Foundations of writing
- Transmittal letter, client opinion letter and e-mail correspondence
- Pleadings
- Office memo
- Memorandum of Law
- Appellate brief

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3. I.L.I, Legal Research and Methodology.
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5. Pauline V.Young, Scientific Social Survey and Research.
6. Morris L.Cohan, Legal Research in Nutshell
7. Carol M Bast, Foundations of Legal Research and Writing

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10. Pauline V. Young, Scientific Social Survey and Research, (1962)
11. Payne, The Art of Asking Questions (1965)
12. S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
13. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company,

## **Paper 2. COMPARATIVE PUBLIC LAW**

### **Unit-I :Public Law-Constitution and Administrative Law**

- Nature of Public Law and its importance in Governance
- Concept of Constitution
- Meaning and Idea of Constitution, Nature and Goals
- Living Constitution
- Constitution as Supreme Law
- Study of Comparative Constitutional Law in India, USA and UK.

### **Unit-II :Constitutionalism**

- Concept, Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism
- Constitutional foundations of powers
- Supremacy of Legislature in Law Making
  - Rule of law
  - Separation of Powers,
  - Independence of Judiciary and Judicial Review

### **Unit-III : Forms of Government**

- Federal and Unitary Forms
- Features, Advantages and Disadvantages
- Models of Federalism and Concept of Quasi-federalism
- Role of Courts in Preserving Federalism
- Distribution of Powers in USA and India
- Parliamentary and Presidential Forms of Government

### **Unit-IV Scope and Importance of Fundamental Rights in Public Law**

- Evolution of Fundamental Rights
- Magna Carta 1215
- Bill of Rights 1689
- Fundamental Rights: Comparative Study in India, USA and U.K.
- Restrictions and Exceptions to Fundamental Rights in India

### **Unit-V Constitutional Review**

- Methods of Constitutional Review
- Concept and Origin of Judicial Review
- Limitations on Judicial Review
- Amendment of Constitution
- Various Methods of Amendment
- Limitations on Amending Power: Comparative Perspective
- Theory of Basic Structure: Origin and Development

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12. S.N Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974).
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2. Anne Smith, “Internationalization and Constitutional Borrowing in Drafting Bills of Rights” 60(4) International and Comparative Law Quarterly 867-894 (2011 October).
3. Bruce Ackerman, “The New Separation of Powers”, 113 (3) Harv. L. Rev. 634-729 (2000)
4. Daryl Levinson and Richard H. Pildes “Separation of Parties, Not Powers” 119(8) Harvard Law Review. 2311-2386 (2006).
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Harvard Law Review 2311-2386 (2006).

6. David Annoussamy, "Who Governs India?" 14 (4) South Asia Politics 18-21 (August 2011).
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9. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) Supreme Court Cases J-13 (September 2012)
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# **I Semester-Specialization Papers**

## **Constitutional and Administrative Law**

### **Paper 3. Fundamental Rights and Directive Principles of State Policy**

#### **Unit -1 Concept of Fundamental Rights**

Evolution of Fundamental Rights

Concept of Fundamental Rights and Relation with Natural Rights

Enforcement of Fundamental Rights

Definition of 'State' - Rights against state

Rights against non-state actors

Is there need to enlarge the definition of State?

#### **Unit -2 Forms of Fundamental Rights**

- Rights to Equality
- Right to Freedom and Right against Exploitation
- Fundamental Freedoms and Right to Information
- Right to Life and Personal Liberty
- Arrest, Preventive Detention and National Security,
- Freedom of Religion and Secularism

#### **Unit –III Fundamental Rights: Limitations, Suspendability and Amendability**

- Limitations on Fundamental Rights
- Exceptions to Fundamental Rights (Arts.31-A, 31-B and Ninth Schedule)
- Suspendability of Fundamental Rights –Effects (44<sup>th</sup> Amendment)
- Remedies against Violation/Threat of Violation of Fundamental Rights
- Effects of Indemnity Granted under Article 34.

#### **Unit-V Directive Principles of State Policy and their Unenforceability**

- Development and Importance of Directive Principles of State Policy and their Unenforceability
- Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights – Use of DPSP and International Instruments in Interpreting FRs.
- Significance and Importance of Fundamental Duties

#### **Unit-V FRS AND DPSP and Judicial Review**

- Judicial Response on FRs and DPSP
- Amendment to FRs and DPSP (*Shankari Prasad to I.R.Coelho's Case*)
- FRs and Judicial Review
- Reasonableness Test and Strict Scrutiny Test
- Rights Test and Essence of Rights Test



## **Selected Bibliography**

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. *SubbaRao 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*

## **Paper 4. Local Self –Government & Federal Governance**

### **Unit-I Local Self-Government**

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

### **Unit -II Local Self-Government and Constitutional Amendment**

- 73rd and 74th Constitutional amendments
- Subject matters of 11<sup>th</sup> and 12<sup>th</sup> Schedule of the Constitution of India
- Constitutional division of power to legislate

### **Unit-III Rural local self government**

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

### **Unit-IV Urban local self government**

- Significance Urban local self government
- organization of Urban local self government
- Urban local self government : powers and functions

### **Unit-V Local Self Government and Sarkaria Commission**

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

### **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, OxfordUniversity press, 2001.
9. J. Manor, "Parties and the Party System", in A. Kohli (ed.) India's Democracy : An Analysis of Changing State-Society Relations, PrincetonNJ, PrincetonUniversity Press, 1988.
10. S. Pai, State Politics : New Dimensions : Party System, Liberalisation and Politics of Identity, Delhi, Shipra, 2000.
11. M. Weiner, PartyBuilding 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

## **Paper 5.Mass Media Law**

### **Unit-I Mass Media- Types of –Press, Films, Radio and Television**

- Ownership patterns-Press-Private-Public
- Ownership patterns-Films-Private
- Ownership patterns-Radio and Television, Public
- Difference between visual and non visual Media- impact on People’s minds.
- **Role of Internet as Mass media**

### **Unit-II Press-Freedom of Speech and Expression-Article 19 (1) (a)**

- Includes Freedom of the Press
- Laws of defamation, obscenity, blasphemy and sedition
- The laws relating to employees wages services conditions
- Price and Page Schedule Regulation
- Newsprint Control Order
- Advertisement is it included within freedom of speech and expression
- Press and the Monopolies and Restrictive Trade Practices Act

### **Unit –III Films-How far included in freedom of speech and expression**

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

### **Unit-IV Radio and Television-Government monopoly-**

- Why Government Department?
- Should there be an autonomous corporation?
- Effect of Television on People
- Report of the Chanda Committee
- Government Policy

- Commercial Advertisement
- Internal scrutiny of services, etc.
- Judicial Review of Doordarshan decisions: Freedom to telecast.

### **Unit-V Constitutional restrictions**

- Radio and television subject to law of defamation and obscenity
- Power to legislate-Article 246 read with the Seventh Schedule.
- Power to impose tax-licensing and license fee.

### **Selected Bibliography**

M.P.Jain Constitutional Law of India (1994) wadhwa

H.M.Seervai, Constitutional Law of India Vol.1 (1991) Tripathi, Bombay.

John B.Howard, “The Social Accountability of Public Enterprises” in Law and Community Controls in New Development Strategies (International Centre for Law in Development 1980)

Bruce Michael Boyd, “Film Censorship in India A Reasonable Restriction on Freedom of Speech and Expression” 114.J.I.L.I.501 (1972)

Rajeev Dhavan “On the Law of the Press in India” “26.J.I.L.I. 288 (1984)

Rajeev Dhavan, “Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission” 26, J.I.L.I 391 (1984)

Soli Sorabjee, Law of Press Censorship in India (1976)

Justice E.S.Venkataramaiah, Freedom of Press: Some Recent Trends (1984)

D.D. Basu, The Law of Press of India (1980)

Students should consult relevant volumes of the Annual Survey of India Law published by the Indian Law Institute. (Constitutional Law I & II, Administrative Law and Public Interest Litigation)

# **I Semester-Specialization Papers**

## **Corporate and Commercial Law**

### **Paper 3. Competition Law**

#### **Unit - I MRTP Act metamorphoses into the Competition Act**

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

#### **Unit –II Competition Act 2002**

- Drawbacks under the MRTP Regime and Need for Competition Act
- Regulatory Authorities under the Competition Act
- Competition Law & Policy: Conceptual Study of Relevant Supreme Court Decisions
- Regulation of Unfair Competition
- Competition Policy and Consumer Protection

#### **Unit –III Competition Policy and IPR**

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

#### **Unit-IV Competition Policy under the EU and USA**

- Regulation of Unfair Competition in UK
- Anti-trust Policy and Unfair Competition in USA
- Doctrine of Exhaustion: under the legal regime of EU, USA and India
- 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**

- International Dimensions of Competition Law Globalization and competition law
- Competition rules of WTO
- International enforcement and Judicial assistance
- Emerging principles of international competition law

#### **Selected Bibliography**

1. Avtar Singh; Competition Law; Eastern Law House, 2012-11-27
2. Competition Law in India; SrinivasanParthsarthy; Wolter Kluwer, 2012
3. Gurbax Singh, Law of Consumer Protection.
4. Indian Competition Law: An International Perspective; Suzanne Rab; CCH - A Wolters Kluwer Business, 2012
5. Law of Monopolistic, Restrictive and Unfair Trade Practices, Wadhwa& Co.

6. Taxmann's Guide to Competition Act.
7. VinodDhall, Competition Law Today, Oxford University Press.

### **Suggested Readings**

1. Alexandra Karmerling RESTRICTIVE CONVENANTS UNDER COMMON AND COMPETITION LAW: LONDON SWEET AND MAXWELL 2007 .
2. Alphen aan den Rijn, The reform of EC competition law : new challenges
3. Competition Law and Cartels ICFAI University,
4. Competition Law-Emerging Trends: ICFAI University
5. D P Mittal, Competition Law and Practice :NewdelhiTaxmanns Allied Services 2008 .
6. Dabbah, Maher M,.EC and UK competition law : commentary, cases, and materials /Cambridge, UK
7. Dugar,S.M ,Guide to Competition Law : Containing commentary on Competition Act, MRTP Act & Consumer Protection Act LexiNexisButterworthsWadhwa Nagpur, 2010
8. Haracoglou, Irina, Competition law and patents : a follow-on innovation perspective in the biopharmaceutical industry Cheltenham, UK ;
9. Martin Smith ,Competition Law-Enforcement and Procedure, Oxford University Press 2001.
10. Rodger, Barry J. Competition law and policy in the EC and UK London : Cavendish, 1999
11. Rodriguez, A. EThe limits of competition policy : the shortcomings of antitrust in developing and reforming economies Aspen Pub, 2010
12. T Ramapp, Competition Law in India: Policy, Issues, and Developments, New Delhi Oxford University Press 2006.
13. Telecommunications, Broadcasting and the Internet EU Competition Law and Regulation London : Thomson Reuters Limited,
14. Van Der Jones Woude, EcCompetition Law Handbook, Lib LONDON SWEET AND MAXWELL
15. Whish, Richard ,Competition law, Oxford University Press, 2009 .
16. Yang-Ching Chao , INTERNATIONAL AND COMPARATIVE COMPETITION LAW AND POLICIES INDIA KLUWER LAW INTERNATIONAL 2008

## **Paper 4. International Trade Law**

### **Unit –I The World Trade Organization**

- Economic Theories of free trade: Doctrine of absolute advantage and the doctrine of comparative advantage and their modern versions. Historical evolution culminating in the establishment of the GATT, 1947 and evolution of the GATT as an international institution. Establishment of the WTO.
- WTO as an international institution - Framework agreement and the accession of members. Structure and function of the WTO. Evolution of the dispute settlement mechanism and the Dispute settlement Understanding. Trade Review Mechanism.
- The GATT and Trade in Goods- Most favoured nation treatment and the principle of national treatment. Quantitative Restrictions. State trading Enterprises, General and Security Exceptions.
- Trade Remedies-Anti-dumping duties. Countervailing duties. Safeguard Measures.
- Customs Unions and Free Trade Areas. GATT and Regional Trade Agreements. Proliferation of Preferential Trade Agreements. India and Preferential trade Agreements.

## **Unit –II World Trade Organization**

- Agreement on Technical Barriers to Trade Sanitary and Phytosanitary Agreement. WTO jurisprudence on TBT and SPS Agreements. WTO and environment protection. Application of precautionary principle.
- 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-Related Aspects of Intellectual Property Rights (TRIPs) - IPRs covered by TRIPs. Rights of patentees under the TRIPs. Compulsory licensing. Public health and the TRIPs. Indian response to the TRIPs.
- Agreement on Agriculture. Agriculture under the GATT and the WTO. Tariffication, domestic support and export subsidies. Food security and the WTO..Agriculture under the Doha Round.
- WTO in 21<sup>st</sup>century, Doha development round; WTO social clauses, reform proposals

## **Unit –III Transnational transactions and resolution**

- Transnational Commercial Laws: Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant. Sources of Transnational Commercial Law. Movement towards unification of national commercial laws. UNIDROIT and UNCITRAL.
- International Carriages. Carriage of goods by sea. Carriage by air. Multimodal transportation.
- International Sales. Concept of proper law of contract and its application. Vienna Convention on contract for international sale of goods.
- International Payments. The role of International Chamber of Commerce in the development of Transnational Commercial Laws. Uniform Customs and Practices on Documentary Credits.
- International Commercial Arbitration. 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**

- Law and Policy of Export-Import Trade in India -Indian Trade Policy. State control over international trade. Export-Import Act,1947. Various types of import licences. WTO Agreement on Import Licensing.
- Liberalization. Liberalization of trade policy in the nineties. Foreign Trade (Development and Regulation) Act, 1992. Foreign Exchange Management Act,1999. Special Economic Zones. The legal framework. The practice.
- Law relating to Customs. The Customs Act. The Customs Tariff Act. The Export-Import Policy.

## **Unit –V Foreign Investment in India**

- The Industries(Development and Regulation) Act and its application. Liberalization in the nineties. Foreign Investment Promotion Board. Current issues relating to foreign direct investment.

## References

1. BhagirathLal Das The W T O:a guide to 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, 3/edn.
4. Indira Carr International trade law
5. Michael K Levine Inside international trade policy formulation
6. Rao M B WTO & international trade, 2/edn

## Paper 5. Intellectual Property Law

### Unit 1. International regime of Intellectual Property Rights

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

### Unit 2. Law of Copyright and Design

#### 2.1. Copyright

- Meaning, Nature, Justification, Registration
- History and International Treaties
- Idea/expression Dichotomy; Copyright in Concept Notes
- Moral Rights
- Rights of Performers, Rights of Broadcasting Organizations etc.,
- Modes of Transfer
- Infringement: Civil and Criminal Remedies
- Border Protection Measures
- Fair Dealing
- Copyright in Database, Software and Digital Works
- Folklore and Cultural Expressions

#### 2.2. Industrial Design and Layout Designs of Integrated Circuit

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

### Unit 3. Law of Patent and Undisclosed Information

#### 3.1 Patent

- Scope, Objectives and Justification
- History and International Treaties
- Patentability Criteria

- Patentable and Non- patentable inventions
- Registration, Ownership, Rights of Patentee, Transfer of technology
- Working of Patents and Compulsory licensing
- Infringement
- Impact of TRIPs and TRIPs Flexibilities
- Pharma patents *vis a vis* Public Health Issues
- Patent vis-à-vis Copyright: Software and Computer Programmes
- Utility Patent

### **3.2. Undisclosed Information**

- Rationale and Subject matter of Confidential Information
- TRIPS Regime
- Trade Secrets v. other forms of protection
- Techniques of Secrecy Protection ( India and International level)

## **Unit 4. Law of Trademark, Geographical Indication and Sui Generis Protection**

### **4.1. Trademark**

- Justification, History, and International Treaties
- Registration (India and International level) and Scope of Protection
- Kinds : Conventional and Non-conventional
- Licensing and Assignments
- Passing off, Infringement and Remedies
- Character Merchandising
- Comparative Advertisement and Disparagement
- Interplay of Unfair Competition and Trademark Law

### **4.2. Geographical Indication**

- National and International Perspective
- Meaning, Nature and Justification
- Geographical Indication v. other forms of IPRs
- Registration, Infringement and remedies
- TRIPS and Concerns for developing countries

### **4.3. Sui Generis System of Intellectual Property Protection**

- TRIPS, International Institutions and Treaties
- Different *sui generis* approaches
- Advantages and options for developing countries
- Role of Intergovernmental Committee on Intellectual Property and Genetic Resources,
- Traditional Knowledge and Folklore
- *Sui generic* protection for plant and genetic resources
- Protection of new varieties of plants, UPOV; Protection of Plant Varieties and Farmers Rights Act, 2001
- Protection of Traditional Knowledge and Indigenous Knowledge
- Concepts of benefit sharing, prior informed consent etc.; Biological Diversity Act, 2002
- Administration and Enforcement of *sui generis* rights



## Unit 5. Intellectual Property in the Digital Age

- Impact of internet: Issues for Developing Countries
- WIPO Digital Agenda : WCT and WPPT
- Protection of Trademark: Use of trademarks as Meta tags, Domain name dispute resolution
- Protection of Copyright: Liability of ISPs, Rights of Performers and Digital Broadcasters, Licensing and Rights Management

### Selected Bibliography

1. AlkaChawla, *Copyright and Related Rights: National and International Perspectives* (Macmillan India Ltd., Delhi, 2007).
2. AshwaniBansal, *Law of Trade Marks in India with introduction to Intellectual Property Laws* (Institute of Constitutional and Parliamentary Studies, New Delhi, 2009)
3. Carlos M.Correa (ed), *Intellectual Property and International Trade* (1998) Kluwer
4. ChrstopherWadlow, *the Law of Passing off* (1998), Sweet and Maxwell
5. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
6. David Bainbridge, *Intellectual Property* (Pearson Education, Delhi, 2003).
7. David Bainbridge, *Software Copyright Law* (1999), Butterworths
8. Elizabeth Verkey, *Law of Patent* (Eastern Book Company, Lucknow, 2005).
9. Holyoak&Torreman ,*Intellectual Property Law* (Oxford University Press, New York, 2010).
10. International Copyright and Neighbourig Rights; Stephen M. Steward (Londong.1983)
11. Iver P. Cooper, *Biotechnology and Law* (1998), Clerk Boardman Callaghan, New York.
12. J. K. Das, *Intellectual Property Law* (Kamal Law House, Kolkata, 2008).
13. J. S. Sarkar, *Trademarks- Law and Practice*, 1997.
14. J.A.L.Sterling, *World Copyright Law* (Sweet & Maxwell, London, 2009).
15. Janice M.Mueller, *Patent Law* (Wolters Kluwer Law & Business, New York, 2009).
16. JayantiBagachi , *World Trade organization; an Indian Perspective*(2000).
17. Jeremy Philips and Alison Firth, *Introduction to Intellectual Property Law* (LexisNexis, Butterworths, UK, 2001).
18. Kailasam and Vedaraman, *Law of Trade Marks and Geographical Indications* (Wadhwa, Nagpur, 2009).
19. Latha R Nair &Rajendra Kumar, *Geographical Indications: A Search for Identity* (Lexis Nexis, New Delhi, 2005).
20. Lionel Bentley and Brad Sherman, *Intellectual Property Law* (Oxford University Press, New Delhi, 2003).
21. Mira T. SundaraRanjan, *Moral Rights* (Oxford University Press, New Delhi, 2011).
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* (Cambridge University Press, New York, 2007).
26. Richard Arnold, *Performers' Rights* (Sweet & Maxwell, London, 2004).
27. ShailajaMenon, *Protection of IP in Cyber Space*(Author Press, Delhi, 2003).
28. Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep
29. Sookman, *Computer Law* (1998), Carswell
30. SrikanthVenkataraman, *Understanding Design Law* (Universal Law Publishing Co. Pvt. Ltd, New Delhi, 2008).

31. Steven D. Ander man (ed.), *The Interface between Intellectual Property Rights and Competition*
32. Tanya Aplin & Jennifer Davis, *Intellectual Property Rights Law* (Oxford University Press, New York, 2009).
33. Terence 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* (Lexis Nexis, Butterworths, Wadhwa, Nagpur, 2009)
35. W. R. Cornish, *Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights* (Universal Law Publishing Co. Pvt. Ltd, Delhi, 1999).

# **I Semester-Specialization Papers**

## **Labour and Employment Law**

### **Paper 3. Collective Bargaining**

#### **Unit –I Freedom of Association and Concept of Collective Bargaining**

- Comparative study of Freedom of Association
- ILO response to Freedom of Association.
- Relationship between Freedom of Association and Collective Bargaining.
- Judicial Response to Freedom of Association.
- Legal Concept of Collective Bargaining.
- Historical Background of Collective Bargaining in India.
- Pre-requisites of Collective Bargaining.
- Advantages and Disadvantages of Collective Bargaining.
- Judicial Response to Collective Bargaining.
- Collective Bargaining V/S Industrial Adjudication.
- Contribution of 1<sup>st</sup> and 2<sup>nd</sup> National Commission on Labour for Collective Bargaining.
- ILO response to Collective Bargaining.

#### **Unit –II Legal Control and Process of Collective Bargaining**

- Concept of Strike.
- Different kinds of Strike.
- Legal response to the concept of Strike.
- Strike as a legal control on the concept of Collective Bargaining.
- Subject matter of Collective Bargaining in changed economics scenario.
- Negotiation and contract administration as a process of Collective Bargaining.
- Different kinds of Collective Bargaining.
- Levels of Collective Bargaining.
- Content of Collective Bargaining Agreement.

#### **Unit –IIIEconomic Implications and factors influencing Collective Bargaining**

- Relationship between income and wages with Collective Bargaining.
- Influence of wage policy on Collective Bargaining.
- Ethical codes in Industrial relations and Collective Bargaining.
- Factors for success and failure of Collective Bargaining.
  - Size of Trade Unions.
  - Finance.
  - Outside leadership.
  - Inter and Intra Union rivalry.
  - Multiplicity of Trade Union.
  - Politicization.
  - Meaning of recognition of Trade Union.
  - Problems of recognition of Trade Union.

- Recent debates on recognition of Trade Union.
- Recognition of Trade Union in other countries.
- Contribution of Indian Labour Conference, Standing Labour Committee and Planning Commission for recognition of Trade Union.
- Response of National Commission on Labour to problems of Collective Bargaining.
- Unfair Labour Practice and Collective Bargaining.

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

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

#### **Unit –V Globalization and its Impact on Collective Bargaining**

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

#### **Selected Bibliography**

Gillian S. Morris and Trimothy J. Archer, collective Labour Law (2000) Oxford.

Nick Humphrey, Trade Union Law (1997), Blackstone, London

John Bowers and Simon Hentyball, Text Book on Labour Law (1988), Blackstone, London

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Roger Blanpain, Chris Engels (Eds), Comparative Labour Law and Industrial Relations in Industrialised

Market Economics (1999) Kluwer

Indian Law Institute, Labour Law and Labour Relations, (1987)

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ILO, Collective Bargaining in Industrialised Market Economics

Mary Sur, Collective Bargaining (1965)

R W Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)

Ottkahnfreund, Labour and law, (1977)

A.V.Rajagopalan, "Approaches to Collective Bargaining- "Intricacies" 1982 Vol. II Labour Law Notes P.J 42

B.R. Patil Sectionalised Bargaining in Textile Industry in Ciombatore 20 Indian Journal of Industrial Relations 44 (1985)

Elias T. Ramos, "Growth of Collective Bargaining in the Philippines, 1953-74", 14 Indian Journal of Industrial Relations 559 (1987)

T.O Ekeehukwu, "Collective bargaining and Process of Settling Industrial Disputes in Nigeria" 18, Indian Journal of Industrial relations 607 (1983)

Y.R.K.Reddy, "Determination of Collective Bargaining Agency Search for a Procedure" 14 Indian Journal of Industrial Relations 73 (1978)

ShabDayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal of Industrial relations 329 (1982)

D'souza "Labour Law".

Joshi. "Labour Law".

Kumar "Understanding Labour Welfare Administration".

Deakin "Labour Law".

Tiwari "Labour Law".

Lal "Modern Labour Economics".

## **PAPER 4. Industrial Adjudication**

### **Unit –I Constitutional Perspectives and Foundations**

- Constitutional authorization for institutional framework (legislative entries, Article 323 B).
- Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles

### **Unit- II Access to Adjudicatory Justice**

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

### **Unit- III Adjudicatory Process**

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

### **Unit-IV Judicial Review of the Adjudicatory Process**

- Finality of decision making in adjudicatory process: a myth.
- Jurisprudence of industrial adjudication authority in respect of dismissal of workmen
- Jurisdiction of the adjudicatory authority in respect of dismissal of workmen
- Juridical formulation of the concept of industry
- Retrenchment the widening dimensions through law
- Recent amendments to the I.D. Act, 1947
- Second National Labour Commission on Industrial Adjudication.

### **Unit –Comparative Perspectives on Industrial Adjudication.**

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

### ***Selected Bibliography***

O.P.Malhotra, The Law of Industrial Disputes, Vol. I (1988)

ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX and XI.

Rideout, Principles of Labour Law (1983), Ch. 4, 5 & 6

Russel A. Smith, et al. Collective Bargaining and Labour Arbitrations, (1970) Part II

Robert A. Gorman, Basic Text on Labour Law, Ch 23, 24 and 25 (1976)

Relevant portions of the Report of the National Commission on Labour

I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972)

S.C.Sriviastava, "Voluntary Labour Arbitration: Law and Policy:", 23 JILI 349 (1981)

Arjun P. Aggarwal "Conciliation and Arbitration of Labour Disputes in Australia:  
JILI 30 (1966)

D.C. Jain. “ Meaning of Industry: Wilderness of Conjectural Justice” (1986) 3.S.C.C.Journal 1.

T.N. Singh, “Futuristic Industrial Jurisprudence a Poser”, (1986)3 S.C.C. Journal 15

Chaturvedi.R.G. Law and Procedure of Departmental Enquiries and Disciplinary

## **PAPER 5.LAW RELATING TO CIVIL SERVANTS**

### **Unit-I Civil Servants: Constitutional Dimensions**

- Civil Servants and the fundamentals rights- Historical and comparative perspectives
- Equality and protective discrimination; principles and practice
- Service Regulations- the constitutional bases- formulation of service rules- doctrines of pleasure
- Limitations on doctrine of pleasure
- Action only be an authority not subordinate to the appointing authority.
- Opportunity of being heard and its exceptions.

### **Unit-II Recruitment, Promotion and Conditions of Services**

- Central and state rules for recruitment
- Methods, qualification
- Pay, dearness allowance and bouns; machinery for fixation and revision, pay commission.
- Kinds of leave and conditions of eligibility
- Social Security: provident fund, superannuation and retrial benefits, Medicare maternity benefits, employment of children of those dying in harness, compulsory insurance
- Civil and Criminal immunities for action in good faith
- Comparative evaluation with private sector
- Comparative evaluation between the state government and the central government employees
- Consultation with Public Services Commission

### **Unit-III Civil Service: Amalgam of Principles., Compromise and Conflicts**

- Neutrality-commitment dilemma, permanency, expertise and institutional decision making
- Relaxation of age and qualification in recruitment, spoils system, seniority-cum-merit recruitment and promotion
- Frequent transfers, education of children, housing and accommodation
- Civil service and politics, politicization of government servants organization and inter union rivalry

#### **Unit-IV Special Categories of Services**

- Judicial services: subordinate judiciary-judicial officers and servants: appointment and conditions of service
- 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**

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

#### ***Selected Bibliography***

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

ILI (by Justice M.RaamaJais), Services under the State (1987)

N.Narayan Nair, The Civil Servants under the Law and the Constitution (1973)

K.K.Goyal, Administrative Tribunals Act (1985)

Seervai, Constitutional Law of India

Arjun.P.Aggarwal, "Freedom of Association in Public Employment", 14 JILI (1972)

C.K.Kochukoshy, "All India Services-Their Role and Future", 25 J.I.L.I359 (1983)

Douglas Vass, "The Public Service in modern Society", 1983 I.J.P.A. 970

Z.M.S Siddiqui, "Sanctions for the breach of contracts of service", 25 J.I.L.I359 (1983)

O.P.Motial "Compulsory Retirement", 1975 I.J.P.A 247

D.S.Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 .J.P.A 92

G.C.V.SubbaRao, "The O.N.G.C Case and New Horizons in Public Services Law", 1975 S.C.J. 29



# **I Semester-Specialization Papers**

## **Environmental Law and Human Rights**

### **Paper 3.INTERNATIONAL ENVIRONMENTAL LAW**

#### **Unit-I**

History and development of international environmental law- sources and principles of international environmental law, global environmental change- international equity- protection of global atmosphere global environmental education- global trade order and environment- environmental crimes

#### **Unit-II**

International conventions- treaties- declarations-bilateral and multilateral agreements, 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**

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**

Marine Environment- Antarctic environment- United Nations Convention on Law of Sea, marine pollution and its effect, oil pollution, International Tribunal for the Law of the Sea.

#### **Unit-V**

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

#### ***Selected Bibliography***

1. PriyaKanjantTrivedi, 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. Nathali L.T.J. Horbach, Contemporary Developments in Nuclear Law (1999), Kluwer
4. HenrickRingbom (ed.), Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer
5. Claus Bosselmann and Benjamin J. Richardson, Environmental Justice and Market Mechanism (1999), Kluwer
6. Jean-Pierre Beurier, New Technologies and Law of Marine Environment (2000), Kluwer

7. Richard L.Reversz et, al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge
8. DovorVidas, Protecting the Polar Marine Environment (2000), Cambridge.
9. AynsleyKellor, International Toxic Risk Management (1990), Cambridge.
10. ZhiguoGao, Environmental Regulation of Oil and Gas (1998), Kluwer.
11. Indian Law Institute, Legal Control of Environmental Pollution (1980)
12. Varshney, CK (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) J.M. Spector, “Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons” AM.U.INT’LL.Rev. 5, pp976-1038 (1999)
16. S.Bhat, “Environment Protection and International Law”
  17. Elizabeth R. Densombra, “Global Environment Institutions”
  18. Staurt Bell and Donald McGillivray, “ Environmental Law”
  19. MukundGovindRajan, “ Global Environmental Politics”
  20. Stephen C. McCaffrey and Rachael E. Salcida, “ Trans-global issues in Environmental Law”
  21. Richard L. Reverz “ Environmental Law, the economy and Sustainable Development”
  22. Wolf and Stanley, “ Environmental Law”
  23. Robin Churchil and David Freestone, “ International law and Global Climate Change”
  24. Thomas G. Weiss, “ Global Environmental Institutions”
  25. Simon Ball and Stuart Bell, “Environmental Law”
  26. P.K. Rao, ‘International Environmental Law and Economics”
  27. ParishitBallabh, “International Environmental Law”
  28. Joyeetha Gupta, “The Climate Change Convention and Developing Countries: from conflict to consensus?”
  29. Diwan, A.P and D.K. Arora (1995), *Recent Advances in Environmental Ecology*, New Delhi: Anmol Publications Pvt. Ltd.
  30. Sands, Philippe et. al (2012), *Principles of International Environmental Law*, UK: Cambridge University Press.
  31. Misra Ravi, “*Marine Environment*”,Anmol Publications, Pvt. Ltd., New Delhi, 2002.

## **PAPER 4.ENVIRONMENTAL LAWS AND POLICIES IN INDIA**

### **Unit-I**

Environmental issues- evolution of Indian Environmental laws- Environment (Protection) Act, 1986, rules-hazardous wastes rules, municipal solid wastes rule, ozone depleting substances rules, plastic manufacture sales and usage rules and notifications- coastal regulation zone notification environment impact assessment notification, five years plans, environmental policies and strategies

### **Unit-II**

Administrative Machineries- Pollution Control Boards - Government Organizations, NGOs- Corporate criminal liability and Social Responsibility- Social Movements, eco-democracy,

-environmental decision making civic society and environment-, role of youth, women, children, scientists, environmentalists, professionals

### **Unit-III**

Foreign Policies pursued by India-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**

Development and Environment, Natural Disaster Management– Disaster Management Act, 2005

### **Unit-V**

Judiciary- Principles and Doctrines- principle of absolute liability, precautionary principle, polluter's pay principle, public trust doctrine, inter-generational equity principle, Public Interest Litigation- Indian Constitution, citizen and state, National Green Tribunal

### ***Selected Bibliography***

1. C.M.Abraham, Environmental Jurisprudence in India (1999), Kluwer
2. R.B. Singh and Suresh Mishra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
3. Kailash Thankur, Environmental Protection: Law and Policy in India (1997), Deep and Deep Publications, New Delhi.
4. Richard Riversz, et.al.(eds.). Environmental Law, the Economy and Sustainable Development (2000) Cambridge.
5. Stuart Bell and Donal McGillivray, Environmental Law (2000), Blackstone Press
6. Charles A.R. Wedster, Environmental Health Law (1981)
7. Leelakrishnan, P et. Al.(eds), Law and Environment (1990) Eastern
8. Leelakrishnan, P, The Environmental Law in India (1999) Buttersworth-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. McEldownery and Sharron McEldownery, Environmental Law and Regulation (2000), Blackstone Press
17. Fredrick R. Anderson, et al. Environmental Improvement Through Economic Incentives (1977)
18. David Hughes, Environmental Law (1999), Buttersworth, 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 Rozenzanz, et. al (eds.) Environmental Policy and Law in India (2000), Buttersworth 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. Sheth, Pravin (1997), *Environmentalism Politics, Ecology and Development*, Jaipur: Rawat Publications.
26. Katiyar (1997), *Environmental Concerns, Depleting Resources and Sustainable Development*, Jaipur: Pioneer Publishers.
27. Sapru, R.K (1987), *Environment Management in India*, New Delhi: Ashish Publishing House.
28. Das, Amiya Kumar (2007), *Urban Planning in India*, New Delhi: Rawat Publications.
29. Susan Buchingham, “Constructing Local Environmental Agenda”
30. Bhatnagar, D.K (2008), *Sustainable Development Mobilization and Globalization*, New Delhi; Cyber Tech Publications.
31. Jane Holder and Maria Lee, “Environmental Protection Law and Policy”
32. I. Mohan, “Environmental Crisis”
33. Dube, Indrajit (2007), *Environmental Jurisprudence Polluter’s Liability*, New Delhi: Lexis NexisButterworths.
34. Jaswal,Paramjit S and Jaswal,Nishtha (2006), “*Environmental Law, Environment Protection, Sustainable Development and the Law*, Delhi: Pioneer Publications.
35. Jariwala C.M (2004), *Environmental Justice*, New Delhi:APH Publishing Corporation.
36. Segger, Marie-CarrieCordonier and KhalfanAshfag (20004), *Sustainable Development Law, Principles, Practices and Prospects*, Oxford: Oxford University Press.
37. Dube, Indrajit (2007), *Environmental Jurisprudence Polluter’s Liability*, New Delhi: Lexis NexisButterworths.
38. Paul Q Watchman, “Climate Change”

## **PAPER.5. Resource Management and the Law**

### **Unit-I**

Ecosystem- its diversity-assessment of risk from chemicals and biological introductions to ecological system- Ecology- its limits,- material cycle in ecosystem, Concept of Natural Resources- types of natural resources- Lake environment

### **Unit-II**

Bio-diversity- meaning- need for protection of biodiversity-concept of sustainable development- protection of biosphere resources- 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**

Land- land resources and landscape management- urban planning- modern rural agricultural practices- industrialization, mining- quarrying

## Unit IV

Water –water quality and management of water courses-ground water management- aquaculture and fishing- irrigation- Helsinki Convention, wet lands- Ramsar convention

## Unit V

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

### *Selected Bibliography*

1. Kailas Thakaur, Environmental Protection: Law and Policy In India (1977), Deep and Deep Publication, New Delhi.
2. WCED, Our Future (1999), Cambridge
3. Abraham C.M. Environmental Jurisprudence in India (1999), Kluwer
4. Dwivedi, India's Environmental Policies, Programmes and Stewardship (1999) Mc. Millan
5. Enid.M.Barron, et.al (eds) Royal Commission on Environmental Pollution, London, UK (1998), Kluwer
6. David.B. Wilkins, Animal Welfare in Europe (1997), Kluwer
7. Mark Austen and Tamara Richards, Basic Legal Documents on International Animal Welfare and Wild life conservation (2000), Kluwer
8. Jack Grosse, Protection and management of our Natural Resources, Wild life and Habitat (1997),Oceana.
9. Enid M.Barson and Ilga Nielson (eds) Agriculture and Sustainable use in Europe (1998), Kluwer
10. TreverHella Well, Bkckston's Guide to Contaminated Land (2000), Blackstone Press
11. Leelakrishnan, P et. al. (eds) Law and Environment (1990)
12. Leelakrishnan, P, The Environmental Improvement through Economic Incentives (1977)
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14. Indian Journal of public Administration, Special Number Environment and administration, July September 1988, Vol XXXV, No.3
15. David Hughes, Environmental Law, (1999) Buttersworth, London.
16. A.R.Bam and P.N Gantrm, Natural Heritage of India (1989) R. K. Publishers, Delhi
17. Standing Committee on Environmental Law American bar Association, Common Boundary/ Common Problems: The Environmental Consequences of Energy Production (1982)
18. S.K. Jain and A.R.K.Sastry, Threatened Plants of India: A State of the Art Report (1980)
19. Armin Rozencranz, Et.al (eds.), Environmental Policy and Law in India (1988), Buttersworth, India.
20. Arjun Prasad Nagore, Biological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.
21. Project Large, Plant Variety Protection and Plant Biotechnology-Options for India (1999), Allied.
22. M.S.Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983
23. Wild Genetic Resources, Earthscan Press Briefing Documents No 33 Earth scan, London (1982)
24. K.L.Mehta and R.L.Arora, Plant Genetic Resources of India: their Diversity and Conservation (19820), National Bureau of Plant Genetic Resources, New Delhi.
25. P.N.Bhatet.al., Animal Genetic Resources in India? (1981)
26. P.N.Bhat, "Conservation of Animal Genetic Resources in India", Animal Genetic Resources, Conservation and Management FAO, Rome, (1981)
27. Benjamin J. Richardson and Stepan Wood, "Environmental Law for Sustainability: A Reader
28. Rajkumar Se, "Environment and sustainable economic development".
29. Jane Holder and Maria Lee, "Environmental Protection, law and policy".
30. Staurt Bell and Donald McGillivray, "Environmental Law".
31. Stephen C. McCaffrey and Rachael E. Salcido, " Trans -Global issues in Environmental Law"
- 32.

33. Peter Calow, "Handbook of Environmental risk assessment and management"
34. S.C. Santra, "Environmental Science"
35. M.N. Buch, "Environmental Consciousness and urban planning"
36. R.K. Sapru, "Environment Management in India"

# **I Semester-Specialization Papers**

## **Criminal Law**

### **Paper 3. Comparative Criminal Procedure**

#### **UNIT-I Organization of Courts and Prosecuting Agencies**

- Hierarchy of criminal courts and their jurisdiction.
- Nyaya Panchayats in India.
- Panchayats in tribal areas.
- Organisation of prosecuting agencies for prosecuting criminals.
- Prosecutors and the Police.
- Withdrawal of prosecution.
- 

#### **UNIT-II Pre-trial Procedures**

- Arrest and questioning of the accused.
- The arrest of the accused.
- The evidentiary value of statements/articles seized/collected by the police.
- Right to counsel.
- Roles of the prosecutor and the judicial officer in investigation.

#### **UNIT-III Trial Procedures**

- The accusatory system of trial and the inquisitorial system.
- Role of the judges, the prosecutor and defence attorney in the trial.
- New kinds of evidence (a) DNA, (b) Finger print, (c) Brain mapping, legal status of Narco Analysis etc.
- Admissibility and inadmissibility of evidence.
- Expert Evidence.
- Appeal of the Court in awarding appropriate punishment
- Plea Bargaining.

#### **UNIT-IV Correction and after care services**

- Institutional correction of the offenders.
- General comparison- After-care services in India and France.
- The role of the court in correctional programmes in India.

#### **UNIT-V Preventive Measures in India**

- Provisions in the Criminal Procedure Code
- Provisions under Special enactments
  - Police Act
  - National Investigation Agency Act 2008 (NIAA)
  - Arms Act etc.
- Directions for criminal prosecution through Public Interest litigation

## **Selected Bibliography**

Celia Hampton, Criminal Procedure

Wilkins and Cross, Outlines of the Law of Evidence.

Archbold, Pleading, Evidence and Practice in Criminal cases

Sarkar, Law of Evidence.

K.N.Chandrashekar Pillai (ed), R.V., Kelkar's Outlines of Criminal Procedure (2000)

Patrick Devlin, The Criminal Prosecution in England.

American series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.

John N.ferdico, Criminal Procedure (1996) West.

Sanders & Young, Criminal Justice (1994)

Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha Criminal Procedure (1997). West.Criminal Procedure Code, 1973

The French Code of Criminal Procedure.14<sup>th</sup> and 41<sup>st</sup> Reports of Indian Law Commissions.

the paper will be taught with reference, wherever necessary, to the procedures in India, England, U.S, France, Russia and China.

## **Paper 4.DRUG ADDICTION, NATIONAL SECURITY AND HUMAN RIGHTS**

### **UNIT-I Introduction**

- Basic Conceptions: Drugs, 'narcotics' 'psychotropic substances'
- 'Dependence', 'Addiction'
- Crimes without victims
- 'Trafficking in drugs'
- 'Primary drug abuse'
- Difference between Traditional Crime and White Collar Crime
- NDPS and White Collar Crime
- Self-Reporting
- Victim studies
- Problems of Comparative studies
- 

### **UNIT-IIAnagraphic and Social characteristics of drug users**

- Gender
- Age
- Religiousness
- Single individuals/cohabitation
- Social economic level of family
- Residence factors (Urban/ Rural)
- Educational levels



- Occupation
- Age and first use
- Type of drug use
- Reasons given as cause of first use
- Method of intake
- Pattern of use
- Average quantity and cost
- Consequences on addicts health (physical/ Psychic)

### **UNIT-III The International Legal Reforms**

- Analysis of the background, text and operation of the Single Convention on Narcotics Drugs, 1961, 1972
- Analysis of the Convention on Psychotropic Substances, 1972
- International collaboration in combating drug addiction
- The SARC, and South- South Cooperation
- Profile of international market for psychotropic substances

### **UNIT-IV National Security and Terrorism**

- Preventive detention
- Unlawful Activities (Prevention) Act, 1967
- National Investigation Agency Act 2008 (NIAA)
- National Investigative Agency
- Armed Forces (Special Powers) Act, 1958 and Crimes against Humanity

### **UNIT-V Human Rights Aspects**

- Deployment of marginalized people as carrier of narcotics
- The Problem of juvenile drug use and legal approaches
- Possibilities of misuse and abuse of investigative prosecutory powers
- Bail
- Right to Health under Article 21 of the Constitution and NDPS Act
- 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,  
The role of medical profession,  
The role of mass media,
- law reform initiative

### ***Selected Bibliography***

H.S.Becker, *Outsider: the Studies in Sociology of Deviance* (1966)

J.A.Incard C.D. Chambers, (eds.) *Drug and the Criminal Justice System* (1974)

R.Cocken, *Drug Abuse and personality in Young Offenders* (1971)

G.Edwards Busch, (ed.) *drug Problems in Britain: A Review of Ten Years* (1981)

P.Kondanram and Y.N.Murthy, "Drug Abuse and Crime; A Preliminary Study" 7 *Indian Journal of Criminology*, 65-68 (1979)

P.R.Rajgopal, Violence and Response: A critique of the Indian Criminal System (1988)

United Nations, Economic and Social Reports of the commission on Narcotics Drugs, United Nations

Social Defence, Research Institute, (UNSDRI) Combating Drug Abuse and related Crimes (Rome July 1984, Publication No. 21)

Lok Sabha and Rajya Sabha Debates on 1986 Bill on Psychotropic Substances, Useful Journal in this area are:

- (i) The Law and Society Review (USA)
- (ii) Journal of Drug Issues (Tallahassee Florida)
- (iii) International Journal of Addictions (New York)
- (iv) British Journal of Criminology
- (v) Journal of Criminal Law, Criminology and Police Science (Baltimore, Md.)
- (vi) Journal of criminal law and Criminology (Chicago, 111)
- (vii) International Journal of Offender Therapy and Comparative Criminology (London)
- (viii) Bulletin on Narcotics (United Nations)

## **PAPER 5. JUVENILE JUSTICE AND LAW RELATING TO WOMEN**

### **UNIT-I Introduction**

- The conception of child in Indian Constitution and Penal Code
- juvenile in conflict with law
- juvenile in need of care and protection
- The Overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- Determining Factors of Juvenile Delinquency
  - Differential association
  - Anomie
  - Economic pressure
  - Peer group influence
  - Gang sub culture
  - Class differentials

### **UNIT-II Legislative Approaches**

- Legislative approaches during the late colonial era.
- Children's Act
- Legislative position in various States
- The Juvenile Justice Act, 2000
- Constitutional aspects,
- Distinction between "Juvenile in need of protection and "Juvenile who is in conflict with law"
- Competent authorities
- Procedural safeguards for juveniles
- Powers given to government
- Community participation as envisaged under the Act

### **UNIT III Laws relating to women**

- Human Trafficking
- Domestic Violence
- Sexual Offences
- Sexual Harassment at work place
- Dower Prohibition
- Sex determination

### **UNIT-IV Implementation and Preventive Strategies**

- Preventive Strategies relating to juvenile justice  
State welfare programmes: health, nutrition ICWS, grants in aid  
  
Compulsory education  
Role of community, family, voluntary, bodies, individuals
- The role of Law enforcement Authority in protection of women

### **UNIT-V Judicial Contribution**

- Social action litigation concerning juvenile justice and justice to women
- Salient Judicial decision
- Role of legal profession

### ***Selected Bibliography***

- National Institute of Social Defense, Model Rules under the juvenile justice Act , 1986, (1986)
- K.S.Shukla, Adolescent Offender (1985)
- United Nations, Beijing Rules on Treatment of Young Offenders (1985)
- Myron Weiner, The Child and State in India (1990)
- The United Nations Declaration on the Rights of Children
- UNICEF periodic materials
- Law Commission of India, *64<sup>th</sup> Report on the Suppression of Immoral Traffic in Women and Girls Act, 1956* (1975)
- Law Commission of India, *84<sup>th</sup> Report on Rape and Allied Offences: Some questions of Substantive Law, Procedure and Evidence* (1980).
- Law Commission of India, *146<sup>th</sup> Report on Sale of Women and Children* (1993).
- Law Commission of India, *172<sup>nd</sup> Report on Review of Rape Laws* (2000).
- Law Commission of India, *202<sup>nd</sup> Report on Proposal to Amend Section 304 – B of Indian Penal Code* (2007)

## **II Semester**

### **Compulsory Papers**

#### **Paper 6. Law and Justice in a Globalizing World**

##### **Unit 1. Introduction**

- meaning and definitional issues in Globalization
- Globalization in History
- Causes of globalization
- Liberalization and Privatization

##### **1. Change and Continuity**

- Globalization and Production
- Globalization and Governance
- Globalization and Community
- Globalization and Knowledge

##### **2. Policy issues**

- Globalization and Democracy
- Rule of law – economic development – political development
- Globalization and Justice
- Globalization and Security
- Globalization and Human rights

##### **3. Harmonization of Law**

- Public and Private international law governance
- Regulation of International banks and money laundering
- Harmonization of private commercial law – lexmercatoria
- Harmonization of Intellectual Property law
- Jurisdictional Issues in the era of globalization

##### **Selected Bibliography**

1. Jan AartScholte, Globalization – A critical introduction
  2. Jarrod Wiener – Globalization and the harmonization of law
  3. MichaelGoodhart – Democracy as Human Rights – Freedom and Equality in the age of Globalization
- James H Mitelman, The Globalization Syndrome

## **II Semester-Specialization Papers**

### **Constitutional and Administrative Law**

#### **Paper 7. Centre-State Relations and Constitutional Governance**

##### **Unit-I Federalism**

- Models of Federal Government – U.S.A, Australia, Canada
- Difference Between Federalism and confederation
- Evolution of federal government in India
- Unitary Features of the Constitution of India

##### **Unit-II Distribution of Legislative Power / Administrative Power**

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

##### **Unit-III Distribution of Fiscal Power**

- Financial Relations - Dependence of States on Centre
- Scheme of allocation of taxing power
- Extent of Union power of taxation
- Residuary power – inclusion of fiscal power
- Grant in Aid
- **Restrictions of Fiscal Power**
- Fundamental Rights
- Inter-Government tax immunities
- Difference between Tax, Fee and Surcharge
- **Distribution of Tax Revenues**
- Finance Commission – Specific purpose grants (Article 282)

##### **Unit-IV Inter-State Trade and Commerce**

- Freedom of Inter-State trade and commerce
- Restrictions on legislative power of the Union and States with regard to trade and commerce

##### **Unit-V Centre –State Relations and Emergency**

- Emergency and Division of Powers
- Judiciary and Division of Powers
- Article 356 and the Role of Governor
- Sarkaria Commission Report
- What Reforms are Necessary.

## **Selected Bibliography**

1. H.M. Seervai, Constitutional Law of India (1991), Tripathi, Bombay
2. SudhaBhatnagar, 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 Co operative Federalism, Chs. 5 and 8 (1983)
6. K.C.Wheare, Federal Government.
7. Jain M.P Outlines of Indian Legal History.
8. M.V Pylee, Constitutional History of India
9. Rama Jois M, Legal and Constitutional History of India.
10. Stetalvad M.C, , Constitutional History of India
11. Keith A.B. , 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.SubbaRao, The Indian Federation.
17. K.P. Krishna Shetty, The Law of Union-state Relations and Indian Federalism.
18. Ashok Chandra, Federalism in India.
19. SubbaRao G C V Indian constitutional law
20. Pande G S Constitutional law of India
21. Saharay H K Constitution of India
22. Pylee M.V Our constitution government & politics
23. Tope T K 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.KrishnaShetty, 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 Land 11, pp. is- 168

## **Paper 8. General Principles of Administrative Law**

### **Unit-I Scope and Development of Administrative Law**

- Administrative Law-Definition, Nature, Scope and Functions
- Growth of Administrative Law in India
- Basic Constitutional Principles: Indian Perspectives
- Rule of Law
- Separation of Powers
- Natural Justice

### **Unit-II Administrative Functions and Discretion**

- Classification of Administrative Functions
- Administrative Discretion
- Principles of Natural Justice
- Rule against Bias
- Fair Hearing

### **Unit-III Growth and Development of Delegated Legislation**

- Delegated Legislation
- Importance, Need and Constitutionality of Delegated Legislation
- Conditional Legislation
- Controls on Delegated Legislation
- Parliamentary Control
- Judicial Control

### **Unit-IV Transparency and Accountability**

- Lokpal and Lokayukt
- Right to Information
- Vigilance Commission
- Comptroller and Auditor - General of India
- Commissions of Inquiry

### **Unit-V Judicial Review of Administrative action**

- Scope and limitation of Administrative action
- Judicial control over Administrative action- remedies for Administrative wrongs, Writs Remedie.
- Limits of Judicial review-
- Locus standi and PIL- Laches-Resjudicata
- Doctrine of exhaustion of alternative remedies
- Statutory Remedies – General and Specific statutory remedies for administrative action.
- Scope and significance of Administrative Tribunals

### **Selected Bibliography**

1. M. P. Jain & S. N. Jain - Principles of Administrative Law, 6<sup>th</sup> Edition 2001, Publication- Lexis Nexis Butterworth's Wadawa Nagpur .
2. P. Massey - Administrative Law, 7<sup>th</sup> Edition 2008. Publication-Eastern Book Company, Lucknow.

3. H.W.R. Wade and C.F. Forsyth - Administrative Law, 10<sup>th</sup> Edition 2009, Publication- Oxford University Press, New York.
4. Garner's – Administrative Law, 8<sup>th</sup> Edition 1996, Oxford University Press
5. De Smith - Judicial Review of Administrative Action, 6<sup>th Revised</sup> Edition 2006, Sweet and Maxwell Publication.
6. S. P. Sathe - Administrative Law, 7<sup>th</sup> Edition 2006. Lexis Nexis, Butterworth's Publication.
7. Richard J Pierce & Kenneth Culp Davis Administrative law treatise
8. Subba Rao G C V Administrative law

## **Paper 9. Judicial Review**

### **Unit-1 Fundamental Concept of Judicial Review**

- Meaning, Scope and Origin and Its Democratic Legitimacy
- Meaning, Scope and Origin of Judicial Review
- Democratic elements in Judicial Review
- Purposes of Judicial Review
- Effects of Judicial Review

### **Unit –II Judicial Review of Legislative and Administrative Actions**

- Judicial Review of Legislation
- Judicial Review of Administrative Actions
- Grounds
- Scope – Permissibility of Merits Review

### **Unit-II Limits on Judicial Review**

- Doctrine of Political Questions
- Judicially Manageable Standards
- Policy Matters

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

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



## **Unit-V Judicial Activism and Judicial Review**

- Judicial Activism as an Extension of Power of Judicial Review
- Exclusion of Judicial Review

### **Selected Bibliography**

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

## **II Semester-Specialization Papers**

### **Corporate and Commercial Law**

#### **Paper 7. Banking Law**

##### **1. Introduction**

- Nature and development of banking
- History of banking in India and elsewhere-indigenous banking evolution of banking in India-different kinds of banks and their functions
- Multi-functional banks-growth and legal issues
- Advent of Foreign Banks in India
- Recent trends of Banking Systems in India and Recommendations of Committees-Recent trends of Banking Systems in India, New Technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit Cards, Reforms in Indian Banking and Recommendations of Committees.

##### **2. Law Relating to Banking Companies in India**

- Controls by government and its agencies
  - On management
  - On accounts and audit
  - Lending
  - Credit Policy
  - Reconstruction and reorganization
  - Suspension and winding up
- Contract between banker and customer: their rights and duties

##### **3. Social Control over Banking and Deposit Insurance**

- Social Control
- Nationalisation
- Evaluation: private ownership, nationalization and disinvestment
- Protection of depositors
- Priority lending
- Promotion of under privileged classes
- Deposit Insurance -The Deposit Insurance Corporation Act, 1961; objects and reasons
- Establishment of Capital of DIC; Registration of banking companies, insured banks, liability of DIC to depositors; Relations between insured banks, DIC and reserve Bank of India.

##### **4. The Central Bank**

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

- Function of the RBI
- Regulation of minority mechanism of the economy'
- Credit control
- Exchange Control
- Monopoly of currency issue
- Bank rate policy formulation
- Control of RBI over non-banking companies
  - Financial companies
  - Non-financial companies

## 5. Relationship of Banker and Customer and Lending

- Relationship of Banker and Customer
- Legal Character
- Contract between banker and customer
- Banker's of lien,
- Protection of bankers
- 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
- Lending by Banks
- Good lending principles- Lending to poor masses
- Consortium Lending
- Securities for advances- Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty
- Default and recovery; Debt recovery tribunal; Securitisation 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
- Non-Performing Assets

### Selected Bibliography

- Basu, A. Review of Current Theory and Practice (1999) Mac Millan
- C. Goodhart, The Central Bank and the Financial System, (1995). Mac Millan, London.
- Company, 2002).
- GabrieMoens and Peter Gillies, International Trade and Business: Law, Policy and Ethics
- J.Dermine (ed). European Banking in the 1990's (1993) Blackwell, Oxford.
- Janakiraman Committee Report on Securities of Operation of Banks and Financial Institution (1993)
- JayantaBagchi, WTO: An Indian Perspective (Eastern Law House, New Delhi, 2000).
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- L.C. Goyle, The Law of Banking and Bankers, (1995), Eastern. Lloyds of London Press, London.
- M. Dassel, S, Issacs and G.Pen, E.C. Banking Law, (1994)
- M. Hapgood (ed) Paget's Law of Banking (1989) Butterworths, London
- M. J. Sthna, Law Relating to Negotiable Instruments (2006).
- M. L. Tannan, Tannans Banking Law and Practice in India (Vol-I, 2008).

- M. N. Srinivasan, Principles of Insurance Law, (8th Ed.).
- M.A. Mir, The Law Relating to Bank Guarantee in India (1992), Metropolitan Book, New Delhi
- M.L. TannaTanna's Banking Law and Practice in India (1997) India Law House, Maxwell, London, 2000).
- Michael Chissick&Kelman Alistair, Electronic Commerce: Law and Practice (Sweet &
- Mitra, The law relating to Banker' Letter's of Credit and Allied Laws; (1998) University Book Agency, Allahabad. (1999)London
- NandanKamath, Law relating to Computers, Internet & E-Commerce (Universal Law Publishing
- Narasimham Committee Report on the Financial System (1991) – Second Report (1999)
  
- OECD, Related Party Transactions and Minority Shareholders Rights (OECD Publishing, 2012).
  
- P. N. Varshney, KPM Sundharam, Banking Theory, Law and Practice (Nineteenth Reprint,
  
- R.Goode, Commercial Law of Banking (1995) Penguin, London
- R.K Talwar, Report of Working Group on Customer Service in Banks
- R.S. Narayana, The Recovery of debts due to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.
- Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship
- Ross Cranston, Principles of Banking Law (1997), Oxford.
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London.
- SubodhMarkandaya and ChitraMarkandeya., 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.
- V.Conti and Hamuai (eds.) Financial Markets Liberalization and the Role of Banks' CambridgeUniversity Press, (1993)

## **Paper-8 Corporate Social Responsibility**

### **Unit-I**

Corporate social responsibilities- Corporate Social Responsibility: meaning and definitions, history. Potential business benefits of CSR. CSR nature, types, principles and strategies, models of CSR, Best practices of CSR, Need of CSR, Arguments for and against CSR, CSR Indian perspective, Indian examples.

### **Unit II**

Government policies for CSR: Voluntary guidelines for CSR by Ministry of Corporate Affairs. Corporate social challenges-corporate accountability-business and ecology-case corporate social responsibility: Corporate crimes-company and society relations analysis.

### **Unit III**

Business ethics- Fundamental principles of ethics - Ethics in international business -Normative and relative ethics, concept and choice- Human dignity - Ethics and human rights Balanced global

environment Kyoto Protocol concern of global warming, judicious use of natural resources - maintenance of ecological balance - Sustainable development.

#### **Unit IV**

Cost benefit analysis of corporate social responsibility and good corporate citizenship -Meeting stake holders, expectations, competitiveness and fair trade practices Employee wellness- International Importance of integrity. Role of international trade and business organizations, Corporate- range of involvement in CSR, understanding complexities of industry- identifying gaps in corporate opportunities for CSR.

#### **Unit V**

Corporate Governance: Issues, need of corporate governance code, Code of Corporate Practices, Social Responsibility of Corporate, Corporate Social Reporting, Corporate Governance and the Role of Board (BOD), Corporate Governance System Worldwide, Corporate Disclosure and Investor Protection in India-Legal compliances- home and host country's regulations and compulsions of international agencies- Corporate governance beyond legal compliance.

#### **Selected Bibliography**

1. Business and Society-Lawrence and Weber, 12/e, Tata McGraw- Hill 2010.
2. Business Ethics, Crane&Matten Oxford University Press(OUP)
3. Chrstensen, A.B. Business Policy (Company and its Requirements).
4. Corporate Social Responsibility – Philip Kotler and Nancy Lee
5. Corporate Social Responsibility Concepts and Cases – The Indian Experience - C.V Baxi, Ajit Prasad
6. Corporate Social Responsibility in India – Sanjay K Agarwal
7. Corporate Social Responsibility: A Study of CSR Practices in Indian Industry, Baxi C. V &RupamanjariSinha Ray, Vikas Publishing House, 2012.
8. Its only Business, Mitra, OUP
9. Keith Davis and Robert Blostrom, Business and its Environment
10. Mathur and Agrawal, Responsibilities of Business Community to Indian Society and Social Institution.
11. Mathur UC – Corporate Governance & Business Ethics (McMillan).
12. Perspectives in Business Ethics, Hartman, Chatterjee
13. Perspectives on Corporate Social Responsibility – David Crowther, LezRayman – Bacchus
14. Reed Darryl – Corporate Governance, Economic Reforms & Development (Oxford).
15. S.K. Bhatia - Business Ethics and Managerial Values (Deep & Deep Publications Pvt.Ltd,
16. The business case for supply chain sustainability- A brief for Business leaders, BSR.org. February 8, 2011.
17. The Management and ethics omnibus- Chakraborty, OUP
18. Values and Ethics for Organizations, Chakraborty, OUP
19. Velasquez – Business Ethics – Concepts and Cases (Prentice Hall)

# **Paper - 9 CYBER LAW**

## **Unit 1.Cyberspace and Virtual world**

- Introduction
- Evolution of Internet
- Features of internet and WWW
- Cyberspace and Law

## **Unit 2.Civil liberties and Crimes**

- Free speech issues
- Defamation
- Privacy
- Social networking
- Cyber crime

## **Unit 3.Contractual and Consumer Protection Issues**

### **▪ 3.1. Contractual Issues**

- E-contracts – concept :
- offer and acceptance
- Acceptance of contract: applicability of postal rule
- E-commerce directives and Regulations
- Incorporation of terms
- Identity of contracting parties
- E-contracts : extent of details : Overview of UNCITRAL Model Law on e-commerce : Information Technology Act,2000

### **▪ 3.2. Consumer Protection Issues**

- Consumer Protection Act
- EC Directive on distance selling
- E-commerce Directive
- Payment Issues
- Fraud Risk and Protection
- Breach of contract
- Credit cards, debit cards and Digital Cash
- Charge back agreements

## **Unit 4.Electronic signatures**

- Provisions under IT Act
- Certifying authorities
- Issuing authorities
- PKI
- Electronic Signature Certificate
- EDI and Electronic fund transfer
- Grant, Revocation and withdrawal of ESC

## **Unit 5. Intellectual Property Rights and related issues**

- Digital copyright, linking, caching,
- Digital rights management, DMCA
- Patents
- Trademarks and domain names
- Brand identities , search engines and secondary market
- ICANN
- Database Right
- Jurisdiction
  - Addressing multiple jurisdiction
  - Application of International law
  - Zippo Test
  - Current trends

### **Selected Bibliography**

1. Ahmad, Tabrez. *Cyberlaw, e-commerce & m-commerce*, APH Publishing Corporation, 2009.
  2. Paul Todd, *Law of E-commerce*, Cavendish, 2005
  3. Phillips, Jeremy. *Butterworths E-commerce and IT law handbook*. 4th ed. London: LexisNexis Butterworths, 2007.
  4. Ramappa, T. *Legal issues in Electronic commerce*, Macmillan, 2003.
  5. Ryder, Rodney. *Guide to cyber laws*. 3rd ed. Wadhwa& Co., 2007.
  6. Schellekens, M.H.M. *Electronic signatures: Authentication technology from a legal perspective*, T.M.C. Asser Press, 2004.
  7. Seth, Karnika. *Cyber Laws in the information technology age*. New Delhi : LexisNexis Butterworths , 2009.
- Sharma, Vakul. *Information technology: Law and Practice*. 2nd ed., Universal Law Publishing Co.; 2007.

## **II Semester-Specialization Papers**

### **Labour and Employment Law**

#### **PAPER 7. LAWS RELATING TO AGRICULTURAL LABOUR AND OTHER FORMS OF UNORGANISED WORKERS**

##### **UNIT - IAgricultural Labour Relations**

- Agricultural Labourer-the concept
- Early stages
- Non-exploitative fair relation with the feudal hegemony-share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion
- Exploitation of labour by the landlord
- Longer hours of work and lower wages.
  
- Points of difference between Agricultural Labour and Industrial Labour.
- Bonded Labour in Agriculture Labour.
- Indebtedness Agriculture Labour.
- Tribal labour in forest settlements
- Migrant agricultural labour

##### **UNIT- IIConcept of Unorganized Workers**

- Unorganized Sector Worker- Conceptual Clarity.
- The Magnitude of the Problem.
- The Need for a Protective Welfare Legislations for the Unorganized sector Workers.
- The efforts made as a movement in India and the Governmental Efforts.
- Unorganized workers Social Security Act 2008.

##### **UNIT- IIIDifferent forms of Unorganized Workers and Benefits**

- Domestic Workers
- Construction workers
- Beedi workers
- Scavengers
- Marginal Farmers
- MNREGA( Mahatma Gandhi National Rural Employment Guarantee workers)

##### **UNIT- IVLegislative Response to Agricultural Labour**

- Agrarian reform as agricultural labour protection measure-land to the tiller doctrine
- Environmental impact of distribution of forest land among agricultural labourers
- Futuristic perspectives.



- Recent tenancy reforms 2011 in State of Andhra Pradesh. (Reference 2011 Licensing reforms for agricultural tenants Act of Andhra Pradesh).
- Role of Co-operative Societies for providing welfare for Agricultural Labourers.
- Application of major labour laws and other legislations for Agricultural Labourers.
- Law relating to Poultry and Dairy farming.
- Agricultural Workers Bill 1987.
- Kerala Agricultural Workers Act 1974.

### **UNIT- V Dispute Settlement Mechanism**

- Traditional Ties between Landlord and Workers.
- Grievance redressal at landlord's residence.
- Other practices of Settlement of Disputes.
- Statutory measures; conciliation, adjudication

### **Selected Bibliography**

V.V.Giri, Labour Problems in Indian Industry (1972)

R.R.Singh, Labour Economics (1971)

ILO, Conventions and a Recommendations.

Reports of the 1<sup>st</sup> and 2<sup>nd</sup> National Commissions on Labour 1969 (relevant portions)

State Legislation and other welfare schemes relating to agricultural labour.

Abdul Aziz, "Unionizing Agricultural labourers in India. A Strategy", 13 Indian Journal of Industrial Relations 307 (1977)

A.B.Maily "Forced Labour in India", 15 Indian Journal of Industrial Relations 77(1979)

L.C. Sharma, : "Forestry Sector Generate More Employment", 15 Indian Journal of Industrial relations 577 (1979)

KalpanaBardhan, "Rural employment Wages and Labour Market in India: A Survey of research" Economic and Political Weekly 1 June 25, 1977, 11 July 2, 1977 and 111, July 9, (1977)

Government of India, Agricultural labour Enquiry (1954)

Government of India Report on the Second Agricultural Labour Enquiry (1958)

Government of India Report on III Agricultural Labour Enquiry

Bardhan&Rudhra "Types of Labour Attachment in Agriculture", 15 Economic and Political Weekly August 30, 1980.

National Institute of Rural Development, Occasional Monograph 1- Agricultural Labour Unions (1978).

Report of the National Commission on Rural Labour (1991) New Delhi, Government of India Ministry of Labour: See especially Volume 11, Part 11 for the Study Group Report.

MeenkshiGupta :Labour Welfare & Social Security in Unorganised Sector, ,Deep & Deep Publications Pvt Ltd, 2007 edition.

## **PAPER 8. WAGES**

### **Unit-I Constitutional Perspectives on wages**

- Denial of minimum wages as forced labour
- The Constitutional ideals
  - Right to work
  - Right to living wage
  - Right to equal pay for equal work
  - Workers Participation in management: impact on wage determination.

### **Unit-II Theories of Facets of Wages**

- Theories of Wages
- Wages, bonus and dearness allowance
- Basic wage
- Bonus as deferred wage or share of profits – eligibility
- Allowances and concessions
- House rent allowance
- City Compensatory allowance
- Educational allowance
- Conveyance allowance
- Cash incentives: percentage and turn-over
- Medical allowance
  
- Leave travel concession
- Free and subsidized food and products
- Leave encashment
- Overtime allowance
- Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages.

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

- Equality, honored or violated?
- Diminishing the differential: disincentive to initiative and productivity or elimination or irrational disparity in remuneration?

- Inter – industry, Intra-industry and regional factors
- Private sector – public sector difference in wages – government servants
- Capacity of industry and wage fixation

#### **Unit-IV National Wage Policy**

- Wages, Price and Tax.
- National wage policy
- Need for integrated approach: income, price and wage
- Problems of mixed economy
- Capital intensive sector
- Labour intensive sector
- Wages in Multi-national corporations: impact of globalization

#### **Unit-V International Standardization**

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

#### **Selected Bibliography**

O.P Malhotra, Law of Industrial Disputes (1999)

R.R. Singh, Labour Economics Chs. 6, 7, 8 and 9 (1971)

G.L.Kothari, Wages Dearness allowances and Bonus (1968)

Y.B.Singh, Industrial Labour in India Part I, (1960)

V.V.Giri, Labour Relations in Indian Industry Ch.6 (1972)

Report of the National Commission on Labour 1969 (relevant portions)

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Suresh.C.Srivastava, “payment of Dearness Allowance to Industrial Workers in India” 15 JILI 444 (1973)

Suresh.C.Srivastava” Machinery for Fixation of Minimum Wage of SwatedLabour in India-Problems and Prospects” 23 JILI 495 (1981)

R.D. Agarwal, Dynamics of Labour Relations in India (1972)

SahabDayal, “Wage, Income Industrial Relations in Modern India: An Evaluation of selected Empirical Implication” 15 Indian Journal of Industrial Relations 295 (1977)

MadhuriG.Seth, “Bonus in Equity perspective”, 15 Indian Journal of Industrial relations 119 (1979)

Deepak Lal, Theories of industrial Wage Structure: A Review” 15 Indian Journal of Industrial Relations 167 (1979)

C.ManiSastry, “Wage Structure and Regional Labour market”, 21 Indian Journal of Industrial relations 344 (1985)

Suresh.C.Srivastava, “payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach” 15J.I.L.I 444 (1973)

R.L.Chawla, “Wage Policy and Industrial Relations. A Brazilian Case study”, 17 Indian Journal of Industrial Relations 27 (1981).

## **PAPER 9. SOCIAL SECURITY LAW**

### **Unit-I Legal and Conceptual Frame Work of Social Security**

- Meaning.
- Distinction with labour welfare.
- Approaches to Social Security.
- Strategies of Social Security.
- Evolution of major social security laws in India and other countries.
- International norms on social security for Labour; the ILO measures.
- Social Security, whether a fundamental Right in India.
- Realization of the Right to Life through social security measures.
- Directive Principles of State Policy and Social Security in India.
- Employer Liability and Doctrine of Common Employment.
- Application of the Doctrine in India.
- Important Doctrines in the area of Social security.

### **Unit-II Social Security as a measure of Compensation and Insurance.**

- Judicial interpretation of the expression “arising out of and in the –course of employment.
- Analysis of the provisions of Employee’s Compensation Act 1923 and Employees State Insurance Act 1948.
- Distinction between the Provisions of Employee’s Compensation Act 1923 and Employees State Insurance Act 1948.
- Benefits under Employee’s Compensation Act 1923 and Employee’s State Insurance Act 1948.
- Administration and Adjudication of Employee’s Compensation Act 1923 and Employees State Insurance Act 1948.

### **Unit-III Employees Provident Fund and Gratuity.**

- Employees Provident Funds and Miscellaneous Provisions Act, 1952.
- Payment of Gratuity Act 1972.
- Need for merger of Provident Fund and Gratuity scheme.
- Need for Reforms in law relating to pensions.

### **Unit- IV Comparative Perspectives of Social Security.**

- The United Kingdom
- Redundancy Rights & transfer of Undertakings
- The United States

### **Unit-V Towards an ideal Social Security Scheme: the Futuristic Perspective's.**

- Comprehensive and integrated social security: an utopian concept or a pragmatic approach?
- Funding
- Benefits and beneficiaries
- Role of trade unions.
- Social Security in collective agreements.
- Trade union schemes with its own fund.
- Crisis of Social Security in the era of Globalization.
- Views of Indian Labour Conference, Standing Labour Committee, Planning Commission of India and National Commission on Labour on Social Security.

### ***Selected Bibliography***

R.N. Choudhary, Commentary on the Workmen's Compensation Act 1923 (2000), Orient

S.C.Srivastava, Social Security and Labour Laws (1985)

R.W. Rideout, Principles of Labour Law (1988) Chs, 12, 13

H.K.Saharay, Industrial and Labour Laws of India (1987) Chs. 7 and 8

Munkun, Employer's Liability (1985), Chs. 1, 2, 3, 22 and 23

Harry Calvert, Social Security Laws (1978)

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NeeruSehgal, "Employment of Women and Reproductive Hazards in workplace", 29 J.I.L.I 201 (1987) (By smith & Woods Employment Law I T Smith, Gareth Thomas, 9<sup>th</sup> Edition, 2008, Oxford University Press)

PrakashSinha, "Quality of working Life and Quality if life' (1982) Indian/Journal of Industrial Relations, p 373

MallikJyotsanaNath, "Workmen's Compensation Act and some Problems of Procedure", 3 J.I.L.J 131, (1961)

V.R.Bhattacharya, Some Aspects of Social Security Measures in India (1970)

D'souza "Labour Law".

Joshi. "Labour Law".

Kumar "Understanding Labour Welfare Administration".

Deakin "Labour Law".

Tiwari "Labour Law".

Lal "Modern Labour Economics".

## **II Semester-Specialization Papers**

### **Environmental Law and Human Rights**

#### **Paper 7. Concept and Historical Development of Human Rights**

##### **Unit -I**

- Concept and Development of Human Rights
- Notions and Theories relating to Rights
- Classification of Rights
- Relationship with other Concepts
- First, Second and third Generation rights

##### **Unit – II**

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

##### **Unit –III**

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

##### **Unit-IV**

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

##### **Unit- V**

- UN Mechanism for the Protection of Human Rights.
- Enforcement of Human Rights
- Regional Organisation
- Regional Standards and Enforcement.
- Role of International NGO's

## Selected Bibliography

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. Chimney, *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 Some Political & Ethical Conceptions* (Swan Son & Co. Ltd, New York.)
6. Donnelly J.; *The Concept of Human Rights* (CroorriHelm, 1985).
7. Felipe Gomez Isa, Koen de Feyter (Eds.), *International Protection of Human Rights: Achievements and Challenges* (University of Deusto, Bilbao, 2006).
8. Henary 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 Waldson, *Theories of Rights* (Oxford University Press, 1984).
12. M. 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, Michael W. Doyle (eds.), *The Globalization of Human Rights* (United Nations University Press, 2003).

## Suggested Readings

1. Andre Beteille, 'The Idea of Indigenous people' 39 *Current Anthropology* 187-191 (1998).
2. G.L. Williams, 'The Concept of Legal Liberty' in RS Sumners (ed.) *Essays in Legal Philosophy* (University of California Press, 1976).
3. Marwaha Shalini, 'Historical and Philosophical Evolution of Human Rights: A Journey from First Generation to Third Generation Rights' XI (2) *MDU Law Journal* 34 (2006).
4. Robert Mc Corquodale, 'Globalization and Human Rights' 21 *Human Rights Quarterly* 42 (1999).
5. Snehal Fadnavis, 'Historical Development of International Human Rights Movement' IX *Journal of the Institute of Human Rights* 71 (2006).



- 6 Stephen Marks, 'The Human Right to Development: Between Rhetoric and Reality' Vol. 17 *Harvard Human Rights Journal* 137-168 (2004).
4. B.S. Waghmare, *Human Rights- Problems and Prospects* (Kalinga Publications, Delhi, 2001).
- 5 Bueren Geraldine Van , *International Law of Rights of the Child* (International Studies in *Human Rights*), (MartinusNijhoff Publishers, 1995).
- 7 Surya Deva, 'Human Rights Realization in an Era of Globalization: The Indian Experience' *Buffalo Human Rights Law Review* (2006).

## **Paper 8.Human Rights- International Perspectives**

### **Unit -I**

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

### **Unit – II**

- Crimes against Humanity
- Nuremberg Tribunal
- Genocide
- Slavery/bonded labour
- Torture
- Piracy
- Trafficking in human beings

### **Unit -III**

- International Criminal Court
- International Terrorism
- United Nation Conventions
- Organized Crime

### **Unit –IV**

- International Humanitarian Law
- Historical Perspective
- The Geneva Conventions
- Modern Context

## Unit- V

- International Refugee Law
- Migrants
- Internally Displaced Persons
- Indigenous Peoples.

## Selected Bibliography

- 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)
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## **Paper 9. Human Rights- Indian Perspectives**

### **Unit- I**

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

### **Unit- II**

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

### **Unit- III**

- Protection of Human Rights in India
- Statutory enforcement of human rights in India

- National Human Rights Commission.
- State Human Rights Commission
- National Commission for Women

#### **Unit- IV**

- Role of Media,
- Role of NGO's in protection of Human Rights
- Human Rights of Special Groups in India
- Human Rights, Women and Development
- Human Rights , Children and Development
- Aged and disabled
- Scheduled Castes and Scheduled Tribes
- Minorities

#### **Unit- V**

- Environmental Governance
- Various Legislation on Environment
- Right to clean environment
- Right to development

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## **II Semester-Specialization Papers**

### **Criminal Law**

#### **PAPER 7.CRIME AND JUSTICE: PENOLOGY AND TREATMENT OF OFFENDERS**

##### **UNIT-IIIntroduction**

- Introduction: Definitions, Kinds of crimes, cybercrimes, information technology
- Theories of Punishment:
  - Retribution
  - Utilitarian prevention: Deterrence
  - Utilitarian Intimidation
  - Behavioral Prevention: Incapacitation
  - Behavioral prevention; Rehabilitation- Expiation
  - Classical Hindu and Islamic approaches to punishment

##### **UNIT-IIThe problematic of Capital Punishment**

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

##### **UNIT-IIIApproaches of Sentencing**

- Alternatives to Imprisonment
  - Probation
  - Corrective Labour
  - Fines
  - Collective Fines
  - Reparation by the offender/by the Court
- Imprisonment
- Victim Compensation

##### **UNIT-IVSentencing**

- Principal types of sentences in the Penal Code as special laws.
- Sentencing in white collar crimes.
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

## UNIT-VPrison Reforms

- The state of India's jails today
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoners and duties of custodial staff
- Deviance by custodial staff
- Open prisons
- Judicial Surveillance-basis-development reforms

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## **PAPER 8.SOCIO-ECONOMIC CRIMES: ORIGIN AND DEVELOPMENT**

### **UNIT-I Introduction**

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

### **UNIT-II Official Deviance**

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

### **UNIT-III Police deviance**

- Structures of legal restraint on police powers in India
- Unconstitutionality of “third degree” method and use of fatal force by police
- “Encounter Killings”
- Police atrocities
- The plea of surrender orders
- Rape related forms of gender based aggression by police and para military forces
- Reform suggestions especially by the National Police Commissions

### **UNIT-IV Professional Deviance**

- Unethical practices at the Indian bar.
- The Lentin Commission Report
- The Press Council on unprofessional and unethical journalism
- Medical malpractice

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

- Vigilance Commission
- Public Accounts Committee
- Ombudsman
- Commissions of Enquiry
- Food Safety and Standards Act, 2006
- Prevention of Corruption Act, 1988
- Prevention of Money Laundering Act, 2002

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Indira Rotherm“ Patterns of Trade Union Leadership in Dhananabad Coal fields” 23 J.I.L.I 522 (1981)

## **PAPER 9. COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

### **UNIT-I Introduction**

- Nations of “force”, “coercion”, “violence”
- Distinctions: “Symbolic” violence, “Institutionalized” violence, “Structural” violence
- Legal order as a coercive normative order
- Force-monopoly of modern law
- “Constitutional” and “criminal” speech: Speech as incitement to violence
- “Collective political violence” and legal order
- Notion of legal and extra-legal “repression”
- Rights of the victims in the Indian criminal justice system
- compensation and assistance to the victims
- Collective Violence and Judicial response

## **UNIT-II Approaches of Violence in India**

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

## **UNIT-III Agrarian Violence and Repression**

- The nature and scope of agrarian violence in the 18<sup>th</sup> -19<sup>th</sup> centuries India
- Colonial legal order as a causative factor of collective political (agrarian) violence
- The Telangana struggle and the legal order
- The Report of the Indian Human Rights Commission on Arwal Massacre
- **Study of reports pertaining to violence erupting due to agrarian protest in Karnataka**

## **UNIT-IV Violence against the Scheduled Castes**

- Notion of Atrocities
- Incidence of Atrocities
- Uses of Criminal Law to combat Atrocities or certain aftermath of Atrocities
- Violence against women

## **UNIT-V Communal Violence**

- Incidence of courses of "communal" violence
- Findings of various commissions of inquiry
- The Role of police and para-military systems in dealing with communal violence
- Operation of criminal justice system and firing, & in relation to communal violence

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## **ELECTIVE PAPER**

### **HUMAN RIGHTS(CBCS)**

#### **Unit-I Concept and Development of Human rights**

- Meaning, Scope and Development of human rights
- U.N. and Human Rights- UNHCR
- UDHR 1948, ICCPR, 1996 and ICESCR, 1966
- Protection of Human Rights Act, 1993 (NHRC and SHRC)
- First, Second and Third Generation Human Rights

#### **Unit-II Human Rights and Constitution of India**

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

#### **Unit-III Human Rights and Environmental Law**

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

#### **Unit-IV Human Rights and the Labour Law**

- Human Rights- ILO and Development of Labour Law Jurisprudence
- Constitutional and Statutory rights of Labour
- Human Rights and Unorganized Labour
- Human Rights and Contract Labour
- Human Rights and Agriculture Labour

#### **Unit-V Human Rights and Vulnerable Groups**

- Human Rights and Women
- Human Rights and Children
- Human Rights and Disabled Persons
- Human Rights and Minorities and Indigenous Persons
- Human Rights and Refugees, Migrants, Displaced Persons

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