



BHARATI VIDYAPEETH UNIVERSITY PUNE (INDIA)

NEW LAW COLLEGE

Erandwane, Pune - 411038.

**'A' GRADE UNIVERSITY STATUS BY MINISTRY OF HRD, GOVT. OF INDIA
RE- ACCREDITATION WITH 'A' GRADE BY NAAC**

LL.M. SYLLABUS (TWO YEAR PROGRAM)

CHOICE BASED CREDIT SYSTEM

w.e.f. June 2018

BHARATI VIDYAPEETH

Bharati Vidyapeeth, the parent body of Bharati Vidyapeeth University was established in May, 1964 by Dr. Patangrao Kadam with the objective of bringing about intellectual awakening and overall development of the people through education. Bharati Vidyapeeth is now a leading educational institution in the country, which has created a history by establishing within a short span of 51 years, 171 or so educational institutions imparting education from the pre-imparting stage to post graduate stage. Our colleges and institutions of higher education impart education in different disciplines including medicine, dentistry, ayurved, homeopathy, nursing, arts, science, commerce, engineering, pharmacy, management, social science, law, environmental science, architecture, hotel management and catering technology, physical education, computer science, library science and information technology.

The spectacular success achieved by Bharati Vidyapeeth is mainly a creation of unusual foresight, exceptionally dynamic leadership and able guidance of the founder of Bharati Vidyapeeth, Dr. Patangrao Kadam. It has been our constant endeavor to impart high quality education and training to our students and so, no wonder that our institutions have become nationally known for their academic excellence. In recognition of the academic merit achieved by these institutions and potential for development which they have, the Department of Human Resource Development, Government of India and the University Grants Commission of India have accorded the status of a deemed to be university to its 29 constituent units.

These educational institutions which achieved an academic excellence cater to the educational needs of thousands of students coming from different parts of India and abroad. Our teaching faculty includes highly qualified, experienced, dedicated and student-caring teachers. These educational centers are located at various places viz. Pune, Navi Mumbai, Kolhapur, Solapur, Karad, Panchagani, Jawhar and New Delhi.

The Department of Human Resource Development, Government of India on the recommendation of University Grants Commission accorded the status of Deemed University to twelve units of Bharati Vidyapeeth (vide their notification No. F.9- 15/95-U.3 dated 26/4/96 under the Section 3 of the University Grants Commission Act of 1956). Subsequently the Govt. of India on the recommendations of the UGC has brought more institutions of Bharati Vidyapeeth within the ambit of Bharati Vidyapeeth Deemed University. Today there are total 30 Constituent Units of BVU which includes Colleges and Research Centers.

Constituent Units of Bharati Vidyapeeth Deemed University

- BVDU Medical College, Pune.
- BVDU Dental College & Hospital, Pune
- BVDU College of Ayurved, Pune
- BVDU Homoeopathic Medical College, Pune
- BVDU College of Nursing, Pune
- BVDU Yashwantrao Mohite College of Arts, Science & Commerce, Pune.
- BVDU New Law College, Pune
- BVDU Social Sciences Centre (M.S.W.), Pune
- BVDU Yashwantrao Chavan Institute of Social Science Studies & Research, Pune.
- BVDU Centre for Research & Development in Pharmaceutical Sciences & Applied Chemistry, Pune
- BVDU College of Physical Education, Pune.
- BVDU Institute of Environment Education & Research, Pune
- BVDU Institute of Management & Entrepreneurship Development, Pune
- BVDU Poona College of Pharmacy, Pune
- BVDU College of Engineering, Pune
- BVDU Interactive Research School in Health Affairs (IRSHA), Pune
- BVDU Rajiv Gandhi Institute of Information Technology & Biotechnology, Pune
- BVDU College of Architecture, Pune
- BVDU Abhijit Kadam Institute of Management & Social Sciences, Solapur
- BVDU Institute of Management, Kolhapur
- BVDU Institute of Management & Rural Development administration, Sangli
- BVDU Institute of Management & Research, New Delhi
- BVDU Institute of Hotel Management & Catering Technology, Pune
- BVDU Yashwantrao Mohite Institute of Management, Malakapur-Karad
- BVDU Medical College & Hospital, Sangli
- BVDU Dental College & Hospital, Mumbai
- BVDU Dental College & Hospital, Sangli
- BVDU College of Nursing, Sangli
- BVDU College of Nursing, Navi Mumbai

BHARATI VIDYAPEETH UNIVERSITY

NEW LAW COLLEGE, PUNE

PROFILE

Bharati Vidyapeeth Deemed University's New Law College, Pune established in the year 1978 is one of the premier institutes of legal education in India. It is recognized by Bar Council of India & University Grants Commission. It is one of the constituent units of Bharati Vidyapeeth Deemed University, Pune.

Ranking and Accreditation

It is consistently ranked amongst top 10 law colleges in India by reputed magazines like India Today, Outlook, Lawyers Collective, Legally India, Times of India, Indian Express, etc. The law college is reaccredited with 'A' grade by NAAC in 2011.

Infrastructure

The new seven storied building of the law college was inaugurated in the year 2005 at hands of Hon. Mr. Justice R. C. Lahoti, the then Chief Justice of India. It consists of 32 classrooms, moot court room, human right cell, cyber cell, placement cell, legal aid cell, research cell & auditorium.

Knowledge Partners

The college has teaching faculty comprising of retired judges of Supreme Court and High Court eminent academicians, senior lawyers, social activists and eminent jurists from abroad. The college has total 72 faculty members out of which 8 are Ph.D. and 40 are full time lecturers. Senior advocates like Adv. Ram Jethmalani, Adv. P. P. Rao, Adv. Abhishek Manu Singhvi, Adv. Soli Sorabjee, Adv. Geeta Luthra, Adv. Pinky Anand, etc. are invited to guide the law students. International Knowledge Partners from reputed universities in U.K. & U.S.A. also visit the law college regularly. International Knowledge Partners from reputed universities in U.K. & U.S.A. also visit the law college regularly.

Innovative Interdisciplinary Programme

The college offers B.B.A. Law (5 years Interdisciplinary Programme). There are also various para legal courses offered.

ICT Teaching Methods

The college has E-Facility in library, classrooms and moot court room. Emphasis is given on ICT Teaching and Learning Methods. The college has an E-Court room in its building.

Clinical Legal Education

The college regularly conducts field work, seminars, workshops, court visit, project work as a part of its curriculum.

Library

The college has a library worth Rs. 1 crore. In addition to the text books the college has international journals, online legal databases like Lexis Nexis, Manupatra, Westlaw, SCC Online, etc. The library is equipped with cyber cell consisting of more than 100 computers, with free internet and Wi-Fi facility. The college also has a video – conferencing facility.

Foreign Students & International Collaborations

The college has 22 foreign students from across 10 countries in Undergraduate & Post-Graduate programs. The Law College has collaborated with renowned universities in U.K., U.S.A. and Europe. The college has also established academic linkages with University of Oxford, Harvard Law School, John Marshall Law School, and University of Reading etc. The collaboration aims at joint research programs, teacher – student exchange programmes, research activities, international mootings and joint international conferences.

International Moot Court Competition

The students of the college have participated & won several International and National Moot Court Competitions during last 5 years. The college is ranked among top law colleges by India Mooting League. The college also conducts Justice P.N Bhagwati International Moot Court Competition on Human Rights every year, wherein students from various national law schools all over India as well as Foreign Universities participate.

Research Centers

This college is recognized by UGC under 2f & 12(b) of UGC Act for research & development grants. The college has Indo- European Legal Study and International Research Centre & also IPR Research Centre. This college publishes Bharati Law Journal (ISSN: 2278 – 6996). During the last 5 years the faculty has published more than 70 articles in reputed national and international journals and 5 books. Minor and Major research projects are also being undertaken.

Legal aid

The college has legal aid cell which is administered by senior advocates from Supreme Court & High Court. It provides free legal aid to the needy & poor persons who seek social justice. Students are encouraged to participate in Lok-Adalat, Legal Aid Camps, Legal Aid Clinics & Community Services Programs. The college has established special family legal aid cell to help women and children.

Judicial Colloquia

Besides organizing seminar & legal discourses the college conducts Annual Judicial Colloquia wherein judges of Supreme Court of India & High Court are invited to interact

with students of law. So far the college has invited 8 former Chief Justices of India, more than 75 Judges from Supreme Court and High Court.

Alumni

The alumni of the college includes judge of Supreme Court of India, High Court judges, senior advocates, JMFC, lawyers renowned academicians, human right activists, corporate professionals, company secretaries, LPO professionals, legal advisors, notary, income tax office, police personnel etc.

Placement

Placement assistance is supervised by the eminent corporate lawyers. Placement record of the college is outstanding. The final year law students are actively involved in the placement process. More than 30 reputed legal firms have visited for campus recruitment. The students are placed at multinational companies, corporate firms, LPO, judicial services, educational institutions, courts & commissions etc. Alumni of the college hold respectable and important post and offices.

Other activities

To enhance the professional skills of the students the law college conducts All India Bar Examination training programmes, judicial services training program, mock parliament, intra- collegiate moot court competition, essay competition, workshops, seminars, research projects and NSS activities. Sports and cultural facilities are adequately provided.

LL.M Program (Two-Year Course)

Bharati Vidyapeeth New Law College offers Two –Year LL.M Program with Specialization in the following groups subject to minimum 15 students in each group.

- Business Law
- Human Rights Law
- Intellectual Property Law
- Environment Law

RULES FOR LLM TWO YEAR PROGRAM

CHOICE BASED CREDIT SYSTEM

(w.e.f June 2018)

1. Two year LL.M program is a semester program, the duration of each semester will be of six months with the University Examinations at the end of each semester.
2. Admission to Two Year LLM program is through an All India Admission Test conducted by Bharati Vidyapeeth University on the basis of merit subject to intake capacity.
3. **Eligibility for Admission:** The applicant shall have obtained LL.B. degree of any university recognized by UGC with atleast 50% marks or equivalent grade (45% for SC/ST candidates)
4. **Course Structure:** Two year LL.M program shall consists of the following Courses

COURSE STRUCTURE			
Sr.No	Name of the Course	No. of Marks	No. of Credits
1.	Core Courses (Foundation Courses)		
	1. Law and social transformation in India	100	05
	2. Indian Constitutional Law: The New Challenges	100	05
	3. Judicial Process	100	05
	4. Legal Education and Research Methodology	100	05
	5. Dissertation	200	30
2.	Elective Courses (Specialisation Courses)		
	1. Business Law (6 Papers)	100(each paper)	05(each paper)
	2. Human Rights Law(6 Papers)	100(each paper)	05(each paper)
	3. Intellectual Property Law(6 Papers)	100(each paper)	05(each paper)
	4. Environment law(6 Papers)	100(each paper)	05(each paper)
3.	Practical Paper		
	1. Practical Paper I	100	10
	2. Practical Paper II	100	10
	3. Practical Paper III	100	10
4.	Interdisciplinary Courses		
	1. Educational Technology and E-learning	100	03
	2. Computer Application and Legal Research	100	03
5.	Value Added Course		
	1. Soft skills and Personality Development	100	04

5. **Course Design:** The LL.M two year program is a semester program which shall consists of four semesters. The course design for the LL.M two year Program is as follows:

**COURSE DESIGN OF LL.M (TWO YEAR PROGRAM)
(SEMESTER PATTERN)**

Semester	Core Course	Elective Course	Practical Paper	Open Course	General Course	Total No. of Papers	Total Marks	Total Credits
First Semester	02	02	01	NIL	NIL	05	500	30
Second Semester	02	02	01	NIL	NIL	05	500	30
Third Semester	NIL	02	01	02	01	06	600	30
Fourth Semester	Dissertation	NIL	NIL	NIL	NIL	01	200	30
Total						17	1800	120

6. **Scheme of Examination:** The examinations for two year LL.M. Program will be held in each Semester. The medium of instruction and the examination shall be in English. Every paper shall carry 100 marks out of which 60 marks are for written examination i.e. University Examination (UE) & 40 marks for Internal Assessment (IA). There shall be no written examination (i.e UE) for Practical Paper and Dissertation.

▪ **Internal Assessment (IA) will be as follows:**

- Unit Tests - 15 marks
- Home assignment - 10 marks
- Tutorial/Class Presentation - 10 marks
- Attendance - 5 marks

▪ **Practical Paper**

- The student has to appear for a Practical Paper in First, Second and Third Semester each respectively.
- The practical paper shall carry 100 marks each which shall be evaluated on the basis of the performance of the students under following headings:
 - Research Project (Doctrinal/Non-doctrinal)
 - Research publication
 - Clinical work
 - Law teaching

▪ **Dissertation**

- Dissertation shall carry 200 marks which shall be evaluated as follows:
 - Written work submission – 100 Marks
 - Research Publication – 50 Marks
(in Peer reviewed journal having ISSN No.)
 - Presentation and Viva voce – 50 marks

The student shall also have to submit two progress reports signed by their research guide highlighting the work carried out by the student during his research.

7. **Credit System:** Choice based credit system designed as per the University rules has been implemented for this program. The two year LL.M. program will have **120 credits**. Each credit is of 15 hours.
8. **Grading System:** The University has adopted a **10-point absolute grading system** for grading in each head of passing. The grading system shall be as shown in Table-1 below.

The Grading System under CBCS

Range of Marks (out of 100)	Grade Point	Grade
$80 \leq \text{Marks} \leq 100$	10	O
$70 \leq \text{Marks} < 80$	9	A+
$60 \leq \text{Marks} < 70$	8	A
$55 \leq \text{Marks} < 60$	7	B+
$50 \leq \text{Marks} < 55$	6	B
$\text{Marks} < 50$	0	D

The performance indicators O, A+, A, B+, B, and D shall respectively mean Outstanding, Excellent, Very Good, Good, Average, and Poor. It may be noted that entries in Table are meant for converting marks in individual courses to grade points. The respective grade points can also be computed from the following formulas given in Table-2.

The Formula to calculate the Grade Points (GP):

Suppose that '**Max**' is the maximum marks assigned for an examination or evaluation based on which GP will be computed. In order to determine the GP, set $x = \text{Max}/10$ (since we have adapted 10-point system). Then GP is calculated by the formulas shown in Table-2. After computing the grade point the grade can be found from Table-1.

Table-2: Formula to Calculate Grade Point in Individual Evaluations

Range of Marks at the evaluation	Formula for the Grade Point
$8x \leq M \leq 10x$	10

$5.5x \leq M < 8x$	$\text{Truncate}(M / x) + 2$
$4x \leq M < 5.5x$	$\text{Truncate}(M/x) + 1$

9. Computation of Grade Point Averages: Cumulative performance indicators such as GPA, SGPA, or CGPA shall be calculated as described and illustrated below.

- I. The performances at UE and IA will be combined to obtain the Grade Point Average (GPA) for the course. **The weights for performance at UE and IA shall respectively be 60% and 40%.**
- II. The grade point average (GPA) for a course shall be calculated by first finding the total marks **out of 100 for the course. The corresponding GP (as per the table in (2) above) shall be the GPA for the course.**
- III. Two kinds of performance indicators, namely, the Semester Grade Point Average (SGPA) and the Cumulative Grade Point Average (CGPA) shall be computed at the end of each term. The SGPA measures the cumulative performance of a learner in all the courses in a particular semester, while the CGPA measures the cumulative performance in all courses since his/her enrolment. The CGPA of a learner when he/she completes the programme is the final result of the learner.
- IV. The SGPA is calculated by the formula
$$\text{SGPA} = \frac{\sum C_k \times GP_k}{\sum C_k}$$
, where C_k is the credit-value assigned to a course and GP_k is the GPA obtained by the learner in the course. In the above, the sum is taken over all the courses that the learner has undertaken for the study during the semester, including those in which he/she might have failed or those for which he/she remained absent. **The SGPA shall be calculated up to two decimal place accuracy.**
- V. The CGPA is calculated by the formula
$$\text{CGPA} = \frac{\sum C_k \times GP_k}{\sum C_k}$$
, where C_k is the credit-value assigned to a course and GP_k is the GPA obtained by the learner in the course. In the above, the sum is taken over all the courses that the learner has undertaken for the study from the time of his/her enrolment and also the during the semester for which CGPA is calculated, including those in which he/she might have failed or those for which he/she remained absent. **The CGPA shall be calculated up to two decimal place accuracy.**
- VI. The CGPA, calculated after the minimum credits specified for the programme are 'earned', will be the final result.

10. Standards of Passing

- For all courses, both UE and IE constitute separate heads-of-passing (HoP).
- In order to pass in such courses and to 'earn' the assigned credits the learner must obtain a minimum grade point of **6.0 (50% marks) at UE** and also a minimum grade point of **6.0 (50% marks) at IA;**
- The GPA for a course will be calculated only if the learner passes at the UE.

- A student who fails at UE in a course has to reappear only at UE as a backlog candidate and clear the HoP.
- Similarly, a student who fails in a course at IA has to reappear only at IA as a backlog candidate and clear the HoP.

11. Rules of Promotion: - The admission of students to the Two Year LL.M Program shall be on the yearly basis. A student admitted to the First Year of the course who complies with norms of the credit system and internal assessment with minimum 75% of attendance in the first year shall be automatically promoted to the Second year.

12. Award of Honours:

1. A student who has completed the minimum credits specified for the programme shall be declared to have passed in the programme. The final result will be in terms of letter grade only and is based on the CGPA of all courses studied and passed. The criteria for the award of honours are given in Table 4.

Table 4: Criteria for the Award of Honours at the End of the Programme

Range of CGPA	Final Grade	Performance Descriptor	Equivalent Range of Marks (%)
$9.50 < CGPA < 10.00$	O	Outstanding	$80 < Marks < 100$
$9.00 \leq CGPA \leq 9.49$	A+	Excellent	$70 \leq Marks < 80$
$8.00 \leq CGPA \leq 8.99$	A	Very Good	$60 \leq Marks < 70$
$7.00 \leq CGPA \leq 7.99$	B+	Good	$55 \leq Marks < 60$
$6.00 \leq CGPA \leq 6.99$	B	Satisfactory	$50 \leq Marks < 55$
CGPA below 6.00	F	Fail	<i>Marks Below 50</i>

2. Formula to compute equivalent percentage marks for specified CGPA:

$$\%Marks(CGPA) = \begin{cases} 10 \times CGPA - 10, & \text{if } 5.00 \leq CGPA \leq 6.00 \\ 5 \times CGPA + 20, & \text{if } 6.00 \leq CGPA \leq 8.00 \\ 10 \times CGPA - 20, & \text{if } 8.00 \leq CGPA \leq 9.00 \\ 20 \times CGPA - 110, & \text{if } 9.00 \leq CGPA \leq 9.50 \\ 40 \times CGPA - 300, & \text{if } 9.50 \leq CGPA \leq 10.00 \end{cases}$$

COURSE STRUCTURE FOR LL.M

(TWO YEAR PROGRAM)

(SEMESTER PATTERN)

➤ Core courses

- Law and social transformation in India (5 credits)
- Indian constitutional law: The new challenges (5 credits)
- Judicial process (5 credits)
- Legal education and research methodology (5 credits)

➤ Elective Courses

▪ Business law

- Law of industrial and Intellectual property (5 credits)
- Legal regulation of economic enterprises (5 credits)
- Law of export import regulation (5 credits)
- Banking laws (5 credits)
- Insurance laws (5 credits)
- Corporate finance (5 credits)

▪ Human rights law

- Concept and development of human rights (5 credits)
- Human rights and international order (5 credits)
 - Protection and enforcement of human rights in India (5 credits)
- Human rights of disadvantaged groups (5 credits)
- International humanitarian law and refugee law (5 credits)
- Science technology and human rights (5 credits)
- Dissertation (30 credits)

▪ Intellectual Property Law

- General Regime of Intellectual Property Rights (5 credits)
- Law Relating to Patents (5 credits)
- Law Relating to Trademarks (5 credits)
- Law Relating to Copyright (5 credits)
- Biotechnology and IPR (5 credits)
- Law of geographical indication and traditional knowledge (5 credits)

▪ Environment Law

- Environment and Development: Law and Policy (5 credits)
- Environment and international legal order (5 credits)
- Environment protection in India (5 credits)
- Environment protection and disaster management (5 credits)
- Climate change and legal order (5 credits)

○ Biological diversity and legal order (5 credits)

➤ **Practical Paper**

- Practical Paper I (10 Credits)
- Practical Paper II (10 Credits)
- Practical Paper III (10 Credits)

➤ **Interdisciplinary Courses**

- Educational Technology and E-learning (3 credits)
- Computer Application and Legal research (3 credits)

➤ **Value Added Course**

- Soft skills and Personality Development (4 credits)

DETAILED SYLLABUS
OF
LL.M TWO YEAR PROGRAM
w.e.f June 2015

FOUNDATION COURSES

01. LAW AND SOCIAL TRANSFORMATION IN INDIA

Objective of the Course

This course is designed to offer the teacher and the taught with – (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institution as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

Syllabus

1. Law and social change
 - 1.1 Law as an instrument of social change.
 - 1.2 Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institution in India.
2. Religion and the law
 - 2.1 Religion as a divisive factor.
 - 2.2 Secularism as a solution to the problem
 - 2.3 Reform of the law on secular lines: Problems.
 - 2.4 Freedom of religion and non-discrimination on the basis of religion.
 - 2.5 Religious minorities and the law
3. Language and the Law
 - 3.1 Language as a divisive factor: Formation of linguistic states.
 - 3.2 Constitutional guarantees to linguistic minorities.
 - 3.3 Language policy and the constitution: Official language, multi-language system.
 - 3.4 Non-Discrimination on the ground of language
4. Community and the law
 - 4.1 Caste as a divisive factor
 - 4.2 Non-discrimination on the ground of caste
 - 4.3 Protective discrimination: Scheduled castes, tribes and backward classes.
 - 4.4 Reservation: Statutory commissions, Statutory Provisions.
5. Regionalism and the law
 - 5.1 Regionalism as a divisive factor
 - 5.2 Concept of India as one unit
 - 5.3 Right of movement, residence and business; impermissibility of state or regional barriers.
 - 5.4 Admission to educational institutions: Preference to residents of a state
6. Women and the law

- 6.1 Crimes against women
- 6.2 Gender injustice and its various forms
- 6.3 Women's Commission
- 6.4 Empowerment of women: Constitutional and other legal provisions
- 7. Children and the law
 - 7.1 Child labour
 - 7.2 Sexual exploitation
 - 7.3 Adoption and related problems
 - 7.4 Children and education
- 8. Modernization and the law
 - 8.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties.
 - 8.2 Modernization of social institutions through law
 - 8.2.1 Reform of family law
 - 8.2.2 Agrarian reform – Industrialization of agriculture
 - 8.2.3 Industrial reform: Free enterprise v. State regulation – Industrialization v. environmental protection.
 - 8.3 Reform of court processes
 - 8.3.1 Criminal Law: Plea bargaining; compounding and payment of compensation to victim
 - 8.3.2 Civil law: (ADR) Confrontation v. Consensus; Mediation and Conciliation; Lok adalats
 - 8.3.3 Prison reforms
- 9. Alternative approaches to law
 - 9.1 The jurisprudence of Sarvodaya – Gandhiji, Vinoba Bhave, Jayprakash Narayan – Surrender of dacoits; Concept of Grama Nyayalayas.
 - 9.2 Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
 - 9.3 Indian Marxist critique of law justice.
 - 9.4 Naxalite movement: causes and cure

Books Recommended:

- March Galanter (ed.), Law and Society in Modern India (1997), Oxford
- Robert Lingat, The Classical Law of India (1998), Oxford.
- U.Baxi, The Crisis of the Indian Legal system (1998) Vikas, New Delhi.
- U. Baxi (ed) Law and Poverty Critical Essays (1988), Tripathi, Bombay
- Manushi, A Journal about Women and Society
- Duncan Derret, The State, Religion and Law in India (1996)Tripathi
- D.D.Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd, New Delhi
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000), Armol Publications, Delhi

- Savitri Gunasekhare, Children, Law and Justice(1997) Sage
- Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1998)
- J.B. Kripalani, Gandhi : His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
- M.P.Jain, Outlines of Indian Legal Histroy, (1993) Tripathi, Bombay
- Agnes, Flavia, Law and Gender Inequality : The Politics of Women's Rights in India (1999), Oxford

02. INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Objective of the Course

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social more. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law, who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

1. Federalism
 - 1.1 Creation of new states
 - 1.2 Allocation and share of resources-distribution of grants in aid
 - 1.2.1 The inter-state disputes on resources
 - 1.3 Rehabilitation of internally displaced persons.
 - 1.4 Centre's responsibility and internal disturbance within States.
 - 1.5 Directions of the Centre to the State under Article 356 and 365
 - 1.6 Federal Comity: Relationship of truth and faith between centre and State
 - 1.7 Special status of certain States
 - 1.7.1 Tribal Areas, Scheduled Areas
2. "State": Need for widening the definition in the wake of liberalization
3. Right to equality : Privatization and its impact on affirmative action
4. Empowerment of women
5. Freedom of press and challenges of new scientific development
 - 5.1 Freedom of speech and right to broadcast and telecast
 - 5.2 Right to strike, hartal and bandh
6. Emerging regime of new rights and remedies
 - 6.1 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 - 6.1.1 Compensation jurisprudence
 - 6.1.2 Right to education
 - 6.1.2.1 Commercialization of education and its impact
 - 6.1.2.2 Brain drain by foreign education market
7. Right of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism
9. Separation of powers: stresses and strain
 - 9.1 Judicial activism and judicial restraint
 - 9.2 PIL: implementation
 - 9.3 Judicial independence
 - 9.3.1 Appointment, transfer and removal of judges
 - 9.4 Accountability: executive and judiciary
 - 9.5 Tribunals
10. Democratic process
 - 10.1 Nexus of politics with criminal and the business
 - 10.2 Election
 - 10.3 Election commission: Status
 - 10.4 Election Reforms
 - 10.5 Coalition government, 'Stability, Durability, Corrupt Practice'
 - 10.6 Grass root democracy

Books Recommended:

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

03 JUDICIAL PROCESS

Objective of the Course

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

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

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

Syllabus

1. Nature of Judicial process

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

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

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

3. Judicial Process in India

- 3.1 Indian debate on the role of judges and on the notion of judicial review
- 3.2 The "independence" of judiciary and the "political" nature of judicial process
- 3.3 Judicial process in pursuit of constitutional goals and values new dimensions of judicial activism and structural challenges.
- 3.4 Institutional liability of courts and judicial activism scope and limits.

4. **The Concepts of Justice**

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

5. **Relations between law and justice**

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

Books Recommended:

- Julius Stone, The province and Function of law, Part II, Chs. 1.8-16(2000), Universal, New Delhi
- Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
- Henry J. Abraham, The judicial Process (1998), Oxford
- J. Stone, Precedent and the law: Dynamic of Common Law Growth (1985) Butterworth's.
- W.Friedmann, legal Theory (1960), Stevens, London
- Bodenheimer, Jurispurdence the Philosophy and Method of the Law (1997), Universal, Delhi
- J.Stone, Legal System and Lawyers' Reasoning (199), Universal, Delhi.
- U.Baxi, the Indian Supreme Court and Politics (1980), Eastern, Lucknow
- Rajeev Dhavan, The Supreme Court of India A Socio Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
- John Rawls, A Theroy of Justice (2000) Universal, Delhi
- Edward H. Levi, an introduction to Legal Reasoning (1970), University of Chicago.

04. LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objective of the Course

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

Law is taught in different ways in different countries, The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at LL.B. Level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

1. Research Methodology – An Introduction

- 1.1. Meaning of Research
- 1.2. Objectives of Research
- 1.3. Characteristics of Research
- 1.4. Significance of Research
- 1.5. Research Methodology
- 1.6. Importance of Research Methodology

2. Legal Research Methodology

- 2.1. Meaning of Legal Research
- 2.2. Characteristics of Legal Research
- 2.3. Objectives of Legal Research
- 2.4. Types of Legal Research
 - 2.4.1. Doctrinal Legal Research
 - 2.4.1.1. Characteristics
 - 2.4.1.2. Components
 - 2.4.1.3. Merits and Demerits
 - 2.4.2. Non-Doctrinal Legal Research
 - 2.4.2.1. Features
 - 2.4.2.2. Limitations

3. Methods for Legal Research

- 3.1. Analytical Method
- 3.2. Historical Method
- 3.3. Empirical Method(socio-legal Research)

- 3.4. Scientific Method
- 3.5. Comparative Method
- 3.6. Ethical Method
- 3.7. Statistical Method
- 3.8. Critical Method

4. Steps involved in Legal Research

5. Legal Research Problem

- 5.1. Meaning of Research Problem
- 5.2. Types of Research Problems
- 5.3. Criteria of Research Problem
- 5.4. Evaluation of Research Problem
- 5.5. Advantages of right selection of Research Problem

6. Hypothesis

- 6.1. Meaning- Significance-characteristics
- 6.2. Types of Hypothesis
- 6.3. Ideal formulation of hypothesis
- 6.4. Testing of Hypothesis

7. Research Design

- 7.1. Meaning-Need-Characteristics
- 7.2. Important concepts-variable, independent variables, dependent variables, controls
- 7.3. Types of Research Design
 - 7.3.1. Descriptive Design
 - 7.3.2. Exploratory Design
 - 7.3.3. Experimental Design
 - 7.3.4. Diagnostic Design

8. Sampling technique

- 8.1. Need for Sampling
- 8.2. Assumptions related to sampling
- 8.3. Procedure to select a sample
- 8.4. Types of sampling
 - 8.4.1. Probability Sampling
 - 8.4.1.1. Random sampling
 - 8.4.1.1.1. Lottery method
 - 8.4.1.1.2. Random numbers
 - 8.4.1.1.3. Sequential List
 - 8.4.1.1.4. Grid system
 - 8.4.1.2. Systematic Sampling
 - 8.4.1.3. Stratified random sampling
 - 8.4.1.4. Cluster Sampling
 - 8.4.1.5. Multi-Stage Sampling
 - 8.4.2. Non-Probability Sampling
 - 8.4.2.1. Representative sampling
 - 8.4.2.2. Judgment Sampling

- 8.4.2.3. Accident Sampling
- 8.4.2.4. Purposive Sampling
- 8.4.3. Quota Sampling
- 8.4.4. Area Sampling
- 8.4.5. Sampling by regular intervals
- 8.5. Reliability of sampling
 - 8.5.1. Sampling Error and Standard Error

9. Collection of Data

- 9.1. Sources of data
- 9.2. Tools/Methods of Data Collection
 - 9.2.1. Observation Method
 - 9.2.2. Interview Method
 - 9.2.3. Questionnaire Method
 - 9.2.4. Survey Method
 - 9.2.5. Case Study Method
 - 9.2.6. Projective Techniques
 - 9.2.7. Content Analysis

10. Data Processing

- 10.1. Analysis of Data
- 10.2. Interpretation of Data
- 10.3. Socio-metrics and Jurimetrics
- 10.4. Induction and Deduction

11. Report writing

- 11.1. Techniques of report writing
- 11.2. Citation rules

12. Legal Writing

- 12.1. Objective
- 12.2. Types
- 12.3. Principles
- 12.4. Role of writing in Legal system
- 12.5. Writing a Law Review article
- 12.6. Approach ,structure and writing of dissertation
- 12.7. Use of research findings in legal writing
- 12.8. Correct referencing in dissertations
- 12.9. Legal citation system
- 12.10. Finishing and polishing the writing

13. Computerized Research-Lexis Nexis, Westlaw, Manupatra

Books Recommended:

1. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
2. Pauline. V.Young , Scientific Social Survey and Research (1962)
3. Morris.L.Cohan, Legal Research in Butshell (1996)
4. C.R.Kothari, Research Methodology Methods and Techniques (2009)
5. Dr.S.R.Myneni, Legal Research Methodology (2012)

6. Shipra Agarwal, Legal Research Methodology (2009)
7. Amanda Martinsek, Legal Writing (2009)
8. Webley Lisa, Legal Writing (2012)
9. Legal Language and Legal Writing, B.M.Gandhi (2010)
10. Goode and Hatt, Methods in Social Research.
11. Miller D., Hand Book of Research Design and Social Measurement.
12. Jain S. N., Legal Research and Methodology.
13. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959).
14. Wilkinson, Bhandarkar, Research Methodology.
15. Selltis Johoda, Research Methodology.
16. Stott D, Legal Research.
17. Mackie S., Legal Research, How to find & understand Law.
18. Campbell, Fox Kentey, Students guide to Legal writing.
19. Ackoff R. L., Design of social research.
20. Beveridge WIR, Art of Scientific investigation.
21. Claire Selltis and others-Research methods in Social Relations.

OPTIONAL COURSES

GROUP A

BUSINESS LAW

A01: LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

Objective of the Course:

The concept of intellectual property rights as developed in India cannot be divorced from the developments in the international arena as well as in the nation-to-nation relations. The impact of IPR regime on the economic front is emphasized in this paper. In particular, greater attention would be given here to the law relating to unfair and restrictive trade practices as affecting the regime of intellectual property rights. New areas of development, especially plant patenting and patenting of new forms of life (biotechnology) should receive special attention. Evidentiary aspects of infringement and human right dimensions of the regime of intellectual property law will also be addressed.

The following syllabus prepared with this perspective.

SYLLABUS:

1: Basic Principles and National Regime of Intellectual property.

- 1.1 Meaning and definitions of Intellectual Property
- 1.2 Significance of Intellectual property
- 1.3 Classification of Intellectual property
- 1.4 Basic understanding of Intellectual Property Laws with recent amendments

2: Basic Principles and International Regime of Intellectual property.

- 2.1 International organizations related to Intellectual property
- 2.2 Trade related Aspects of Intellectual property (TRIPs)
- 2.3 World Intellectual property Organization (WIPO)
- 2.4 World Trade Organization (WTO)
- 2.5 European Economic Council (EEC)
- 2.6 Basic understanding of International Convention and treaties
- 2.7 Universal Copyright Convention(with protocols)
- 2.8 The Berne Convention for the protection of Literary and Artistic works, 1971
- 2.9 The Paris Convention for the protection of industrial property, 1967
- 2.10 United Nations Convention on Biological Diversity
- 2.11 Johannesburg Declaration on Sustainable development 2002.

- 2.12 Rome Convention
- 2.13 Madrid Agreement concerning the International registration of marks 1979
- 2.14 Hauge Agreement of International Deposits of Industrial Design, 1960
- 2.15 Budapest Treaty
- 2.16 Patent Co-operation Treaty , 1970

3: Copyright and Related Rights Issues

- 3.1 Nature and History of Copyright Act
- 3.2 Ownership of Copyright and Licencing of Copyrights
- 3.3 Rights of Broadcasting organizations and of performers
- 3.4 Infringement and piracy of copyright
- 3.5 Offences , penalties and defences
- 3.6 Copyright infringement issues in digital era

4: Trademark and Related Rights Issues.

- 4.1 The register and conditions for registration
- 4.2 Procedure and duration for registration
- 4.3 Offences, penalties and procedure
- 4.4 Unfair trade practice
- 4.5 Trademark-related Issues Raised by the Internet
- 4.6 issues of trademark infringement in e-commerce and enforcement

5: Patent Rights and Related Issues.

- 4.7 Concept, and non patentable inventions
- 4.8 Examination of patents, specification and patent of addition
- 4.9 Licensing of patents and compulsory licensing
- 4.10 Infringement and remedies
- 4.11 International patents, its filing of patents and date of priority
- 4.12 Pharmaceutical patents and related issues
- 4.13 Nature and types of biotechnology patents over new forms of life: TRIPS obligation
- 4.14 Plant patenting and sui generic protection for plant varieties

6: Geographical Indications and Industrial Designs.

- 6.1 Concept of Geographical Indications and the conditions for the registration
- 6.2 Duration, procedure and effects of the registration of Geographical Indications
- 6.3 Difference between Geographical Indication and trademarks
- 6.4 Offences, penalties, and the appellate board
- 6.5 International Scenario of Geographical Indications
- 6.6 Concept, registration and the effects of registration of Designs
- 6.7 Salient features of Designs Act 2000
- 6.8 Piracy of registered designs and penalties

6.9 Position of Industrial Designs Act in various International Conventions

7: Intellectual Property and Human Right.

7.1 Freedom of speech and expression as the basis of the regime of intellectual property law.

7.2 Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

7.3 Traditional knowledge protection biodiversity convention right of indigenous people.

Books Recommended:

- P Narayanan's, "Intellectual Property Law" Published by Eastern Law House Private Ltd.
- P.Narayanan, Copyright Law, Published by Eastern Law House Private Ltd.
- Cornish, W R ' Intellectual Property', Sweet and Maxwell, London.
- Dr B L Wadehra, Law relating to Intellectual Property Patents, TM, Copyright.
- Dr. Ashok Soni, 'Intellectual Property Rights Laws'.
- Dr.G.B Reddy's Intellectual Property Rights and the Law.
- Dr.G.B.Reddy's Copyright Law in India, Published by GOGIA Law Publications.
- W.R. Cornish , Intellectual Property(Sweet and Maxwell).
- Alka Chawla' s Law of Copyright Comparative Perspectives.
- Gopalakrishnan, N.S., Intellectual Property and Criminal Law.
- Krishna Kumar, Cyber Laws Intellectual Property and E-Commerce Security.

02. LEGAL REGULATION OF ECONOMIC ENTERPRISES

Objective of the Course:

After independence we have placed greater emphasis on the growth of our economy. The focus is on growth, both in public and private sectors, so as to cope up with the problems of population explosion. We have found that there is now almost a circle from laissez faire to welfare state and again back to laissez faire. Adoption the concept of global economy in the presence of the socialistic perspectives in the Constitution presents a dilemma. The trends of liberalization starting in the early nineties and continuing to this day bring a shift in focus of regulation in diverse fields of economic activities.

This course is designed to acquaint the students of the eco-legal perspectives and implications of such developments.

Syllabus

1. Government and Business

- 1.1 Economic Systems – Capitalism, Socialism and mixed-economy.
- 1.2 Forms of Government regulations.

2. Rational of Government Regulation

- 2.1 Economic rules of Government
- 2.2 Constitutional perspectives of business

3. Industrial Policy

- 3.1 Industrial Policy 1948
- 3.2 Industrial Policy 1956
- 3.3 New Industrial Policy 1991 and Globalization.

4. The place of Public, Small Scale, Co-operative, Corporate, Private and joint sectors in the changing context.

5. Competition Law & Policy

- 5.1 Consumerism and Consumer Protection in India.

6. Development and Regulation of Industries

7. Industrial Development and Regulation Act 1951.

- 7.1 Financial Services – Changing Techniques of Regulation
- 7.2 Sick Undertakings – Policy and Law
- 7.3 Definition, Causes and Effects
- 7.4 Remedies – Government and Legal Remedy
- 7.5 Revival and Rehabilitation of Sick Companies.

8. Capital Issues

- 8.1 Equity and debt finance
- 8.2 Global Depositories
- 8.3 De-materialised securities
- 8.4 The Securities Market and Stock Exchange

9. Protection of Environment

9.1 Mass Disaster and Environmental degradation.

9.2 Regulation of Hazardous Activity

9.3 Environment Protection Act

9.4 Public Liability Insurance

10. Legal Regulation of Select Public Enterprises

10.1 Telecom Regulatory Authority

10.2 Insurance Regulatory Authority

10.3 Broadcasting Regulatory Authority

11. Multinational Companies

11.1 Role of Multinationals in development

11.2 Development and Regulation of Foreign Investment

11.3 Investment in India : FDI and NRI's

11.4 Investment in Abroad.

Books Recommended:

1. Business Organisation and Management : V.K.Bhushan
2. Indian Economy : Rudra Dutt and
3. Indian Economy : Mishra and Puri
4. Economic Law : Taxman
5. Business Environment : Frances Cherunilam.
6. S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
7. Industrial Policy Resolutions of 1948, 1956, 1991
8. Industrial Licensing Policy 1970, 1975
9. Industrial Policy Statements 1973,1977,1980
10. Reports of Committees on Public Undertakings of Parliament
11. Industries (Development and Regulation) Act, 1951
12. U Baxi & A. Dhandha, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
13. Indian Law Institute, Law of International Trade Transactions, (1973)

03: LAW OF EXPORT IMPORT REGULATION

Objective of the Course:

After independence India has embarked upon all round efforts to modernize her economy through development ventures, Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate to investment of capital. The process of modernization necessitated had to be borrowed from other developed countries. This, in turn needed foreign exchange which could be earned by the increased exports of goods and raw materials from India.

The need for accelerating the exports trade of India's developing economy can hardly be over emphasized. Export earnings enable a developing country to finance its massive requirements of growth to maintain its essential imports and thereby stimulate the process of its economic developments. In the words of Prof. V.K.R.V.Rao: "In fact, expansion of exports may well be described as an integral part of the development process, neglect of which can only be at the peril of development itself."

Increasing exports have been necessitated to meet the growing needs of defense. India is country rich in natural resources. One of the approaches to combat its economic backwardness could be in large-scale production and in maximization of its exports.

Import and export of goods and raw materials is a complex, complicated and intricate activity. It involves elaborate economic, fiscal, budgetary and monetary policy considerations. Export and import control policy is also closely connected with country's balance of payment position.

The detailed procedures for imports and exports are provided in the Hand Book. The union Government used to declare its import and export policy for five years. The controls on exports and imports are closely connected with the Foreign Trade Regulation act 1992.

This Course is designed to acquaint the students about the parameters of legal controls on import and exports.

The following syllabus prepared with these objectives will comprise about 42 units of one-hour duration each spread over a period of one semester.

Syllabus

1. Introduction

- 1.1 State Control over import and export of goods from rigidity to liberalization
- 1.2 Impact of regulation on economy

2. 2.1 Advantages & Disadvantages of Free Trade (Laisse Fair Policy)

- 2.2 Protection (Protectionism)
- 2.3 Tariff Barriers and Non-Tariff Barriers.

2.4 Role of International and National Law in International Trade.

3. International Regime

- 3.1 Evolution of GATT Law
- 3.2 GATT 1947 and GATT 1994
- 3.4 W.T.O and its objectives and Principles
- 3.5 W.T.O and Tariff and Non-Tariff restrictions
- 3.6 Investments and Transfer of Technology Permissible regulations.
- 3.7 Problem of Dumping in international market
- 3.8 Reductions of subsidies and counter measures

4. Control of imports and exports

- 4.1 Export Import Policy of Government
- 4.2 Pre and Post Liberalisation
- 4.3 Legislative control
 - 4.3.1 Power of control: Central government and RBI
 - 4.3.2 Foreign Trade Development and Regulation Act 1992
 - 4.2.3 Restrictions under customs law
 - 4.2.4 Prohibition and penalties
 - 4.2.5 Control under FEMA

5. Exim policy: Changing Dimensions

- 6.1 Investment policy: NRIs, FIIs (Foreign Institution Investors), FDIs
- 6.2 Joint venture

6. Promotion of foreign trade

- 6.1 Agriculture products
- 6.2 Textile and cloths
- 6.3 Jewellery
- 6.4 Service sector

7. Export Promotion

- 7.1 Export Promotion Schemes
- 7.2 Export Promotion Councils
- 7.3 Export Oriented Units and Export Zone
- 7.4 SEZ (Special Economic Zone)
- 7.5 Export Import Bank of India (EXIM Bank) and its major programmes.

7. Law Relating to Customs

- 7.1 Prohibition on importation and exportation of goods
- 7.2 Control of smuggling activities in export-import trade
- 7.3 Levy of, and exemption from, customs duties
- 7.4 Clearance of imported goods and export goods
- 7.5 Conveyance and warehousing of goods

8. Regulations on Investment

- 8.1 Borrowing and lending of money and foreign currency
- 8.2 Securities abroad issue of
- 8.3 Immovable property purchase abroad
- 8.4 Establishment of business outside
- 8.5 Issue of derivatives and foreign securities GDR (Global depositories receipts), ADR (American depository receipts)
- 8.6 Investment in Indian banks
- 8.7 Repatriation and surrender of foreign securities

9. Technology transfer

- 9.1 Restrictive terms in technology transfer agreements
- 9.2 Automatic approval schemes

Suggested Reading

- International Trade Law : Dr.S.R.Myneni
- Indian Economy : Mishra & Puri
- International Trade Law : Ishita Chatterjee.
- Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)
- Government of India Import and Export Policy (1997-2002)
- Foreign Trade Development and Regulation Act 1992 and Rules
- Foreign Exchange Management Act 1999
- Marine Products Export Development Authority 1972

A04. BANKING LAW

Objectives of the Course:

A vitally important economic institution the banking system is deeply influenced by socio-political and economic changes. The emerging changes in India, particularly after the initiation of the planning process as an instrument of rapid economic development had moulded and affected the banking structure, policies, pattern and practices. A significant development in the banking system is diversification in banks financing. The commercial banks entered 'into the field of wide ranging financial assistance to industry, both large and small scale, requiring the need for social control of the banking system eventually leading to the nationalization of banks.

The conventional banking system, found to be deficient for planned development purposes paved the way for development banking. The fag end of the last millennium witness influx of foreign banking companies it to India and a shift in the banking policy as part of the global phenomenon of liberalization. The legal system is adopting itself into the new mores.

This course is designed to acquaint the students with conceptual and operational parameters of banking law, the judicial interpretation and the new emerging dimensions of the banking system.

The course will comprise of about 42 units of one-hour duration each spread over a period of one semester.

Syllabus:

1. History of Banking

- 1.1 Origin and Development of the World Banking
- 1.2 Early history of banking and evaluation of banking in England.
- 1.3 Evolution of History of Banking in India.
- 1.4 Structure of Banking in India and their functions. Functions of Commercial Banks

2. Law Relating to Banking Companies in India

- 2.1 Banking Regulation Act, 1949 – Features
- 2.2 Role of Reserve Bank of India under the Banking Regulation Act.
- 2.3 Control by government and its
- 2.4 control over banking and agencies on management

3. Social Banking Institutions

- 3.1 Nationalisation of Bank in India
- 3.2 Objectives of Nationalisation, Arguments for Nationalisation
And Arguments against Nationalisation of bank
- 3.3 Development of Banking after Nationalization , and
- 3.4 Critical evaluation of Banking in the present context
- 3.5 Priority sector Lending

4. Deposit Insurance

- 4.1 The Deposit Insurance Corporation Act 1961
- 4.2 Objects and reasons
- 4.3 Relation between Insured bank DIC and
- 4.4 Reserve Bank of India

5. The Central Bank

- 5.1 Evolution of Central Bank
- 5.2 Characteristics and Functions
- 5.3 The Reserve Bank of India as the Central Bank organizational structure
- 5.4 Functions of RBI
- 5.5 Regulation of monetary mechanism of the economy
 - Credit control
 - Exchange control
 - Monopoly of currency issue
 - Bank rate Policy formulation
- 5.6 Control of RBI over Non- Banking Companies

6. Relationship between Banker and Customer

- 6.1 Banker and Customer
- 6.2 General Relationship between Banker and Customer
- 6.3 Special features of Relationship between Banker and Customer
- 6.4 Obligation ,Duties and Rights of the Banker, Customers duties or Obligation to his banker
- 6.5 Nature and Types of Accounts
- 6.6 Special classes of customers – Lunatics partnership, Corporation and local authorities
- 6.7 Consumer Protection – Banking as Service
- 6.8 Banking Ombudsman

7. Negotiable Instruments

- 7.1 Meaning and kinds
- 7.2 Transfer and Negotiations
- 7.3 Holder and Holder in due course
- 7.4 Presentment and Payment Law on Liabilities of Partner and Dishonor of cheques.

8. Recent Trends of Banking system in India

- 8.1 New Technology and Computer Banking
- 8.2 Automation and Legal aspects - ATM, Smart Card, Debit Card and Credit Cards Information Technology, Banking through Mobiles and E-Commerce.

9. Lending by Banks

- 9.1 Loans and Advances
- 9.2 Main Principles of Social Lending
- 9.3 Credit worthness of Borrowers
- 9.4 Classification of Loans and Advances
 - Secured and Unsecured Loans
- 9.5 Modes of Creating a Charge of Banking change
 - Pledge, Hypothication, Mortgage, Pledge, Guarantee
 - Secured Advances
- 9.6 General Principles of Secured Advances
 - Types of Securities for Advances
 - (Advances against Land, against Goods, against Documents)
- 9.7 Default and Recovery of Advances
 - Recovery through persuasion
- 9.8 Recovery without Courts intervention
 - Compromise with Borrowers
 - Efforts of Legal action
- 9.9 Debts Recovery Tribunal

Books Recommended:

- M.L. Tannan, Tannan’s Banking Law and Practices in India (1997) India Law House, New Delhi, 2 Volumes.
- Law of Banking : Dr.S.R.Myneni
- Banking Laws : R.N.Chaudhary
- Indian Economy: V.K. Puri & S.K.Mishra.
- K. C. Shekhar, Banking Theory and Practices (1998) UBS Publisher Distributors Ltd. New Delhi.
- R. S. Narayan, the recovery of Debts to Banks and Financial Institutions Act, 1993 (51 of 1993), Asia Law House, Hyderabad.

A05: INSURANCE LAWS

Objective of the Course

As early as in 1601 one finds an excellent exposition of the insurance idea expressed in these words of an Act of British Parliament “the loss length rather easily, upon many than heavily upon few”. The insured person transfers from his own shoulders to the insurers., who, in return for agreeing to assume a potential risk of loss receive a payment known as premium. The insurers rely on the probability that only some of the losses, they insure against will in fact occur within any given period. They calculate,

therefore that they will be left with a profit. The insurer on the other hand, is better able to risk his capital in trade since he knows that certain events which he cannot control, such as fire, Shipwreck, will not cause him to lose his investment.

The insurance idea is an old-institution of transactional trade. The age old from the insurance was the marine insurance. There is nothing like disaster to set men's minds to work. Consequently, in due course of time fire and life insurance, made their appearance. Within the last hundred years the insurance principle is being extended wider. Today one finds insurance cover for accidents, motor vehicles, class, live stock, crop, burglary and various other disasters.

Insurance is a device not to avert risks, calamities and disasters; but to mitigate their rigours and financial losses. The function of insurance is to spread such loss arising from risks of life cover a large number of persons.

The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a contract, are subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort.

This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of just order in insurance and to develop the appreciative and evaluative faculties of the students. The following syllabus is prepared with the above perspective

Syllabus:

1. Development and growth of Insurance in India

- 1.1 History of Insurance
- 1.2 Insurance in India
 - Life Insurance
 - General Insurance
 - Privatisation of Insurance Industry

2. Definition and nature of Insurance

- 2.1 Definition
- 2.2 Nature of Insurance
- 2.3 Functions of Insurance
- 2.4 Classification of Insurance

3. Principles of Insurance

- 3.1 Contract of Insurance
- 3.2 Principle of Co- operation
- 3.3 Principle of Probability
- 3.4 Principle of Insurable interest
- 3.5 Principle of utmost good faith

- 3.6 Warranties
 - 3.7 Principles of Indemnity
 - 3.8 Principles of Subrogation
 - 3.9 Principles of Contribution
 - 3.10 Maxim of “Causa Proxima (Proximate clause)”
- 4. Indian Insurance Law (general)**
- 4.1 History and Development
 - 4.2 The Insurance Act 1938 Insurance Regulatory Authorities Act 2000
 - 4.3 Double Insurance and Re- Insurance
- 5. Life Insurance**
- 5.1 Definition of life Insurance , Nature
 - 5.2 Essential elements of Life Insurance
 - 5.3 Formation of Life Insurance Contract
 - 5.4 Insurable Interest in Life Insurance
 - 5.5 Premium
 - 5.6 Circumstances affecting risk
 - Persons entitled to payment settlement of claim and payment of money
- 6. Marine Insurance**
- 6.1 Nature and scope
 - 6.2 Classification of Marine policies
 - The Marine Insurance act, 1963
 - Insurable Interest, Insurable Value
 - Marine Insurance Policy, Condition- Express, Warranties
 - Voyage- deviation
 - Peril of Sea
 - Assignment of Policy
 - Partial loss of ship and of freight,
 - General average, particular charges
 - Return of Premium
- 7. Insurance against Accident**
- 7.1 The fatal Accident Act, 1853
 - 7.2 Objects and reasons
 - 7.3 Assessment of compensation
 - 7.4 Contributory negligence
 - 7.5 Compensation and liability
- 8. The Personal Injuries (Compensation Insurance) Act , 1963**

- 8.1 Compensation payable under the Act
- 8.2 Compensation Insurance Scheme under the Act

9. Miscellaneous Insurance Schemes: New Dimensions

- 9.1. Group life insurance
- 9.2. Mediclaim, sickness insurance

Books Recommended:

1. Law of Insurance : Dr.S.R.Myneni
2. Law of Insurance : R.N. Chaudhary.
3. John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong
4. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
5. Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
6. Mitra B. C., Law Relating to marine insurance (1997) Asia Law House, Hyderabad.
7. JCB Gilmar and Mustill, Arnold on the Law of Marine Insurance, (1981), Sweet & Maxwell
8. Birds, Morden Insurance Laws (1997), Sweet & Maxwell
9. Colinvaux's law insurance 1997 Sweet & Maxwell

A06. CORPORATE FINANCE

Objective of the Course:

Industrialization has played, and has to play a very vital role in the economic development of India. In the post independent era, industrial development is regarded, and hence employed as principal means in the strategy for achieving the goal of economic and social justice envisioned in the Constitution. Corporations, both public and private, are viewed as a powerful instrument for development. In a developing society like India enormous varieties of consumer goods are manufactured or produced. Obviously, the situation raises the issue of procuring, utilizing and managing the finances. For this purpose a science of financial management techniques has been evolved. The faculties of commerce, business and management studies have since last decades started to impart instruction so as to turn out sufficiency well equipped and adequately trained financial personnel. However, the legal and juristic aspects of corporate finance have been more or less not effectively taken care of.

In View of the above perspectives the broad objectives of this cause may be formulated as follows-

1. To understand the economic and legal dimension of corporate finance in the process

of industrial development in establishing social order in the context of constitutional Values.

2. To acquaint the student with the normative, philosophical and economic contours of various statutory rules relating to corporate finance.
3. To acquaint the students with the organization, functions, lending, and recovery procedures, conditions of lending and accountability of international national and state financing institutions and also of commercial banks and
4. To acquaint the students with the process of the flow and outflow of corporate finance.

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

Syllabus:

1. Introduction

- 1.1 Meaning, importance and scope of corporation finance
- 1.2 Capital needs capitalization working capital securities borrowings deposits debentures
- 1.3 Objectives of corporation finance profit maximization and wealth maximization
- 1.4 Constitutional perspectives the entire 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 Union List; entry 24 of List 11 State List.
- 1.5 Methods of Financing

2. Equity Finance

- 2.1 Prospectus information disclosure
- 2.2 Remedies for Misrepresentation
- 2.3 Shares
- 2.4 Types of Shares
- 2.5 Purchase by Company of its shares
- 2.6 Member and Shareholder, Acquiring membership
- 2.7 Rights and Liabilities of members
- 2.8 Shares without monetary consideration
- 2.9 Issue of shares and allotment of shares
- 2.10 Share Capital
- 2.11 Kinds of Share Capital
- 2.12 Reduction of Share Capital

3. Debt Finance

- 3.1 Debentures
 - 3.1.1 Debentures and its features
 - 3.1.2 Kinds of Debentures
 - 3.1.3 Remedies available to a debenture holder
 - 3.1.4 Charges
 - 3.1.5 Mortgages

3.1.6 Borrowing

4. Conversation of corporate Finance

- 4.1 Regulation by disclosure
- 4.2 Dividends
 - Interest
 - Control on payment of dividend
- 4.3 Managerial remuneration
- 4.4 Payment of commissions and brokerage
- 4.5 Inter-corporate loans and investments
- 4.6 Buy-back of shares
- 4.7 Other corporate spending

5. Protection of creditors

- 5.1 Need for creditor protection
 - 5.1.1 Preference in payment
- 5.2 Rights in making company decisions affecting creditor interests
- 5.3 Creditors self-protection
 - 5.3.1 Incorporation of favorable terms in lending contracts
 - 5.3.2 Right to nominate directors
- 5.4 Control over corporate spending

6. Protection of Investors

SEBI (Disclosure and Investor Protection)
Guidelines 2000

7. Corporate Fund Raising

- 7.1 Depositories IDR (Indian depository receipts) ADR (American depository receipts), GDR (Global depository receipts)
- 7.2 Public financing institutions IDBI, ICICI, IFC and SFC
- 7.3 Mutual fund and over collective investment schemes
- 7.4 Institutional investments LIC, UTI and banks
- 7.5 FDI and NRI investment foreign institutional investments (IMF and World Bank)

8. Administrative Regulation on Corporate Finance

- 8.1 Inspection of accounts
- 8.2 SEBI and its functions
- 8.3 Power of the Central Government under the SEBI Act, 1992
- 8.4 Central government control
- 8.5 Control by registrar of companies
- 8.6 RBI Control

9. The Securities Market (Including Stock Exchange, Securities Contracts, Regulation Act) 1956

Books Recommended:

- Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
- Eil's Ferran, Company Law and Corporate Finance (1999), Oxford

- Jonathan Charkham, Fair shares: the Future of Shareholder power and Responsibility (1999), Oxford
- Ramaiya A, Guide to the Companies Act (1998), Vol. I,II and III
- H.A.J Ford and A.P. Austen, Foreds' principle of Corporations Law (1999) Butterworths
- J.H. Farrar and B.M.Hanniyan, Farrar's company Law (1998) Butterworths
- Austen R.P.The Law of Public Company Finance (1986) LBC
- R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
- Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
- Gilbert Harold, corporation Finnance (1956)
- Henry E. Hoaglad, Corporation Finance (1947)
- Maryin M. Kristein, Corporate Finance (1975)
- R.C.Osborn, Corporation Finance (1959)
- S.C.Kuchhal Corporation Fincance: Principles and Problems (6th ed 1966)

GROUP B

HUMAN RIGHTS LAW

B01.CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

Objective of the Course

Protection of Human Rights (HR) became an important issue after the Second World War and after the acceptance of Universal Declaration of Human Rights. The growth of HR Law and Jurisprudence thereafter was spontaneous and continuous. The changes in the global scenario bring new concept of HR protection against violation. In one sense, HR can be said as the rights which the nature has endowed with human beings. However, they are not mere privileges given to the subjects by the ruler but are liberties permitted to the 'citizens' in a democracy. Manifestly a law that violates human rights is no law at all. Probably this perspective may give an impression that human rights are not different from natural rights envisaged by the natural law school.

Although Indian polity waited for more than one score and five years for adoption of Fundamental Duties in the Constitution, it is beyond doubt that every human being has responsibilities and obligation not only towards the other fellow beings, but also towards the society at large. Only when a society is aware of this right-duty relationship can there be any meaning to human rights.

This course is intended to highlight the concept of human rights, their evolution and their importance in our society now particularly in the era of privatization, globalization and liberalization.

Syllabus

1. **Human Rights: Concept**
 - 1.1 Human Rights in Indian tradition: ancient, medieval and modern
 - 1.2 Human rights in western tradition
 - 1.3 Development of natural rights
 - 1.4 Human rights in international law and national law
2. **Classification of Human Rights First Second and Third Generations: Historical Development**
3. **Human Right: Politics and Society**
 - 3.1 Colonization, imperialism and human rights
 - 3.2 Power, practices, accountability and transparency
 - 3.3 Liberalization, privatization and globalization
 - 3.4 Human duties: responsibilities and obligations
4. **Human Rights and Judicial Process**
 - 4.1 **Judicial activism**
5. **Human Rights Protection Agencies**

Books Recommended:

- Angela Hegarty, Siobhan Leonard, Human Rights as Agenda for the 21st Century (1999)
- Lalit Parmar, Human Rights, (1998)
- Rama Jois, Human Rights: Bharatiya Values, (1998)
- David P. Forsythe, Human Rights in International Relations.
- Lon. L.Fuller, The Morality of Law
- Jlhon Finnis, Natural law and Natural Rights, (1980)
- Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
- M.G.Chitkara, Human Rights: Commitmentand Betrayal (1996)
- V.D.Kulshreshtra, Landmarks in the Indian Legal and Constitutional History, (1995)
- Robert Lewngat, The Classical Law of India(1998), Oxford

B02. HUMAN RIGHTS AND INTERNATIONAL ORDER

Objective of the Course

Human rights have universal application. They gathered importance when the United Nations adopted the Universal Declaration of Human Rights in 1948. The role of international organizations in promoting awareness of human rights is very significant. The international conventions, though not binding, have persuasive force since the violations will be decried by the international community. International Non-government Organizations watch and monitor human rights violations in every country. However, in the absence of national legislation, the enforcement of the rights will be difficult.

Syllabus:

- 1. Development of the Concept of Human Rights under International Law**
 - 1.1 Role of International Organization and Human Rights
 - 1.2 Universal Declaration of Human Rights (1948)
 - 1.3 Covenants on Political and Civil Rights (1966)
 - 1.4 Covenants on Economic, Social and Cultural Rights (1966)
 - 1.5 ILO and other Conventions and Protocols dealing with human rights
- 2. Role of regional Organizations**
 - 2.1 European Convention on Human Rights
 - 2.2 European Commission on Human Rights/Court of Human Rights
 - 2.3 American Convention on Human Rights
 - 2.4 African Convention on Human Rights
 - 2.5 Other regional Conventions.
- 3. Protection agencies and mechanisms**
 - 3.1 International Commission of Human Rights
 - 3.2 Amnesty International
 - 3.3 Non-Governmental Organizations (NGOs)
 - 3.4 U.N. Division of Human Rights
 - 3.5 International Labour Organization
 - 3.6 UNESCO
 - 3.7 UNICEF
 - 3.8 Voluntary Organizations
 - 3.9 National and State Human Rights Commissions
- 4. International enforcement of Human Rights**
 - 4.1 Role of ICJ and regional institutions

Books Recommended:

- Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997)

- Francisco Forrest Martin, International Human Rights Law and Practice (1997)
- Luck Clements, European Human Rights Taking a case under the Convention (1994)
- Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights (1996)
- R.K. Sinha, Human Rights of the World(1997)
- Philip Alston, The United Nations and Human Rights A critical Appraisal, (1992)
- R.S.Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997)
- The Human Rights watch Global Report on Women's Human Rights, (2000), Oxford
- B.P.Sigh Seghal, Himan Rights in India (1996)
- Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes.(1997)

B03. PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

Objective of the Course

A reading of fundamental rights and duties in the Constitution of India reveals that they constitute the human rights charter in India. The Judiciary, the major protective and enforcement machinery, is very active in protecting human rights. There are a number of cases where courts apply the provisions of the international conventions to fill the gaps in legislation. The apex court has also ventured to apply international conventions even where there was no legislation in the area. Thus the judiciary aims at familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

Syllabus :

- 1. History and Development of Human Rights in Indian Constitution**
 - 1.1 Constitutional Philosophy-Preamble
 - 1.2 Fundamental Rights
 - 1.3 Directive Principles of State Policy
 - 1.4 Fundamental Duties
- 2. Judicial Activism and Development of Human Rights Jurisprudence**
- 3. Enforcement of Human Rights**
 - 3.1 Formal enforcement mechanisms
 - 3.1.1 Role of Supreme Court
 - 3.1.2 Role of High Courts
 - 3.1.3 Role of Civil and Criminal Courts
 - 3.1.4 Statutory Tribunals
 - 3.1.5 Special Courts
- 4. Role of India in implementing international norms and standards**

Books Recommended:

- D.D. Basu, Human Rights in Indian Constitutional law, (1994)
- Vijay Chitnis, (et.al) Human Rights and the law: National and Global Perspectives (1997)
- B.P.Singh Seghal, Law, Judiciary and justice in India (1993)
- James Vadakkumchery, Human Rights and the politics in India (1996)
- D.R.Saxena, Tribals and the law (1997)
- Poornima Advani, Indian Judiciary: A Tribute, (1997)
- Justice Venkataramiah, Human Rights in the Changing World (1998)
- Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996)

B04. HUMAN RIGHTS OF DISADVANTAGED GROUP: PROBLEMS AND ISSUES IN THE PROTECTION AND ENFORCEMENT

Objective of the Course

Human rights are the rights of all human beings. Violation of these rights is human rights violations. Due to frequent violations to particular groups in disadvantageous positions, new categories of human rights have emerged. These groups are of people such as women, children, prisoners and dalits. Violation of human rights of these groups is of great concern of every nation today. The officials of the state like the police force commit such violations. This is only an illustration. There are several other categories of violations.

Syllabus:

- 1. Concept of Disadvantaged Groups**
- 2. Emerging Human Rights Jurisprudent and the Role of the Judiciary**
 - 2.1 Rights of Women
 - 2.2 Rights of the Child
 - 2.3 Rights of Prisoners
 - 2.4 Rights of dalits
 - 2.5 The tribal and other indigenous people
 - 2.6 The mentally ill
 - 2.7 The stateless persons
 - 2.8 The unorganized labour
 - 2.9 Aids Victims
 - 2.10 Rights of minorities
- 3. Enforcement of Human Rights**
 - 3.1 Protection Laws of the Disadvantaged Groups: Problems and Issues
- 4. Future Perspective of the Human Rights of the Disadvantaged**

Books Recommended:

- G.S.Bhargava and R.M.Pal, Human Rights of Dalit Societal Violation, (1999)
- Geraldine Van Bueren, The International Law on the Rights of the Child. (1998)
- Prabhat Chandra Tripathi, Crime Against Working Wome (1998)
- Paras Diwan and Piyush Diwan, Women and Legal Protection
- Philip Alston (et.al.) Children, Rights and the Law
- Kelly D. Askin, Dorean M.Koening, Women and International Human Rights Law (1999)
- N.K.Chadrabarti, Juvenile Justice in the Administration of Criminal Justice (1999)
- Rebecca Wallace, International Human Right, Text and Materials, (1997)

B05. INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

Objective of the Course

The two world wars had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson: wars continue to be there. The International humanitarian law aims at humanizing war though war itself is inhuman. Human rights do have value only in peace time war is the negation of all human rights. Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs.

War is one of the factors which create the problem of refugees. There have been some endeavors on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of 'refugees' has been such that it helps the developed countries to shrink the responsibility towards the refugees leaving the burden to the developing countries.

This course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

This paper comprises of about 42 units of one hour duration spread over a period of one semester.

Syllabus:

1. Humanization of Warfare

- 1.1 Amelioration of the wounded and sick
- 1.2 Armed forces in the field
- 1.3 Armed forces at sea
- 1.4 The Shipwrecked
- 1.5 Protection and facilities
- 1.6 Prisoners of war
- 1.7 Civilians in times of war
- 1.8 Cultural Properties

2. Control of weapons

- 2.1 Conventional
- 2.2 Chemical
- 2.3 Biological
- 2.4 Nuclear

3. Humanitarian law: Implementation

- 3.1 Red Cross role
- 3.2 National Legislation

4. The Concept of refugees

- 4.1 Definition of refugees and displaced persons their problems
- 4.2 The UN Relief and Rehabilitation Administration and other International Refugee

Organization: International Protection

4.3 Protection under national laws

5. **Strategies to combat refugee problem**

5.1 Repartition, resettlement local integration and rehabilitation

5.2 UNHCR role

5.3 UNHCR and India

Books Recommended:

- B.S.Chimni, International Refugee Law (2000)
- Jean Yves Calier, who is a Refugee A Comparative Case law Study, (1997)
- Kelly Dawn Askin, War Crimes Against Women, (1997)
- M.K. Balachandran, Rose Varghese, Introduction to International Humanitarian Law (1997)
- Guy S. Goodwin-Gill, The Refugee in International law, (1996)
- Veral Gowlland Debbas, The Problem of Refugees in the Light of Contemporary International law issues, (1996)
- Anti-personal Landmines Friend or Foe? International Committee of Red Cross (1996)
- Resettlement Handbook, The United Nations High Commissioner for Refugees.
- James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey (1995)

B06.SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

Objective of the Course

We live in an era of scientific development. The alarming rate of development in biotechnology calls for drastic change in the law. Many concepts and terms have to be re-defined. The development in information technology poses serious problems and challenges. The rapid changes made by science and technology will have to be reflected in law to make it meaningful and realistic in the modern era. This course is intended to make students conscious of various legal problems arising due to developments in such areas as biotechnology and information technology and to identify the changes needed in the law.

Syllabus:

- 1. Interrelationship of Science, Technology and Human Rights**
- 2. Implication of Development of Science and Technology on Human Rights.**
 - 2.1 Right to environment in the development of science and technology
 - 2.2 Right to development in the advancement of science and technology
 - 2.3 Right to development in the advancement of science and technology
 - 2.4 Right to Human health and impact of developments in medical sciences
- 3. Medicine and the Law**
 - 3.1 Organ transplantation
 - 3.2 Experimentation on human beings
 - 3.3 Euthanasia (mercy killing)
 - 3.4 Gene therapy
- 4. Issue of Human Rights Ethics in Scientific and Technological Development**
 - 4.1 Sex determination test
 - 4.2 Induced abortion
 - 4.3 Reproductive technology
 - 4.4 Cloning
 - 4.5 In vitro fertilization
 - 4.6 Artificial insemination
 - 4.7 Surrogate motherhood
- 5. Development in information Technology and Human Rights**
- 6. Impact of scientific and Technological Progress on Human Rights: Normative Response of the International Community**
 - 6.1 Right to life
 - 6.2 Right to privacy
 - 6.3 Right to physical integrity
 - 6.4 Right to information
 - 6.5 Right to benefit from scientific and technological progress
 - 6.6 Right to adequate standard of living.

Books Recommended:

- Diane Rowland, Elizabeth Macdonald, information Technology Law (1997)
- Suresh T. Vishwanathan, The Indian Cyber Law (2000)
- The International Dimensions of Cyberspace Law (2000), UNESCO Publication
- D.P.Mittal, Law of Information Technology (Cyber Law) (2000)
- Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999)
- Edwin W. Patterson, Law in a Scientific Age, (1963)
- Steve Jones, Borin Van Leon, Genetics for Beginners, (1993)
- Weeramantry, C.G. Human Rights and Scientific and Technology Development, 1990
- Kamenka, E Ideas and Ideologies Human Rights (1978)
- Galtung, Human Rights in Another Key, (1994)
- Akbar, M.J. Riots After Riots (1988)
- Baxi U.(ed) Rights to be Human (1986)
- Kazmi, F.Human Rights (1987)
- Levin L. Human Rights (1982)
- Gromley W.P. Human Rights and Environment (1976)
- Madhavtirtha, Human Rights (1953)
- Beddard H. Human Rights and Europe, (1980)
- Swarup J. Human Rights and Fundamental freedoms (1975)
- Nagendra Singh, Human Rights and International cooperation (1969)
- Kashyap, S.C. Human Rights and Parliament (1978)
- Khare S.C. Human Rights and United Nations (1977)
- Moskowitz, Human Rights and world order, (1958)
- Drost, Human Rights as Legal Rights (1965)
- Garling M. Human Rights Handbook, (1979)
- Andrews J.A. Human Rights in Criminal Procedure (1982)
- Klaiah A.B. Human Rights in International Law, (1986)
- Menon, I. (ed) Human Rights in International Law (1985)
- Robertson, A.B. (ed) Human Rights in National and International Law (1970)
- Lauterpacht, E. International Law and Human Rights (1968)
- Roberson, E, Human Rights in the world (1972)
- Sohn, Lonis & Burgenthal, International Protection of Human Rights (1973)
- Baxi, U, "Human Rights, Accountability and Development" Indian Journal of International Law ,279, (1978)
- Basu, D.D. Human Rights in Constitutional Law, (1994)
- Macfarlane, L.J. The Theory and Practice of Human Rights, (1985)
- Krishan Iyer, V.R. Human Rights – A Judge's Miscellany (1995)
- Rama Jois, M. Human Rights: Bharatiya Values, (1998)

GROUP C

INTELLECTUAL PROPERTY LAW

C01. GENERAL REGIME OF INTELLECTUAL PROPERTY RIGHTS

Objective of the course:

Countries have laws to protect intellectual property for two main reasons. One is to give statutory expression to the moral and economic rights of creators in their creations and the rights of the public in access to those creations. The second is to promote, as a deliberate act of Government policy, creativity and the dissemination and application of its results and to encourage fair trading which would contribute to economic and social development.

This course thus introduces IPR and its nature explaining its origin and development. It also aims at giving the students a brief idea of the international and national regime related to IPR.

Syllabus:

1. Introduction to IPRs

- 1.1. Concept & Meaning
- 1.2. Types of Intellectual Property Rights

2. Nature of Intellectual Property Rights

- 2.1. Monopolistic Perspective
- 2.2. Economic Perspective
- 2.3. Public welfare perspective
- 2.4. Theories
 - 2.4.1. Natural theory
 - 2.4.2. Locke's Theory of property
 - 2.4.3. Hegelian Philosophy
 - 2.4.4. Utilitarian guidelines
 - 2.4.5. Incentive theory
 - 2.4.6. Prospect theory
 - 2.4.7. Schumpeterian theory

3. Origin & Development

- 3.1. Historical Background
- 3.2. Technological Development of IPRs
- 3.3. Intellectual Property Rights: From National to International Character
- 3.4. Sustainable Development
- 3.5. Challenges for IPR system
 - 3.5.1. Digital Economy

- 3.5.2. E-commerce
- 3.5.3. Domain names
- 3.5.4. Biotechnology including Human genomes
- 3.5.5. Nanotechnology

4. International regime of Intellectual Property Rights

- 4.1. Pre WTO régime
 - 4.1.1. Paris Convention
 - 4.1.2. Berne convention
 - 4.1.3. Rome convention
 - 4.1.4. Patent Cooperation treaty
 - 4.1.5. World Intellectual Property Organization (WIPO), etc
- 4.2. Post WTO regime
- 4.3. TRIPS

5. National Regime of Intellectual Property Rights

- 5.1. Pre WTO régime
- 5.2. Post WTO regime

Books Recommended:

- Shiv Sahai Singh, The Law of Intellectual Property Rights, Deep & Deep Publication Pvt. Ltd. 2004
- Intellectual Property Rights: Text and Cases, By Radhakrishnan, Excel Books
- Catharine Colstone -Principles of Intellectual Property Law, Cavendish, London, 1999
- Phillippe Culet, Intellectual Property Protection and Sustainable Development, Lexis Nexis Butterworth, 2004.
- Paul Torremans and Jan Holyoak - Intellectual Property Law, 2nd edn. Butterworths. 1998.
- W R Cornish, Intellectual Property: Patents, copyright, Trademarks and allied rights , London : Sweet & Maxwell, 1996
- Jayanti Bagachi , World Trade organization; an Indian Perspective(2000).
- Narayanan, P., Intellectual Property Rights, Eastern Law House. Calcutta.
- Special attention should be given to literature of the U.N.System, WIPO and the UNESCO
- Odagiri et.al, Intellectual Property Rights, Development, and Catch Up, Oxford University Press, (2010)
- Christopher May & Susan K. Sell, Intellectual Property Rights: A Critical History, Lynne Rienner Publications, (2005)

LAW RELATING TO PATENTS

Objective of the course:

Patent is recognition for an invention, which satisfies the criteria of global novelty, non-obviousness, and industrial application. Patents are vital resources for businesses, researchers, inventors, academics, and others who need to keep abreast of

developments in their fields. Patents are also an important means of sharing know-how, because each patent document describes a new aspect of a technology in clear and specific terms and is available for anyone to consult.

The objective of the course is to introduce the concept of patents and explain the various international and national laws related to patents. The course also aims to discuss the present trends and issues related to patent protection in the fields of biotechnology, pharmaceuticals, food and information technology etc.

Syllabus:

1. Introduction to Patents

- 1.1. Overview
- 1.2. Historical development
- 1.3. Concepts
 - 1.3.1. Novelty
 - 1.3.2. Utility
 - 1.3.3. Inventiveness/Non-obviousness
- 1.4. Types of patents
 - 1.4.1. Product patents
 - 1.4.2. Process patents
 - 1.4.3. Plant patents
 - 1.4.4. Design patents
 - 1.4.5. Utility patents

2. International Convention and Treaties on Patents

- 2.1. Paris convention on Patents
- 2.2. Patent co-operation treaty
- 2.3. Patent Law treaty
- 2.4. TRIPS Agreement and uniform patent system

3. Patent law in India

- 3.1. Salient features of Patent Act 1970
- 3.2. Procedure for Obtaining of Patents
- 3.3. Working of Patents
- 3.4. Infringement

4. Rights of patentees

- 4.1.1. Assignment
- 4.1.2. Licensing
- 4.1.3. Compulsory licensing
- 4.1.4. Scope of governmental intervention

5. International protection of Patents

- 5.1. Protection of patents beyond boundaries
- 5.2. International patent application
- 5.3. Who can file international patent application
 - 5.3.1. Process of filing

- 5.3.2. Requirements of an international application
- 5.3.3. Priority of the international application
- 5.3.4. International preliminary examination
- 5.3.5. International search and publication
- 5.3.6. Processing of international application at national level
- 5.3.7. Grant and issue of an international patent

6. Present trends and issues in the patent system

6.1. Product patents

- 6.1.1. TRIPS Mandate : Product Patents on Food and Pharmaceuticals
- 6.1.2. Courts on Pharmaceutical and Drug Patents in India

6.2. Technology Patents

- 6.2.1. Biotechnology and its inventions
 - 6.2.1.1. Life as patentable subject matter
 - 6.2.1.2. Microorganisms as patentable subject matter
 - 6.2.1.3. Plant as patentable subject matter
 - 6.2.1.4. Animal as patentable subject matter
 - 6.2.1.5. Patents on human genetic material: Human cells, Genes, DNA
- 6.2.2. Biotech Patents in India: The way ahead

6.3. Patenting the inventions of information technology

- 6.3.1. Software: Conceptualization
- 6.3.2. Patenting Computer Programs and software
- 6.3.3. Software Patenting: Lessons from India
- 6.3.4. Why software should be patented?

Books Recommended:

- Law Relating to Intellectual Property, Sreenivasulu N.S, Partridge Publishing
- W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000) Terrell On Patent, 2000
- P. Narayana, Patent Law, Wadhwa Publication.
- Merges, Patent Law and Policy: Cases and Materials, 1996
- Brian C. Reid, A Practical Guide to Patent Law, 2nd Edition, 1993
- Brinkhof (Edited), Patent Cases, Wolters Kluwer
- Carlos M. Correa (ed.). Intellectual Property and International Trade Patent Cooperation Treaty Hand Book (1995) Sweet and Maxwell.
- Prof. Willem Hoyng & Frank Eijsvogels, Global Patent Litigation, Strategy and Practice, Wolters Kluwer
- Gregory Stobbs, Software Patents Worldwide, Wolters Kluwer
- Feroz Ali Khader, The Law of Patents – with a special Focus on Pharmaceuticals in India, LexisNexis Butterworths Wadhwa, Nagpur.
- Sookman, Computer Law, 1996
- Intellectual Property Rights: Text and Cases, By Radhakrishnan, Excel Books
- N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

- N.R.Subbaram - Patent Law.

C03. LAW RELATING TO TRADEMARKS

Objective of the course:

Trademark has a major value for any business, and one of the primary concerns of any well established or successful business man. Trademark is important because it helps businesses build and retain demand for their products and services while enabling consumers to quickly identify and make a purchase based on a recognized trademark.

The objective of this course is to explain the importance of protection of trademarks and thus explain the efforts to protect it at international and national level. This course further aims to highlight the concerns related to trademark in the internet world.

Syllabus:

1. Introduction to trademark

- 1.1. Defining trademark
- 1.2. Characteristic features of trademark
- 1.3. Forms of trademarks
- 1.4. Functions of trademarks
- 1.5. Protection of trademarks
- 1.6. Objectives of trademarks law

2. Philosophy and theories of protection

- 2.1. Analyzing the character of trademarks
 - 2.1.1. Distinctive character of trademarks
 - 2.1.2. Philosophy of distinctive character
 - 2.1.2.1. German theory
 - 2.1.2.2. Second theory
 - 2.1.2.3. Cynics theory
 - 2.1.3. Types of distinctiveness
 - 2.1.3.1. Inherent distinctiveness
 - 2.1.3.2. Acquired distinctiveness
 - 2.1.4. Deceptive similarity
 - 2.1.4.1. Types of similarity
 - 2.1.4.2. Assessment of similarity

3. International law on trademarks

- 3.1. Paris convention on trademark
- 3.2. Madrid agreement
- 3.3. Trademark law treaty
- 3.4. Singapore treaty on trade mark
- 3.5. TRIPS Agreement on trademarks

4. Trademark laws in India

- 4.1. Historical Development of trademark laws in India
- 4.2. Registration of trademarks

- 4.2.1. Process of registration
- 4.2.2. Grounds for refusal of registration
- 4.2.3. Opposition proceedings
- 4.3. Enforcement of trademarks
 - 4.3.1. Infringement
 - 4.3.1.1. Determination of infringement
 - 4.3.1.2. Defences in case of infringement
 - 4.3.2. Passing off
 - 4.3.2.1. Invasion of proprietary rights
 - 4.3.2.2. Modes and types of passing off
 - 4.3.3. Remedies for infringement and passing off

5. Concerns of trademark in the internet

- 5.1. Domain Name and Cyber Squatting
 - 5.1.1. Domain name registration
 - 5.1.2. Legitimate use of trademarks in the internet
 - 5.1.3. Illegitimate use of trademark: Cyber Squatting
 - 5.1.3.1. Various forms
 - 5.1.3.1.1. Classical cyber squatting
 - 5.1.3.1.2. Derogatory cyber squatting
 - 5.1.3.1.3. Typographical cyber squatting
 - 5.1.3.1.4. Political cyber squatting
 - 5.1.3.1.5. Liking and meta tagging
 - 5.1.4. Regulating the outrage of cyber squatting
 - 5.1.4.1. Role of ICANN and registration of Domain Name
 - 5.1.4.2. Domain name and law of passing off
 - 5.1.4.3. Penalties

Books Recommended:

- Paul Torremans and Jan Holyoak - Intellectual Property Law. 2nJ edn. Butterworths. 1998.
- Catharine Colstone -Principles of Intellectual Property Law. Cavendish. London. 1999
- P.Narayanan - Intellectual Property Law, Eastern Law House. Calcutta.
- P.Narayanan - Law of Trade Marks (Trade Marks Act 1999) and Passing off. Eastern Law House. House. Calcutta. 2000.
- Law Relating to Intellectual Property, Sreenivasulu N.S, Partridge Publishing
- P. Narayanan - Trade Marks Trade Name and Passing of Cases. Easter Law House, Calcutta. 1977.
- J.S. Sarkar - Trade Marks; Law and Practice. Kamal Law House. Calcutta. 2000.
- S. Venkateshwaran - The Law of Trade Marks and Passing - off. Reprint 1999.
- W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
- Law Relating to Intellectual Property, Sreenivasulu N.S, Partridge Publishing

- Kerly's Law of Trade Marks and Trade Names, 14th Edition, Thomson, Sweet & Maxweel.
- A. K. BanSal, Law of Trade Marks in India (2009 Edition) Institution of Constitutional and Parliamentary Studies and Centre for Law, Intellectual Property and Trade, New Delhi.
- Christoher Wadlow, The Law of Passing Off, 1995
- Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer.
- N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow

C04. LAW RELATING TO COPYRIGHT

Objective of the course:

The objective of copyright is to promote the public good by encouraging and fostering cultural and scientific activity. Copyright protects cultural works, the creative expression of thoughts and feelings. To demonstrate its importance to culture and society, copyright is recognised as one of the Human Rights in the Universal Declaration of Human Rights. Consequently, the value and benefits associated with copyright and the systems which support it cannot be underestimated. The existence of strong and enforceable copyright laws are also a necessary precursor to participation in the global economic community, bringing particular benefits to the economies of developing countries. The internet and lower costs of communication means that copyright works can be made available more easily, enabling improvements in the education system and skills development within communities.

The objective of this course is to understand the key aspects of the copyright system, including its strengths and limitations.

Syllabus:

1. Introduction to copyright

- 1.1. Defining Copyright
- 1.2. What is protected
 - 1.2.1. Literary
 - 1.2.2. Drama
 - 1.2.3. Artistic
 - 1.2.4. Sound recordings
 - 1.2.5. Cinematographic films
- 1.3. Requirements for copyright
 - 1.3.1. Originality
 - 1.3.2. Doctrine of sweat of the brow
 - 1.3.3. Doctrine of independent creation
 - 1.3.4. Doctrine of merger
 - 1.3.5. Doctrine of skill and judgment
 - 1.3.6. Indian Doctrine
- 1.4. Nature and significance of copyright protection

2. International law on copyrights

- 2.1. Berne Convention
- 2.2. Universal copyright convention
- 2.3. Rome convention
- 2.4. Convention for the protection of producers of phonogram
- 2.5. WIPO Copyright Treaty
- 2.6. WIPO Performers and Phonograms Treaty

2.7. TRIPS Agreement

3. Copyright protection in India

3.1. Historical development

3.2. Protection of neighboring rights

3.2.1. Broadcaster's rights

3.2.2. Performer's rights

3.3. Copyright assignment

3.4. Licensing of copyright

3.5. Transmission of copyright

3.6. Relinquishing the rights

3.7. Infringement of copyright

3.7.1. Matters of jurisdiction

3.7.2. Defences and exceptions

3.7.2.1. Doctrine of fair use

3.7.3. Remedies against infringement

4. Copyright in digital age

4.1. Internet and copyright

4.1.1. Content of digital copyright

4.1.2. Regulating digital copyright in India

4.1.2.1. Copyright for computer software

4.1.2.2. Copyright for the database

4.1.2.3. Infringement of copyright on the internet

5. Copyright in the media

5.1. Changes introduced in the copyright law affecting the film media

5.2. Viability of copyright protection for titles and characters

Books Recommended:

- R. G. Chaturvedi (ed.) Iyengar's The Copyright Act 1957, Butterworths. India 2000.
- 15. A.S. Srivastava (ed.) Lai's Commentary on Law of Copyright, 1999. Delhi Law House.
- David Bainbridge, Software Copyright Law (1999), Butterworths Sookman, Computer Law (1998), Carswell
- Law Relating to Intellectual Property, Sreenivasulu N.S, Partridge Publishing
- Whale on Copyright, 1996
- W.R. Cornish, Intellectual Property, Sweet & Maxwell, London (2000)
- Prof. Bernt Hugenholtz & Dr. Lucie Guibault (Edited), Kluwer Copyrights Cases, Wolters Kluwer

C05. BIOTECHNOLOGY AND IPR

Objective of the course:

Intellectual property law, which protects works of the mind as personal property, is of increasing importance to those who create new products and processes using biotechnology and computers. Intellectual property involves several areas of the law:

patent, copyright, trademark, trade secret, and plant variety protection. All affect emerging high-technology industries and can help bring important technological information and products into commerce.

This course examines the law related to intellectual property rights for inventions created through the use of biotechnology (with particular focus on plants and animals) and computer-related technologies.

Syllabus:

1. Introduction to Biotechnology

- 1.1. Definition and meaning
- 1.2. Historical development to go Biotechnology
 - 1.2.1. First generation
 - 1.2.2. Second generation
 - 1.2.3. Third generation
- 1.3. Application and scope
 - 1.3.1. Agriculture
 - 1.3.2. Animal husbandry
 - 1.3.3. Pharmaceuticals and drugs
 - 1.3.4. Environment protection
 - 1.3.5. Food and beverages
 - 1.3.6. Other application
- 1.4. Classification of biotechnological inventions
 - 1.4.1. Biotechnological processes
 - 1.4.2. Biotechnology products

2. Biotechnology and patent law

- 2.1. Patentability of biotechnology inventions
 - 2.1.1. Doctrine of Product of Nature
 - 2.1.2. Patentable subject – matter
 - 2.1.2.1. Invention vs. discovery
 - 2.1.2.2. Novelty
 - 2.1.2.3. Non-obviousness
 - 2.1.2.4. Life, microorganisms, plants ,genes human cells and DNA as patentable subject matter
- 2.2. Transformation of biotechnology
 - 2.2.1. Non commercial science to commercial industry
- 2.3. Challenge posed by biotechnology before the existing patent system
 - 2.3.1. Human genetic patents
- 2.4. Divergence in Biotechnology patent practices under different jurisdictions
- 2.5. Comparative study
 - 2.5.1. USA, Europe, Canada, India

3. Patentability of Biotechnology under International regime

- 3.1. Patentability under TRIPS
 - 3.1.1. Interpretation of the term “invention”
 - 3.1.2. Exceptions under the agreement

- 3.1.3. Patenting of life forms under TRIPS
- 3.1.4. Other patent eligibility criteria under TRIPS
- 3.2. Uniform Global Patent System
 - 3.2.1. Draft substantive Patent Law treaty
 - 3.2.2. Differentiation vis-a-vis harmonization
 - 3.2.3. Merits and demerits of Uniform Patent law
- 3.3. Existing international patent regime in the present technology Age
- 4. Plant varieties and farmers rights**
 - 4.1. International treaties and convention
 - 4.1.1. TRIPS
 - 4.1.2. UPOV
 - 4.1.3. ITPGRFA
 - 4.1.4. Convention on Biological Diversity
 - 4.2. Features of plant variety system
 - 4.2.1. Benefit sharing
 - 4.2.2. Public interest
 - 4.2.3. Farmers right and breeders rights
 - 4.2.4. Sui generis protection of plant varieties
 - 4.2.5. Protection of plant varieties in India
 - 4.2.5.1. Registration
 - 4.2.5.2. Compulsory licensing
 - 4.2.5.3. Protection of farmers rights
 - 4.2.5.4. Infringement
 - 4.2.5.5. Remedies
 - 4.2.5.6. Plant Varieties Tribunal
- 5. Biotechnology and Ethics**
 - 5.1. Ethical objections to biotechnology research and protection
 - 5.1.1. Concept of integrity and self sustenance of living beings
 - 5.1.2. Natural law principles - living beings as marketable commodities
 - 5.1.3. Monopoly over life and living matter
 - 5.1.3.1. Ethics in patenting various life forms
 - 5.1.3.2. Debate on ethics versus technology
 - 5.1.3.3. ICMR guidelines
 - 5.1.4. Biotechnology, trade and development
 - 5.1.4.1. Trade in genetically modified organisms(GMO)
 - 5.1.4.2. Living modified organisms (LMO)
 - 5.1.4.3. Concerns in trade in GMO / LMO
 - 5.1.4.4. GMO and international obligations
 - 5.1.4.4.1. WTO agreements on trade
 - 5.1.4.4.2. Technical Barriers to trade agreement and trade in biotechnology
 - 5.1.4.4.3. Concept of prior informed consent
- 6. Bio-safety concerns in biotechnology**
 - 6.1. Cartagena Protocol on Bio-safety

- 6.1.1. Bio-safety clearing house
- 6.1.2. Revisiting the objects of protocol
- 6.1.3. Precautionary principles
- 6.1.4. Cartagena protocol and WTO
- 6.2. Health related concerns in biotechnology
 - 6.2.1. Sanitary and Phyto-sanitary measures agreement
 - 6.2.2. DNA safety guidelines
- 6.3. Biotechnology and Bio-diversity
 - 6.3.1. UNCTAD conference on trade and environment
 - 6.3.2. Convention on biological diversity
 - 6.3.3. Biological diversity Act of India

Books Recommended:

- William H. Lesser and Robert T. Masson, *An Economic Analysis of the Plant Variety Protection Act*, 1983
- Pat Roy Mooney, *The Law of the Seed: Another Development and Plant Genetic Resources*, Development Dialogue, 1983
- Iver P. Cooper, *Biotechnology and the Law*, 1996
- Francesco Franioni and Tullio Scovazz (Edited), *Biotechnology and International Law*, (2006), Hart Publishing, Oxford and Portland, Oregon
- Francesco Franioni (Edited), *Biotechnologies and International Human Rights* 2006), Hart Publishing, Oxford and Portland, Oregon
- Dr. T. Ramakrishan (Edited), *Biotechnology and Intellectual Property Rights* (2003), CIPRA, NLSIU, Bangalore.
- *Biotechnology and Patent Law: Patenting Living Beings*, By N. S. Sreenivasulu, C. B. Raju, Manupatra
- *Biotechnology, IPRs, and Biodiversity*, By Medury Bhaskara Rao, Manjula Guru, Dorling Kindersley (India) Pvt. Ltd.
- Iver P. Cooper, *Biotechnology and Law* (1998), Clerk Boardman Callaghan, New York

C06. LAW OF GEOGRAPHICAL INDICATION AND TRADITIONAL KNOWLEDGE

Objective of the course:

With Intellectual Property Rights (IPRs) increasingly influencing trades both at the national and international level; harnessing trade benefits depends on the degree of protection enjoyed by the owners of the IPRs. A geographical indication (GI) acts as a mechanism that helps producers differentiate their products from competing products in the market and enables producers to build a reputation and goodwill around their products that will fetch a premium price.

Traditional knowledge encompasses the beliefs, knowledge, practices, innovations, arts, spirituality, and other forms of cultural experience and expression that belong to indigenous communities worldwide. Only recently, however, has the need to protect, preserve and provide for the fair use of indigenous intellectual property – traditional knowledge – entered the domestic and international debate on intellectual property rights. Of particular concern to indigenous peoples has been the unlicensed use by non-indigenous groups, such as corporations, of traditional knowledge that has been developed over centuries. Indigenous/traditional knowledge and intellectual property law is a complicated contemporary legal problem. There are multiple perspectives and opinions circulating about what the problems are where they manifest and what needs to happen to alleviate them.

The objective of this course is to highlight the importance of geographical indications and traditional knowledge as community intellectual property rights the present trends and issues related to it in the new technology age.

Syllabus:

1. Concept of community intellectual property rights

1.1. Community IPR

1.1.1. Recognizing the rights of the groups

1.1.2. Associations and communities.

1.1.3. Efficacy of geographical indications regime in securing community rights

2. Introduction and overview of geographical indications

2.1. Meaning, scope, features of geographical indication

2.2. Reasons for protection of geographical indication

2.2.1. Indications of source

2.2.2. Applications of origin

2.3. Geographical indications related to goods

2.3.1. Agriculture goods

2.3.2. Manufactured goods

2.3.3. Natural goods

3. International law on geographical indications

- 3.1. Paris convention
- 3.2. Madrid Agreement
- 3.3. Lisbon Agreement
- 3.4. TRIPS Agreement

4. Protection of geographical indications in India

- 4.1. Application for registration
- 4.2. Essential conditions for registration
- 4.3. Geographical indication agents
- 4.4. The famous geographical indications
- 4.5. Limitations of protection of geographical indications
- 4.6. Prohibition of misleading use of indications of geographical origins
- 4.7. Prohibition of dilution of geographical origins
- 4.8. The interface between trademarks and geographical indications
- 4.9. Geographical indications as a tool to protect traditional knowledge

5. Traditional Knowledge

- 5.1. What constitutes traditional knowledge
- 5.2. Components and ingredients of traditional knowledge
- 5.3. Protection of traditional knowledge
 - 5.3.1. Traditional Knowledge and patent law
 - 5.3.2. Traditional knowledge and the convention of biological diversity
 - 5.3.3. Bio-piracy and Bio-prospecting

6. Codification of traditional knowledge and protection of community rights

- 6.1. the biological diversity authorities and their functions
- 6.2. WIPO consultation on traditional knowledge
- 6.3. The EU Directive on the protection of traditional knowledge

7. Protection of traditional Knowledge in India.

- 7.1. Present scenario
- 7.2. Recent trends and issues

Books Recommended:

- Christoph Belman and Graham Dutfield, Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability, Earthscan Publications Ltd. (2003)
- Marsha A. Echols, Geographical Indications for Food Products, International Legal and Regulatory Perspectives (2008), Wolters Kluwer
- Silke von Lewinski (Edited), Indigenous Heritage and Intellectual Property, Genetic Resources, Traditional Knowledge and Folklore, 2nd Edition, (2008), Wolters Kluwer
- Law Relating to Intellectual Property, Sreenivasulu N.S, Partridge Publishing
- Narayanan, P., Intellectual Property Rights, Eastern Law House. Calcutta
- Intellectual Property Rights: Text and Cases, By Radhakrishnan, Excel Books

GROUP D

ENVIRONMENT LAW

D 01. ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY

Objective of the course:

The concept of environment is embedded in ancient ethos. Throughout the centuries there were invisible processes working for the maintenance and improvement of environment. Towards the close of the last millennium one finds widening dimensions of environmental consciousness. How do these developments stand reflected in formulation of policies and in following constitutional values in India? This is the thrust of the paper. Sustainable use of resources, natural and man-made, is the desideratum in an environmentally conscious period of human development. Wise use of water, land, forest and other common property resources, such as wet lands, lakes, roads and parks become an important task in this respect. Protection of various energy resources is equally significant element in countering wastage, indiscriminate use and unwise choice.

Syllabus

1. The idea of environment

- 1.1. Ancient and medieval writings
- 1.2. Traditions
- 1.3. Natural and biological sciences: perspectives
- 1.4. Modern concept: conflicting dimension

2. Development

- 2.1. Theories of development
- 2.2. Right to development
- 2.3. Sustainable development – national and international perspectives
- 2.4. Developing economies

3. Policy and law

- 3.1. From Stockholm to Rio and after
- 3.2. Post – independence India
- 3.3. Role of government
 - 3.3.1. Five year plans
 - 3.3.2. Forest policy
 - 3.3.3. Conservation strategy
 - 3.3.4. Water policy

4. Population, environment and development

- 4.1. Population explosion and environmental impact
- 4.2. Population and development
- 4.3. Population and sustainable development

5. Constitutional Perspectives

- 5.1. Fundamental rights
 - 5.1.1. Right to environment
 - 5.1.2. Enforcement of the right
 - 5.1.3. Directive principles and fundamental duties
 - 5.1.4. Legislative power
- 5.2. Environment: emerging concepts and challenges
 - 5.2.1. Polluter Pays Principle: absolute liability of hazardous industry
 - 5.2.2. Precautionary principle
 - 5.2.3. Public trust doctrine

Books Recommended:

- C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer
- Madhav Gadgil and Ramachandra Guha, This Fissured Island: an Ecological History of India (1996), Oxford.
- R.B. Singh & Suresh Misra, Environmental Law in India (1996), Publishing Co., New Delhi.
- Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi.
- Richard L. Riversz, et.al. (eds.) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.
- Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press.
- Charles A.R. Webster, Environmental Health Law (1981).
- Leelakrishnan, P. The Environmental Law in India (1999), Butterworths-India.
- Khotsho, Environmental Concerns and Strategies (1988), Ashish, Delhi.
- Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi.

D02. ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

Objective of the course:

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

Syllabus:

1. International concern for environment protection

- 1.1 World environment movement
 - 1.1.1 Stockholm declaration
 - 1.1.2 Brundtland commission
 - 1.1.3 Rio – declaration
 - 1.1.4 Agenda 21
 - 1.1.5 Earth summit plus ten
 - 1.1.6 Rio + 20
- 1.2 Natural and cultural heritage
- 1.3 Role of international and regional organisations
- 1.4 Climate change – green house effect – ozone – global warming.

2. International obligations towards sustainable development

- 2.1 Principle of state responsibility
- 2.2 Intergenerational financing policy
- 2.3 World environment fund
- 2.4 Intergenerational regulations and supervision
- 2.5 Global environment facility (GEF)
 - 2.5.1 International co-operation
 - 2.5.2 Poverty alleviation
 - 2.5.3 Agenda – 21

3. Marine environment

- 3.1 Marine resources: conservation and exploitation
- 3.2 Scientific research and exploitation
- 3.3 Antarctic environment
- 3.4 International sea bed authority
- 3.5 Polluter for ships
- 3.6 Dumping of oil and other wastes into the sea

4. Transboundary pollution hazards

- 4.1 Oil pollution
- 4.2 Nuclear fall outs and accidents
- 4.3 Acid rain
- 4.4 Chemical pollution
- 4.5 Air pollution
- 4.6 Space pollution

5. Control of multinational corporations and environmental hazards

- 5.1 Problems of liability and control mechanisms
- 5.2 Disaster management at international level
- 5.3 Monopoly of biotechnology by mncs
- 5.4 Disposal and dumping of hazardous wastes: transnational problems and control

Books Recommended:

- Priya Kanjam Trivedi, *International Environment Laws* (1996), A.P.H. Publishing Corporation, New Delhi.
- Sir Elworthy and Jane Holder, *Environmental Protection : Text and Materials* (1997), Butterworths.
- Nathali L.T.J. HORBACH, *Contemporary Developments in Nuclear Energy Law* (1999), Kluwer.
- Henrick Ringbom (ed.), *Competing Norms in the Law of Marine Environmental Protection* (1997), Kluwer.
- Claus Bosselmann and Benjamin, J. Richardson, *Environmental Justice and Market Mechanism* (1999), Kluwer.
- Jean-Pierre Beurier, *New Technologies and Law of Marine Environment* (2000), Kluwer.
- Richard L. Reversz et.al. (eds.), *Environmental Law, The Economy and Sustainable Development* (2000), Cambridge.
- Dovor Vidas, *Protecting the Polar Marine Environment* (2000), Cambridge.
- Aynsley Kellor, *International Toxic Risk Management* (1999), Cambridge.
- Zhiguo Gao, *Environmental Regulation of Oil and Gas* (1998), Kluwer.
- Indian Law Institute, *Legal Control of Environmental Pollution* (1980).
- Varshney, C. K. (ed.), *Water Pollution and Management* (1983), Wiley Eastern, New Delhi.

D03. ENVIRONMENT PROTECTION IN INDIA

Objective of the course:

Pollution hazards bring the worst harm to the environment. Legal measures are attempted to prevent or control various kinds of pollution and their aftermath. Can land pollution hazards be prevented or controlled effectively by criminal sanctions especially in a developing country like India? What other legal strategies can be adopted at this level? To what extent can corporate civil liability be extended for remedying pollution

maladies particularly mass disasters? One has to be a critic of the existing laws and to look forward to desirable mechanism of control over pollution hazards. This paper aims at shedding light on these areas. Concepts of environmental protection lay scattered in isolated provisions of general legislation in India before world consciousness was aroused by the Stockholm conference in 1972. In the post Stockholm period there were many legislative activism in such areas like control of pollution and forest conservation. This legislative activism culminated in the enactment of environment (Protection) Act 1986 with a plethora of delegated legislation and delegation of powers. The central government has become the guardian of environmental protection and formulated rules and regulations on coastal zones, noise pollution and preparedness on environmental disasters. There are attempts in making laws for implementation of norms laid down in international conferences.

Syllabus

1. General law on environmental concern

1.1. Indian constitution and protection of environment

1.1.1. Directives of the state, obligation of citizens, right to healthy Environment

1.2. Tort law remedies- Nuisance

1.3. Provisions in the Indian penal code

1.4. Code of criminal procedure code : public nuisance

2. Environment protection act, 1986

2.1. Historical background

2.1.1. Bhopal gas tragedy

2.1.2. Stockholm declaration

2.2. Powers of the central government

2.3. Prevention, control and abatement of environmental pollution

2.4. Penalties and procedures

2.5. Delegation of powers

2.5.1. Power to delegate and make rules

2.5.2. Power to issue directions

3. Coastal zone management

3.1. Physical limits of zones

3.2. Prohibitions and conceptions

3.3. Harvesting of ground water

3.4. Construction activities

3.5. Regulation of permissible activities

3.6. Environmental clearance

3.7. Coastal zone management plans

3.7.1. Classification of zones

3.7.2. Guidelines for beach resorts and hotels

3.7.3. Judiciary on coastal zone management

3.7.4. Aquaculture in coastal zones

4. Laws on hazardous substance

4.1. Concept of absolute liability of hazardous industries.

5. Emerging legal controls

5.1. Eco mark

5.2. Environmental audit

5.3. Environmental impact assessment

5.4. Role of panchayats and municipalities in environmental Protection

5.5. Public participation in environmental decision making

6. Role of local bodies in the environmental management

6.1. Constitutional amendments and local bodies - 73rd amendment and 74th amendment

6.2. Municipalities and environmental protection

6.3. Panchayats and environmental protection

6.4. Local bodies – conservation of natural resources

7. Role of judiciary – environment protection

7.1. duty of care

7.2. citizen's obligations

7.3. right to wholesome environment

7.4. right to livelihood vis a vis environment

7.5. management of environment in tribal areas

Books Recommended:

- Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep Publications (New Delhi).
- Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998), Kluwer.
- John F. Mc.Eldownery and Sharron Mc.Eldowney, Environmental Law and Regulation (2000).
- Leelakrishnan, P. et.al. (eds.), Law and Environment (1990).
- Leelakrishnan, P., The Environmental Law in India (1999), Butterworths.
- Frodorick A. Anderson, et.al. Environmental Improvement Through Economic Incentives (1977).
- David Hughes, Environmental Law (1999), Butterworths, London.
- Daniel R. Mandekar, Environmental and Land Controls Registration (1976), Bobbs-Merrill, New York.

- Indian Law Institute, Mass Disasters and Multinational Liability : The Bhopal Case (1986).
- Inconvenient Forum and Convenient Catastrophe : The Bhopal Case (1986).
- Armin Rozenzanz, et.al. (eds.), Environmental Policy and Law in India (2000), Butterworths India.
- Leelakrishnan, P. et.al. (eds.), Law and Environment (1990), Eastern, Lucknow.
- Indian Law Institute, Environment Protection Act : An Agenda for Implementation (1987).
- Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No. 3.
- Findley, R. W. and Farber, D. A., Environmental Law.
- David Hughes, Environmental Law (1990), Butterworths, London.
- Armin Rozenzanz, et. al. (eds.), Environmental Policy and Law in India (2000), Oxford.

D04. ENVIRONMENT PROTECTION AND DISASTER MANAGEMENT

Objective of the course:

The hazards of complex industrial society of our times are numerous. Apart from natural disasters like earthquakes, tsunami, cyclones and storms which cause death, destruction and suffering on a vast scale, our civilization is increasingly getting exposed to hazards arising out of technological progress. The factories of industrial establishments involved in the manufacture, distribution and transportation of hazardous products are under legal obligation to comply with numerous provisions of law to prevent disaster, and to provide information to persons likely to be exposed to the hazards regarding safety measures to be taken.

The legislative and administrative responses have been lacking with the result that such disasters are increasing in magnitude and frequency. Every time adhoc arrangements are made to fact the disaster but not before incalculable damage is done and avoidable hardships suffered. What is needed is an integral approach for prevention and mitigation of sufferings arising out of disasters. A policy oriented approach would need examination of duties and obligations of various persons connected with disaster management.

Victims of disaster, being amorphous body of individuals, look at the bounty of state rather than the court process to vindicate their rights under the law. Inquiries and investigations are conducted only on public demand. There is no uniformity regarding the system of investigating authority, procedures to be followed and the obligatory force of recommendations made by investigating agency. The existing court process is dilatory and cumbersome. Due to obvious reasons the victims do not wish to undergo another ordeal or initiating proceedings for legal redress. The mismanagement and corruption in administering relief has also reached alarming proportions.

The course, is therefore, designed to have an insight into the problem arising out of disasters and inadequacies of the court process. The public law perspectives of this kind litigation will open new vistas of remedial process including risk coverage through public liability insurance.

Syllabus

1. Introduction

- 1.1. meaning of disaster
- 1.2. distinction between natural and man-made disaster
- 1.3. high potential and low potential disaster
- 1.4. escape of dangerous substances
- 1.5. explosions
- 1.6. nuclear radiation, poisoning
- 1.7. dam bursts, fires, collapse of structures, earth quakes
- 1.8. accidental disasters (rails, air, sea, motor vehicle)

- 1.9. victims of disaster
- 2. Ad-hoc character and inadequacy of legislative responses**
 - 2.1. Laws relating to atomic energy, explosives
 - 2.2. Laws relating to air crafts, insecticides, factories, motor vehicles, railway Ships and petroleum products
 - 2.3. Public liability insurance - national and international
 - 2.4. Disaster management act, 2005 – features, task force – relief and Rehabilitations
- 3. Disaster management**
 - 3.1. State responsibility to provide short term relief
 - 3.2. Legal responsibility of officials of the state
 - 3.3. Role of voluntary organizations
 - 3.4. Disbursement of relief grants and public accountability of official and Other voluntary disbursement agencies
 - 3.5. Participatory management by trade unions
 - 3.6. Right of certain classes of victim; children, women
- 4. Inquiries and investigations for disasters**
 - 4.1. The duty to institute investigations and inquiries to determine causes of Mass disaster
 - 4.2. The investigation process
 - 4.3. Right to hearing to affected individual
 - 4.4. Right to hearing to voluntarily organization and public spirited Individuals
 - 4.5.
- 5. Liability and judicial process**
 - 5.1. Liability for environmental destruction
 - 5.1.1. Statutory liability
 - 5.1.2. Contractual liability
 - 5.1.3. Tortious liability
 - 5.1.4. Criminal liability
 - 5.1.5. Civil nuclear liability
 - 5.2. Litigation
 - 5.2.1. Role of National Green Tribunal (NGT)
 - 5.2.2. Initiation of proceedings
 - 5.2.3. Representative suits
 - 5.2.4. Costs of litigation - court fee, counsel fee
 - 5.2.5. Rules of evidence
 - 5.2.6. Measure of damages
 - 5.3. Bhopal gas leakage case, Chernobyl nuclear disaster case, Fukushima earth quake and nuclear disaster case, tsunami, Lathur and Gujarat earthquakes
 - 5.4. Problems of execution
 - 5.5. Need for reform - dilatory and expensive character of court processes
- 6. Books Recommended:**

- Government of India, Department of Environment, Management of Hazardous Substances Control Act and Structure and Functions of Authority Created there under.
- Indian Chemical Manufacturer's Association and Loss Prevention society of India, Proceedings of the National Seminar on Safety in Road Transportation of Hazardous Materials: (1986)
- Industries Commissioner at Ahmedabad, Task Force Report: 9.J.MEHTA). To oversee safety measures in various industries dealing with Hazardous and Toxic Materials (1986).
- Organization for Economic Co-operation & Development, (Paris), Safety of Consumer Product, Policy & Legislation of OECD Countries.
- Indian Law Institute (Upendra Baxi and Thomas Paul (ed.) Environment Protection Act: An Agenda for implementation (1987).
- Asian Regional Exchange for Prof.Baxi., Nothing to lose but our lives: Empowerment to oppose industrial Hazards in a transnational world (1989)
- Gurudip Singh Environmental Law: International and National Perspectives (1995), Lawman (India) Pvt. Ltd
- Leelakrishnan, P, The Environmental Law in India, Chapters VIII, IX and X (1999), Butterworths, New Delhi
- Chaturvedi and Chaturvedi, The Law on Protection of Environment and Prevention of Pollution (1996)

D05. CLIMATE CHANGE AND LEGAL ORDER

Objective of the course:

In a remarkably short time span, climate change has become deeply embedded in important areas of the law. As a global challenge calling for collective action, climate change has elicited substantial rulemaking at the international plane, percolating through the broader legal system to the regional, national and local levels. More than other areas of law, the normative and practical framework edicated to climate change has embraced new instruments and softened traditional boundaries between formal and informal, public and private, substantive and procedural; so ubiquitous is the reach of relevant rules nowadays that scholars routinely devote attention to the intersection of climate change and more established fields of legal study, such as international trade law. *Climate Change and the Law* explores the rich diversity of international, regional, national, sub-national and transnational legal responses to climate change. Is climate law emerging as a new legal discipline? If so, what shared objectives and concepts define it? How does climate law relate to other areas of law? This course makes an attempt to answer these questions.

Syllabus:

1. Introduction to climate

- 1.1. Elements of climate (wind, temp. Humidity, precipitation, pressure)
- 1.2. Different climate zones
- 1.3. Micro macro climate effects

2. Global warming

- 2.1. Energy issues and climate change – alternate energy sources
- 2.2. Green – house effect as a natural phenomenon, green house gases and their Emission sources

3. Climate change and impact

- 3.1. Modeling climate change, ozone layer depletion and its control
- 3.2. Impacts of climate change-global and India, temperature rise sea level rise, coastal Erosion and landslides, coastal flooding, wetlands and estuaries loss
- 3.3. Carbon trading – mechanisms various models (European, Indian) Global and Indian scenario
- 3.4. Cleaner development mechanisms – various projects related to co2 emission Reduction

4. Climate change and legal order

- 4.1. Frame work convention and climate change 1992
- 4.2. Kyoto protocol 1997
 - 4.2.1. Significance and Role
- 4.3. Establishment of IPCC and its reports
- 4.4. Vienna convention 1985

Books Recommended:

- Barry R.G. and Chorley R.L. (1992), " Atmosphere, weather and climate " 4th edition Publication
- Bolin B., (ED) (1981), " Carbon Cycle Modeling" , John Wiley and Sons Publications.
- Corell R.W., and Anderson P.A., (Eds.,) (1991) "Global Environmental Change" Springer Verlag Publishers.
- Francis D., (2000), "Global Warming: The Science and Climate Change" Oxford University Press
- Frame B. Medury Y., and Joshi Y., (Eds.) (1992), " Global Climate Change: Science, Impact responses"
- Linden E., (2006). " The winds of change: climate, weather and the destruction of civilization", Simon and shuster Publications.
- Mintzer I.M., (Ed), (1982), "Confronting Climate change, risks, Implications and Responses" Cambridge University Press
- Srivatsava A.K., (2007), " Global Warming", APH Publications.
- Wyman R.L., (Ed.) (1991), " Global Climate Change and Life on Earth", Chapman and Hall Publication.
- Yadav, Chander and Bhan, (2005), " Global Warming": India's Response and Strategy", RPH Publications.
- Phillippe Sands: Principles of International Environmental law- Cambridge Second Edition.
- Syamdivan and Rosencranz – Environmental Law and Policy in India

D06. BIOLOGICAL DIVERSITY AND LEGAL ORDER

Objective of the course:

Biological diversity includes all life forms on the earth and signifies a life supporting order, essential for the normal functioning of eco-systems and the Biosphere as a whole. Dependence of human life on biological diversity is thus no doubt essential. Destruction of bio-diversity, especially of the developing countries is disturbing phenomenon and presents a matter of grave concern. The growth of bio-technology and genetic engineering triggers off numerous issues of ethical and legal significance in relation to experimentation and animals and plants. Apart from being considered as gifts of nature, animals and plants becomes a target of commercial exploitation. Sustainable development envisages country position and lays emphasis on the duty to protect the diverse flora and fauna not only for present generation but also for the succeeding generations to come. With the above perspectives the course focuses on the legal mechanisms of preserving bio-diversity in a sustainable manner.

Syllabus

1. Bio-diversity

- 1.1. Meaning
- 1.2. Need for protection of bio-diversity
- 1.3. Dependence of human life on the existence in flora and fauna
- 1.4. Significance of wild life
- 1.5. Medicinal plants
- 1.6. Plant and micro-organism

2. Bio-diversity and legal regulation

- 2.1. Utilization of flora and fauna for bio-medical purposes
- 2.2. Experimentation on animals; legal and ethical issues
- 2.3. General mutation of seeds and micro-organisms
- 2.4. Genetic engineering
- 2.5. Legal mechanisms of control
 - 2.5.1. Convention on bio-diversity (CBD)
 - 2.5.2. Biological diversity act 2002
- 2.6. Recognition of regional and local agencies
- 2.7. Bio-ethics

3. Development projects and destruction of bio-diversity

- 3.1. Concept of sustainable development
- 3.2. Principles of sustainable development
 - 3.2.1. International & National perspectives
- 3.3. Construction of dams-salient valley and doon valley projects-narmada Bahavandolan-almatti dam project, etc.
- 3.4. Deforestation – coal mining operations – sustainable use of forests

3.5. Protection of wild life.

4. Problems in legal regulation of medicinal plants

4.1. Cosmetic plants

4.2. Animal products

4.3. Utilization of flora and fauna for bio-medical purpose by multi-national Corporation: problems of control

4.4. Regulation of trade in wild-life products

5. Legal framework for development and protection of sanctuaries

5.1. Parks

5.2. Zoos

5.3. Biosphere resources

5.4. Protection of genetic resources for agriculture

Books Recommended:

- Arjun Prasad Nagore – Bibliological Diversity and International Environmental law (1996), A.P.H. Publishing Corporation, New Delhi.
- Project large, Plant Variety Protection and Plant Bio-technology-options for India (1999), Allied.
- M.S.Swaminathan, Gentic Conservation – Microbes to Man, Presidential Address at XV International congress of Genetics, New Delhi, India, December 12-21.1983.
- Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982).
- K.L.Mehta and R.L.Arora, Plant Genetic Resources of India; their diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.
- P.N.Bhatet.al., Animal Genetic Resources in India (1981).
- P.N.Bhat, “Conservation of Animal Genetic Resources in India, “Animal Genetic Resources, Conservation and Management FAO, Rome, (1981).
- P.Leelakrishnan, “Environmental Law in Inida” –LexixNexis Butterworths (2005)

05. TEACHING PEDAGOGY AND ICT IN EDUCATION

Objective of the course:

Pedagogy is the art (and science) of teaching. Effective teachers use an array of teaching strategies because there is no single, universal approach that suits all situations. Pedagogical practice promotes the wellbeing of students, teachers and the school community - it improves students' and teachers' confidence and contributes to their sense of purpose for being at school; it builds community confidence in the quality of learning and teaching in the school. During the past few years, the world has witnessed a phenomenal growth in communication technology, computer network and information technology. Not only mastering ICT skills, but also utilizing ICT to improve teaching and learning is of utmost importance for teachers in performing their role of creators of pedagogical environments. The objective of this course is to acquaint the students with the various pedagogy skills and ICT applications.

Syllabus

1. Aspects Of Teaching

- 1.1. Concept and definitions of teaching
- 1.2. Functions of teaching
- 1.3. Teaching skills
- 1.4. Diagnostic testing and Remedial Teaching
- 1.5. Need and importance of :- (i) Annual Plan
(ii) Unit Plan

2. Effective Teaching

- 2.1. Maxims of teaching
- 2.2. Principles of teaching
- 2.3. Models of teaching
 - 2.3.1. Advance Organizer Model
 - 2.3.2. Concept Attainment Model
 - 2.3.3. Inquiry Training Model
 - 2.3.4. Jurisprudential Inquiry Model
- 2.4. Parameters of effective teaching

3. Advance Pedagogy

- 3.1. Concept, need and significance of Advance Pedagogy
- 3.2. Principles of advance pedagogy
- 3.3. Teaching phases- Philip Jackson Model
- 3.4. Stages of teaching
 - 3.4.1. Pre – active
 - 3.4.2. Inter – active
 - 3.4.3. Post – active
- 3.5. Teacher's role in different teaching phases
- 3.6. Recent pedagogical trends – blended learning, flipped classroom, distance learning

4. Communication Modes in education

- 4.1. Concepts and process of communication
- 4.2. Principles of communications
- 4.3. Communication and learning
- 4.4. Modes of communication
 - 4.4.1. Speaking and listening
 - 4.4.2. Writing and reading
 - 4.4.3. visualizing and observing
- 4.5. Basis model of communication
 - 4.5.1. Sender – Message – Receiver
 - 4.5.2. Devid Berlo’s SMCR model of communication
 - 4.5.3. Sharon’s model of communication

5. ICT in Education

- 5.1. Concept, Need and Importance of ICT in Education
- 5.2. Paradigm Shift due to I C T from ‘Teaching’ to ‘Learning’
 - 5.2.1. Curriculum
 - 5.2.2. Methods of Teaching
 - 5.2.3. Role of Teacher
 - 5.2.4. Classroom Environment
 - 5.2.5. Evaluation procedure
 - 5.2.6. Education Management
- 5.3. Challenges and Barrier to integration of I C T in Indian schools Classrooms
- 5.4. ICT Skilled Teacher – ICT Skills and Qualities of ICT teacher
- 5.5. Safe use of ICT – Virus management, Net safety, Nettiquettes, Legal and Ethical Issues

6. ICT supported teaching learning strategies

- 6.1. E-Learning and Web base learning–concept, features and educational application
- 6.2. Co-operative and Collaborative Learning –concept, features and educational application
- 6.3. Project based Learning –concept, features and educational application
- 6.4. Communication Tools - Mobile, e-mail, chat Online Conferencing, Blog, Wiki, Internet forum, News Groups.
- 6.5. Social Networking as an effective Communication Tool.

7. New trends in ICT

- 7.1. Virtual Classroom - concept, elements, advantages and limitations
- 7.2. Smart class room – concept, elements, advantages and limitations
- 7.3. Edusat - concept, elements, advantages and limitations
- 7.4. Online Learning Resources: e- Library, Websites, Apps, and Web 2.0 Technology.

Books Recommended:

- Integrating Technology in the classroom Shelly, Cashman, Gunter and Gunter Publication
- Essentials of Educational Technology, Madan Lal, Anmol Publications
- Online Teaching Tools and Methods, Mahesh Varma, Murari Lal & Sons

- Education and Communication for development, O. P. Dahama, O. P. Bhatnagar, IBH Publishing company, New Delhi
- Information and Communication Technology, N. Sareen, Anmol Publication
- Communication and Education, D. N. Dasgupta, Pointer Publishers
- Education and Communication, O. P. Dham
- Computer fundamentals - Arora Bansal
- Information and communication - Kishore, Chavan
- Information Technology - Dyne, Nandkishore
- Crumlish Christian - ABC o internet
- Fun of computer - Singh and Sukhvir
- ICT strategies for school - Mohenty Laxman

06. COMPUTER APPLICATIONS AND LEGAL RESEARCH

Objective of the course:

In the current world, it's almost impossible to imagine that someone can live without computers. Computers have become an electronic device of almost every day use for individuals of every age. They are essential in almost all the business dealings that are made nowadays. Computers have gained significance as they have improved the efficiency and productivity of work done. Large amounts of information in industrial and business sectors as well as in the personal lives are stored on computers. The traditional concept of a lawyer's job is that of a lawyer poring through stacks of paperwork. While paperwork still is a reality, law practice has changed drastically in the past 20 years, mainly because of computer technology. One of the most important uses of computers in the legal profession is conducting legal research. Many legal projects require extensive legal research, including references to previously decided cases. Traditionally, companies such as West printed volumes of case law, requiring attorneys to read through keyword indexes to find relevant cases. Now, online legal databases such as LexisNexis and Westlaw make the process of searching for case law, legal forms and treaties much easier. The purpose of this paper is to acquaint the students with the functioning of the computers and their application in legal profession.

Syllabus

1. Introduction to information and IT

- 1.1. Changing decision making scenario and role of information needs and information systems
- 1.2. Information generation process
- 1.3. Quality of information – adding value to information
- 1.4. Role of IT in information generation and value addition
- 1.5. Computer hardware and personal computers – an overview

2. Computer system as information processing system

- 2.1. Types of computer systems
- 2.2. Hardware options – CPU, input devices, output devices, storage devices, communication devices
- 2.3. Configuration of these devices and their applications
- 2.4. Automatic devices for logistic bar coding and management system

3. Software Resources

- 3.1. Software needs
- 3.2. Operating systems
- 3.3. Application software
- 3.4. Programming languages

4. Internet and World Wide Web

- 4.1. Internet technologies and access devices
- 4.2. Concept of World Wide Web and Internet browsing
- 4.3. www as a marketplace
- 4.4. Concept of e - commerce and business models of e -commerce.

5. Desktop Application

- 5.1. Word Processing
 - 5.1.1. Meaning and role of word processing in creating of documents
 - 5.1.2. editing, formatting and printing documents
 - 5.1.3. using tools such as spelling check, thesaurus, etc. in word processors
 - 5.1.4. Presentation and graphics on personal computers
- 5.2. Electronic spreadsheet
 - 5.2.1. Structure of spreadsheet and its application to accounting finance and marketing functions of business
 - 5.2.2. creating a dynamic/sensitive worksheet
 - 5.2.3. Concept of absolute and relative cell reference
 - 5.2.4. Using built in function
 - 5.2.5. Goal seeking and solver tools
 - 5.2.6. Using graphics and formatting of worksheet
 - 5.2.7. Sorting data with other desktop applications
 - 5.2.8. Strategies of creating error free worksheet

6. Data Base Management System

- 6.1. Concept of data base management system
- 6.2. Data field, records and files
- 6.3. Sorting and indexing data
- 6.4. Searching records designing queries and reports and linking of data files

7. Computer Application in Legal Profession

- 7.1. E-learning
 - 7.1.1. Meaning and origin
 - 7.1.2. Benefits and Limitations
 - 7.1.3. Forms of e-learning
 - 7.1.4. Online legal research
- 7.2. E-litigation
 - 7.2.1. Meaning, Origin and Development
 - 7.2.2. Advantages and disadvantages
 - 7.2.3. Challenges for lawyers, litigants and judges
 - 7.2.4. E-orders, e-judgments and e-advocacy
 - 7.2.5. Video Conferencing
 - 7.2.6. Witness statement recording - security issues
- 7.3. E-Research
 - 7.3.1. Legal databases and E- Resources
 - 7.3.2. Legal research programs- Lexisnexis, Westlaw, Manupatra etc.
 - 7.3.3. Plagiarism
 - 7.3.3.1. Problems & solutions
 - 7.3.3.2. Consequences of Plagiarism

7.3.3.3. Prevention of Plagiarism

Books Recommended:

- Burch, J. and G. Gary, Information Systems: Theory and Practice, John Wiley and Sons, New York.,
- Eliason, A.L., On-line Business Computer -Application Science Research Associates Chicago.
- Eliason, A. L., On-line Business Computer Applications, Science Research Associates, Chicago.
- Estrada, S., Connecting to the Internet, O'R eilly, Sebastopol.
- Habraken Jeo, Microsoft Office 2000, Prentice Hall of India Private Ltd., New Delhi, 2000.
- Kumar; Muneesh, Business Information Systems, Vikas Publishing, 1999.
- Norton Peter, Introduction to Computers, Tata McGraw Hill, New Delhi, 1999.
- Sanders, D.H., Computers in Business: An Introduction, McGraw Hill, Tokyo, 1983.
- William, B.K. ec al, Using Information Technology: A Practical Introduction to Computers and Communication, McGraw Hill, Ne w York, 2000.

07. SOFT SKILLS AND PERSONALITY DEVELOPMENT

Objective of the course:

Personality Development is a tool through which you bring out your capabilities and your strengths making yourself aware of your inner self and become more confident to face the outside world. As far as students are concerned, effective personality development program can help the students to face and meet the challenges of the outside world more effectively and efficiently, at the same time making it easier for them to climb up the complicated corporate ladder more smoothly.

This course is an attempt to enrich the students with the required tips for personality development and communication skills.

Syllabus

1. Soft skills

- 1.1. Concept of soft skills and hard skills
- 1.2. Categories of skills
- 1.3. Importance of soft skills
- 1.4. Process of skill acquisition
- 1.5. Soft skills education and training

2. Understanding communication

- 2.1. Meaning and definition
- 2.2. Dimension and Models
- 2.3. Theories of communication
- 2.4. Channels of communication
- 2.5. Forms and processes of communication
- 2.6. Factors influencing communication
- 2.7. Importance of communication in the academic setting
- 2.8. Barriers to communication

3. Introduction to Personality

- 3.1. Basic of Personality
- 3.2. Human growth and Behavior
- 3.3. Theories in Personality
- 3.4. Motivation

4. Techniques in Personality development

- 4.1. Body Language
- 4.2. Communication Skills
- 4.3. Self confidence
- 4.4. Mnemonics

- 4.5. Goal setting
- 4.6. Time Management and effective planning
- 5. Interpersonal Relations
 - 5.1. Introduction to Interpersonal Relations
 - 5.2. Analysis of different ego states
 - 5.3. Analysis of Transactions
 - 5.4. Analysis of Strokes
 - 5.5. Analysis of Life position
- 6. Leadership Skills
 - 6.1. Introduction to Leadership
 - 6.2. Leadership Power
 - 6.3. Leadership Styles
 - 6.4. Team Building and public speaking
- 7. Stress Management
 - 7.1. Introduction to Stress
 - 7.2. Causes of Stress
 - 7.3. Impact of Stress
 - 7.4. Managing Stress
 - 7.4.1. Meditation and concentration techniques
 - 7.4.2. Self acceptance and self growth

Suggested readings:

- Effective Communication and Soft Skills, Nitin Bhatnagar, Mamta Bhatnagar, Pearson Education India
- Introduction to Personality and Intelligence, Nick Haslam, Sage
- Understanding Human Communication, Ronald Brian Adler, George R. Rodman, Alexandre Sévigny Oxford University Press
- Develop Your Leadership Skills, John Adair, Kogan Page Publishers
- Stress Management and Prevention: Applications to Daily Life, David D. Chen, Jeffrey A. Kottler, Routledge

Research methods and legal writing

Comparative public law

Law and justice in a Globalizing world