PAPER SCHEME FOR TWO YEAR P. G. COURSE IN LAW
(LL.M.-I) 2018-19

There shall be five compulsory theory papers in LL.M. Part- I. All Paper shall consist of 100 marks. The minimum passing marks shall be 40 percent in each Paper and 50 percent in aggregate. The nomenclatures of the papers shall be as follows:

1. Paper I: Legal theory
2. Paper II: Judicial process
3. Paper III: Law and social transformation in India
5 Paper V: Legal Education and Research Methodology

LL.M part I

Paper I: Legal theory
2. Thoughts of Legal Theory-
   a. Analytical Legal Positivism --Bentham, Austin, Kelsen and Hart
   b. Historical School -Savigny and Henry Maine
   c. Philosophical School - Kant and Hegel
   d. Sociological School –Ihering, Ehrlich and Roscoe Pound
   e. American / Scandinavian Realism --Holmes, Llewellyn and Cardozo
   f. Natural Law School- Grotius, Hobbes, Locke, Rousseau and Stammer
   g. Marxist Theory of Law - Karl Marx
   h. Feminism - Kathrine T Bartlent
3. Law and Morality
4. The concept of Justice - various theories of justice in the western thought –Distributive and Compensatory Justice- Global justice, John Rawls
5. Sources of Law – Custom – Legislation – Judicial Precedent
Dharma - foundation of just legal ordering in Indian thought
6. Dharma - foundation of just legal ordering in Indian thought

Select Bibliography
1. W. Friedmann - Legal Theory
2. Ross : On Law and Justice
3. Hart: Law liberty and mortality
4. Devlin : The enforcement of Mortality
5. Stone : Legal System and lawyers reasoning's
6. Hall: Living law of democratic society
7. Patterson; Jurisprudence

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

Select Bibliography
Cardozo: The nature of judicial process (1995), Universal Publ., New Delhi
Henry J Abraham: The judicial process (1998) oxford
J Stone: Precedent and the law: Dynamics of common Law growth (1985), Butterworth
W Friedmann: Legal Theory (1960), Stevens London
U Baxi: The Indian Supreme Court and politics (1980), Eastern, Lucknow
Rajeev Dhavan: The Supreme Court of India-A Socio Legal Critique of its Juristic Techniques (1977), Tripathi Publication, Bombay

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**Paper III: Law and social transformation in India**

1. (A). Concept of Social Change and Social Transformation
   i. Relation between law and public opinion.
   ii. Law as an instrument of social change.
   iii. Law tradition and culture, impact of common law on India tradition & Culture.
   iv. Sociological School and its, applicability in India.

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

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

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

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

(B) Women and the Law:

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

4. (A). Children and the Law
i. Child Labour
ii. Sexual exploitation
iii. Adoption, Maintenance and related problems.
iv. Children and education a constitutional mandate

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

Select Bibliography

- Marc Calanter (ed): Law and society in modern India (1997) oxford
- Manushi : A Journal about women and society
- Duncan Derret : The state, relition and law in India (1999) oxford university press new Delhi
- J B Kriplani : Gandhi His Life and Thought 1970, Ministry of Information and Broadcasting Government of Indian

*****

Paper IV: Indian constitutional Law : The New Challenges

1. Federalism:
   i. Creation of New states
   ii. Allocation and share of resources
iii. The interstate of disputes on resources  
iv. Rehabilitation of internally displaced persons and center’s responsibility  
v. Freedom of trade commerce and intercourse  
vi. Service under Union  
viii. Federal Comity  
ix. Special status of certain states, Tribal areas, Scheduled areas  

2.  
   A. State-Meaning and scope in modern perspective  
   B. Right to equality: Privatization and its impact on affirmative action  
   C. Freedom of press and challenges of new scientific development  
      i. Freedom of speech  
      ii. Right to strike, hartal and bandh  
   iii. Emerging regime of new rights and remedies –  
      a. right to education  
      b. right to information  
      c. right to privacy  
      d. right to health  

IV. Reading directive principles and fundamental duties into fundamental rights  

V. Compensation jurisprudence  

VI. Right to life and liberty and criminal jurisprudence  

VII. Commercialization of education and its impact  

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

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

Select Bibliography

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

**Paper V: Legal Education and Research Methodology**

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

2. Research Method
   i. Socio Legal Research
   ii. Doctrinal and non doctrinal
   iii. Relevance of empirical research
   iv. Induction and deduction
v. Identification of problem of research what is a research problem Survey of available literature and preparation of bibliography Legislative materials including subordinate legislation notification and policy statements.

3. i. Decisional materials including foreign decisions, methods of discovering the rule of the case

ii. Juristic writings a survey of juristic literature it relevance in selection of problems in India and foreign periodicals

iii. Compilation of list of reports or special studies conducted relevant to the problems.

iv. Formulation of the research problem

v. Devising tools and techniques for collection of data

vi. Methods for the collection of statutory and case material and juristic literature

vii. Use the historical and comparative research material

viii. Use of observation studies

ix. Use of questionnaires / interview

x. Use of case studies

xi. Sampling procedures, design of sample, types of sampling to be adopted

xii. Use of scaling techniques

4. i. **Jurimetrics**

   ii. Computerize research - A Study of legal research programmes such as lexis and west law coding.

   iii. Classification and tabulation of data use of cards for data collection rules for tabulation, explanation of tabulated data

   iv. Analysis of data qualitative and quantitative

   v. Report writing

**Select Bibliography**

High brayal, Negel Duncan and Richard Crimes : Clinical Legal Education : Active learning in, your law school (1998), Blackstone Press Ltd, London S K


H M Hvman interviewing in Social research (1965) Paper
There are six branches of specialization being provided in LL.M. Part – II. Each group shall contain five papers out of which First four theory papers shall be compulsory and the fifth paper shall be optional in LL.M. Part- II. The students passed in all papers of LL.M. part I with at least 55 percent of marks shall only be allowed to opt to submit a 'Dissertation' under the supervision of a faculty member of his own choice in lieu of paper-V of concerning branch. If the student opts to submit 'Dissertation', the 100 marks allotted for the paper shall be divided into two parts as 70 marks for Dissertation and 30 marks for viva voce based on dissertation work.

**Note:-**

1. Those students who opt to submit a dissertation shall have to present proposal in manuscript before the allotment of topic and have to present chapters of the dissertation chronically before the final submission of dissertation.

2. The dissertation shall be submitted so as to reach the Registrar at least 30 clear days before the commencement of the LL.M. Part-II examination.

3. A candidate who is declared failed at the LL.M. Part II examination may on his request, be exempted from fresh submission of dissertation at the time of his subsequent appearance at the LL.M. part II examination provided he had secured pass marks in Dissertation submitted by him last time and provided further the examiner of the dissertation or the dean of the Faculty of Law of the University certifies that no important changes have been made in Law to justify a re-submission and the revaluation of the dissertation. The candidate shall, by October 1st of the year preceding the examination send his request for exemption from fresh submission of dissertation, duly endorsed, and forwarded by the Head of the Institution concerned. The University will, as early as possible, inform the candidate about his exemption from resubmission of a fresh dissertation. An evaluated dissertation shall not be re-submitted for evaluation until the guide or
the supervisor certifies that important changes of style, presentation of matter etc. have been incorporated in the dissertation, which justifies its evaluation.

4. The dissertation work shall be send to two examiners for assessment, out of which one shall be from out of state.

5. The viva voce shall be conducted by the board of one external and one internal examiner.

All Paper shall consist of 100 marks. The minimum passing marks shall be 40 percent in each Paper and 50 percent in aggregate. The nomenclatures of the papers shall be as follows with their concerning group/branches:

**LL.M part II**

*Group—A: International law and organizations*

A01: INTERNATIONAL ORGANIZATION: LAW PRACTICE AND FUTURE
A02: DISARMAMENT AND PEACE STRATEGIES
A03: INTERNATIONAL HUMANITARIAN LAW
A04: LAW AND DIPLOMACY
A05: LAW OF THE SEA / DISSERTATION

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


The Political Process: Blocks and Alliance, Non-aligned movement and its impact on voting in the various organs of the United Nations, African and Latin American Groups, India and the United Nations, The Big two and the United Nations Peace Keeping: UN Peace-keeping functions, UN peacekeeping force, case studies, Problems of peace enforcement through the UN Special Agencies and Non-Governmental Organizations: Constitution and functions of. Specialized agencies, Case studies of some agencies such as FAO and UNDP as illustrative organization within the UN System, Selected studies of

SELECT BIBLIOGRAPHY


A02: DISARMAMENT AND PEACE STRATEGIES


International Regulation of Biological and Chemical or Weapons of Mass Destruction International regulation and Control of Militarization of Outer Space and the Ocean Bed. Conserving the world's resources: Assisting the economic development of less developed countries, Harnessing science and technology for development, Protection of human rights Peaceful settlement of international disputes, towards a balanced world trade. Peace research and its significance.
SELECT BIBLIOGRAPHY


A03: INTERNATIONAL HUMANITARIAN LAW


SELECT BIBLIOGRAPHY


A04: LAW AND DIPLOMACY


SELECT BIBLIOGRAPHY


A05: LAW OF THE SEA

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

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

SELECT BIBLIOGRAPHY


GROUP –B: CRIMINAL LAW
B01: COMPARATIVE CRIMINAL PROCEDURE
B02: PENOLOGY: TREATMENT OF OFFENDERS
B03: PRIVILEGED CLASS DEVIANCE
B04: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS
B- 05: JUVENILE DELINQUENCY/ DISSERTATION

B01: Comparative criminal procedure
Organization of Courts and Prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organization of Prosecuting agencies for prosecuting criminal, Prosecutors and the police Withdrawal of prosecution.
Pre-trial Procedures: Arrest and questioning of the accused. The rights of the accused. The evidentiary value of statements/articles seized/collection by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation, Trial Procedure: The accusatory system of trial and the inquisitorial system, Role of the Judge, the prosecutor or and defense attorney in the trial. Admissibility and inadmissibility of evidence, Expert evidence, Appeal of the Court in awarding appropriate punishment, Plea bargaining Correction and Aftercare Services: Institutional correction of the offenders, General Comparison - After care services in India and France, The role of the court in correctional programmes in India

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

SELECT BIBLIOGRAPHY


B02: Penology: treatment of offenders


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

SELECT BIBLIOGRAPHY


B03: PRIVILEGED CLASS DEVIANCE

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


SELECT BIBLIOGRAPHY


B04: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS

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

substances, The Indian Regulatory System: Approaches to narcotic trafficking during colonial India, Nationalist thought towards regulation of drug trafficking and usage, The penal provisions (under the (PC and the Customs Act). India's role in the evolution of the two international conventions, Judicial approaches to sentencing in drug trafficking and abuse, The Narcotic Drugs and Psychotropic Substances Act. 1985, Patterns to resource investment in India: policing adjudication, treatment, aftercare and rehabilitation.

Human Rights Aspects: Deployment of marginalized people as carrier of narcotics, The problem of juvenile drug use and legal approaches, Possibilities of misuse and abuse investigative prosecutor powers, Bail, The problem of different application of the Legal Regimes, especially in relation to the resource less, The Role of Community in Combating Drug Addiction: Profile of Community initiatives in inhibition of dependence and addiction (e.g. de-addiction and after care. The role of educational systems, The role of medical profession, The role of mass media, Initiatives for compliance with regulatory systems, Law reforms initiatives.

SELECT BIBLIOGRAPHY


B- 05: JUVENILE DELINQUENCY

The Basic Concepts: The conception of child in Indian Constitution and Penal Code, Delinquent juvenile, Neglected juvenile, The overall situation of children/ young persons in India, also with reference to crime statistics (of crimes by and against children), Determining Factors of Juvenile Delinquency: Differential association, Anomic, Economic pressure, Peer group influence, Gang subculture, Class differentials.
Legislative Approaches: Legislative approaches during the late colonial era. Children's Act, Legislative position in various States, The Juvenile Justice Act, Constitutional Aspects, Distinction between Neglected and delinquent juveniles Competent authorities, Processual safeguards for juveniles,: Powers given to government, Community ' participation at envisaged under the Act' Indian Context of Juvenile Delinquency: The child population percentage to total sex ratio, urban-rural-urban, Neglected below poverty line, physically and mentally disabled, orphans, destitute vagrants, Laborers, In organized industries like zari, carpet, bidi, glass, In unorganized sector like domestic servant, shops and establishments rag-pickers family trade, Delinquent number, sex-ratio to audit crime, types of offences committed recidivism, rate of increase background, Drug addicts, Victims, 'Of violence sexual abuse., battered, killed by parents, Of criminal activities like bootlegging, drug pollution as a response of protective approach, Judicial Contribution: Social action libation concerning juvenile justice, Salient judicial decision, Role of legal profession in juvenile justice system.

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

SELECT BIBLIOGRAPHY

GROUP –C: BUSINESS LAW INTERNATIONAL LAW AND ORGANIZATIONS

C01 LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY
DISARMAMENT AND PEACE STRATEGIES
C02 LEGAL REGULATIONS OF ECONOMIC ENTERPRISES
C03 LAW OF EXPORT IMPORT REGULATIONS
C04 BANKING LAW
C05 INSURANCE LAW/ DISSERTATION

Group –C: Business law International law and organizations

C01 LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY
DISARMAMENT AND PEACE STRATEGIES

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

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

SELECT BIBLIOGRAPHY


C02: LEGAL REGULATIONS OF ECONOMIC ENTERPRISES


Investment Scheme for NR1: portfolio investments for NRI, purchase and sale of shares/convertible debentures or other securities on Non-repatriation basis Foreign Institutional Investment. Foreign Direct Investment, Joint Venture and transfer Technology FEMA.

SELECT BIBLIOGRAPHY


C03: LAW OF EXPORT IMPORT REGULATIONS


SELECT BIBLIOGRAPHY


C04: BANKING LAW


A. Bank and Customer Relationship. B. Banking Operations (i) Lending by Banks, (ii) Collection and Payments of Cheques, (iii) Negotiable Instrument & their characteristics,
Cheques, Dishonor of Cheques, Appropriation of payments. C. Interference by third parties, (i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.
A. Social Banking B. Basal II norms C. Letter of Credit D. Recovery of Debts Due to Banks.

SELECT BIBLIOGRAPHY

C05: INSURANCE LAW
condition-express warranties construction of teams ea policy. Voyage deviation, Perils of the sea, Assignment of Policy, Partial laws of ship and of freight, salvage, general average, particular charges, Return of premium.

SELECT BIBLIOGRAPHY


GROUP –D: CONSTITUTIONAL AND LEGAL ORDER

D01 PAPER I: MASS MEDIA LAW
D02 PUBLIC UTILITIES LAW
D03 UNION STATE FINANCIAL RELATIONS
D04 CONSTITUTIONALISM PLURALISM AND FEDERALISM


SELECT BIBLIOGRAPHY


D02: PUBLIC UTILITIES LAW

SELECT BIBLIOGRAPHY


D03 UNION STATE FINANCIAL RELATIONS

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

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

D04: CONSTITUTIONALISM PLURALISM AND FEDERALISM

Constitutionalism : Authoritarianism-Dictatorship Democracy - Communism, Limited Government -concept limitations on government power, What is a constitution Development of a democratic government in England Historical evolution of constitutional government Conventions of constitutionalism -Law and convention_ Written Constitutions : USA, Canada, Australia, Switzerland South Africa and India, Separation of powers Montesquieu. Rule of Law: Concept and new horizon Marxist concept of constitutionalism, Dictatorship of if proletariat, Communist State from Stalin to Gorbache. Fundamental Rights:


SELECT BIBLIOGRAPHY


D05 : HUMAN RIGHTS/DISSERATATION
Panoramic View of Human Rights: Human Rights is Non Western Thought, Awareness of Human Rights during the nationalist movement, Universal
Declaration of Human, Rights, Constituent Assembly and Part 111, drafting process. Subsequent developments in International Law and the Position in India (e.g.) Convention of Social discrimination, torture, gender discrimination, environment and the me human rights covenants), Fundamental Right: Jurisprudence as incorporating Directive Principles : The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.), The Interaction between F.R. and D.P. Resultant expansion of basic needs oriented human rights in India

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

People's Participation in Protection and Promotion of Human Rights: Role of International NGOs, Amnesty International, Minority Rights Groups, International Bars Association. Law Asia, Contribution of these groups to protection and promotion of human rights in India. Development Agencies and Human Rights : Major international funding agencies and their operations in India. World Bank lending and resultant violation/ promotion human rights,


SELECT BIBLIOGRAPHY


GROUP –E: HUMAN RIGHTS LAW

E01 CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS
E02 HUMAN RIGHTS IN INTERNATIONAL AND REGIONAL PERSPECTIVE
E03 HUMAN RIGHT ENFORCEMENT MECHANISM
E04 HUMAN RIGHTS AND SPECIAL INTERESTS/ DISADVANTAGED GROUPS: WOMEN’S AND CHILDREN
E05 INTERNATIONAL HUMANITARIAN LAW REFUGEE LAW/ DISSERTATION

E01 CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

Rawls theory on Social Justice. 2. Ackerman's theory of Egalitarianism pursued.
3. Cahn's approach of identifying injustice. (D) Theories based on Autonomy:
2. Claims flow from human dignity. 3. Application of various theories to key
Solidarity, Development and Peace. 3. Balancing Collective rights and
individual human rights. Role of Jurists Sociological/Functional Approaches in
Jurisprudence, Realist Movement and Judicial Process: A study of selected
ideas. Thomas Pain, Locke, J. S. Mill, Gercmy Bentham, Laski, Dwarkin,
Nozick and Gandhi

Unit 4 Evolution of Human Rights Milestones in Development of Human Rights, Thought on International Plane (a) Evolution of
Human Rights Thinking, contributions of Ancient Civilizations, Magna Carta,
The British Bill of Rights, French and American Declarations. HUMAN
RIGHTS, DUTIES AND RESPONSIBILITIES Universal Declaration of Human
Rights, 1948 (Article 29), UN General Assembly Declaration on the Right and
Responsibility of Individuals, Groups, and Organs of Society to Promote and
Protect Universally Recognized Human Rights and Fundamental Freedoms
1999, UNESCO Declaration of the Responsibilities of the Present Generation

SELECT BIBLIOGRAPHY
Suggested books: Angela Hegarty: Siobhan Leonard, Human Rights an Agenda
International Relations Lon L. Fuller, The Morality of Law John Finnis : Natural
(2000), Universal, New Delhi M.G Chitkara: Human Rights: Commitment and
Batrayal (1966).

E02: HUMAN RIGHTS IN INTERNATIONAL AND REGIONAL PERSPECTIVE

Emerging Trends of Different Rights in Contemporary international Scenario.
Including economic, social, and cultural rights with special reference to:
(a) Rights of the People and nations to Self-Determination. (b) Freedom from
Discrimination (c) Right to Work (d) Right to Education (e) Right to health (f)
Right to Adequate food (g) Right to adequate Shelter and Services (h) Right to
Culture (i) Right to Clean Environment (j) Right to Development

Major International Conventions and Treaties.

Minorities and Disadvantaged groups 

(b) Rights of the Elderly: World Assembly on Ageing, Vienna, 1982 
(c) Rights of the Indigenous People: UN Voluntary Fund for Indigenous populations, 1985, Declaration on the Indigenous People, 1995 
(d) Rights of Migrant Workers: Convention on the protection of the Rights of All Migrant Workers and Members of their Families, 1990, ILO Convention on Migrant Workers 

Human Rights under regional charters 
(a) Asian charter 
(b) African charter 
(c) European charter 
(d) American charter

SELECT BIBLIOGRAPHY

Suggested Books 
Cerna, Christina, M., 'The Structure and Functioning of the Inter-American Court of Human Rights',

E03: HUMAN RIGHT ENFORCEMENT MECHANISM


Hainan Rights and the International Labour Organisation (i) Permanent Supervision of the Application of the I.L.O. Standards.(A) Information and Reports 1. Information on submission of Conventions and Recommendations ID the competent authorities. 2. Reports on unratified Conventions and Recommendations. 3. Reports on ratified Conventions. 4. Involvement of Employers' and Workers' Organizations in the Supervisory Procedures. (B)


SELECT BIBLIOGRAPHY

E04: HUMAN RIGHTS AND SPECIAL INTERESTS/ DISADVANTAGED GROUPS:
WOMEN'S AND CHILDREN

1. Philosophical and Social Perspectives
2. Status of Women in Contemporary Indian Society (i) Women (a) Poverty, Illiteracy, Lack of Independence, oppressive Social Customs and gender Bias (b) Violence against and abuse of Women in public and private domains


6. Institutional Mechanism for Protection of the Women (a) Constitutional Mechanisms: Legislature, Executive and Judiciary (special contribution of judiciary) (b) Statutory mechanism: National Commission for Women, National Human Rights Commission, State Commissions (c) The Non-government i organizations (d) the Information Media (e) Role of Education

7. Philosophical and Social Perspectives


10. The Constitution of India and Status of Children (a) Fundamental rights and Directive Principles under Indian Constitution (b) Special Protection for the child: article 15(3), Article 24, Article 39 (e) & (f), Article 45 (c) Judicial Endeavor and Children


12. Institutional Mechanism for Protection of Child (a) Constitutional Mechanisms: Legislature, Executive, Judiciary (Special contribution of judiciary) (b) National Human Rights Commission, National Commission for
Rights of the Child (c) Non-Governmental organizations (d) The Information Media (e) Role of Education

SELECT BIBLIOGRAPHY

E05 INTERNATIONAL HUMANITARIAN LAW REFUGEE LAW/ DISSERTATION

International Humanitarian Law (IHL) (j) Origin and development of IHL with contribution of Indian ethos (ii) Sources of IHL (iii) International armed conflict and International Humanitarian Law. (iv) Doctrine of military necessity versus the principles of humanity (v) Role of IHL in non-international armed conflicts (vi) National perspectives on IHL (vii) Role of International Red Cross and NGOs Implementation and Enforcement of IHL (a) Concept of Protecting Power (b) United Nations (c) International Criminal Court and Tribunals (d) Unilateralism humanitarian intervention versus state sovereignty (e) Humanitarian assistance (f) State obligations in times of peace and during armed conflicts-national implementation of the Geneva conventions. National Legislation with penal repression of violation of International Humanitarian Law. (g) Universal Jurisdiction for the breach of IHL. Relation between International Humanitarian Law and Human Rights Law

amounting to non-refoulement. (b) Right to Asylum (c) UNHCR and Refugee protection

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

SELECT BIBLIOGRAPHY


GROUP –F: ENVIRONMENT AND LEGAL ORDER
F01: ENVIRONMENT AND DEVELOPMENT; LAW AND POLICY
F02: RESOURCES MANAGEMENT AND LAW
F03: PREVENTION AND CONTROL OF POLLUTION
F04: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER
F05: BIOLOGICAL DIVERSITY AND LEGAL ORDER/DISSERTATION

F01: ENVIRONMENT AND DEVELOPMENT; LAW AND POLICY


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

SELECT BIBLIOGRAPHY


F02: RESOURCES MANAGEMENT AND LAW


SELECT BIBLIOGRAPHY
PREVENTION AND CONTROL OF POLLUTION

Pollution: Meaning, Kinds of pollution and their impact, Pollution of Water: Definition, Ground water pollution. Sources, Critique of existing laws, Machinery, Powers, Function Offences and Penalties. Pollution of Air: Pollutants and effects, Modalities of control, Conflicts of jurisdiction of different control, Agencies, Critique, of the existing legal framework, Noise Pollution: Sources and effects, Different legal controls, Need for specific law.

Disposal of Waste: Kinds of wastes, Disposal agencies: local bodies and other agencies, Disposal and recycling of wastes, Sanctions against Pollution: Efficacy of criminal and civil sanctions. Corporate liability, civil and criminal, Should penalties be prohibitive, Civil liability, compensatory and penal, Administrative compensation system, Incentives to pollution control.

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Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986) Armin Rozencranz, et. al. (eds.): Environmental Policy and Law in India (2000), Butterworth’s India.

F04: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

International Concern for Environmental Protection: World environment movement, Natural and cultural heritage, Role of international and regional organizations, International Obligations towards sustainable Development: International financing policy, World environment fund, Global Environmental Facility (GEF), International Cooperation, Poverty alleviation

Marine Environment: Marine resources: conservation and exploitation, Scientific research and exploration, Antarctic environment, International Seabed Authority, Pollution from ships, Dumping of oil and other wastes into the sea

Trans-boundary Pollution Hazards: Oil pollution, Nuclear fall cuts and accidents, Acid rain, Chemical pollution, Green house effect, Depletion of ozone layer, Space pollution. Control of Multinational Corporations and Containment of Environmental Hazards: Problems of liability and control mechanisms, Disaster management at international level, Monopoly of biotechnology by MNCs, Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control.

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Sri Elworthy and Jane Holder: Environmental Protection: Text and Materials (1997), Butterworths
Nathali L. TJ. Horbach: Contemporary Developments in Nuclear Energy Law (1999), Kluwer
Varshney, C. K. (ed.): Water Pollution and Management (1983), Wiley Eastern, New Delhi

F05: BIOLOGICAL DIVERSITY AND LEGAL ORDER/DISSERTATION

Biodiversity; Meaning, Need for protection of biodiversity. Dependence of human life on the existence in flora and fauna Significance of wild life. Medicinal plants, Plant and microorganism. Biodiversity and Legal Regulation: Utilization of flora and fauna for biomedical purposes, Experimentation on animals: Legal and ethical issues, Genetic

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

SELECT BIBLIOGRAPHY