



**BHARATI VIDYAPEETH UNIVERSITY PUNE (INDIA)**

# **NEW LAW COLLEGE**

**Erandwane, Pune - 411038.**

## **LL.M. SYLLABUS (ONE YEAR PROGRAM)**

**CHOICE BASED CREDIT SYSTEM**

**W.E.F JUNE 2015**

# BHARATI VIDYAPEETH

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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

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### **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, and 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 mooting 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 has recently conducted Justice P.N Bhagwati 5<sup>th</sup> International Moot Court Competition on Human Rights, wherein students from various national law schools all over India as well as Foreign Universities had participated.

### **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,

and 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 (One-Year Course)**

In pursuance of UGC notification D.O. No. 5-1/99 (CPP-II) issued in 2012 about introduction of one year LL.M Degree Program Bharati Vidyapeeth New Law College offers, One –Year LL.M Program with Specialization in the following three groups subject to minimum 15 students in each group.

- International & Comparative Law
- Constitutional & Administrative Law
- Legal Pedagogy & Research

# RULES FOR LLM ONE YEAR PROGRAM CHOICE BASED CREDIT SYSTEM (w.e.f June 2015)

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1. One year LL.M program is a trimester program, the duration of each trimester will be of three months with the University Examinations at the end of each trimester. Choice based credit system (consisting of 24 credits) has been implemented for this program.
2. Admission to One Year LLM program is through an All India Admission Test conducted by Bharati Vidyapeeth on the basis of merit.
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. **Scheme of Examination:** The examinations for one year LL.M. Degree course will be held in each Trimester. The medium of instruction and the examination shall be in English. The scope of the subjects shall be as indicated in the prescribed syllabus. 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). Internal Assessment (IA) will be as follows:
  - Unit Tests - 15 marks
  - Home assignment - 10 marks
  - Tutorial/Class Presentation - 10 marks
  - Attendance - 5 marks
5. **Course Structure:** The LLM one Year Program shall consists of the following courses:

<b>Course Structure</b>			
<b>Sr.No</b>	<b>Name of the Course</b>	<b>No. of Marks</b>	<b>No. of Credits</b>
1.	Core Course (Foundation Courses)		
	1. Research Methods and Legal Writing	100	03
	2. Comparative Public Law	100	03
	3. Law and Justice in a Globalizing World	100	03
	4. Dissertation	200	03
2.	Elective Course (Specialisation Courses)		

	1. International and Comparative Law (6 Papers)	100(each paper)	02 (each paper)
	2. Constitutional and Administrative Law (6 Papers)	100(each paper)	02 (each paper)
	3. Legal Pedagogy & Research (6 Papers)	100(each paper)	02 (each paper)

3. **Credit System:** The one year LL.M. program will have **24 credits**. Each credit is of **45 hours**. **Apart from regular class room teaching the program content includes clinical legal education which includes: Legal Aid, Seminars, Research, and Interactive sessions etc.**
4. **Grading System:** The University has adopted a **10-point absolute grading system** for grading in each head of passing. The system will have seven grade points, the highest being 10. The grading system shall be as shown in Table-1 below.

Table-1: 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
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
$5.5x \leq M < 8x$	Truncate( $M / x$ ) + 2
$4x \leq M < 5.5x$	Truncate( $M/x$ ) + 1

**1. Computation of Grade Point Averages: Cumulative performance indicators such as GPA, TGPA, 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 Trimester Grade Point Average (TGPA) and the Cumulative Grade Point Average (CGPA) shall be computed at the end of each term. The TGPA measures the cumulative performance of a learner in all the courses in a particular Trimester, 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 TGPA is calculated by the formula  $SGPA = \frac{\sum C_k \times GP_k}{\sum C_k}$ , 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 TGPA shall be calculated up to two decimal place accuracy.**

- V. The CGPA is calculated by the formula  $CGPA = \frac{\sum C_k \times GP_k}{\sum C_k}$ , 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.

## 7. Standards of Passing

- For all courses, both UE and IA 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

## 8. 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 (%)
$9.50 \leq CGPA \leq 10.00$	O	Outstanding	$80 \leq Marks \leq 100$
$9.00 \leq CGPA \leq 9.49$	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:

$$\%Marks(CGPA) = \begin{cases} 10 \times CGPA - 10, & \text{if } 5.00 \leq CGPA \leq 6.00 \\ 5 \times CGPA + 20, & \text{if } 6.00 \leq CGPA \leq 7.00 \\ 10 \times CGPA - 20, & \text{if } 7.00 \leq CGPA \leq 8.00 \\ 20 \times CGPA - 110, & \text{if } 8.00 \leq CGPA \leq 9.00 \\ 40 \times CGPA - 300, & \text{if } 9.00 \leq CGPA \leq 10.00 \end{cases}$$

**COURSE DESIGN OF LL.M (ONE YEAR PROGRAM)**

<b>Trimester</b>	<b>Foundation/ Compulsory Courses</b>	<b>Optional Course</b>	<b>Total No. of Papers</b>	<b>Total Marks</b>	<b>Total Credits</b>
<b>First Trimester</b>	<b>3</b>	<b>Nil</b>	<b>3</b>	<b>300</b>	<b>9</b>
<b>Second Trimester</b>	<b>Nil</b>	<b>4</b>	<b>4</b>	<b>400</b>	<b>8</b>
<b>Third Trimester</b>	<b>Nil</b>	<b>2</b>	<b>2</b>	<b>200</b>	<b>4</b>
	<b>Dissertation</b>			<b>200</b>	<b>3</b>
<b>Grand Total</b>			<b>9</b>	<b>1100</b>	<b>24</b>

# COURSE STRUCTURE OF LL.M (ONE YEAR PROGRAM)

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## **Foundation Course:**

- Research Methods and Legal Writing (3 Credits)
- Comparative Public Law/Systems of Governance (3 Credits)
- Law and Justice in a Globalizing World (3 Credits)
- Dissertation (3 Credits)

## **Optional Groups:**

### **Group A: International and Comparative Law**

- International Organizations (2 Credits)
- International Economic Law (2 credits)
- International Human Rights Law (2 Credits)
- AIR and Space Law (2 Credits)
- Public International Law (2 Credits)
- International Dispute Settlement (2 Credits)

### **Group B: Constitutional and Administrative Law**

- Centre-State Relations and Constitutional Governance(2 Credits)
- Fundamental Rights and Directive Principles(2 Credits)
- Local Self Government & Federal Governance (2 Credits)
- Administrative Law(2 Credits)
- Media Law(2 Credits)
- Health Law (2 Credits)

### **Group C: Legal Pedagogy & Research**

- Law and Development (2 Credits)
- Ideas of Justice and Justice Education (2 Credits)
- Legal Clinics and Clinical Methodology (2 Credits)
- Science, Technology and Law (2Credits)
- Legal Profession and Social Justice (2 Credits)
- Education Law (2 Credits)

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

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# FOUNDATION COURSES

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## 01. RESEARCH METHODS AND LEGAL WRITING

### Objective of the course:

Law is influenced by the prevailing social values and ethos. Law also attempts to mould or change the existing social values and attitudes. A systematic approach is required to understand the existing and emerging legislation policies, laws their social relevancy and efficacy, etc .Hence a law student should be acquainted with the scientific methods required for the inquiry of law.

In this backdrop, this course intends to make the students familiar with nature, scope, and significance of legal research. It endeavors to make them aware with various tools and techniques required for a successful legal research which plays an important role in the socio-legal development of the country.

### 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**

**Recommended Books:**

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.

## 02. COMPARATIVE PUBLIC LAW

### Objective of the Course:

Constitutional Law and administrative Law together make Public Law. Public Law was first defined by Romans as “*res publica*” which meant Public Good. Public Law regulates the relationship between individual and the State. However with changing dimensions of the State the ambit of Public Law needs to be revisited.

This course highlights the various aspects of Public Law which has become significant due to the concept of “Welfare State”. It enlightens the students about the various systems of governance which have evolved worldwide. The course further provides a comparative approach which enables the students to make a critical analysis of the various systems.

### Syllabus

#### 1. Introduction

- 1.1. Meaning of Public Law
- 1.2. What is a Constitution
- 1.3. Significance of Constitution
- 1.4. Types of Constitution
- 1.5. Forms of government

#### 2. Overview of legal systems

- 2.1. Major legal systems of the world
- 2.2. Monarchical system
  - 2.2.1. French Legacy
  - 2.2.2. German Legacy
  - 2.2.3. English Monarchy
- 2.3. Defeat of Absolutism
- 2.4. Parliamentary Sovereignty
- 2.5. Present Scenario-US, UK, India and Australia

#### 3. Rule of Law

- 3.1. Origin and Evolution
- 3.2. Dicey’s Rule of Law
- 3.3. Recent Developments
  - 3.3.1. Britain

- 3.3.2. Australia
- 3.3.3. New Zealand
- 3.3.4. India

#### **4. Separation of Powers**

- 4.1. Montesquieu's Theory
- 4.2. The relations between organs of the State
- 4.3. Comparative Study
  - 4.3.1. U.S.A
  - 4.3.2. U.K.
  - 4.3.3. Australia
  - 4.3.4. India
  - 4.3.5. *France-Droit Administratif*

#### **5. Federalism**

- 5.1. Origin of Federalism
- 5.2. Principles and Legal Features of Federalism
- 5.3. Unitary State, Confederation and a Federal State-Comparison
- 5.4. Distribution of Legislative, Administrative and financial power in a Federal State
- 5.5. Evolution of Co-operative Federalism
- 5.6. Comparative Study
  - 5.6.1. U.S.A
  - 5.6.2. Australia
  - 5.6.3. Canada
  - 5.6.4. India

#### **6. Parliament**

- 6.1. Introduction
- 6.2. Structure and Composition
  - 6.2.1. U.K
  - 6.2.2. U.S.A
  - 6.2.3. India
- 6.3. Parliamentary Privileges-Comparative Approach

#### **7. Judicial Review**

- 7.1. Evolution and concept of Judicial Review
- 7.2. Meaning of Judicial Review
- 7.3. Grounds of Judicial Review
- 7.4. Impact of Judicial Review on Modern Constitutions

## **8. Right to Information**

8.1. Introduction

8.2. Access to information-U.S.A, U.K, Australia, India

## **9. Ombudsman**

9.1. Introduction

9.2. Need for Ombudsman

9.3. Ombudsman in New Zealand

9.4. Parliamentary Commissioner of England

9.5. Australian Ombudsman

9.6. Ombudsman in India

## **Recommended Books:**

1. M. P. Jain, Principles of Administrative Law, LexisNexis, 2010
2. Dr. Durga Das Basu, Comparative Federalism, Wadhwa, 2008
3. Dr. Durga Das Basu, Comparative Constitutional Law, Wadhwa, 2008
4. Prof.Dr.A.Lakshminath, Prof.Dr.Vijay Ghormade, Prof.Dr.Mukund Sarda, Comparative Law and select legal systems, Hind Law House,2011
5. Avasthi & Avasthi, Public Administration in India,Agarwal,2011
6. Hilaire Barnett, Understanding Public Law,Cavendish,2010
7. Elisabeth Zoller, Introduction to Public Law: A Comparative Study, Martinus Nijhoff,2008
8. M.P.Jain, Indian Constitutional Law,LexisNexis,2012
9. Dr. Durga Das Basu, Constitution of India,LexisNexis,2009

## **03. LAW AND JUSTICE IN A GLOBALIZING WORLD**

### **Objective of the Course:**

The course aims at enlightening the students about the meaning, nature and scope of law. It seeks to create an understanding about the nature of law and justice and, in particular, the relationship between the two in contemporary society. It begins by exploring the question “**what is justice**”? Since this is an enduring philosophical question, posed differently at different times, it will be approached historically from the Greeks to the present and how they have understood justice. The focus here will be not only on explaining and critically analyzing different general theories of justice, but especially upon determining how these theories articulate the specific relation (or lack of relation) between justice and law. The course will then put these ideas to work through a consideration of a number of contemporary problems concerning law and justice which have arisen due to globalization.

### **Syllabus:**

#### **1. Introduction to law and Justice**

- 1.1 The concept of law as conceived by Plato
- 1.2 Aristotle’s concept of justice
- 1.3 Law and Morals
- 1.4 Relation between Law and Ethics

#### **2. Legal Theory**

##### **2.1 Law and Justice as per Natural law**

- 2.1.1 Greek origins of Natural Law
- 2.1.2 Role of Natural Law in Roman Law
- 2.1.3 Natural law and Thomas Aquinas
- 2.1.4 Natural Law and Social Contract
- 2.1.5 Revival of Natural law- Fuller, Hart, Finnis

##### **2.2 Positivist Approach to Law**

- 2.2.1 John Austin
- 2.2.2 Hans Kelsen

##### **2.3 Sociological Jurisprudence**

- 2.3.1** Prof. Roscoe Pound

##### **2.4 American Realism**

- 2.4.1 Jerome Frank

2.4.2 Karl Lewellyn

### **3. The Concept of Justice**

- 3.1 The concept of Justice
- 3.2 Norms or Material Contents of Justice
- 3.3 Types of Justice

### **4. Theories of Justice**

- 4.1 Justice by Utilitarianists
- 4.2 Marxist approach to justice
- 4.3 John Rawls theory of Justice
- 4.4 Ronald Dworkin's theory of Justice
- 4.5 Amartya Sen's theory of Justice
- 4.6 Feminist approach to Justice

### **5. Relation between Law and Justice**

- 5.1 Equivalence theories of Justice
- 5.2 Dependence theories of Justice
- 5.3 Independence of Justice theories

### **6. Effect of globalization on Law and justice**

#### **6.1 Core Legal issues of Globalization**

- 6.1.1 Transnational applicability and Enforceability of law
- 6.1.2 Limits on enforceability of National Law
- 6.1.3 International Models for Regulation

#### **6.2 Changing concepts of Property**

- 6.2.1 Different concepts of property
- 6.2.2 Position of Property in Modern Industrial Society
- 6.2.3 Importance Intellectual Property

#### **6.3 Changing function of contract**

#### **6.4 Criminal law in changing world**

- 6.4.1 Economic crimes against the community
- 6.4.2 Environmental Pollution and criminal law
- 6.4.3 Criminal liability of Corporations
- 6.4.4 Changing nature and purpose of punishment
- 6.4.5 Cyber crimes
- 6.4.6 Inquisitorial system
- 6.4.7 Plea Bargaining
- 6.4.8 Witness protection schemes



6.4.9 Compounding of offences

### **6.5 Changing foundations of family**

6.5.1 Changing concept of family

6.5.2 Husband wife equality

6.5.3 Indissolubility of marriage tie

### **6.6 Economic competition, Regulation and Public Interest**

### **6.7 The enlarging scope of International law.**

6.7.1 New dimensions of International law

6.7.2 International minimum standards of Justice

### **Recommended Books:**

1. Legal Theory by W. Friedmann, Universal Law Publishing Co., Delhi
2. Law in a changing society by W. Friedmann, Universal Law Publishing Co., Delhi
3. A Theory of Justice by John Rawls, Universal Law Publishing Co., Delhi
4. Human law and Human Justice by Julius Stone, Universal Law Publishing Co., Delhi
5. The Province and Function of Law, Universal Law Publishing Co., Delhi
6. Jurisprudence the Philosophy and Method of the Law, Bodenheimer, Universal Law Publishing Co., Delhi
7. Legal System and Lawyers' Reasoning by Julius Stone, Universal Law Publishing Co., Delhi
8. Concept of Law by HLA Hart, Oxford University Press
9. On Law and Justice by Alf Ross, University of California Press
10. Pure theory of Law by Hans Kelsen, University of California Press
11. Law's Empire by Ronald Dworkin, Harvard University press
12. Interpretation of Law in the Global World: From Particularism to a Universal Approach, Edited by Joanna Jemielniak & Przemyslaw Miklaszewicz, Springer Berlin Heidelberg
13. Law and Society in Modern India by Marc Galanter, Oxford

# OPTIONAL COURSES

## GROUP A

### INTERNATIONAL & COMPARATIVE LAW

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#### **A04. INTERNATIONAL ORGANISATIONS**

##### **Objective of the Course:**

The prime duty of International Organizations is not only to maintain peace among independent sovereign states but also to create an atmosphere for mutual co-operation and to work towards amelioration of human conditions in respective countries. Hence various International organizations collectively work towards collective security and peaceful settlement of conflicts among the nation states.

This course highlights the origin, functions, socio-economic and political process and the role of International Organizations in restructuring and reshaping the socio-economic life of the countries. It provides a platform to the students to undertake an in depth analysis of International Organizations as well as non – governmental organizations.

##### **Syllabus:**

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

- 1.1. Historical Background
- 1.2. Definition of International organizations
- 1.3. Privileges and Immunities

#### **2. Classification of International Organizations:**

- 2.1. Membership
- 2.2. Universalism
- 2.3. Regionalism

#### **3. Role and Functions of International Organizations**

#### **4. League of Nations**

- 4.1. Origin & Foundation
- 4.2. Members and Constitution
- 4.3. Maintenance of World Peace

4.4. Weaknesses and Causes for failure

**5. United Nations**

5.1. Organs and Functions

5.2. General Assembly

5.3. Security Council

5.4. Economic Social Council

5.5. Concept of Collective Security

**6. Other Organizations**

6.1. European Union

6.2. Commonwealth

6.3. SAARC

**7. Special Agencies and NGO's**

7.1. Functions

7.2. Amnesty International

7.3. International Commission of Jurists

**Recommended Books:**

1. International Organizations, Clive Archer, Routledge Publishers
2. Remedies Against International Organizations, Karel Wellens, Cambridge University Press
3. The Law of International Organizations, Nigel D. White, Manchester University Press
4. S.K.Kapoor, Public International Law, Central Law Agency.
5. J.G.Starke, Introduction to International law, Aditya Books, New Delhi.
6. S.K.Varma, An Introduction to International Law, Printice Hall of India, New Delhi
7. Bowett, International Institutions.
8. International Law; Sir Robert Jennings and Sir Arthur Watts (ed.) Longma
9. M.P. Tandon, Public International Law, Allahabad Law Agency

## **A05. INTERNATIONAL ECONOMIC LAW**

### **Objective of the Course**

Global economic issues are always in news right from trade disputes between countries, investment claims by foreign investors against sovereign states, to countries facing a balance of payments crisis and seeking assistance from the International Monetary Fund (IMF).

This course examines the law governing global economic issues. It begins with a historical and theoretical background to the field before turning to focus on the law and practice of the World Trade Organization (WTO), including close analysis of the WTO dispute settlement system and the role of 'free' or preferential trade agreements within that system. It also provides a detailed understanding of international investment law, including bilateral investment treaties. Finally, the subject examines the lending policies and practices of international financial institutions, particularly the IMF and the World Bank.

### **Syllabus**

#### **1. Introduction**

1.1. Meaning & Nature

1.2. Subjects of International Economic Law- States, Multinational Enterprises and Individual

1.3. Codification of International Economic Law and role of International Organization

#### **2. Role of UNO in Evolving International Trade Law and NEW INTERNATIONAL ECONOMIC ORDER (NIEO)**

2.1. Meaning of NIEO.

2.2. UN and NIEO.

2.3. Program of action on the Establishment of NIEO.

2.4. Promotion of cooperation among Developing Countries

2.5. Charter of Economic Rights and Duties of states (CERDS)

2.6. Problems and prospects of the NIEO.

2.7. Significance of NIEO.

2.8. Implications of the NIEO for India.

#### **3. International Economic Agencies**

- 3.1. International Monetary Fund (IMF).
- 3.2. International Bank for Reconstruction and Development (IBRD)
- 3.3. The International Centre for Settlement of Investment Disputes (ICSID) 1965
- 3.4. World Bank
- 3.5. World Intellectual Property Organization- WIPO

#### **4. Relevance of GATT and WTO**

- 4.1. Globalization of Economic activity.
- 4.2. GATT negotiation Round - Procedures of GATT Negotiations, Tariff Barriers and Non-Tariff barriers, Bilateral and Multilateral Trade agreements of GATT, method of Multilateral Trade Negotiation under GATT.
- 4.3. Salient features of GATT 1994.
- 4.4. Final Act embodying the results of the Uruguay Round of multilateral Trade Negotiations.
- 4.5. Decision on measures in favor of least developed countries in GATT 1994.
- 4.6. List of developed, Developing and Least developed Countries.

#### **5. The World Trade Organization (WTO)**

- 5.1. Salient features, Objectives, Scope, Functions of WTO
- 5.2. Structure
- 5.3. The Secretariat, Budget and Contribution
- 5.4. Status of WTO
- 5.5. Decision making
- 5.6. Amendments
- 5.7. Membership and Withdrawal

#### **6. The United Nation's Commission for International Trade Law (UNCITRAL)**

- 6.1. Work Carried out by UNCITRAL
- 6.2. UNCITRAL Rules 1976 & 1980
- 6.3. UNCITRAL Model Law an International Commercial Arbitration, 1985.

#### **Reference Books:**

- 1. Comments on International Trade Law by Professor Rafiqul Islam
- 2. International Trade Law by Lord Templeman
- 3. Law of International Trade by Pamela Sellman
- 4. International Trade Law by Janette Charley

5. International Trade Law by S. C. Chhua
6. The WTO After Seattle by Jeffrey J. Schott (Editor)
7. An Introduction to the WTO Agreements by Bhagirat Lal Das
8. International Trade Law by Indira Carr,
9. Understanding International Trade Law by Simone Schnitzer,
10. Cases and Materials on International Trade Law by Paul Todd
11. Global, Political Economy: Understanding the International Economic Order, Robert Gilpin, Princeton University Press
12. Principles of International Economic Law, Matthias Herdegen, Oxford University Press

## **A06. INTERNATIONAL HUMAN RIGHTS**

### **Objective of the Course:**

Human Rights are inborn rights of human beings having universal application. Human rights have acquired a new dimension with the adoption of Universal Declaration of Human Rights in 1948. Several regional organizations also play a very pivotal role to prevent and curb human rights violations at regional level. Role of these organizations assumes great significance to maintain human rights standards in respective countries.

This course analyses human rights, their international standards, role of organizations and mechanism of protection agencies. The course thus inculcates awareness amongst the students about the significance of human rights in today's scenario.

### **Syllabus:**

#### **1. Introduction**

- 1.1. Historical View
- 1.2. Philosophical and Legal Foundations
- 1.3. Classification of Human Rights

#### **2. International Human Rights Standards**

- 2.1. United Nations Charter
- 2.2. Universal Declaration of Human Rights
- 2.3. Covenant on Civil and Political Rights
- 2.4. Covenant on Economic, Social and Cultural Rights
- 2.5. CEDAW

#### **3. Role of Regional Organizations**

- 3.1. European convention on Human Rights/Court of human Rights
- 3.2. American convention on Human Rights/Courts
- 3.3. African convention on Human Rights

#### **4. Protection agencies and mechanism**

- 4.1. Non - governmental organizations (NGOs)
- 4.2. UNICEF
- 4.3. UNESCO
- 4.4. International Commission of Human Rights

4.5. ILO International Labor Organization

## **5. Enforcement of International Human Rights**

### **Recommended Books:**

1. International Human Rights in Context of Law, Politics and Morals, Henry Steiner and Philip Alston, Oxford University press
2. Textbook on International human Rights, Rhona Smith, Oxford University Press
3. International Human Rights: Law and Practice, Francisco Forrest Martin, 1997
4. Perspectives in Human Rights Development, R.S. Sharma and R.K. Sinha, 1997
5. The United nations and Human Rights: A Critical Appraisal, Philip Alston, 1992
6. Human Rights in International Relations, David P. Forsythe



## **A07. AIR AND SPACE**

### **Objective of the Course:**

The scientific and technical developments in the field of air and space have posed challenges to the legal fraternity. The legal response to air and space technology has been both at municipal and international level.

The course is designed to provide an in-depth understanding of air and space law along with fundamental principles of Public International Law concerning air and space.

### **Syllabus:**

#### **1. Introduction**

- 1.1. Meaning ,Nature ,Scope of Air and space law
- 1.2. Source of Air and Space Law

#### **2. Air Law**

- 2.1. Basic Principles of international Air Law
- 2.2. Regulation of international Air Transportation
- 2.3. Civil aviation
  - 2.3.1. Crimes - hijacking- sabotage - air terrorism
  - 2.3.2. Safety and security
    - 2.3.2.1. International norms
    - 2.3.2.2. State obligation
  - 2.3.3. Liability in civil aviation

#### **3. Air Law-Indian Perspective**

- 3.1. Airport leasing and privatization –Legal issues
- 3.2. Rights and privileges of Air passengers
- 3.3. Third party liability for surface damages
- 3.4. Civil aviation:
  - 3.4.1. Technology development- legal problems
  - 3.4.2. Consumer protection
- 3.5. Air carriage

#### **4. Law of Outer space**

- 4.1. Freedom and regulation regarding outer space
- 4.2. International conventions
  - 4.2.1. The Outer Space Treaty, 1967

4.2.2. The Moon Treaty, 1969

4.2.3. UN Convention, 1972

## **5. Regulations of commercial space activities in India**

5.1. Constitutional and International obligations

5.2. Launch services

5.3. Satellite telecommunication and broadcasting

5.4. IPR and technology transfer

## **6. Changing global trends**

6.1. Use of space technology-peaceful and non-peaceful

6.2. Space communication

6.3. Satellite navigation and location

6.4. Disaster prediction

## **Recommended Books:**

1. The orbit of Space Law, Wedeagokar
2. Space Law, Christol
3. Law of outer space, M.Lach
4. Space Law in the era of commercialization, Dr.S.Bhatt
5. Recent trends in International space and Policy, V.S.Mani
6. Legal and regulatory issues in international aviation, Azbeyratne
7. The new aviation policy in India, S.Bhatt
8. Aviation law and recommendation, Carole Blackshow
9. Aviation Law: cases and materials, LowenField
10. Aircraft hijacking and international law, S.K.Agarwal
11. Law of carriage- Air, Land and Sea, Avtar Singh, Eastern Book Company

## **A08. PUBLIC INTERNATIONAL LAW**

### **Objective of the Course:**

The post Second World War has witnessed phenomenal growth in International law. The United Nation has emerged as a powerful organization in regulating international relations amongst the States. For achieving peace and progress around the world, regulating and adhering to the international legal order has become a necessary condition.

This course focuses upon the nature, sources and different dimensions of International law. Its object is to develop greater acquaintance among the students about the role and significance of International law under changing circumstances.

### **Syllabus:**

#### **1. Basic Aspects of International Law:**

- 1.1. Origin and Definition
- 1.2. Nature and basis
- 1.3. Is International law a true law?
- 1.4. Schools of International Law

#### **2. Sources of International Law**

- 2.1. Custom
- 2.2. Treaties
- 2.3. General Principles of Law
- 2.4. Judicial Decisions

#### **3. Relationship between Municipal Law and International Law**

- 3.1. Monistic Theory
- 3.2. Dualistic Theory

#### **4. State- Subject of International Law**

- 4.1. Essentials of statehood
- 4.2. Concept of recognition, theories, kinds and consequences of recognition
- 4.3. State Jurisdiction- Diplomatic Privileges and Immunities
- 4.4. State responsibility

#### **5. State Territory**

- 5.1. Extent of State Territory
- 5.2. Acquisition and Loss of State Territory

## **6. State Succession:**

- 6.1. Meaning and Kinds
- 6.2. Consequences
- 6.3. Succession on Suppression of revolt
- 6.4. Succession in International Organization

## **7. Intervention:**

- 7.1. Need, Kinds of Intervention
- 7.2. Grounds
- 7.3. Prohibition

## **8. Individual and International Law:**

- 8.1. Nationality
- 8.2. Aliens
- 8.3. Extradition
- 8.4. Diplomatic agents - Immunities and Privileges

## **9. Treaties:**

- 9.1. Making of Treaty
- 9.2. Reservations to treaty
- 9.3. Pacta sunt servanda
- 9.4. Modes of termination of treaty

## **Recommended Books:**

- 1. Oppenheim, International Law
- 2. Ian Brownlie, Principles of Public International Law, Oxford University Press.
- 3. Malcolm N Shaw, International Law, Cambridge Publication.
- 4. H.O Agarwal, International Law and Human Rights, Central Law Publications Allahabad.
- 5. S.K.Kapoor, Public International Law, Central Law Agency.
- 6. J.G.Starke, Introduction to International law, Aditya Books, New Delhi.
- 7. S.K.Varma, An Introduction to International Law, Printice Hall of India, New Delhi
- 8. Bowett, International Institutions.
- 9. International Law, Sir Robert Jennings and Sir Arthur Watts (ed) Longma
- 10. M.P. Tandon, Public International Law, Allahabad Law Agency

## **A09. INTERNATIONAL DISPUTES SETTLEMENT**

### **Objective of the Course:**

International dispute settlement is a relatively new field of academic study that increasingly combines private and public international law and raises enduring issues of global importance.

The course primarily addresses fundamental and lasting issues of international dispute settlement and provides an in depth study of the growth of the field of international dispute settlement in practice, the novelty and significance of the issues posed, and the originality of the academic angle from which such issues need to be addressed.

### **Syllabus:**

#### **1. Introduction to International Courts and Tribunals**

- 1.1. History and development of international adjudication and arbitration
- 1.2. The modern system of international courts and tribunals
  - 1.2.1. The International Court of Justice
  - 1.2.2. The International Tribunal for the Law of the Sea
  - 1.2.3. The Permanent Court of Arbitration
  - 1.2.4. Human rights courts and commissions
  - 1.2.5. Other tribunals
  - 1.2.6. The International Criminal Court (and other criminal tribunals)

#### **2. Jurisdiction**

- 2.1. General principles: competence; forum prorogatum; separability of dispute resolution clauses; jurisdiction, *ratione materiae*, *ratione personae* and *ratione temporis*
- 2.2. Specific issues for the vesting of jurisdiction: reliance upon the optional clause (ICJ); existence of an investment (investment treaties & ICSID); reliance on an MFN clause to expand jurisdiction (investment treaties), incidental jurisdiction.

#### **3. Admissibility**

- 3.1. Distinction between jurisdiction and admissibility
- 3.2. Absence of a necessary third party
- 3.3. Diplomatic protection: nationality of claims and exhaustion of local remedies

3.4. Investment treaty arbitration: contracts claims versus treaty claims; derivative claims by shareholders

#### **4. Justiciability and Arbitrability**

4.1. The doctrine of non-justiciability of political disputes

4.2. The subject matter of disputes that can be submitted to arbitration (arbitrability): the problem of illegal transactions

#### **5. Relations between Jurisdiction of International Courts**

5.1. Overlapping jurisdictions and resolving jurisdictional conflicts

5.2. Proliferation of international courts and tribunals - fragmentation of international law

#### **6. Applicable Law**

6.1. Law applicable to substantive issues, arbitration clause, procedure, capacity of parties, issues of state responsibility.

6.2. The doctrine of municipal laws as facts before international courts and tribunals

6.3. International public policy

6.4. Problems of treaty interpretation

#### **7. Denial of Justice**

7.1. The modern conception of denial of justice in international law

7.2. Exhaustion of remedies as a substantive requirement

#### **8. Remedies in International Adjudication**

8.1. The three forms of reparation: restitution, compensation, declaratory judgments

8.2. Problems of restitution

8.3. Problems of compensation: differentiating between the remedial consequences following from a breach of different substantive obligations

#### **9. Challenges to International Decisions; Recognition and Enforcement of International Decisions**

9.1. Interpretation and revision

9.2. Challenge before the ICJ

9.3. Challenge before the municipal courts at the seat of the arbitration

#### **Recommended Books:**

1. Brown, A Common Law of International Adjudication (2007)
2. Crawford, Brownlie's Principles of Public International Law (8th ed 2012)
3. Eiriksson, The International Tribunal for the Law of the Sea (2000)
4. Fitzmaurice, The Law and Procedure of the International Court of Justice (1986)

5. Gaillard et al, Fouchard, Gaillard & Goldman on International Commercial Arbitration (1999)
6. Gray, Judicial Remedies in International Law (1987)
7. McLachlan et al, Investment Treaty Arbitration: Substantive Principles (2007)
8. Rigo Sureda, Investment Treaty Arbitration (2012)
9. Rosenne, The Law and Practice of the International Court, 1920-2005 (2006)
10. Sands et al, Manual on International Courts and Tribunals (2010)
11. Shany, The Competing Jurisdictions of International Courts and Tribunals (2003)
12. Zimmermann et al, The Statute of the International Court of Justice: A Commentary (2006)

# GROUP B

## CONSTITUTIONAL & ADMINISTRATIVE LAW

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### **B04. CENTRE – STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE**

#### **Objective of the Course:**

Nature of the Indian Constitution though not being strictly federal still makes a division of governmental powers between the Union and States. The changed political, social and economic conditions of our polity have tremendously influenced the content and operation of Centre-State relations.

This course aims at making the students aware of the nature of the Indian federation through a deep study of legislative, administrative and financial relations between the Centre and the states. It further provides a platform to analyze, examine and evaluate the centre state relations in the current scenario.

#### **Syllabus:**

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

- 1.1. Nature of Indian Federation
- 1.2. Position of States-Indian Federation
- 1.3. Nature of Indian Polity
- 1.4. Central Bias

##### **2. Legislative Relations**

- 2.1. Theory of territorial nexus
- 2.2. Distribution of Legislative powers
- 2.3. Interpretation of lists
  - 2.3.1. Pith and Substance
  - 2.3.2. Colorable Legislation
  - 2.3.3. Ancillary Powers
  - 2.3.4. Occupied Field
  - 2.3.5. *Non-obstante* Clause



- 2.3.6. Laws of Taxation
- 2.4. Repugnancy between Central and State Laws
- 2.5. Residuary powers
- 2.6. Centre's power
  - 2.6.1. Legislate on State subjects
  - 2.6.2. Control on State Legislation
- 3. Administrative Relations**
  - 3.1. Distribution of Administrative Power
  - 3.2. Delegation of Union's function to States
  - 3.3. Administrative co-ordination
  - 3.4. All India Services
  - 3.5. Full faith and Credit Clause
- 4. Financial Relations**
  - 4.1. Imposition of tax-authority of law
  - 4.2. Fees
  - 4.3. Allocation of taxing powers
  - 4.4. Restriction on taxing powers
  - 4.5. Financial Equilibrium
  - 4.6. Borrowing powers
  - 4.7. Finance commission
- 5. Impact of Emergency on centre state relations**
- 6. Centre-state relations-Critical Evaluation**
  - 6.1. Sarkaria Commission

**Reference Books:**

1. Centre – State Relations in India, Anirudh Prasad, Deep & Deep Publications
2. Centre State Relations in India: Major Irritants and Post- Sarkaria Review, Shubh Narayan Singh, H.K. Publishers & Distributors
3. Party Politics and Centre State Relations in India, S.K. Jain, Shakti Malik Abhinav Publications
4. Federalism and Centre State Relations in India, O.P. Tiwari, Deep and Deep Publications
5. Current Issues and Trends in Centre- State Relations: A Global View, S.C. Arora, Mittal Publications
6. Socio-Legal Perspective of Centre-State Relations in India, Mohd. Aftab Hussain,

Deep & Deep Publications

7. Federalism and Frictions in Centre – State Relations: A Comparative Review of Indian and German Constitutions, K.L. Bhatia, Deep & Deep Publications
8. Constitutional Law of India: H. M. Seervai, Universal Law Publishing Co. Ltd., Hardcover-April 30, 2005.
9. Indian Constitutional law, M.P. Jain, LexisNexis, 2010
10. Constitution of India, Dr. Durga Das Basu, LexisNexis, 2009
11. The Indian Constitution: Cornerstone of a Nation (Law in India S.): Granville Austin, OUP India, And Paperback-October 1999.
12. The Constitution of India: V. Grover, Deep & Deep Publications, Hardcover-September 1, 2002. Law
13. Reconstitution of the Constitution of India, Kanhaiyalal Sharma, Deep & Deep Publications, Hardcover-October, 2002.
14. Legal and Constitutional History of India: Ancient, Judicial and Constitutional System: Rama Jois, M. Justice, Universal Law Publishing Co. Ltd., paperback- April 30, 2004.
15. Constituent Assembly of India: Springboard of Revolution: Shibanikinkar Chaube, Manohar Publishers and Distributors, Hardcover-November 22, 2000.

## **B05. FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

### **Objective of the Course:**

The course aims at giving a comprehensive idea of the juristic basis, scope and content of each Fundamental Right as enshrined in the Indian Constitution, the restrictions placed on the right, and an evaluation of the judicial approach towards balancing individual Fundamental Rights and public interest.

It further makes the students understand the importance of Directives Principles of State Policy, its role in achieving good governance and their relationship to fundamental rights.

### **Syllabus:**

#### **1. Fundamental Rights: Introduction**

- 1.1. Origin and Evolution
- 1.2. Fundamental rights in India

#### **2. Enforceability of fundamental Rights**

- 2.1. Scope & Definition of State-Art.12
- 2.2. Art.13
  - 2.2.1. Definition of Law, Personal Laws, Customs
  - 2.2.2. Doctrines

#### **3. Right of Equality**

- 3.1. Fundamental principles of Equality (Art. 14).
- 3.2. Doctrine of reasonable classification
- 3.3. Absence of Arbitrariness
- 3.4. Protective Discrimination (Art.15)
- 3.5. Discrimination in Public employment
  - 3.5.1. Reservations
    - 3.5.1.1. Pre-Mandal Era
    - 3.5.1.2. Mandal Commission case
    - 3.5.1.3. Post Mandal scenario
    - 3.5.1.4. Test of backwardness
    - 3.5.1.5. Doctrine of creamy Layer
    - 3.5.1.6. Kalelkar Commission and Mandal Commission
  - 3.6. Inter –relation between Art.14,15 & 16

#### **4. Fundamental Freedoms(Art.19)**

- 4.1. Scope
- 4.2. Freedom of Speech and Expression
  - 4.2.1. Right to Silence
  - 4.2.2. Freedom of Press
  - 4.2.3. Right to Information
  - 4.2.4. Censorship of films
  - 4.2.5. Restrictions
- 4.3. Freedom to assemble
- 4.4. Freedom to form association
- 4.5. Freedom of movement and residence
- 4.6. Freedom to carry trade and commerce
- 4.7. Right to property
- 5. Art. 21-Right to life and Liberty**
  - 5.1. Principle of due process of Law
    - 5.1.1. Traditional Approach - A.K.Gopalan
    - 5.1.2. Modern Approach - Maneka Gandhi
  - 5.2. Extended Scope of the Term 'life'
  - 5.3. Widened Scope of the Term 'Liberty'
  - 5.4. Third generation rights.
  - 5.5. Criminal Justice
  - 5.6. Right to Education Art- 21A
  - 5.7. Compensatory Jurisprudence
- 6. Prevention of abuse of criminal law (Article 20 &22)**
  - 6.1. Protection against self-incrimination
  - 6.2. Protection against double jeopardy
  - 6.3. Protection against retrospective operation of criminal law
  - 6.4. Safeguards against arrest & preventive detention
- 7. Right against exploitation (Art. 23 & 24)**
- 8. Freedom of Religion**
  - 8.1. Secularism
  - 8.2. Profess and Practice religion (Art. 25)
  - 8.3. Manage religious affairs (Art. 26)
  - 8.4. Religious Denominations
  - 8.5. Taxation to promote religion
  - 8.6. Right of conversion

## **9. Minority Rights**

- 9.1. Protection of interest of minorities
- 9.2. Establishment of educational institutions
- 9.3. Regulation of minority educational institutions

## **10. Right to Constitutional Remedies (Art. 32)**

- 10.1. Relation between 32 and 226
- 10.2. Writs
- 10.3. Public Interest Litigation
- 10.4. Judicial Activism

## **11. Parliament's Power to limit application of fundamental Rights**

- 11.1. Article 31 A, 31 B, 31 C.
- 11.2. IX the Schedule.
- 11.3. Amendability of fundamental Rights - Basic features doctrine.

## **12. Directive Principles of State Policy**

- 12.1. Nature
- 12.2. Justiciability
- 12.3. Inter- relationship between fundamental rights and directive principles-a  
Judicial Approach
- 12.4. Directive Principles (Art. 36 to 51)

### **Recommended Books:**

1. Constitutional Law of India: H. M. Seervai, Universal Law Publishing Co. Ltd., Hardcover-April 30, 2005.
2. Indian Constitutional law, M.P. Jain, LexisNexis, 2010
3. Constitution of India, Dr. Durga Das Basu, LexisNexis, 2009
4. The Indian Constitution: Cornerstone of a Nation (Law in India S.): Granville Austin, OUP India, And Paperback-October 1999.
5. Justice V. R. Krishna Iyer on Fundamental Rights and Directive Principles: S. Chander, Deep & Deep Publications. Hardcover-September 1, 2002.
6. The Constitution of India: V. Grover, Deep & Deep Publications, Hardcover-September 1, 2002. Law
7. Reconstitution of the Constitution of India, Kanhaiyalal Sharma, Kanahaiyalal Sharma, Deep & Deep Publications, Hardcover-October, 2002.
8. Legal and Constitutional History of India: Ancient, Judicial and Constitutional System: Rama Jois, M. Justice, Universal Law Publishing Co. Ltd., paperback- April

30, 2004.

9. Fifty Years of the Supreme Court of India: It's Grasp and Reach: Oxford University Press
10. Rules, Laws, Constitutions: Satish Saberwal (Editor), Heiko Sievers (Editor), Sage Publications Ltd., Hardcover-January 1998.
11. Human Rights in India: Historical, Social and Political Perspective Chiranjivi J. Nirmal, Oxford University Press
12. The Citizen and Judicial Reforms: Kashyap C. Subhash, Universal Law Publishing Co. Ltd., hardcover- June 15, 2004.
13. People, Law and Justice: Casebook of Public Interest Litigation: Sangeeta Ahuja, Sangam Books Hardcover-July 1997.
14. Constituent Assembly of India: Springboard of Revolution: Shibanikinkar Chaube, Manohar Publishers and Distributors, Hardcover-November 22, 2000.

## **B06. LOCAL SELF GOVERNMENT AND FEDERAL GOVERNANCE**

### **Objective of Course:**

The object of the study of Local Self-Government is to throw light on the third tier of our governmental system, which is the basis of our democracy. The Panchayati Raj system plays a unique role in this 21st century, in achieving the principals of Mahatma Gandhi assured by the Indian Constitution to the citizens. The provision for introduction of these principles has been made by the framers in the Constitution itself.

The course aims at giving an understanding to the students about the functioning of the Indian democracy at the grass root level, its strengths, weaknesses, problems and solutions to the same.

### **Syllabus:**

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

- 1.1. Meaning and Nature
- 1.2. Origin & Evolution of Local-Self Government in India
- 1.3. Significance of Local-self Government in modern State

#### **2. Constitutional Basis - 73<sup>rd</sup> and 74<sup>th</sup> Amendment**

#### **3. Organizational Structure**

- 3.1. Composition
- 3.2. Functions, Powers and Role of Local bodies
- 3.3. Administration of the Metropolitan Towns and Municipal Corporations
- 3.4. Problems of Autonomy and Accountability

#### **4. Democratic Decentralization in Rural India**

- 4.1. Village Panchayats and Gram Sabha
- 4.2. Panchayat Samiti
- 4.3. Zilla Parishad

#### **5. Democratic Decentralization in Urban India**

- 5.1. Municipal Council
- 5.2. Municipal Corporation

#### **6. Financial Administration of local bodies in India**

- 6.1. Funding to local bodies
- 6.2. Strengthening of local resources

#### **7. State control over local bodies-Urban and Rural**

#### **8. Need for Reforms in local self governance system in India**

### **BOOKS RECOMMENDED**

1. Argal, K.: Municipal Government in India
2. Maheshwari, S.R.: Local Government in India
3. Mathur, M.V.: Panchayat Raj in Rajasthan
4. Khanna, R.K.: Municipal Government and Administration in India
5. Bhogle, S.K.: Local Government in India
6. Pai Panandikar, V.A. : Personnel System for Development Administration
7. Bhattacharya, Mohit: Municipal Government and Problems
8. Tinker: Local Self Government in India
9. G. Palanithurai, Dynamics of New Panchayati Raj System in India



## **B07. ADMINISTRATIVE LAW**

### **Objective of the Course:**

Since independence, the administrative process has gathered momentum in India. The transformation of Police-State to Welfare-State has tremendously increased the functions of administration. Majority of the litigations today involve the principles of Administrative Law. Administrative Law deals with powers of the government and control thereof.

Hence this course seeks to provide the students with a clear understanding of the structure, organization, processes and powers of the public functionaries. Further the course also aims at enlightening the students with the problems besetting the area.

### **Syllabus:**

#### **1. Introduction**

- 1.1. Nature and Scope of Administrative Law
- 1.2. Functions of Administration

#### **2. Rule of Law**

#### **3. Separation of Powers**

#### **4. Delegated Legislation**

- 4.1. Concept, growth & need of delegated legislation
- 4.2. Control of delegated legislation
  - 4.2.1. Parliamentary
  - 4.2.2. Procedural
  - 4.2.3. Judicial
- 4.3. Doctrine of excessive delegation

#### **5. Administrative discretion**

- 5.1. Scope
- 5.2. Fundamental rights and administrative discretion
- 5.3. Judicial control

#### **6. Natural justice**

- 6.1. Applicability to administrative decisions
- 6.2. Principles of natural justice
- 6.3. Failure of natural justice-effect

#### **7. Judicial review of administrative action**

##### **7.1. Writ jurisdiction**

- 7.1.1. Scope
- 7.1.2. Grounds

7.2. Statutory remedies

**8. Contractual and tortious liability**

**9. Ombudsman**

**Recommended Books:**

1. D.D. Basu-Comparative Administrative Law
2. M.P. Jain, S.N. Jain-Principles of Administrative Law
3. M.P. Jain-Cases and materials on Administrative Law
4. M.P. Jain–The evolving Indian Administrative Law.
5. Dicey-Introduction to Law of the Constitution.
6. Garner-Administrative Law
7. H.W. Wade-Administrative Law.
8. Wade & Philips-Constitutional Law.
9. Hood Philips-Constitutional Law & Administrative Law.
10. DeSmith-Judicial Review of Administrative Action
11. K.S. Shukla & S.S. Singh-Lokayukta-A socio legal study.
12. Ivor Jennings-Law and the Constitution.
13. K.C. Davis-Discretionary justice.
14. P.P. Craig - Administrative Law
15. Neil Hawke & Neil Papworth - Introduction to Administrative Law.
16. Jaffe-Judicial Control of Administrative Law.

## **B08. MEDIA LAW**

### **Objective of the Course:**

Mass Media play a significant role in shaping public opinion through the information that is dispensed through them and the interpretation placed upon this information.

This course seeks to familiarize the students about the concepts and structure of Media law by understanding its political, social and international context. The course will concentrate on more specific issues like defamation, contempt of court, privacy, copyrights and media trials.

### **Syllabus:**

#### **1. Introduction**

- 1.1. Evolution of Media
- 1.2. Forms of Media
- 1.3. Democracy and Media
- 1.4. Constitutional framework
  - 1.4.1. Freedom of Press
  - 1.4.2. Limitations

#### **2. Media Laws in India**

- 2.1. Print media
  - 2.1.1. Press council Act,1978
  - 2.1.2. The Newspaper (prize and pages)Act,1958
  - 2.1.3. Regulatory body-Press council of India
- 2.2. Electronic Media
  - 2.2.1. Indian Telegraphy Act,1885
  - 2.2.2. The Cinematograph Act,1952
  - 2.2.3. The Cable Television Networks Act,1955
  - 2.2.4. The Prasar Bharati(Broadcasting Corporation of India)Act,1990
  - 2.2.5. Broadcasting Service Regulating Act,2007

#### **3. Accountability of media**

- 3.1. Media and Social Responsibility
- 3.2. Media and Terrorism
- 3.3. Relevant Cases

3.4. Media and Ethics

3.5. Self regulation

#### **4. Media trials**

4.1. Nature and Concept

4.2. Impact on administration of Justice

4.2.1. Priyadarshani Mattu Case

4.2.2. Arushi Murder case

4.2.3. Jessica Lal Murder Case

4.2.4. Shiney Ahuja Case

#### **5. Other issues**

5.1. Contempt of court

5.2. Copyright

5.3. String operations

5.4. Effect of Emergency

#### **Recommended Books:**

1. Indian Constitutional Law, M.P. Jain, LexisNexis
2. Law of Press, Dr. Durga Das Basu
3. Press and Media, Vidisha Barua
4. Cases and Materials on Media Law, Dev Chopra & Ram Jethmalani, Thomson Reuters
5. Mass Media and Regulations by C.S.Rayadu and Nageshwar Rao
6. Facets of Media Law, Madhavi Goradia Divan
7. Media and Society, Graeme Burton
8. Law Relating to Press, Rai Bahadur and G.K.Roy
9. Freedom of Press: Some Secrets Trends by Justice S. Venkataramiah

## **B09. HEALTH LAW**

### **Objective of the Course:**

In modern times, particularly after the beginning of globalization and liberalization, science and technology are having impact on the community. Along with traditional legal subjects, there is a need to incorporate emerging sectors in legal education. Health Law is one such subject. This subject should be viewed as one of the measures of welfare legislation. At the same time, the control and regulation of medicines and drugs is vital.

Therefore, this course gives a comprehensive knowledge about different dimensions of medical law including state's liability in protecting standards of health in the country

### **Syllabus**

#### **1. Introduction to Public Health:**

- 1.1. State responsibilities for community health in a welfare state
- 1.2. The right to health under the Constitution
- 1.3. Right to Die, Euthanasia
- 1.4. Allopathic and Alternative Medical Systems
- 1.5. National Health Policy

#### **2. Environment and Health**

- 2.1. Environmental Jurisprudence under Article 21
- 2.2. Factors affecting Public Health: Sanitation, waste management, water management, rural sanitation, causes for ill health in rural India.

#### **3. Liability for Injuries to health**

- 3.1. Major Industrial Accidents causing health hazards
- 3.2. Epidemics and control
- 3.3. Natural calamities
- 3.4. Disablement and health care
- 3.5. National Disasters Management Authority
- 3.6. Medical Negligence
  - 3.6.1. Meaning
  - 3.6.2. Scope
  - 3.6.3. Remedies

#### **4. Access to Medicines**

- 4.1. The Regulation of Pharmaceutical Industry

- 4.2. Drugs and Cosmetics Act
- 4.3. Patenting of Drugs and Medicines
- 4.4. Regulation of drug testing procedures in India
- 4.5. Multinational drug industry in India
- 4.6. Dumping of unsafe drugs
- 4.7. Advertising and Consumer protection

## **5. Public Hospitals**

- 5.1. Need, organization of Public hospitals
- 5.2. Medico - legal cases and duties of hospitals
- 5.3. Liability for medical negligence in public hospitals
- 5.4. Mental health care in public hospitals: duties and liabilities
- 5.5. Rural health care: Primary health centre
- 5.6. The model of National Health Service (NHS) in Great Britain

## **6. Initiatives of Government**

- 6.1. Important projects and schemes of State and Central Government
- 6.2. Health Care and Weaker Sections of Society
- 6.3. Health Care and Women: Amniocentesis, etc.

## **7. International health hazards and control programmes**

- 7.1. Role of WHO
- 7.2. Initiatives taken to control AIDS, Bird Flu, H1N1 Influenza, etc.

## **Reference Books:**

1. Reforming India's Social Sector: Poverty, Nutrition, Health and Education by Seeta Prabhu and R. Sudarshan, D.K. Publishers
2. The Indian Pharmaceutical Sector: Issues and Options for Health Sector Reform by Ramesh Govindraj and Gnanaraj Chellaraj, The World Bank
3. Modi's Medical Jurisprudence.
4. Disputes and Dilemmas in Health Law, by Ian Freckelton & Kerry Petersen, the Federation Press
5. Environmental Jurisprudence in India, C.M. Abraham, Kluwer Law International
6. Right to Health of Women and Children in India, Thorsten Volberg
7. Better Health Systems for India's Poor: Findings, Analysis and Options by David Peters etc., World Bank

8. India's Public Health System: How well does it function at the National Level, by Manju Rani and Monica Das Gupta, World Bank Research Working Paper No. 3447, November 2004
9. Comparative Health Systems: Global perspectives, by James Johnson and Carlien Harriet
10. Caring and Curing: A History of Indian Health Service, by James Rife, PHS Commissioners Officers Foundation for Advancement of Public Health
11. Indian Health Report, 2010
12. India: Health Care Patterns and Planning, by Rais Akhtar, A.P.H publishing Corporation

# GROUP C

## LEGAL PEDAGOGY & RESEARCH

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### **C04: LAW AND DEVELOPMENT**

#### **Objective of the Course:**

This course examines the role of law and the legal system in economic and social development. It will explore how law may bring about or impede development and how development may affect or change the legal system of the country.

The course considers the nature of law, various theories and concepts of development. It also addresses the role of law in development through series of cases on various crucial issues.

#### **Syllabus:**

##### **1. Nature of Law**

- 1.1. Meaning, Functions and Sources of Law
- 1.2. Legal System
- 1.3. Characteristics of Law and Legal System

##### **2. Nature of Development**

- 2.1. Concept & Meaning
- 2.2. Measurement of Development
- 2.3. Models of Development
- 2.4. Modernization

##### **3. Relationship between Law & Development**

- 3.1. Is law autonomous & in what sense?
- 3.2. Law as an instrument of social change
- 3.3. How law affects development
- 3.4. How development affects law

##### **4. Land, Property & Agricultural Development**

- 4.1. Property, Property rights and development
- 4.2. Land Tenure laws and development
- 4.3. Land reform and methods of land reform



## **5. Foreign Investment, Law & Development**

- 5.1. Meaning of Foreign Investment
- 5.2. Need, costs and benefits of foreign investment
- 5.3. Role of law in the process of making foreign investment

## **6. Corporate Governance & Development**

- 6.1. Meaning of corporate governance
- 6.2. Models of corporate governance
- 6.3. Law and corporate governance
- 6.4. Corporate Governance and economic development
- 6.5. Social responsibility of corporations

## **7. Governance, Law & Development**

- 7.1. Meaning of good governance
- 7.2. Constitutionalism and good governance
- 7.3. Good governance and financial assistance

## **8. Development, Rule of law and Judiciary**

- 8.1. Role of courts
- 8.2. Judicial reforms- landmark judgments

### **Recommended Books:**

- 1. Law's Empire, R. Dworkin, Harvard University Press
- 2. Development as freedom, Amartya Sen, New York: Alfred A. Knopf
- 3. The International Law on Foreign Investment, Sornarajah
- 4. Economic Development: The History of an Idea, H.W. Arndt
- 5. The World Bank in a changing world, Ibrahim Shihata
- 6. Globalization and its Discontents, Joseph Stiglitz
- 7. Dancing with Giants: China, India and the Global Economy, Philip Keefer
- 8. China, India and International Economic Order, Sornarajah, Cambridge University Press

## **C05: IDEAS OF JUSTICE AND JUSTICE EDUCATION**

### **Objective of Course:**

It is the responsibility of the education system to bring different social classes and groups together and thus promote the emergence of an egalitarian and integrated society.

This course aims at giving an understanding to the students about the concept of Justice, various theories of Justice and importance of justice in the field of education. An awareness of the inherent equality of all will also be created through the core curriculum.

### **Syllabus:**

#### **1. Concept of Justice**

- 1.1. Dharma in Indian thought
- 1.2. Concept of Justice in western thought

#### **2. Theories of justice**

- 2.1. Utilitarian Theory
  - 2.1.1. Bentham
  - 2.1.2. Mill
- 2.2. Justice as Fairness- John Rawls
- 2.3. Libertarian Theory
  - 2.3.1. John Locke
  - 2.3.2. Prof. Nozick

#### **3. Relation between Law and Justice**

- 3.1. Equivalence theory
- 3.2. Dependency theory
- 3.3. Independence of justice Theory

#### **4. Relation between law and Justice in Indian Context**

- 4.1. Constitutional Objective
- 4.2. Analysis of Supreme Court cases where judicial process is seen to be influenced by theories of justice.

#### **5. Justice Education**

- 5.1. Justice & Education
- 5.2. Democracy, socialism and secularism

- 5.3. Equalization of educational opportunities
- 5.4. Education to weaker sections
- 5.5. Education to students with special needs
- 5.6. Importance of Morals, Ethics and Values

**Recommended Books:**

1. Rawls, Justice as Fairness: A Restatement
2. Pogge, Realizing Rawls
3. Kukathas and Pettit, Rawls: A Theory of Justice and Its Critics
4. Daniels, ed., Reading Rawls: Critical Studies on Rawls's 'A Theory of Justice'
5. Bentham and Mill, The Classical Utilitarians (Hackett)
6. Locke, Second Treatise of Government (Hackett)
7. Rawls, A Theory of Justice (Belknap-Harvard University Press)
8. Nozick, Anarchy, State, and Utopia (Basic Books)
9. Walzer, Spheres of Justice (Basic Books)
10. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
11. Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
12. Henry J. Abraham, The Judicial Process, 1998, Oxford.
13. J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
14. W. Friedmann, Legal Theory, 1960
15. Bodenheimer-Jurisprudence-the Philosophy and Method of the Law, 1997, Universal, New Delhi
16. J. Stone, Legal System and Lawyers', Reasoning, 1999 Universal, New Delhi
17. Education for Social Justice- Achieving wellbeing for all, Laura Chapman & John West-Burnham, Continuum International Publishing Group, 2010
18. Social Justice Education: Inviting Faculty to transform their Institutions, Kathleen Skubikowski, Catherine Wright, Roman Graf, Stylus Publishing, LLC

## **C06: LEGAL CLINICS & CLINICAL METHODOLOGY**

### **Objective of the Course:**

The obvious goal of professional legal education is to equip students with various perceptions, attitudes, skills and sense of responsibilities which lawyers are expected to assume when they complete their professional education. Clinical education, a pedagogic technique emphasizes on the learner and the process of learning. Hence, the law teacher has to concentrate on educational psychology and to evaluate different methods of teaching.

The course aims at analyzing the interviewing and counseling techniques, the negotiation strategies, case planning and preparation, trial advocacy and appellate lawyering. Apart from this the course also explains the required teaching skills both in the classroom setting as well as real client clinics.

### **Syllabus:**

#### **1. Clinical Legal Education**

- 1.1. Components of Legal Education
- 1.2. Clinical Methodology
- 1.3. Clinical Legal Education in India

#### **2. Clinical Method of Law Teaching**

- 2.1. Introduction
- 2.2. Implementation

#### **3. Case Planning & Strategy**

- 3.1. Functions & Techniques
- 3.2. Legal Teaching of Case Planning and Litigation Strategy

#### **4. Interviewing & Counselling**

#### **5. Negotiation: Theories & Skills**

- 5.1. Strategy & Styles
- 5.2. Practical Approach

#### **6. Mediation**

- 6.1. Concept & Techniques
- 6.2. Mediation & Legal Education

#### **7. Role-Play Method of Teaching**

- 7.1. Role-Play Simulation as a teaching technique

7.2. Designing Simulation Exercise

**8. Trial & Appellate Advocacy**

**9. Student Assessment in Legal Clinics**

**Recommended Books:**

1. Encyclopedia of Professional Education- Legal Education, B.R. Sinha, R.C. Sharma, S.R. Sharma, Sarup & Sons
2. Clinical legal Education, N.R. Madhava Menon, Eastern Book Company
3. Lawyer's Guide to Negotiation, X.M. Frascogna, Jr. and H. Lee Hetherington, American Bar Association
4. Mediation Law and Practice, David Spencer & Michael Brogan, Cambridge University Press
5. Lawyer negotiation: Theory, Practice & Law, Jay Forberg & Dwight Golann, Aspen Publishers
6. The New Lawyer: How Settlement is Transforming Practice of Law, Julie Macfarlane, UBC Press

## **C07: SCIENCE, TECHNOLOGY AND LAW**

### **Objective of the course:**

This is an introductory course giving an understanding of the interface, between law, science and technology. So far, law curricula and research have remained inadvertent to the reciprocal impacts between science/ technology and legal order and thought. Science and technology are forces which have always shaped the nature of the legal order; in turn, the latter has also had a share of impact on the former.

A general reflection on the nature of evolution of principles of tort liability, and the law relating to patents and trademarks, for example, should indicate, even to a traditional juristic mind the significance of mutual impact. But in the last decades of twentieth century, the perils posed by hazardous technology, unconventional armament and biotechnology, for example, to human survival and dignity should alert us to the need for a very close study of reciprocal interaction between science, technology and legal order.

### **1. Introduction to Science:**

- 1.1. Conceptions of "Science" Science as natural philosophy and modern science.
- 1.2. Scientific thought in ancient and medieval India.
- 1.3. Modern Science: This scientific revolution (Copernicus, Galileo, Descartes, Newton, Lavoisier, Darwin, Einstein).
- 1.4. The role of legal order in institutionalization of conceptions of sciences and repression of "Alternate" Sciences.

### **2. Introduction to Technology:**

- 2.1. Notions of technology
- 2.2. Legal order and technological innovation general considerations.
- 2.3. The emergence of western technology (1500-1750)
  - 2.3.1. The renaissance.
  - 2.3.2. The steam engine.
  - 2.3.3. Metallurgy and mining.
  - 2.3.4. New commodities.
  - 2.3.5. Agriculture.
  - 2.3.6. Transport and communications.
  - 2.3.7. Chemistry.
- 2.4. The industrial revolution.

2.4.1. Power technology.

2.4.2. Development of industries (Metallurgy), Mechanical Engineering Textiles, Chemicals, Agriculture, Civil Engineering, Transport and Communication, Military Technology).

### **3. Colonization, Science and Technology.**

3.1. Industrial revolution and colonization.

3.2. Creation of the political economy of backwardness through colonizing powers and processes.

3.3. Displacement of indigenous science and technology during colonization.

3.4. Colonial legal order and its role in 3.1 to 3.3.

### **4. Technology in the Twentieth Century.**

4.1. The second industrial revolution: Computers.

4.2. The Nuclear technology for peace and war.

4.3. Biotechnology.

4.4. Space technology.

4.5. Role of national & international orders relative to these

### **5. The Emergence of Technological Society and State.**

5.1. Technology and practice of politics.

5.2. Law as social technology.

5.3. Notions of technological society.

5.4. "Scientism" and notions of scientific temper.

### **6. Impact of science and technology on law**

6.1. Intellectual Property

6.2. E-commerce

6.3. E-governance

6.4. Bio technology

6.5. Cyber law

6.6. Banking law

### **7. E-learning, E-litigation**

#### **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

**Recommended Books:**

1. Markandey Katju, Law in the Scientific Era (2000), Universal, New Delhi.
2. Helen Reece (ed.), "Law and Science" in Current Legal Issues (1998) Oxford
3. Philip Grubb, Patents for Chemicals, Pharmaceuticals and Biotechnology (1999) Oxford
4. John Zinian et.al.(ed.), World of Science and the Rule of Law, (1986), Oxford
5. Ann Johnston et.al. (ed.), New Technologies and Development, (1986) UNESCO.
6. Maie-Wan Ho, Genetic Engineering: Dreams or Nightmare? The Brave New World of Bad Science and Big Business, (1997) RESTE, New Delhi.
7. The Ethics of Cyberspace (2001), Sage
8. M.S. Bowles- Relearning to E-learn- Strategies for Electronic Learning and Knowledge
9. Marc Rosenberg- E-learning: Strategies for Delivering Knowledge in Digital Age
10. L. Padmarathi- E- Contracts
11. Law Commission of India 108<sup>th</sup> Report
12. James Wilcox, Video Conferencing



## **C08: LEGAL PROFESSION AND SOCIAL JUSTICE**

### **Objective of Course:**

The course looks at the form and function of law as it relates to social justice. It examines the role of law in promoting social justice focusing on the inequalities that occur between racial, ethnic, economic and social lines. The course will provide a detailed understanding to the students about the concept of social justice and the role of lawyers in achieving this constitutional goal.

### **Syllabus:**

#### **1. Legal profession**

- 1.1. Historical Perspective
- 1.2. Role of a Lawyer in Independent India

#### **2. Ethics and Legal profession**

- 2.1. Code of Conduct for lawyers
- 2.2. Lawyer's ten commandments
- 2.3. Duties towards client, opponent, public

#### **3. Professional Etiquettes and lawyers**

- 3.1. Fee structure
- 3.2. Refusal of briefs and right of retainer
- 3.3. Power of compromise
- 3.4. Negligence

#### **4. Advocates Act, 1961**

#### **5. Social Justice**

- 5.1. Meaning of social justice, role of law in social justice, what is meant by sociology of law
- 5.2. Constitutional goal of social justice

#### **6. Equality as a facet of social justice**

- 6.1. Gender discrimination
- 6.2. Castism
- 6.3. Rights of homosexuals

#### **7. Other aspects of social justice**

- 7.1. Children's rights
- 7.2. Rights of Prisoners
- 7.3. Environmental Issues

7.4. Health Issues

7.5. Standard of Living

**8. Law and Social Justice Movements**

8.1. Role of lawyers in social justice movements

8.2. Legal Aid

8.3. Legal Literacy and Awareness

8.4. Public Interest Litigation

**Recommended Books:**

1. Social Justice: Theories, Issues and Movements, Loretta Capeheart & Dragan Filovanovic
2. Principles of Social Justice, David Miller, Harvard College
3. Social Justice: From Hume to Walzer, David Boucher and Paul Kelly, Routledge
4. Dr Ambedkar and Social Justice, M.G. Chitkara, A.P.H. Publishing House
5. Lawyer's Ethics and Pursuit of Social Justice, Susan D. Carle, New York University Press
6. Inside Lawyer's Ethics, Christine Parker and Adrian Evan, Cambridge University Press

## **C09: EDUCATION LAW**

### **Objective of the Course:**

India with more than a billion residents has the second largest educational system in the world but still India has largest number of illiterate people in the world. Government from time to time has designed various policies and enacted laws to make India educationally strong

The course aims to enlighten the students about the educational developments in the Indian society from ancient to the current period. It further highlights various constitutional and legal provisions related to education. It will also give an insight into the economic, political, social and cultural issues concerned with the development of education.

### **Syllabus:**

#### **1. Main features of education in India**

- 1.1. Vedic period
- 1.2. Buddhist Period
- 1.3. Medieval Period
- 1.4. British Period

#### **2. Educational provisions in Indian Constitution**

- 2.1. Art. 21
- 2.2. Art. 21A
- 2.3. Judicial Approach- Landmark judgments

#### **3. Education in a democratic system**

- 3.1. Concurrent List subject
- 3.2. Management by Centre, State and Local Government

#### **4. Committees and Commissions:**

- 4.1. Mudaliar Commission
- 4.2. Kothari Commission
- 4.3. National policy of Education

#### **5. Special Enactments about education**

- 5.1. Right to Education Act
- 5.2. UGC Act

#### **6. Economic and Political Issues:**

6.1. Poverty

6.2. Inequality

6.3. Unemployment

**7. Social & Cultural Issues:**

7.1. Role of education in bringing social change

7.2. Culture; Concept, characteristics and interaction with education

**8. Relationship of Teacher and Students**

8.1. Ethical matters

8.2. Rights and liabilities

8.3. Defamation

**Recommended Books:**

1. Education in Emerging Indian Society, Walia, J.S. (2006), Paul Publishers, Jalandhar.
2. Development of Educational system in India, Walia, J.S. (2007), Paul Publishers, Jalandhar.
3. Education in Emerging Indian Society, Saxena, N.R. & Chaturvedi, S. (2008), R.Lall Publishers, Meerut.
4. Indian Education- In Depth Studies, Singh R.P. (1993), Commonwealth Publishers, New Delhi.
5. A Sociological Approach to Indian Education, Mathur, S.S. (1986), Vinod Pustak Mandir, Agra.
6. Problems of Indian Education, Chaube, S.P. (2006), Vinod Pustak Mandir, Agra.
7. Development of Educational system in India, Chand, T. (2005), Anmol Publications, New Delhi.
8. Development of Education System in India, Bhatia, K.K. (2008), Tandon Publications, Ludhiana.
9. Development of Education System in India, Bhatia, K.K. (2009), Kalyani Publications, Ludhiana.
10. Development of Education system in India, Aggarwal, J.C. (2004), Shipra Publications, New Delhi.
11. National Policy on Education, Pandey, R.S. (1992), Harison Publishers, Allahabad.