

# **SYLLABUS**

**MASTER OF LAWS**

**(NEW COURSE)**

**LL.M. Part II Examination, 2015**



**JAI NARAIN VYAS UNIVERSITY**  
**JODHPUR**

## **I M P O R T A N T**

With a view to bring about greater reliability, validity and objectivity in the examination system and also for closer integration of teaching, learning and evaluation.

- (i) The syllabus has been divided into units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portion of the syllabus, examiners shall be free to repeat the questions set in the previous examinations.

[Ref. Resolution No. 21 (c) of Academic Council dated 9-2-84]

The examinees be permitted to use their personal transistorised pocket battery operated calculators in the examinations. The calculator to be used by the candidates in the examinations should not have more than 12 digits, 6 functions and 2 memories and should be noiseless and cordless. A calculator belonging to one candidate shall not be allowed to be used by another candidate. The Superintendent of the centre will have complete discretion to disallow the use of a calculator which does not conform to the above specification.

[Ref. Res. No. 6/90 of Academic Council dated 20th July, 1990]

In Engineering and any other examinations where the use of calculators is already permitted, it shall remain undisturbed.

## **N O T I F I C A T I O N**

In compliance of decision of the Hon'ble High Court all students are required to fulfil 75% attendance rule in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examination.

**REGISTRAR**  
(Academic)

**FACULTY OF LAW  
LIST OF TEACHING STAFF**

<b>S.No.</b>	<b>Name</b>	<b>Designation</b>	<b>Qualification</b>
1.	Prof. Rajiv Kumar Sinha	Head & Dean	LL.M., Ph.D.
2.	Prof. Mahesh Mathur	Professor	LL.M., Ph.D.
3.	Prof. (Miss) Chandan Bala	Professor	LL.M., Ph.D.
4.	Prof. V.K. Sharma	Professor	LL.M., Ph.D.
5.	Dr. Sunil Asopa	Associate Professor	LL.M., Ph.D.
6.	Dr. M. Tariq	Associate Professor	LL.M., Ph.D.
7.	Dr. V.K. Bagoria	Assistant Professor	LL.M., Ph.D.
8.	Dr. S.P. Meena	Assistant Professor	LL.M., DCLL, Ph.D.
9.	Dr. Nidhi Sandal	Assistant Professor	LL.M., Ph.D.
10.	Dr. Dalpat Singh	Assistant Professor	LL.M., Ph.D.
11.	Sh. P.K. Musha	Assistant Professor	LL.M.
12.	Dr. Kuchata Ram	Assistant Professor	LL.M.
13.	Sh. Vinod Kumar Meena	Assistant Professor	LL.M.

**LL.M. Part II Examination  
EXAMINATION AND TEACHING SCHEME**

Written Papers	L	T	P	Exam. Hours	Max. Marks
GROUP A to K					
LL.M 201	6	-	-	3	100
LL.M 202	6	-	-	3	100
LL.M 203	6	-	-	3	100
LL.M 204	6	-	-	3	100
LL.M 205	6	-	-	3	100
LL.M 206	6	-	-	3	100
LL.M 207 Dissertation and Viva-Voce					100

2- Stands for LL.M. Part II

A- Stands for Group A, B-Stands for Group B and so on. There are total 11 Groups from A to K.

01- Stands for First Paper, 02 Stands for Second Paper and so on. L-Stands for Lectures

T- Stands for Tutorials

P- Stands for Practical

For a pass, a candidate must obtain :

(a) 40 marks in each Written/Practical paper

(b) 50 percent marks in aggregate.

LL.M. Part II there are following Groups having Six Written and one Practical Paper in each

Group:

Group A	:	International Law and Organization
Group B	:	Criminal Law
Group C	:	Business Law
Group D	:	Labour, Capital and Law
Group E	:	Environmental and Legal Order
Group F	:	Jurisprudence
Group G	:	Constitution and Legal Order
Group H	:	Feminist Critique of Legal Order
Group I	:	Science, Technology and Law
Group J	:	Human Rights Law
Group K	:	Administrative Law

1. In LL.M. Part II every candidate has to appear in seven papers, Six theory and one practical. Every paper shall be of 100 marks and every theory paper will be of 3 hours duration. Every candidate will be required to appear for a practical examination also.
2. A candidate must attain for a pass 50% of aggregate i.e. 350 marks provided that if a candidate fails to secure 40% marks in any individual paper on in practical examination he will be deemed to have failed in the examination notwithstanding his having obtained the minimum percentage of marks required in aggregate for the examination. Division will be awarded on the combined result of LL.M. Part I and Part II examinations. A candidate who passes and secure 50% marks but less than 60% of the aggregate will be placed in second division and he who secures 60% or more will be placed in first division.
3. In the academic year 2007-2008 a candidate appearing for LL.M. Part-II examination, shall be examined in any one of the Groups as may be decided by the Head of the Department. The Head of the Department may open one or more Groups in LL.M. Part II examination. A Group will be opened only when there will be minimum five students.
4. Every student appearing in LL.M. Part II will have to submit a dissertation in triplicate on the topic given by the supervisor of the candidate. Supervisor will be appointed by the Head, Department of Law. The viva-voce examination of the student will be taken by one internal and one external examiner. The viva-voce will confine to the topic of dissertation only.

5. If a candidate submits dissertation and appears for practical and Viva-Voce examination and failed at the LL.M. Part II examination but passes in the practical and Viva-Voce and elects to appear as an ex-students, his marks for the dissertation and Viva-Voce will be carried over and he will not be required to submit the dissertation and would not be required to appear for practical and Viva-Voce examination again.
6. The dissertation shall be submitted to the Registrar of the University through the Head of the Department positively 15 days before the commencement of the theory examination. The Vice-Chancellor on the recommendation of the Head of the Department shall appoint two examiners, one of whom shall be the Head of Department or any other teacher nominated by him. The Examiners shall report to the Registrar their award on the dissertation within the time prescribed in that behalf. If there is difference of 20% in making the matter will be referred to third examiner.

**GROUP A.** International Law and Organisations shall consist of the following papers:

1.	International Organization: Law Practice and Future	100
2.	Disarmament and Peace Strategies	100
3.	International Humanitarian Law	100
4.	Law and Diplomacy	100
5.	Law of the Sea	100
6.	International and Contemporary Issues	100
7.	Dissertation and Viva-voce	100

**GROUP B :** Criminal Law shall consist of the following papers:

1.	Comparative Criminal Procedure	100
2.	Penology: Treatment of Offenders	100
3.	Privileged Class Deviance	100
4.	Drug Addiction, Criminal Justice and Human Rights	100
5.	Juvenile Delinquency	100
6.	Collective Violence and Criminal Justice System	100
7.	Dissertation and Viva-voce	100

**GROUP C :** Business Law shall consist of the following papers:

1.	Law of industrial and Intellectual Property	100
2.	Legal Regulation of Economic Enterprises	100
3.	Law of Export Import Regulation	100
4.	Banking Law	100
5.	Insurance Law	100
6.	Corporate Finance	100
7.	Dissertation and Viva-voce	100

**GROUP D :** Labour, Capital and Law shall consist of the following papers:

1.	Collective Bargaining	100
2.	Industrial Adjudication	100
3.	Law Relating to Civil Servants	100
4.	Agricultural Labour	100

- |    |                            |     |
|----|----------------------------|-----|
| 5. | Wages                      | 100 |
| 6. | Social Security Law        | 100 |
| 7. | Dissertation and Viva-voce | 100 |

**GROUP E :** Environment and Legal Order shall consist of the following papers:

- |    |   |     |
|----|---|-----|
| 1. | Environment and Development: Law and Policy | 100 |
| 2. | Resource Management and the Law             | 100 |
| 3. | Prevention and Control of Pollution         | 100 |
| 4. | Environment and International Legal Order   | 100 |
| 5. | Biological Diversity and Legal Order        | 100 |
| 6. | Environmental Legislation                   | 100 |
| 7. | Dissertation and Viva-voce                  | 100 |

**GROUP F :** Jurisprudence shall be consisting of the following papers:

- |    |                              |     |
|----|------------------------------|-----|
| 1. | Comparative Judicial process | 100 |
| 2. | Marxian and Theory of Law    | 100 |
| 3. | Socialist Jurisprudence      | 100 |
| 4. | Theories of Justice          | 100 |
| 5. | Law and Society              | 100 |
| 6. | Concepts of Rights           | 100 |
| 7. | Dissertation and Viva-voce   | 100 |

**GROUP G :** Constitution and Legal Order shall consist of the following papers :

- |    |   |     |
|----|---|-----|
| 1. | Mass Media Law                                  | 100 |
| 2. | Public Utilities Law                            | 100 |
| 3. | Union-State Financial Relations                 | 100 |
| 4. | Constitutionalism: Pluralism and Federalism     | 100 |
| 5. | Human Rights                                    | 100 |
| 6. | National Security, Public Order and Rule of Law | 100 |
| 7. | Dissertation and Viva-voce                      | 100 |

**GROUP H :** Feminist Critique of Legal Order shall consist of the following papers :

- |    |   |     |
|----|---|-----|
| 1. | Feminist Theorizing and Legal Order           | 100 |
| 2. | Nationalist Struggle and Gender Equality      | 100 |
| 3. | Patriarchal Elements in Indian Law            | 100 |
| 4. | Gender Justice Standards at International law | 100 |
| 5. | Labour, Gender and the Law                    | 100 |
| 6. | Population Planning and Gender Justice        | 100 |
| 7. | Dissertation and Viva-voce                    | 100 |

**GROUP I :** Science, Technology and Law shall consist of the following, papers :

- |     |   |     |
|-----|---|-----|
| 1.  | Law, Science and Technology                   | 100 |
| 2.  | Law, Science and Medicine                     | 100 |
| 3.  | The Electronics Revolution and Legal Order    | 100 |
| 4.  | Nuclear Technology Dilemmas of Legal Controls | 100 |
| 5.  | Biotechnology and Legal Regulation            | 100 |
| 6.. | Epidemiological and Public Health Aspects of  |     |

7.	Science and Technology	100
	Dissertation and Viva-voce	100

**GROUP J** : Human Rights Law shall consist of the following papers:

1.	Concept and Development of Human Rights	100
2.	Human Right in International and Regional	100
3.	Perspective Human Right : Enforcement Mechanism	100
4.	Human Rights and special interest disadvantaged Groups : Women and children	100
5.	International Humanitarian Law and Refugee Law	100
6.	Science, Technology and Human Rights	100
7.	Dissertation and Viva-voce	100

**GROUP K**: Administrative Law shall consist of the following papers

1.	Administrative Process : Nature and Scope	100
2.	Administrative Process and Judicial Control	100
3.	Public Authorities : Liability	100
4.	Public Authorities and Power Holders : Controls on Maladministration	100
5.	Local Self-Government Law	100
6.	Comparative Administrative Law	100
7.	Dissertation and Viva-voce	100

## **GROUP A**

### **INTERNATIONAL LAW AND ORGANIZATIONS**

#### **A 01 : INTERNATIONAL ORGANIZATION : LAW PRACTICE AND FUTURE**

- Unit 1: Evolution of International Organization : The concert of Europe, the League of Nations and the United Nations United Nations as a Constitutional and Political System : Organs and Their functions, Law creating process including Resolutions and Declarations of the General Assembly and Specialized Agencies, Financing and Problems of financial, crisis, Amendment process, Secretary General of the United Nations
- Unit 2: 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
- Unit 3: 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 NGOs serving as consultants, Amnesty International, International Commission of Jurists

Unit 4: Peaceful Change through United Nations : Dispute settlement machinery of the United Nations, The role of ECOSOC in bringing about peaceful change, UN operational programmes in the Social Field, UN Operational programmes in the Economic Field, Anticolonial consensus, Disarmament and human rights

### **SELECT BIBLIOGRAPHY**

D. W. Bowett :Law of International Institutions (1982)

Ingrid Dettner :Law Making by the International Organization (1965) Stephen, S. Goodspeed : Nature and Function of International Organization (1967)

Wilfred Jenks : The proper Law of International Organizations (1962)

D. W. Bowett: United Nations Forces: A Legal Study (1969)

Leland M. Goodrich: Charter of the United Nations (1969)

Leland M. Goodrich: United Nations in a Changing World (1974)

Rosalyn Higgins : Development of International Law through Political Organs of the United Nations (1963)

Hans Kelsen : Law of United Nations (1954)

Rahmahullah Khan: Implied Powers of the United Nations (1970)

Edward Macwhinney : United Nations Law Making (1984)

M.S. Rajan : United Nations and Domestic Jurisdiction (1961)

### **A 02: DISARMAMENT AND PEACE STRATEGIES**

Unit 1 : The Conceptions of Disarmament: Disarmament and world security, military alliances, arms trade, changing conceptions of disarmament. The dynamics of the Arms Race: The reasons of arms race, including nuclear weapons, Consequences of arms race in terms of resources and economic development, International implications of the arms race

Unit 2 : Disarmament and the United Nations: History of the failure of disarmament efforts, UN Disarmament Commission, its achievements and limitations, UN Disarmament Decades of 1970's and 1980's, Negotiations leading to the signing of SALT I and SALT II, Nuclear Disarmament Problems and Perspectives, Nuclear Non-Proliferation treaty and intermediate range Missile Treaty, International regulation of nuclear weapons



Unit 3: International Regulation of Biological and Chemical or Weapons of Mass Destruction  
International regulation and Control of Militarization of Outer Space and the Ocean Bed

Unit 4: 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**

Bums-H. Weston : 'Toward Nuclear Disarmament and Gbbal Security: A Search for Alternatives (1980)

J. Schell : The Fate of the Earth (1982)

J.N. Singh : Use of Force under International Law (1984)

Julius Stone : Legal Controls of International Law (1954)

M. Walzer: Just and Unjust Wars (1979)

R. Kothari : Transformation and Survival : In Search of Human World Order (1988)

R. Falk, et. al. : International Law: A Contemporary Perspective, pp. 473-519(1985)

R. Falk : The End of World Order, pp. 155-276 (1983)

### **A 03: INTERNATIONAL HUMANITARIAN LAW**

Unit 1 : International Movement for Humanization of Warfare: Contributions of classical writer; history of the Red Cross; Geneva Conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, St. Petersburg Declaration 1868. The Hague Convention of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick Persons and Civilian Persons.

Unit 2: International Efforts to outlaw Slavery, Slave Trade and Practices similar to Slavery, Forced Labour and Trafficking in Human Beings, United Nations and Humanitarian Law, The Role of EC'OSOC and ILO; Crusade against discrimination in respect of employment and occupation, Racial Discrimination

Unit 3: International Refugees : THE UN Relief Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status Of Refugees and Stateless persons: Genocide Convention

Unit 4: Implementation of the Right to Self-determination: Declaration on the grant of independence to colonial countries and people, humanitarian treatment of people

living under colonial rule and trusteeships, Eliminating Discrimination against Women through International Cooperation

### **SELECT BIBLIOGRAPHY**

- C. Hosoya : N. Ando, Y. Curnan, R. Minear, The Tokyo War Crimes Trial (1986)  
G. Tunkin : Theory of International Law (1974 )  
G. Schwarzenberger : The Law of Armed Conflicts (Vol. 11)  
J. Stone : Legal Controls of international Conflicts (1959)  
R. Fall: The Shimoda Case, 69 Am J. Int. Law (1965)  
T. Taylor: Nuremberg and Vietnam : An American Tragedy (1971)

### **A 04: LAW AND DIPLOMACY**

- Unit 1 : Contemporary International System : International stratification, neo-colonialism dependence and domination, geopolitical considerations. Beginning of Diplomacy : Various Diplomatic Traditions, Greek, Byzantine and Indian; Golden age of Classical Diplomacy of 18th and 19th Centuries in Europe
- Unit 2 : Transition from 'old' to 'new' diplomacy, impact of the First World War and the Russian Revolution, Impact of Technology on the Conduct of Diplomacy, Impact of the Nuclear Weapons. Military Alliance, Secret V, Open Diplomacy, Democratic Control of Foreign Policy
- Unit 3 : Diplomacy in contemporary world: Cold war and its impact on diplomacy, Diplomacy of the Summit, Diplomacy in the United Nations, Development and diplomacy, Diplomacy through mass media and propaganda
- Unit 4: Crisis Management: Nicaragua, Namibia, Palestine, Sri Lanka, Iran-Iraq conflict, Diplomacy in the Law of the Sea Convention, Diplomacy and new human rights conceptions, Diplomacy and Right to Development Declaration. The Stockholm Declaration on Environment, Diplomacy and Resources

### **SELECT BIBLIOGRAPHY**

- A. Ball: Modern International Negotiations (1969)  
I. Clark: Reform and Resistance in International Order (1980)  
I. Clark : The Satisfied and the Dissatisfied States Negotiate  
International Law : A Case Study 18 World Politics 20-41 (1965)  
H. Nicolson : Diplomacy (1969)  
J. Stone: Law and Nations (1974)

L. Hanken : How Nations Behave (1968)

R.L.Friedheim : Parliamentary Diplomacy -A Survey (1976)

R.P. Anand: International Courts and Contemporary Conflict (1979)

### **A 05: LAW OF THE SEA**

Unit 1 : 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.

Unit 2 : 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

Unit 3 : 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

Unit 4 : 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**

Orrego Vicuna : The Changing international Law of the High Seas Fisheries (1999), Cambridge

Lan Brownie : Principles of Public International Law (1998), Clarendon Press Oxford

P. Chandrasekhara Rao : The New Law of Maritime Zones (1983), Miling Publications, New Delhi

Samir mankababy : The International Shipping Rules (1986), Croom Helm, London

Nagendra Singh : International Maritime Law Conventions, Vol. I, Navigation (1983), Stevens & Maxwell London

Myron H. Nordquist and John Norton Moor (eds.): Ocean Policy-New Institutions, Challenges and Opportunities (1999), Kluwer

R.P. Anand : Law of the Sea, Caracas and beyond (1978)

D. W. Bowett : Law of the Sea

D.W. Dowett : Legal Regime of Island in International Law John Colombos : International Law of the Sea (1962)

J.H. Hargrove : Who Protects the Ocean : Environment and the Development of the Law of the Sea, Devendra Kaushik, Indian Ocean Towards a Peace Zone (1983)

Myres S. McDougal and W. Burke : The Public Order of the Oceans (1962).

D.P. P'Connel : International Law of the Sea, Vols. I & II (1982)

#### **A 06: INTERNATIONAL AND CONTEMPORAY ISSUES**

Unit1 : The New International Economic Order (NIEO): Background Essential component of the NIEO, State acceptance and practice of NIEO principles, Critique of NIEO

Unit2: The Right to Development. The 1979 G.A. Resolution, Progress towards enunciation of the Declaration of Right for Development, Basic Concepts of Right to Development, State acceptance and practice, Critique

Unit3: Towards Sustainable Development, The Context of U.N. Commission on Environment and Development, Our Common Future: The Report of the Commission

Unit4 : Proposed Legal principles to environmental protection and sustainable development, State acceptance and practice, Critique

#### **SELECT BIBLIOGRAPHY**

H. W. Singer & J. A. Ansari : Rich and Poor Countries (1982)

P. Alston : Development and the Rule of Law : Prevention Versus Cure as a Human Rights Strategy in Human Right and Rule of Law, 83(1981)

R. Falk : The End of the World Order (1983)

S. Gwrge : Now the other Half Dies; The Real Persons for World Hunger (1976)

U. Bad : The New International Economic Order. Basic Needs and Rights : Notes towards development of the Right to Development in Role of Law and Judiciary in Transformation of Society: India G.D.R. Experiments 178-205 (1984) D.A. Desai (ed.) and see the literature there in cited. This paper is also published in the Journal of the Indian Society of International Law  
UN Report of the Secretary General : The International Dimensions of the Right to Development as a Human Right with other Human Right based on International Cooperation, including the Right to Peace, Taking into account the requirement of the New International Economic Order and the Fundamental Human Needs, EICN-41374

U.N.: Our Common Future : The World Commission on Environment and Development (1987)

### **A 07: DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

### **GROUP B**

#### **CRIMINAL LAW**

#### **B 01: COMPARATIVE CRIMINAL PROCEDURE**

- Unit I : Organization of Courts and Prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organization of Prosecuting agencies for prosecuting criminal, Prosecutors and the police Withdrawal of prosecution
- Unit 2 : Pre-trial Procedures : Arrest and questioning of the accused, The rights of the accused. The evidentiary value of statements/ articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation, 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
- Unit 3 : 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
- Unit 4: Preventive Measures in India : Provisions in the Criminal Procedure Code, Special enactments, Public Interest Litigation: Directions for criminal prosecution

#### **SELECT BIBLIOGRAPHY**

Ceylia Hamptom : Criminal Procedure

Wikins and Cross: Outline of the law of Evidence

Archbold, Pleading: Evidence and Practice in Criminal Cases (2000) Eastern, Lucknow

Sarkar : Law of Evidence

K.N. Chandrasekharan Pillai (ed.): R. V. Keekar's : Outlines of Criminal Procedure

Patric Devlin : The Criminal Prosecution in England

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

John N. Ferdico : Criminal Procedure (1996), West Sanders & Young: Criminal Justice (1994)  
Christina Van Den Wyngart : Criminal Procedure Systems in European. Community Joel Samaha]  
Criminal Procedure (1997), West Criminal Procedure Code, 1973 The French Code of Crimina! Procedure  
14th and 41st Report of Indian Law Commission  
The Paper will be taught with reference, wherever necessary to the procedures in India, England, US, France, Russia and China

## **B 02: PENOLOGY: TREATMENT OF OFFENDERS**

- Unit 1 : Introductory, Definition of Penology, Theories of Punishment: Retribution, Utilitarian prevention: Deterrence, Utilitarian : Intimidation, Behavioural prevention : Incapacitation, Behavioural prevention: Rehabilitation - Expiation, Classical Hindu and Islamic approaches to punishment, The Problematic of Capital  
  
Punishment : Constitutionality of Capital Punishment, Judicial Attitudes through the statute law and case law towards Capital Punishment in India--An inquiry, Law Reform Proposals
- Unit 2 : Approaches to Sentencing : Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective fines, Reparation by the offender by the court
- Unit 3 : Sentencing : Principal types of sentences in the Penal Code and special laws, Sentencing in white collar crime, Presentence hearing, Sentencing for habitual offender, Summary punishment, Plea-bargaining
- Unit 4: 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**

- S. Chhabra : The Quantum of Punishment in Criminal Law (1970) H.L.A.Hart: Punishment and Responsibility \_ (1968)  
Herbert L. Packer: The Limits of Criminal Sanction (1968) Alf Ross: On Guilt Responsibility and Punishment (1975)

A. Siddique : Criminology (1984) Eastern, Lucknow

Law Commission of India, Forty-Second Report, Ch. 3(1971)

K.S. Shukla : 'Sociology of Deviant Behaviour' in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)

Tapas Kumar Benerjee : Back-round to Indian Criminal Law (1990). R. Campjary & Co., Kolkata

### **B 03: PRIVILEGED CLASS DEVIANCE**

Unit 1 : Introduction : Conceptions of white collar crimes, Indian approaches to socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understanding Indian development. Typical forms of such deviance, Official deviance (deviance by legislators, judges, bureaucrats), Professional deviance : journalists, teachers, doctors, lawyers, engineers, architects and publishers. Trade union deviance (including 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

Unit 2 : Official Deviance : Conception of official deviance permissible limit of discretionary powers. The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission in 1959 and 1971. The Chagla Commission Report on LIC-Mundhra Affair) The Das Commission Report on Pratap Singh Kairon, "Fire Grover Commission Report on Dev Raj Urs, The Maruti Commission Report, The Ibakkar Natarajarr Commission Report on Fairfax

Unit 3: Police: Deviance : Structures of legal restraint on police powers in India; Unconstitutionality of "third-degree" methods and use of fatal force by police, "Encounter" killings, Police atrocities, The plea of superior orders, Rape and related forms of gender-based aggression by police and paramilitary forces, Reform suggestions especially by the National Police Commissions, Professional Deviance : Unethical practices at the Indian Bar, The Lentin Commission Report, The Press Council on unprofessional and unethical journalism Medical malpractice

Unit 4 : Response of Indian Legal Order to the Deviance of Privileged Classes: Vigilance Commission, Public Accounts Committee, Ombudsman, Commissions of Enquiry, Prevention of Corruption Act, 1947, "CheArtually Case

### **SELECT BIBLIOGRAPHY**

Upendra Baxi : The Crisis of the Indian Legal System (1982) Vikas - Publishing House, New Delhi

Upendra Baxi (ed.) : Law and Poverty: Essays (1988)

Upendra Baxi : Liberty and Corruption : The Actual Case and Beyond (1989)

Suendranath Dwevedi and G.S. Bhargava : Political Corruption in India (1967)

A.R. Desai (ed.) : Violation of democratic Rights in India (1986) A.G. Noorani: Minister's Misconduct (1974)

B.B. Pande : The Nature and Dimensions of Privileged Class Deviance' The Other Side of Development 136 (1987 : K.S. Shukla ed.)

Indra Rothermund : 'Patterns of Trade Union Leadership in Dhanbad Coal fields', 23 JIL1522 (1981)

#### **B 04: DRUG ADDICTION, CRIMINAL JUSTICE AND HUMAN RIGHTS**

- Unit 1 : 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
- Unit 2: 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)
- Unit 3: The International Legal Regime : Analysis of the background, text and operation of the Single Convention on Narcotic Drugs, 1961, 1972, Analysis of the Convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction, The SARC and South-South Cooperation, Profile of international market for psychotropic substances, 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
- Unit4: 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 prosecutory powers, Bail, The problem of different application of the Ugal 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**

- H.S. Becker: Outsiders: The Studies in Sociology of Deviance (1966) J. A. Incard, C.D. Chambers (eds.) : Drugs and the Criminal Justice System (1974)
- R.Cocken: Drug Abuse and Personality in Young Offenders (1971)
- G. Edwards Busch (ed.) : Drug Problems in Britain : A Review of Ten Years (1981)
- P Kondanram and Y.N. Murthy : Drug Abuse and Crime : A Preliminary Study, 7, Indian Journal of Criminology, 65-68 (1979)
- P.R. Rajgopal : Violence and Response : A Critique of the Indian Criminal System (1988)
- United Nations, Economic and Social Reports of the Commission on Narcotic Drugs, United Nations
- Social Defence, Research Institute (UNSDRI) Combating Drug Abuse and related Crimes (Rome, July 1984, Publication No. 21 )

### **B O5 : JUVENILE DELINQUENCY**

- Unit 1 : 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
- Unit 2 : 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'
- Unit 3: 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, destitutes vagrants, Labourers, 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 litigation concerning juvenile justice, Salient judicial decision, Role of legal profession in juvenile justice system.

Unit4: 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**

National Institute of Social -Defence. Model Rules under the Juvenile Justice Act, 2000

K.S. Shukla: Adolescence Offender: 1985

United Nations : Beejing Rules on Treatment of Young Offenders (1985)

Wyron Weiner: The Child and State in India (-1990)

The United Nations Declaration on the Right of Children (UNICEF periodic materials)

### **B 06 : COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM**

Unit 1 : Introductory : Notions of force, coercion, violence, Distinctions, symbolic violence. institutionalized violence structural violence, Legal orders a coercive normative order, Force monopoly of modern law, Constitutional and criminal speech : Speech as incitement to violence, Collective political violence and legal order; Notion of legal and extra repression,

Unit 2: Approaches to Violence in India : Religiously sanctioned structural violence: Caste and gender based. Ahmsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India, Gandhiji's approach to non-violence, Discourse on political violence and terrorism during colonial struggle, Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period, Agrarian Violence and Repression : The nature and scope of agrarian violence in the 18-19 centuries India, Colonial legal order as a causative factor of collective political (agrarian) violence, The Talangana struggle and the legal order. The Report of the Indian Human Rights Commission on Atwal Massacre

Unit 3: Violence against the Scheduled Castes: Notion of Atrocities, Incidence of Atrocities, Uses of Criminal Law to combat atrocities or contain aftermath of atrocities, Violence against women'

Unit 4 : Communal Violence : Incidence and courses of communal violence, Findings of various commissions of enquiry, The role of police and para-military systems in

dealing with communal violence, Operation of criminal justice system tiring and in relation to communal violence

### **SELECT BIBLIOGRAPHY**

- U.Baxi: Dissent, Development and Violence in R. Meagher(ed.), Law and Social Change: Indo-American Reflections 92 (1988) U. Baxi (ed.) : Peasant Struggles in India (1979)
- A.R.Desai: Agrarian Struggles in India: After Independence (1986)
- A.R.Desai- Violation of Democratic Rights in India(1986)
- D.A. Dhangare: Peasant Movement in India 1920- 1950 (1983) Ranjit Guha : Elementary Aspects of Peasant Insurgency in Colonial India ( 1983) Ranjit Guha (ed.): Subaltern Studies. Vol. 1-6(198-33-1988) T. H. Jonderich : Violence for Equality ( 1980)
- Mark Jucrgensmever: "The Logic of Religious Violence : The Case of Punjab"22 Contribution to Indian Sociology 65 (1988) Ranji Kothari : State Against Democracy (1987 )
- G. Shah : Ethnic Minorities and Nation Building: Indian Experience (1984)
- K.S. Shukla : "Sociology of Deviant Behaviour". in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

### **B 07 : DISSERTATION & VIVA VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

### **GROUP C**

#### **BUSINESS LAW**

#### **C 01 : LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY**

- Unit 1 : Nature of Intellectual Property Rights (IPR) and need for their protection, IPR and International perspectives, salient international conventions and treaties on 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.

Unit 2 : 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.

Unit 3 : 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.

Unit 4 : 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, 1970 (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**

Intellectual Property and International Trade (1998), Kluwer Patent Cooperation treaty Hand Book (1998), Sweet and Maxwell Christopher Wadlow : The Law of Passing Off (1998). Sweet and Maxwell.

W.R. Cornish : Intellectual Property Law (1999), Sweet and Maxwell.

Elizabeth Verke : Law of Patents (2005) Eastern Book Company, Lucknow.

S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right : A Global Vision (2006) Indian Law Destitution publication, New Delhi.

Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right. (2004) Deep and Deep Publication, New Delhi.

Shahid Khan and Ragunath Mashelkar : Intellectual Property and Competitive Strategies in the 21st Century, (2006), Kluwer Law International.

P.S. Narayan : Intellectual Property Law in India. (2006) Gogia Law Agency, Hyderabad.

## **C 02: LEGAL REGULATION OF ECONOMIC ENTERPRISES**

Unit 1 : Industrial Policy-old and new. Its legal framework. Public Sector, Private Sector, Joint Sector-Globalisation, Liberalisation: Meaning, dimensions, implications and impact of globalization.

Unit 2 : Depository System  
Definition and Meaning-Objectives, Depository in international market. GDR, ADR, FCCB, Depositing system in India-Its Legal Frame Work. Dematerialization of Securities.

Unit 3 : Regulatory Authorities  
Telecom/Broadcasting Regulatory Authority, Industrialization and Environmental Regulation:  
Environment Clearance  
Environment Audit  
Environment Impact Assessment  
Public Liability Insurance Act  
Sustainable Development, New Dimensions of Environmental protection, role of the Judiciary.  
Completion Commission

Unit 4 : Investment Scheme for NRI : 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**

S. Aswani Kumar: The Law of Indian Trade Mark: (2041), Commercial Law House, Delhi-  
Industrial Policy Resolution-, of 1948, 1956. 1991 Industrial Licensing Policy 1970. 1975  
Industrial Policy Statements; 1973. 1977, 1980  
Reports of Committees on Public : undertakings of Parliament  
Industries (Development and Regulation) Act, 1951

U.Baxi & A. Dhanda : Valiant Victims and Lethal Litigation : The Bhopal Case (1989)

Indian Law Institute, Law of International Trade Transaction (1973)

### **C 03 : LAW OF EXPORT IMPORT REGULATION**

Unit 1 : Basic Need of Export and Import Trade, Theories of International Trade, Free Trade, Protection Principles. WTO & GATT, Dispute Settlement Mechanism Trade Policy Review Mechanism-Anti Dumping Subsidies and Countervailing Duties.

Unit 2 : Control of Export and Import in India, The Foreign Trade Regulation Act, 1992-Exim policy, Pre-Liberalization and Post Liberalization Era in Trade, Power of the Central Govt. to control foreign trade, appointment and powers of Director General of Foreign Trade. powers of the Reserve Bank of India to control foreign trade, Export promotion councils, Export oriented units and Export processing zones.

Unit 3 : Non Tariff Barriers, Export Import Bank of India, Export Credit Guarantee Corporation of India Limited, promotion of Foreign trade, agricultural products, textile and cloths.

Unit 4 : The custom Act, 1962 : Prohibition on importation and exportation of goods. The Conservation of Foreign Exchange and Preventions of Smuggling Activities Act-control of smuggling activities in export and import trade.

### **SELECT BIBLIOGRAPHY**

Government of India. Handbook of Import Export Procedures Government of India Import and Export Policy (1997-2002)

Foreign Trade Development and Regulation Act 1992 and Rules Foreign Exchange Management Act 1999

Customs Manual (Latest edition)

Final Treaty of GATT, 1994

### **C 04: BANKING LAW**

Unit 1 : A. Introduction

(i) Nature and Development of Banking.

(ii) Functions of Banking

B. Global Banking Institutions

C. The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.

- Unit 2 : A. (i) Central Bank, Evolution, Characteristics and Functions. (ii) Reserve Bank of India and It's Role. (iii) Securitization and Reconstruction of Financial assets, (iv) Cash reserve and Statutory Liquidity ratios in Bank.  
 B. Bank as borrowers :  
 Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking  
 C. Deposit Insurance Corporation Act, 1962.
- Unit 3 : 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.
- Unit 4 : A. Social Banking  
 B. Basal II norms  
 C. Letter of Credit  
 D. Recovery of Debts Due to Banks.  
 C. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act.  
 E. Recent Trends of Banking System in India.

### **SELECT BIBLIOGRAPHY**

- Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Millan
- M. Hapgood (ed.) : Paget's law of Banking (1989) Butterworths, London
- R. Goode : Commercial Law,(1995) Penguin, London
- Ross Cranston : Principles of Banking Law (1997) Oxford
- L.C. Goyle : The Law of Banking and Bankers (1995) Eastern
- M.L. Tannan : Tamnan's Banking Law and Practice in India (1997), India Law House. New Delhi, 2 Volumes
- K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd.. New Delhi
- M. Dasesse, S. Isaacs and G, Pen ; E.G. Banking Law..(1994), Lloyds of London Press, London
- V. conti and Hamaui (eds.) : Financial Markets Liberalization and the Role of Banks' Cambridge University Press, Cambridge (1993)
- J. Dermine (ed.) : European Banking in the 1990's (1993) Blackwell, Oxford
- K. Subrahmanyam Banking Reforms in India (1997), Tata McGraw Hill, New Delhi

R.S. Narayanna : The Recovery of Debts due to Banks and Financial Institution Act, 1993 (51 of 1993), Asia Law House, Hyderabad

M.A. Mir : The Law Relating to Bank Guarantee in India (1992) Metropolitan Book, New Delhi

Mitra : The Law Relating to Bankers' Letters of Credit and Allied Laws (1998), University Book Agency, Allahabad

### **C 05 : INSURANCE LAW**

- Unit 1 : Introduction ; Nature of insurance contract, various kinds of insurance, proposal, policy, parties consideration, need for utmost good faith, insurable interest. indemnity, Insurance policy, law of contract and law of torts - future of insurance : need, importance and place of insurance, Constitutional perspective- the Entries 24, 25, 29, 30, 47 of List I Union List: 23, 24 of List III, General Principles of Law of insurance: Definition. nature and history. The risk commencement, attachment and duration, Assignment alteration, Settlement of claim and subrogation, Effect of war upon politicians, Indian Insurance Act 1938.
- Unit 2 : Insurance Regulatory Authority Act, 2000 : Mutual Insurance Companies and cooperative life insurance societies, Double insurance and re-insurance, Life Insurance: Nature and scope, Event- insured against life insurance contract, Circumstances affecting the risk Amounts recoverable under life policy. Persons entitled to payment, Settlement of- claim and payment of money Marine Insurance : Nature and Scope. Classification of marine policies, The Marine insurance Act, 1963, Marine Insurance, Insurable interest, insurable value, Marine insurance policy-condition-express warranties construction of terms 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.
- Unit 3: Insurance against Accidents : The Fatal Accidents Act, 1855, Objects and reasons. Assessment of compensation, Contributory negligence. Apportionment of compensation and liability, The Personal Injuries (Compensation insurance) Act 1963, Compensation payable under the Act, Compensation insurance scheme under the Act Compulsory,: insurance. Property insurance: Fire Insurance, The Emergency Risks (Factories) Insurance, The Emergency Risks (Goods) Insurance, (policies covering risk of explosion, Policies covering accidental loss. damage to property, Policies covering risk of storm and tempest, Glass-plate policies, Burglary and theft policies, Live stock policies, Goods in transit insurance, Agricultural insurance
- Unit 4: Insurance against Third Party Risks : The Motor Vehicles Act, 1988, Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, certificate of insurance, Claims tribunal : Constitution, functions, application for



compensation, procedure powers and award, Liability Insurance : Nature and kinds of such insurance, Public liability insurance, Professional negligence insurance, Miscellaneous Insurance Schemes: New Dimensions : Group life insurance, Mediclaim sickness insurance

### **SELECT BIBLIOGRAPHY**

- John Hanson and Christopais Henly : All Risks Property Insurance (1999), LLP Asia Hongkong  
Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts (1998) LLP Asia, Hongkong  
Banjeree : Law of Insurance (1994). Asia Law House, Hyderabad Mtra, B.C. : Law Relating to Marine Insurance (1997), Asia Law House, Hyderabad  
Brids : Modern Insurance (1997), Sweet & Maxwell  
International Labour Office, Administration Practice of Social Insurance(1985)  
E.R. Hardy Ivamy : General Principles of insurance Law (1979) Edwin, W. Patterson : Cases and Materials On Law of (nsurance (1955)  
M.N. Sreenivasan : Law and the Life Insurance Contract (19 14)

### **C 06 : CORPORATE FINANCE**

- Unit 1 : Introduction : Meaning, importance and scope of corporate finance, Capital needs- capitalization-working capital securities- borrowing, deposits, debentures, Objectives of corporate finance-profit maximization and wealth maximization, Constitutional perspectives-the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85 and 86 of List 1- Union List; entry 24 of List II State List. Equity Finance : Share Capital, Prospects-information disclosure Issue and allotment, shares without monetary consideration, Money laundering, Non-opting equity shares. Debt Finance : Debentures, nature, issue and class, Deposits and acceptance, Creation of charges, Fixed and floating charges, Mortgages, Convertible debentures
- Unit 2 : Conservation of Corporate Finance : Regulation by Disclosure, Control on payment of dividends, managerial remuneration, Payment of commissions and brokerage, Inter-corporate loans and investments, Pay-back of shares, Other corporate spending Protection of creditors: need for creditor protection, Preference in payment, Rights in making company decision affecting creditors, interests, insider trading Creditors self-protection, Incorporation of favourable terms in lending contracts, Right to nominate directors, Control over corporate spending, corporate governance.

Unit 3 : Protection of Investors : Individual share holder right, Corporate membership right, Derivative actions, Qualified membership right, Conversion, consolidation and reorganization of shares, Transfer and transmission of securities, Dematerialization of securities, prevention of oppression and mis-management, Role of SEBI.

Unit 4 : Corporate Fund Raising: Depositories IDR (Indian Depository Receipts), ADR (American Depository Receipts). GDR (Global Depository Receipts), Public financing institutions IDBI, ICICI, IFC and SFC, Mutual Fund and other collective investment schemes, Institutional investment-LIC, UTI and banks, FDI and NRI investment. Administrative Regulation on Corporate Finance : Inspection of accounts, SEBI, Central Government control, control by registrar of companies, RBI control. Copex plan and Corporate Fund Raising

### **SELECT BIBLIOGRAPHY**

Alastair Hundson : The Law on Financial Derivatives (1998), Sweet & Maxwell

Eil's Ferran : Company Law and Corporate Finance (1999), Oxford Jonathan Charkham : Fair Shares : The Future of Shareholder Power and Responsibility ( 1999). Oxford

Ramaiya A : Guide to the Companies Act (1998). Vol. I, II and III H.A.J. Ford and A.I.

Austen : Ford's principle of Corporations Law (1999). Butterworths

J.H. Farrar and B.M. Hanniyan : Farrar's Company Law (1998), Butterworths

Austen R.P.: The Law Of Public Company Finance (1986), LBC R.M. Goode : Legal Problems of Credit and Security (1988), Sweet and Maxewll

Altman and Subrahmanyam : Recent Advances in Corporate Finance (1985), LBC

Gilbert Harold: Corporation Finance (1956) Henry E. Hogland : Corporation Finance (1947)

Maryin M. Kristein : Corporate Finance (1975) R.C. Osborn : Corporation Finance (1959)

S.C. Kuchhal : Corporation Finance: Principles and Problems (6th ed. 1966)

VG. Kulkarni : Corporate Finance (1961)

Y.D. Kulshreshta : Government Regulation of Financial Management of Private Corporate Sector in India (1986)

### **C 07: DISSERTATION & VIVA - VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

**GROUP D :**  
**LABOUR, CAPITAL AND LAW**  
**D 01 : COLLECTIVE BARGAINING**

- Unit 1 : Freedom of Organization : International norms : right to association of industrial and unorganized labour, Right to association in India : the constitutional and legal aspects, Collective Bargaining Conceptual and Processual Issues : Conception of collective Bargaining : a comparative appraisal Methodological aspects, Bargaining Process : Empirical Indian studies. Types of bargaining plant level, industry level and national level, Legal Control of Collective Bargaining Endeavours : Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing), Gherao, Lock out
- Unit2 : Factors Affecting collective bargaining Multi-unionism, Other factors. Conditions for successful functioning : Comparative analysis
- Unit3: Economic Implications of Collective Bargaining : Wage Policy, Work discipline. National income and profit
- Unit4: Collective Bargaining and Political Process : Problem of outsiders in the union, Affiliation of unions to political parties. Policies towards workers, participation in management- role of state

**SELECT BIBLIOGRAPHY**

- Gillian S. Morris and Timothy J. Archer : Collective Labour Law (2000), Oxford Nick Humphrey : trade Union law (1997), Blackstone: London
- John Bowers and Simon Fenrybail : Text book on Labour Law (1998), Blackstone, London
- Stephen Dery and Richard Mitchell : Employment Relations Individualization and Union Exclusion (1999), Blackstone London
- Roger Blanpain, Chris F,ngels (Eds.): Comparative Labour Law and Industrial Relations in Industrialized Market Economics (1999), Kluver
- Indian Law Institute, Labour Law and Labour Relations (1987) ILO, Collective Bargaining ILO : Collective Bargaining in Industrialized Market Economies Mary Sur: Collective Bargaining (1965)
- R.W. Rideout: Principles of Labour Law-, Chs. 8, 9 and 10 (1983) Otto Kahn-Freund : Labour and the Law (1977)
- A.V. Rajagopalan : Approaches to Collective Bargaining-Intricacies, 1982, vol. I I. Labour Law Notes, P.K. 42.

B.R. Patil : Sectionalized Bargaining in Textile Industry in Coimbatore, 20 Indian Journal of Industrial Relations, 44 (1985)

Y.R.K. Reddy : "Determination of Collective Bargaining Agency Search for a Procedure". (4 Indian Journal of Industrial Relations 73 (1978)

Sahab Dayat : Revival of Collective Bargaining in India : Some Recent Evidence' 17 Indian Journal of Industrial Relations, 329 (1982)

Report of the N.C.L. Govt. of India

## **D 02 : INDUSTRIAL ADJUDICATION**

Unit 1 : Constitutional Perspective and Foundations: Constitutional authorization for institutional framework (legislative entries, Article 323 B), Constitutional goals protecting capital and labour enshrined in the fundamental rights and duties and the directive principles

Unit 2: Access to Adjudicatory, Justice : Threshold control by government reference. Extent of governmental discretion time, expediency and matters for adjudication, Limitations on discretion. Political overtones and pressure tactics, Judicial restraint of liberalism the ideal juristic approach Direct access to adjudicatory authority by employer and employee: problems and perspectives. International norms. Comparative overview of access to adjudicatory process in the UK and Australia

Unit-3: Adjudicatory Process: Industrial adjudication as a modality of harmonizing interests of capital and labour, Impact on employer's prerogatives and employee's rights. Silence of the statute on. Criteria for adjudication.. Equity and justice as guiding Principle, Industrial conflicts and the vistas of decisional process : a corporative probe, Post-natal control by government over adjudication

Unit 4 : Judicial Review of the Adjudicatory Process: Finality of decision making in adjudicatory process: a myth, Jurisprudence of Industrial adjudication : formulations through constitutional remedies of writs and appeal, Jurisdiction of the adjudicatory authority in respect of dismissal of workmen, juridical formulation Of the concept of industry, Retrenchment the widening dimensions through decisional law

### **SELECT BIBLIOGRAPHY**

Malhotra : The Law of Industrial Disputes. Vol. I & II Latest Edn.

ILL, Labour Law and Labour Relations, Parts II, IV, VI, VII, IX and XI

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

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

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

Relevant portions of the Reports of the National Commission on Labour. Latest Edn.

S.C. Srivastava : Voluntary Labour Arbitration : Law and Policy' 23, JILI349, (1981)

D.C. Jain : "Meaning of Industry : Wilderness of Conjectural Justice, (1986) 3 SCC Journal 1

T.N. Singh : Futuristic Industrial Jurisprudence a Poser (1986) 3 SCC Journal, 1 S

Chaturvedi, R.G. : Law and Procedure of Departmental Enquiries and Disciplinary Actions, (1997)

### **D 03: LAW RELATING TO CIVIL SERVANTS**

- Unit 1 : Civil Servants : Constitutional Dimensions : Civil servants and the fundamental rights Historical and comparative perspectives. Equality and protective discrimination : principles and practices; Service Regulations - the constitutional bases - formulation of service rules - doctrine of pleasure, Limitations on doctrine of pleasure, Action only be an authority not subordinate to the appointing authority, Opportunity of being heard and its exceptions
- Unit 2 : Recruitment and Promotion: Central and state agencies for recruitment. Methods, qualification, Conditions of Service: Pay, dearness allowance and bonus : machinery for fixation and revision, Pay Commission, Kinds of leave and conditions of eligibility, Social security : provident fund superannuation and retrial benefits, medicare, maternity benefits, employment of children of those dying in harness compulsory insurance. Civil and criminal immunities for action in good faith. Comparative evaluation with private sector. Comparative evaluation between the state government employees and the central government employees, Consultation with Public Service Commission
- Unit 3 : Civil Service : Amalgam of Principles, Compromises and Conflicts. Neutrality- Commitment dilemma, permanency, expertise and institutional decision making. Relaxation of age and qualification in recruitment spoils system, seniority-cum-merit recruitment and promotion, Frequent transfers, education of children , housing and accommodation, Civil service and politics, Politicization of government servants organization and inter-union rivalry, Special Categories of Services: Judicial services : subordinate judiciary judicial officers and servants: appointment and condition of service, Officers and servants of the Supreme Court and the High courts : recruitment, promotion conditions of service and disciplinary action, All India services, objects, regulation of recruitment and conditions of service, disciplinary proceedings
- Unit 4 : Settlement of Disputes over Service Matters : Departmental remedies: representation, review, revision and appeal: role of service organizations, Remedy before the Administrative Tribunal: Jurisdiction, scope and procedure. merits and demerits - exclusion of jurisdiction of courts, Judicial review of service matters jurisdiction of

the Supreme Court and High Courts Comparative position in England, United States and France

### **SELECT BIBLIOGRAPHY**

- ILI (by Justice M. Rama Jois), Services under the State( 1987)
- N. Narayanan Nair : The civil Servant under the Law and the Constitution (1973)
- K.K. Goyal:. Administrative Tribunals Act, (1985), Seervai : Constitutional Law, of India
- Arjun P. Aggarwal : Freedom of Association in Public Employment, 14 JILI,(1972)
- C.K. Kochukoshy : "All India Services-Their Role and Future', 1972 LTPA, 67
- Douglas Vass : The Public Service in Modern Society, 1983, 17PA 970 Z.M.S. Siddiqi -  
'Sanctions for the breach of contracts of service',25, JILI359(1983)
- O.P. Motilal : Compulsory Retirement,, IJ 1975 IJPA, 247
- D.S. Chopra : Doctrine of Pleasure-Its Scope Implication and limitations, 1975.UPA92
- G.C.V. Subha Rao : The ONGC Case and New Horizons in Public Services Law, 1975 SCJ 29

### **D 04: AGRICULTURAL LABOUR**

- Unit 1: Agricultural Labour Relations : Agricultural Labourer-the concept, Early stages - the traditional ties between the landlord and the workers, Non-exploitative fair relation with the feudal hegemony- share in products as wages, wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence, Exploitation of labour by the landlord, Longer hours of work and lower wages: statutory regulation, Bonded labour, Indebtedness, Tribal labour in forest settlements, Migrant agricultural labour
- Unit 2: Trade Unionism and Collective Bargaining among Agricultural labour : Unorganized nature, Seasonal character, Political movements, State, regional and macro regional disparities in collective bargaining, organization and remuneration, Industrial 'Hour Norms' in the Agricultural Labour Area: Problems : Multi-employer-employment situation, Workmen's compensation, Minimum wages
- Unit 3: Labour Welfare : Need for state imitative and support, Assessment of existing measures: Statutory and non-statutory, Agrarian reform as agricultural labour protection measure-land to the tiller doctrine, Environmental impact of distribution of forest land among agricultural labourers, Futuristic perspectives.
- Unit 4: Dispute Settlement Mechanism: Practices: settlements, Statutory measures: conciliation, adjudication, Comparative study of state practices and laws.

## **SELECT BIBLIOGRAPHY**

V.V. Giri : Labour Problem in Indian Industry, (1972)

R.R. Singh : labour Economics, (1971)

ILC), Conventions and Recommendations

Reports of National Commission on Labour, 1969 (Relevant portions) State Legislation and Other welfare schemes relating to agricultural labour

Abdul Aziz : Unionizing ; Agricultural Labourers in India, A strategy, 13 Indian Journal of industrial Relations, 307 (1977)

A.B. Maily : Forced Labour In India', 15 Indian Journal of Industrial Relations, 577 (1979)

L.C. Sharma : Forestry Sector Generate More Employment, 15 Indian, journal of Industrial Relations, 577 (1979)

Kalpna Bardhan: Rural employment Wages and Labour Market in India : A Survey of Research, 12 Economic and Political Weekly, 1 June 25, 1977, 11 July 2, 1977 and 11 July 9, 1977 Government of India. Agricultural Labour Enquiry (1954) Government of India, Report on the Second Agricultural Labour Enquiry (1958)

Government of India, Report on third Agricultural Labour Enquiry Bardhan & Rudra : Types of Labour Attachment in Agriculture, 15 Economics and Political Weekly August 30, 1980

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

Report of the National Commission (in Rural Labour (1991), New Delhi Government of India, Ministry of Labour, see especially Volume II. Part II Labour.

## **D 05 - WAGES**

Unit 1 : Constitutional Perspectives on Wages : Denial of minimum wage as forced labour. Constitutionalization of legal rights elevation of legal rights to fundamental rights, The constitutional ideals. Right to work. Right to living wage, Right to equal pay for equal work, Workers participation in management impact on wage determination. Theories and Facets of Wages : Theories of wages, Wages, bonus and dearness allowance, Basic wage, Bonus as deferred, wage or share of profits-eligibility, Allowances and concessions, House rent allowance, City compensatory allowance, Educational allowance. Conveyance allowance, Cash incentives : percentage on turnover, Medical allowance, Leave travel concessions, Free and subsidized food and products, Leave encashment, Overtime allowances, Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages

- Unit 2: Wage Differentials : Rational Policy or Unjust Practice : Equality, honored or violated, Diminishing the differential : disincentive to initiative and productivity or elimination of irrational disparity in remuneration, Inter-industry, intra-industry and regional factors, Private sector, public sector difference in wages-government servants. Capacity of industry and wage fixation
- Unit 3 : Wages, price and tax : Increase of wages - impact on price. Increase in price - impact on wages, Tax - impact on price and wages. Taxation on goods and increase of prices, Taxation on wage income - a cut on real wages, Wages and the consumer
- Unit 4 : National Wage Policy: Problem and Perspectives: National wage policy, Need for integrated approach: income, price and wage, Problems of mixed economy, Capital intensive sector. Labour intensive sector, Wages in Multi national corporations: impact of globalization. International Standardization : Role of ILO : conventions and recommendations relating to wages

### **SELECT BIBLIOGRAPHY**

- O.P. Malhotra : Law of Industrial Disputes (Latest Edn.)
- R.R. Singh : Labour Economics, Chs. 6, 7, 8 and 9 (1971)
- G.L. Kothari : Wages, Dearness Allowances and Bonus (1968)
- YB. Singh : Industrial Labour in India, Part 1(1960)
- V.V. Giri : Labour Problem in Indian Industry, Ch. 6 (1972) Report of the National Commission on Labour (1969) (Relevant portion)
- International Labour Office, Wages
- International Labour Office, Wage Fixing (1981)
- International Labour Office, Minimum Wage Fixing (1981) Suresh C. Srivastava : Payment or Dearness Allowance to Industrial Workers in India, 15 JILI, 444 (1973) Suresh C. Srivastava : Machinery for Fixation of Minimum Wage of Sweated Labour in India - Problems and Prospects, 23 JILI, 495 (1981)
- R.D. Agarwal : Dynamics of Labour Relations in India (1972) Sahab Dayal : Wage, Income and Industrial Relations in Modern India: An Evaluation of Selected Empirical Implications, 15 Indian Journal of Industrial Relations, 295 (1977) Madhuri G. Seth: Bonus in Equity Perspective, 15, Indian Journal of, Industrial Relations, It 9, (1979) Deepak Lal : Theories of Industrial Wage Structures: A Review, 15,



Journal of Industrial Relations, 167 (1979) C. Mani Sastl'y : Wage structure and regional labour market, 21, Indian

Journal of Industrial Relations, 344 (1985) Suresh C. Srivastava : Payment of dearness Allowance to Industrial

Workers in India: The Judicial Approach, 15, JILI, 444 (1973) R.L. Chawla : Wage Policy and Industrial Relations: A Brazilian Case Study, 17, Indian Journal of Industrial Relations, 27 (1981)

### **D 06: SOCIAL SECURITY LAW**

Unit 1 : Social Security : Meaning, Distinction with labour welfare, Modality : Social prescription, social assistance and social insurance, Labour social security as part of the general social security in the welfare state, Origin and Development: Western countries-charitable institutions- professional guilds - philanthropic organizations - workmen's compensation law in England, Eastern societies - India joint family system, statutory schemes, International norms on social security for labour the ILO measures

Unit 2: Constitutional Perspectives: Fundamental Rights: realization of the rights through meaningful social security measures: right to life, the wider dimensions, Right to adequate means of livelihood, free legal and public assistance in cases of unemployment, old age, sickness and disablement, maternity relief

Unit 3 : From Compensation to Insurance: Judicial interpretation of the expression "arising out of and in the course of employment" Employees' state insurance benefits: an improvement over workmen's compensation, Social Security: Law and Practices, the Comparative Perspectives: The United Kingdom, The United States

Unit 4: Towards an ideal Social Security Scheme: The Futuristic: Comprehensive and integrated social security: an Utopian concept or a pragmatic approach, Funding Benefits and beneficiaries, Role of trade unions, Social security clauses in collective agreements, Trade union schemes with its own fund

### **SELECT BIBLIOGRAPHY**

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

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

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

H.K. Saharay : Industrial and Labour Laws of India (1987), Chs. 7,8 Munkman : Employers' Liability (1985), Chs. 1, 2, 3,22 and 23 Harry Calvert : Social Security Laws (1978)

Reports of the National Commission on Labour

Neeru Sehgal : Employment of Women and Reproductive Hazards in Workplace, 29 JILI, 201 (1987)

Prakash Sinha : Quality of Working Life and Quality of Life' (1982), Indian Journal of Industrial Relations, p, 373

Malik, Jyotsna Nath : Workmen's Compensation Act and some Problems of Procedure, 3 JILI 131 (1961)

VR. Bhattacharya : Some Aspects of Social Security Measures in India (1970)

#### **D 07: DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

#### **GROUP : E**

#### **ENVIRONMENT AND LEGAL ORDER E 0 1 :**

#### **ENVIRONMENT AND DEVELOPMENT: LAW AND POLICY**

Unit 1 : The Idea of Environment : Ancient and medieval writings, Traditions, Natural and biological sciences: perspectives, Modern concept : Conflicting dimension, Development : Theories of development, Right to development, Sustainable development-national and international perspectives, Developing economics

Unit 2: Policy and Law : From Stockholm to Rio and after, Post - Independence India, Role of Government, Five Year Plans, Forest Policy, Conservation strategy, Water policy

Unit 3 : Population, Environment and Development : Population explosion and environmental impact, Population and development, Population and sustainable development

Unit 4 : 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**

C.M. Abraham : Environmental Jurisprudence in India, (1999), Kluwer Madhav Gadgil and Ramachandra Guha : This Fissured Island: An Ecological History of India (1996), Oxford

R.B. Singh & Suresh Mishra : Environmental Law in India (1996), Concept Publishing Co., New Delhi

Kailash Thakur : Environmental Protection : Law and Policy in India (1997), Deep & Deep Publications, New Delhi

Richard L. Riversz, et. al. (eds.) : Environmental Law, The Economy and Sustainable Development (2000), Cambridge

Department of Science and Technology, Government of India. Report of the Committee for recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

Darryl D'Monte : Temples or Tombs Industry versus Environment : Three Controversies (1985), Centre for Science and Environment New Delhi

Indian Journal of Public Administration Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No. 3, pp. 353-801

Khosho : Environmental Concerns and Strategies (1988), Ashish, Delhi

Centre for Science and Environment, The State of India's Environment 1982. The State of India' Environment 1984-85 and the State of Indian Environment 1999-2000

World Commission on Environment and Development, Our Common Future ( 1987), Oxford

## **E 02: RESOURCE MANAGEMENT AND THE LAW**

- Unit 1 : Water : Salinity, Bund and spill ways, Aquaculture and fishing: regulation, Irrigation, Ground water management, Interstate water management and disputes
- Unit 2: Land : Controls on land development, Eco-friendly land planning: conservation, utilization and conversion, Mining and quarrying
- Unit 3 : Concepts of common Property and State Property : Forest. Wildlife, Common facilities and the right to use: roads, pathways, lakes. rivers. Natural heritage-Tribal habitat, Historical monuments. Wet lands: Wise use concept
- Unit 4 : Energy : Sources, Energy related environmental problems: tapping, transmission and utilization, indiscriminate use, utilization of conventional energy: hydro-electric, thermal and nuclear, Non-conventional energy: Solar, wind, tidal and biogas

## **SELECT BIBLIOGRAPHY**

- Kailash Thakur : Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi
- WCED : Our Forest, Our Future (1999), Cambridge
- Abraham, C.M. ; Environmental Jurisprudence in India (1999), Cluwer
- Diwedi : India's Environmental Policies, Programmes and Stewardship (1999), McMillan
- Enid M. Barren, et al. (eds.) : Royal commission on Environmental Pollution, London, UK (1998), Kluwer
- David B. Wilkins : Animal Welfare in Europe (1997), Kluwer
- Mark Austen and Tamara Richards : Basic Legal Documents on International Animal Welfare and Wild Life Conservation (2000), Kluwer
- Jack Grosse : Protection and management of our Natural Resources, Wild Life and Habitat (1997), Oceana
- Leelakrishnan, P. et al. (eds.) : Law and Environment (1990) Leelakrishnan, P. : The Environmental Law in India (1999), Butterworths, India
- Standing Committee on Environment Law American Bar Association, Common Boundary Common Problems : The Environmental Consequences of Energy Production (1982)
- S.K. Jain and A.R.K. Sastry : Threatened Plants of India: A State of the Art Report (1980)
- Armin Rozencranz, et al. (eds.) : Environmental Policy and Law in India (1988), Butterworths, India

## **E 03: PREVENTION AND CONTROL OF POLLUTION**

- Unit 1 : 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
- Unit 2: 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
- Unit 3 : 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

## **SELFCT BIBLIOGRAPHY**

Kailash Thakur : Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi

Enid, M. Barson and HgaNielson (eds.): Agriculture and Sustainable use in Europe (1998), Kluwer

Leelakrishnan,P. etal. (eds.) : Law and Environment (1990) Leelakrishnan, P. : The Environmental Law in India (1999), Butterworths. India

Indian Law Institute, Mass Disasters and Multinational Liability : The Bhopal Case (1986)

Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)

Armin Rozenclanz, et. al. (eds.): Environmental Policy and Law in India (2000), Butterworths India

## **E 04: ENVIRONMENT AND INTERNATIONAL LEGAL ORDER**

Unit 1 : 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

Unit 2 : 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

Unit 3 : Trans-boundary Pollution Hazards : Oil pollution, Nuclear fall cuts and accidents, Acid rain, Chemical pollution, Green house effect, Depletion of ozone layer, Space pollution

Unit 4 : 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

## **SELECT BIBLIOGRAPHY**

Priya Kanjan Trivedi : International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi

Sri Elworthy and Jane Holder : Environmental Protection: Text and Materials (1997), Butterworths

Nathali L.TJ. Horbach : Contemporary Developments in Nuclear Energy Law (1999), Kluwer  
 Indian Law Institute, Legal Control of Environmental Pollution (1980)  
 Varshney, C.K. (ed.) : Water Pollution and Management (1983), Wiley Eastern, New Delhi  
 World Commission on Environment and Development, Our Common Future (1987), Oxford  
 British Institute of International and Comparative Law, Selected Documents on International  
 Environmental Law (1975), London  
 Standing Committee on Environmental Law American Bar Association, Common  
 Boundary/Common Problems: I.P.C. Local body Laws: An overview.

### **E 05 : BIOLOGICAL DIVERSITY AND LEGAL ORDER**

- Unit 1 : 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
- Unit 2 : Biodiversity and Legal Regulation : Utilization of flora and fauna for bio-medical purposes, Experimentation on animals: Legal and ethical issues, Genetic mutation of seeds and microorganisms, genetic Engineering, Legal mechanisms of control, Recognition of regional and local agencies. Development Projects and Destruction of Biodiversity : Concept of sustainable development
- Unit 3: Problems in Legal Regulation of Medicinal Plants : Cosmetic plants. Animal products. Utilization of flora and fauna for bio-medical purposes by Multi-national corporations : Problems of control, Regulation of trade in wild-life products
- Unit 4: Legal framework for Development and Protection of Sanctuaries : Parks, Zoos, Biosphere resources, Protection of genetic resources for agriculture

### **SELFCT BIBLIOGRAPHY**

Arjun Prasad Nagore : Biological Diversity and International Environmental Law (1996), A.P.H. Publishing Corporation, New Delhi  
 Project Large : Plant Variety Protection and Plant Biotechnology - Options for India( 1999), Allied  
 M.S. Swaminathan : Genetic Conservation: Microbes to Man, Presidential Address as XV International Congress of Genetics, New Delhi, India, December, 12-21.1983

K.L. Mehta and R.L. Arora : Plant Genetic Resources of India: their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi

P.N. Bhatet. al: Animal Genetic Resources India(1981)

P.N. Bhat : Conservation of Animal Genetic Resources in India', Animal Genetic Resources, Conservation and Management FAO, Rome ( 1981)

### **E 06: ENVIRONMENTAL LEGISLATION**

Unit 1 : General Laws on Environmental Concern : Code of Criminal Procedure : Public nuisance, Provisions in the Indian Penal Code, Local bodies law: an overview

Unit 2 : Environment (Protection) Act, 1986 : Necessary and proper clause: concentration of power on the Central Government Delegated legislation: Power to make rules, regulation and to issue directions. Delegation of powers

Unit 3 : Coastal Zone Management: Sea erosion, CRZ Notification, Prohibitions and exemptions, Permissible activities, Classification of zones, Regulation of sea resorts, Eco-tourism, Coastal zone management plants, Aquaculture

Unit 4: Laws on Hazardous Substance, Preparedness on Environmental Disasters, Emerging Legal Controls : Ecomark, Environmental audit, Environment Impact Assessment, Public participation in environmental decision making, Environment information

### **SELFCT BIBLIOGRAPHY**

Leelakrishnan, P. et al. (eds.) : Law and Environment (1990), Eastern, Lucknow

Leelakrishnan P. : The Environmental Law in India (1999), Butterworths, India

Department of Science and technology; Government of India, Report of the Committee for recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report) Indian Law Institute, Environment Protection Act : An Agenda for' Implementation (1987)

Findley, R. W. and Farber, D.A. : Environmental Law

David Hughes: Environmental Law (1999), Butterworths, London Armin Rozencranz, et al. (eds.) : Environmental Policy and Law in India (2000), Oxford

### **E 07 : DISSERTATION & VI-VA-VOCE**

Dissertation : 50 Marks

Preparation and presentation of Non-Doctrinal Research : 20 Marks

Viva Voce : 30 Marks

## **GROUP F : JURISPRUDENCE**

### **F 01 : COMPARATIVE JUDICIAL PROCESS**

- Unit 1 : Types of Judicial Processes : Nature of judicial process in pre-industrial society, Self help, Kin-based redress, Mediation, Elder's Councils : Panchayats, Paramount chieftainships, Judicial process in the western legal traditions prior to industrialization, Judicial process in canon law, Judicial process in feudal customary law, Common law adjudication: Early history, Adjudication and law merchant, Urban law and dispute handling, Growth of royal and imperial law, Judicial process and colonization, Common law judicial process in America, Common law judicial process in India, Common law judicial process in Anglophonic and Civil Law adjudication in Francophonie Africa, Adjudication in revolutionary and post-revolutionary situations: An over view of Soviet and Chinese experiences
- Unit2: Contemporary Natures of Judicial Process : The Rule of Law, The doctrine of independence of judiciary as an aspect of Separation of Powers Division of Functions, The Nation of the independence of judiciary and of legal professions, Appointment of judges, Transfer of judges, Institutional Structuring of Courts : Judicial personnel planning: India and elsewhere, Investment on maintenance of courts, Comparative pattern of workload, Alternatives to adjudication, Patterns of court management, Current crises of Indian adjudicatory system
- Unit 3 : Staple Controversies Surrounding Judicial Roles : Notions of Role, Role Conflict, Status and Role, Notions of Judicial review Democratic character of judicial review, Legalism, Ronald Dworkin's theory of judicial role, Interpretivism, Varieties of judicial and juristic activism, Problem of accountability of justices, Do we or can we have a universal theory of judicial role
- Unit4: The Indian Judicial Process : Indian debates on the role of justices (suppression, commitment, transfer and all that), The Socio-economic background of the Indian judiciary, The politics of judiciary, The role of appellate Indian judges in development and renovation and retardation of constitutional goals, Impact of public opinion on judicial process, Power of judicial review

### **SELFCT BIBLIOGRAPHY**

L.M. Singhvi : Freedom on Trial (1991), Vikas, New Delhi

Verinder Grover (ed.) : Political Process and Role of Courts (1997), Deep & Deep Publications, New Delhi

B.P. Singh Sehgal (ed.) : Law, Judiciary and Justice (1993) Deep & Deep, New Delhi

Max Gluckman : Judicial Processes Among the Barotse of northern Rhodesia (1967)



Paul Bohanan : Justice and Judgment among the Tiv (1957) E. Adamson Hoebet : The Law of the Primitive Man (1968) Upendra Baxi : Towards the Sociology of Indian Law (1986) Yash Ghai : The Political Economy of Law, A Third World Reader (1986)

Supreme Court of India, Third International Conferences of Appellate Judges Conference Papers and Proceedings (1985)

Upendra Baxi : The Indian Supreme Court and Politics (1980) Upendra Baxi : Courage, Craft and Contention: The Indian Supreme Court in Mid-Eighties (1986), Tripathi, Bombay

Rajeev Dhavan : The Supreme Court of India : A Study of its SocioJustice Techniques (1977), Tripathi, Bombay

Rajeev Dhavan and Alice Jacob : Selection and Appointment of Supreme Court Judges: A Case Study (1978)

Rajeev Dhavan and P. Kalpakam : The Supreme Court under Strain; The Challenge of Arrears (1979)

H.R. Khanna : Judiciary in India and Judicial Process (1985), S.C. Sarkar and Sons, Calcutta

## **F 02: MARXIAN AND THEORY OF LAW**

- Unit 1 : Introductory : Stereotypes of Marxian Jurisprudence: The Law is a tool of the ruling classes, The Law being located in superstructure is determined by the base of economic structure ., Accordingly, law mirrors but can not initiate or accomplish social transformation, Accordingly, all adjudication and legislative action is in the short and long term class bases in favour of the ruling classes, Beyond the Stereotypes: Marx's own views on the Natural of Law and State : The Young Marx : Marx's critique of Hegel's Philosophy of Right, Marx on customary law: Debates on the Theft of Wood. Marx on freedom of press, Marx on human rights (on the Jewish Question), Beyond Stereotypes: Marx on the role of law in transition to capitalism, Law and bourgeois economic interests, Law and properly relations, Law and class struggle
- Unit 2 : Law as Ideology and Ideology in Law: Notions of ideology, Law as ideological apparatus (Althusser), The form of ideology The content of ideology, Legal thought and lawyers as articulators of ideology
- Unit 3 : The Relative Autonomy of the Law : Juristic thought of E.B. Pasbukhanis, Approaches of Antonio Gramsci : Hegemony/ Counter Hegemony, Relative autonomy of the law: Nicos Poulantszaz, E.P. Thompson, Relative Autonomy of Adjudication as a Distinct Realm of the Law

Unit 4: New Perspectives Arising Out of Marxian Approaches : Marx on Justice: Critique of natural law, Adjudication as a site of contradiction between fractions of capital, Progressive legislation serving interest of subordinated classes, Understanding Social Action Litigation

### **SELFCT BIBLIOGRAPHY**

Upendra Baxi : Marx, Law and Justice: Some Indian Perspectives (1992)

Progress Publishers. Moscow, Theory of State and Law (1987) Maureen Gain &. Alan Hunt: Marx and Engles on Law (1979)

Y. Chirkin : Yu Yudin and O. Znidkov: fundamentals of Socialist "Theory of the State and Law (1987)

Hugh Collins : Marxism and Law (1982)

Bob Fine : Democracy and the Rule of Law: Liberal Ideals and Marxist Critiques (1984)

Yash Ghai, et al. : The Political Economy of Law : A Third World Reader(1987)

Loyd and Freeman : Lloyd's Introduction to Jurisprudence (1994), Sweet and Maxwell

E.P. Thompsun : Whigs and Hunters, The Origin of the Black Act (1977)

### **F 03: SOCIALIST JURISPRUDENCE**

Unit 1: Introductory : The evolution of the notion of socialist legality, The retreat of law : Stalinist Jurisprudence, The retreat of law : Cultural revolution in China, The resurgence of socialist legality The 1977 Soviet Constitution, Glasnost and Perestroika: The Soviet jurisprudence of the mid 1980s, Restoration of law in post Mao-China, Legal Institutions Ownership : Theoretical point of departure in socialist law, Socialist nationalization. Social ownership and commodity production, Socialist private property, Socialist cooperatives

Unit 2: Breach of Contract, Settlement of disputes, Legal institutions: Civil Liability: Differentiation of liability, moral, political, legal, Socialist conceptions of fault/strict liability, State liability

Unit 3 : Legal Institutions : Criminal Liability : The differentiation of harms and acts in socialist jurisprudence, The rights of the accused in socialist jurisprudence, Special problems posed by abstention from criminal procedure. Socialist theories of punishment and sentencing, Legal Institutions: Courts and Tribunals: Ideological bases of structuration of judicial powers in socialist societies (pedagogic paternalist functions), Public participation in administration of justice, Settlement of economic disputes. Settlement of economic disputes. Organizational frames for settlement of

labour disputes, Administrative penal jurisdiction in European socialist societies, Social courts Procuracy in Soviet Union, Military jurisdiction

Unit 4: Convergence between Socialist and Bourgeois Jurisprudence Convergence in Civil Law, Convergence in receptional imposition of law, Convergence in the field of human right promotion and protection

#### **SELECT BIBLIOGRAPHY**

U. Baxi : Marx, Law and Justice : Some Indian Perspectives (1992) O. Bihari : Constitutional Models of Socialist Organization (1979) G. Y. Eorsi : Comparative Civil (Private) Law (1979) Kalman Kulesar : People's Assessors in the Courts : A Study on the Sociology of Law (1982) E. Lontai : The Research Contracts (1977) A. Raz : Courts and Tribunals, A Comparative Study (1980)

#### **F 04: THEORIES OF JUSTICE**

Unit 1 : The Concepts of Justice : The nature and varieties of justice, Chhatrapathi Singh, Karl Marx, John Austin, Hans Kelson, C.K. Allen, Karl Renner, The meaning Of justice, Justice as social norms, Justice as absolute moral principles, Justice as appropriate. Justice as obligatory, The objectivity of justice

Unit 2 : The Basis of Justice : The liberal contractual tradition, The liberal utilitarian tradition, The liberal moral tradition, The socialist tradition

Unit 3 : The Relation between Law and Justice: The dependence of the realization of justice on law, Can law be independent of justice, The conformity of law to justice, The dependence of justice on social action and not law

Unit 4: The Criteria of Law (just law) : Equivalence Theories Justice is nothing other than the positive law of the stronger classes Dependency theories: For its realization justice depends on law justice, however is not the same as law, The independence of justice theories

#### **SELECT BIBLIOGRAPHY**

M.D.A. Freeman (ed.) : Lloyd's Introduction to Jurisprudence (1994), Sweet & Maxwell

Bodenheimer : Jurisprudence, The Philosophy & Method of Law (1997) Universal, New Delhi

Friedman: Legal Theory (1960) Stevens and Sons, London John Rawls : A Theory of Justice (2000), Universal, Delhi

I. Kant : The Science of Right, in Great Books of the Western World Vol.42(1952)

G. W. Leibniz : On the Notions of Right and Justice, in L.E. Loemker (ed.), Philosophical Papers and Letters (1956)

J. Maritan : The Rights of Man and Natural Law (1943) H. Potter: The Quest for Justice (1951),

R.G. Chaturvedi : Natural and Social Justice (1975) Jeremy Bentham : An Introduction to the Principles of Morals and Legislation (1789)

Edmond Cahn : The Sense of Injustice (1949) Edmond Chan : The Moral Decision (1956) John Cohen : Chance, Skill and Luck (1960) H.L.A. Hart : 'Are there any Natural Rights', 56 The Philosophical Review (1955)

Hans Reiss (ed.) : Kant's Political Writings (1970)

### **F05 : LAW AND SOCIETY**

- Unit 1 : Introductory : The idea of social sciences, Law as a social science 'Sociology of law as a relatively autonomous discipline Place of law, the history of development of social science theory: Durkheim, Weber, Marx, The idea of legal system, Normative, Behavioural, Institutional, Cultural, The idea of social system: The problems of societal integration, Consensus approach, Conflict approach, Functions of Law : Conception of functions (Latent and manifest), The law maintains legitimate monopoly of force in society, The law articulates authoritatively the directions of social transformation by postulating ideals and values towards which public power should be amended, The law provides resources for orderly and pacific handling of disputes and conflicts, The law plays important role in resource allocation in society, The law allocates authority and power rendering accountable, The law is an important instrumentality of social control
- Unit 2 : The Impact of Society on Law : The law as *volksgeist* (Savigny) The impact of public opinion on the making, unmaking and implementation of laws, Pluralism: Control by elite, class domination and the law, Pressure groups, lobbying and legal policies, Lobbying for the poor
- Unit 3 : Law as Instrument of Social Control - Impact of Law in Society : Notions of social control, Religion, education and law as key instrumentalities of social control, Distinctive features of law as a means of social control, Imposition of obligation to obey the law, Incentives to compliance: Bentham's conception of relevance of the law to social expectations, Varieties of sanctions, Legal administration as an aspect of social control. Control over competing/rival ideologies and belief systems, Limits of effective legal action

Unit 4: Law, Culture, History : Notions of culture (material and non-material), Ogburn's hypothesis of cultural lag of law, Evolutionary theories of law, Durkheim progression from repressive to restitutive sanctions, Sir Henry Maine: stages of growth of law, Et. Adamson Hoebel's the law of the primitive man, Materialism and legal institutions: A Marxist view of legal development, Non-State Legal Systems (NSLS) : conceptions of NSLS, Types of NSLS, Interaction between NSLS and SLS

### **SELECT BIBLIOGRAPHY**

U. Baxi : Towards Sociology of the Indian Law (1987)

J. Bentham : Theory of legislation (1985)

Yash Ghai et al. : The Political Economy of the Law: A Third World Reader (1987)

Lawrence M. Friedman & Stewart Macoulay (eds.): Law and Behavioural Sciences (1977)

Upendra Baxi : Durkheim and Legal Evolution: Some Problems of disproof, B. Law & Society Review, 645 (1974)

Katherine S. : Newman, Law and Economic Organization; A Comparative Study of Preindustrial Societies ( 1983)

B.M. Shukla : Law and Social Justice (1998) Rawal Pub. Nagpur Markanday Katju : Law in the Scientific Era (2000), Universal Upendra Baxi : The Crisis of the Indian Legal System (1982), Vikas, New Delhi

Upendra Baxi : Towards a Sociology of Indian Law (1986)

### **F 06: CONCEPTS OF RIGHTS**

Unit 1 : Classification of Categorization of Rights : Constitutional Rights, Rights protected by the IPC, Cr.P.C., New rights generated in case law. Types of rights: positive, negative, natural legal, absolute in rem in personam, Correlation of rights with duties

Unit 2: History of Legal Discourse on Rights : French Revolution and the Rights of man: Lock, Thomas Paine, Rousseau. Kant, The British Bill of Rights, The emergence of the American Bill of Rights, The Karachi Resolution and the First Indian Bill of Rights, Declaration of Human Rights: The Soviet and Arab Opposition, The Constitutional debates in India: due process, rights of minorities, rights to property

Unit 3 : Nature of Rights: What are Rights'? Discuss, Rights as Trumps (Ronald Dworkin), Rights as Utility: David Lyons, Rights as entitlement (Robert Nozick), Rights as values (Alien Buchanan). Are there any Natural Rights? Are there any Absolute

Rights? Structure of Rights : Correlation of Rights with other Legal concepts - the Hohfeldian concept, Generation of Rights: The internal logic of the number of rights

Unit 4: The Basis of Rights : Why do people have rights? Grounds for claiming rights? (a) Explanations emerging from theory of self. Explanations emerging from theories of society, Explanations emerging from, theories of morality

### **SELECT BIBLIOGRAPHY**

Upendra Baxi : The Crisis of the Indian Legal System (1985), Vikas Publishing House, New Delhi

S. Bern and R.L. Peters: Social Principles and the Democratic State Ch. 4,(1959)

R. Brandt: Ethical Theory, Ch. 17 (1959)

E. Kamenka and A.F.S. Tay (eds.) : Human Rights (1978)

R. Martin and J.W. Nickel : Recent Work on the Concept of Rights, American Phil. Quar., (1980)

J.R. Pennock and J.W. Chaprnan (eds.) : Human Rights : NOMOS XXIII (New York University Press. 1981)

D.D. Raphael (ed.) : Political Theory and the Right of man (1967)

R. Tuck: Natural Rights Theories : Their Origin and development (1979)

T. Hobbes : Leviathan Chs. 13, 14,21 and 29

### **F 07 : DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

### **GRUUP G :**

### **CONSTITUTION AND LEGAL ORDER**

### **G 01 : MASS MEDIA LAW**

Unit 1 : Mass Media-Types Press Films, Radio, Television: Ownership patterns, Press, private, public, Ownership patterns, films, private, Ownership patterns-Radio & Television, Public, Difference between visual and non visual media - impact on peoples minds, Press: Freedom of Speech and Expression - Article 19 (1) (a) :

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

Unit 2: Films - How far included in freedom in of speech and expression? Censorship of film - constitutionality, The Abbas Case, Difference Between films and press- why pre censorship valid for films but not for the press? Censorship under the Cinermatograph Act

Unit 3: Radio and Television - Government monopoly : Why government department? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal scrutiny of serials, etc. Judicial Review of Doordarshan decisions: Freedom to telecast

Unit 4 : Constitutional Restrictions : Radio and television subject to law of defamation and obscenity, Power to legislate - Article 246 read with the Seventh Schedule, Power to impose tax - licensing the licensing fee

#### **SELECT BIBLIOGRAPHY**

M.P. Jain : Constitutional Law of India (Latest Edn.), Wadhwa H.M.Seervai : Constitutional law of India Vol. 1 (1991), Tripathi, Bombay

John, B. Howard: The Social Accountability of Public Enterprises' in Law and Community Control in New Development Strategies (International Center for law in Development, 1980)

Rajeev Dhavan 'On the Law of the Press in India', 26 JILI288 (1984) Rajeev Dhavan : 'Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission', 26 JILI 391 (1984)

D.S. Basu : The Law of Press of India (1980)

#### **G 02: PUBLIC UTILITIES LAW**

Unit 1 : Public Utilities: Railways, Electricity, Gas, Road Transport, Telephone, Post and Telegraph Service, Police, Fire Brigade, Banking service etc. Public Utilities-Why Government Monopoly? Government and Parliamentary Control, Constitutional division of power to legislate Unit2: Utilities Legislation - Patterns of: Administrative Authorities -Structure of the Administrative Authorities, Subordinate legislation, Public Utilities and Fair Rearing : Quasi-judicial decision -Administrative Discretion

Unit 3 : Public Utilities and Consumer Protection : Exclusion from M.R.T.P. Act, Rights of consumers protected by the Consumer Protection Act, Rights arising from law of

Contract and law of Torts, Public Utilities and Their Employees : Application of Articles 16. Application of Industrial law -right to strike.

Unit 4: Public Utilities and Fundamental Rights : The right to equality: the airhostess case, Are public utilities "State" for the purpose of article 12 of the Constitution? Extension or the concept of state. Liabilities and special privileges of public utilities: In contract, In tort, In criminal law

### **SELECT BIBLIOGRAPHY**

P.M. Bakshi : Television and the Law (1986)

Vasant Kelkar: 'Business of Postal Service' 33 IJPA, pp. 133-141 (1987)

G. Ramesh : 'Characteristic of Large Service Organization in a Developing Country like India' 32 IJPA, 77 (1986)

Nalini Paranjpe : 'Planning for Welfare in the Indian Railways' 31 IJPA, 171-180 (1985)

Arvind K. Sharma : Semi-Autonomous Enterprise: Conceptual Portrait - Further Evidence on the Theory of Autonomy, 33 IJPA. p.99-113

Jain & Jain : Principles of Administrative Law (1986) Bhaumik : The Indian Railways Act (1981)

Law Commission of India, 38th Report : Indian Post Office Act, 1898 (1968)

### **G 03: UNION-STATE FINANCIAL RELATIONS**

Unit 1 : 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

Unit 2 : 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)

Unit 3 : Borrowing Power of the State : Borrowing by the Government of India, Borrowing by the States, Inter-State Trade and Commerce : Freedom of inter-state trade and commerce, Restrictions on legislative power of the Union and States with regard to trade and commerce, Planning and Financial Relations : Planning Commission, National Development Council, Plan grants



Unit 4: Cooperative Federalism, Full faith and credit, Inter-state Council, Zonal Councils, Inter-state disputes, Federal Government in India : Model of Jammu and Kashmir. Sarkaria Commission Report, What reforms are necessary ?

### **SELECT BIBLIOGRAPHY**

H.M. Seervai : Constitutional Law of India (1991), Tripathi Bombay Sudha Bhatnagar : Union-State Financial Relation and Finance: Commission (1979)

Ashok Chandra : Federalism in India (1965)

V.D. Sebastain : Indian Federalism: The Legislative Conflicts, Chs.7 and 8 (1980)

Chandrapal : Centre-State Relations and Cooperative federalism Chs. 5 and 8 (1983)

G.C.V Subha Rao : Legislative Power in Indian constitutional Law, Chs. 37, 38; 39 (1982)

K.P. Krishna Shetty : The Law of Union-State Relations and the Indian Federalism Ch. 9 (1981)

Administrative Reforms Commission on Centre-State Relations : Ch.3 (1969)

L.M. Singhvi (ed.) : Union State Relations in India, 124-154 (1969) D.T. Lakadwala : Union-State Financial Relations (1967)

M.P. Jain : Indian Constitutional Law (Latest Edn.)

Wadhwa K. Subba Rao : The Indian Federation (1969) K.C. Wheare : Federal Government (1963)

### **G 04: CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

Unit 1 : 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 the proletariat, Communist State from Stalin to Gorbache. Fundamental Rights : Human Rights, Judicial Review: European Court of Human Rights, Human Rights: International Conventions, Limits and doctrine of domestic jurisdiction in international law

Unit 2: Federalism : What is a federal government ? Difference: between confederation and federation, Conditions requisite for federalism. Patterns of federal government-US, Australia, Canada, India. Judicial review - for federal umpiring, New trends in federalism: Cooperative federalism, India - Central Control V. State Autonomy,

Political factors influencing federalism, Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam, Dynamic of Federalism

- Unit 3 : Pluralism : What is a pluralistic society? Ethnic. Linguistic, cultural political pluralism, Individual rights - right to dissent, Freedom of speech and expression, Freedom of the press, Freedom of association, Rights to separateness, Freedom of religion, Rights of the religious and linguistic minorities, Compensatory discrimination for backward classes, Women-rights to equality and right to special protection, Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS - Exclusion from Hindu Law, Uniform Civil Code: Non-State Law (NSLS) and State Law System- Problem of a Uniform Code v. Personal Laws - vertical federalism
- Unit 4 : Equality in Plural Society: Right of equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex, language, abolition of untouchability, Secularism - constitutional principles, Tribal Groups and Equality, Pluralism and International Concerns, International Declaration of Human Rights, Conventions against genocide, Protection of religious, ethnic and linguistic minorities, state intervention for protection of human rights, Right of self determination

#### **SELECT BIBLIOGRAPHY**

- Upendra Baxi : Law, Democracy and Human Rights, 5 Lokayan Bulletin 1 (1987)
- VM. Dandekar : Unitary Elements in a Federal Constitution, 22 EPW 1865 (1988)
- Rajeev Dhavan : The Press and the Constitutional Guarantee of Free Speech and Expression 28 JILI299 (1986)
- M.A. Fazal : Drafting A British Bill of Rights, 27 JILI, 423 (1985) M.P. Jain : Indian Constitutional Law Wadhwa
- H.M. Seervai:Constitutional Law of India (1993), 'Tripathi, Bombay

#### **G 05 : HUMAN RIGHTS**

- Unit 1 : 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

- Unit 2 : 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
- Unit 3: 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, Should development assistance be tied to observance of human rights (as embodied in various UN Declarations), Comparative Sources of Learning : EEC Jurisprudence, The Green Movement in Germany, The International Peace Movement, Models of Protection of the right of indigenous peoples : New Zealand (Maori) Australia, Aborigines and Canada (Indiana)
- Unit 4 : Freedoms : Free Press - Its role in protecting human rights, Rights of association, Right to due process of law, Access and Distributive justice, Independence of the Judiciary : Role of the Legal profession, Judicial appointments tenure of judges, Qualifications of judges, Separation of judiciary from executive. European convention of Human Rights: European Commission Court of Human Rights, Amnesty International, PUCL.PUDR, Citizens for Democracy, Minorities Commission. Human Rights Commission, Remedies against Violation of Human Rights

### **SELECT BIBLIOGRAPHY**

- M.J. Akbar : Riots after Riots (1988)
- U. Baxi (ed.) : The Rights to be Human (1986)
- U. Baxi : The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi
- Madhavtirtha : Human Rights (1953)
- Nagendra Singh : Human (rights and International cooperation (1969)
- S.C. Kashyap : Human Rights and Parliament (1978)
- S.C. Khare : Human Rights and United Nations (1977)
- Upendra Baxi : Human Rights, Accountability and Development, Indian Journal of International Law, 279 (1978)

## **G 06: NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW**

- Unit 1 : Nation; Security, Public Orders and Rule of Law: Emergency Detention I England - Civil Liberties, Subjective satisfaction or objective assessment, Pre independence law, Preventive Detention and Indian Constitution : Article 22 of the Constitution, Preventive Detention and Safeguards, Declaration of Emergencies, 1962, 1965 and 1970 Emergencies, 1975 Emergency
- Unit 2: Exceptional Legislation: COFEPOSA and other legislation to curb economic offenders, TADA: the draconian Law - comments of NIIRC, Special courts and tribunals, Due process and special legislation
- Unit 3: Civil Liberties and Emergency : Article 19 : Meaning of Security of State, Meaning of Public Order, Suspension of Article 19 rights on declaration of emergency, President's Right to suspend right to move any court, Article 21-special importance-its non-suspendability. Suspendability-44<sup>th</sup> amendment
- Unit 4: Access to Courts and Emergency : Article 359 ups and downs of judicial review, Constitution (Forty-fourth) Amendment Act, 1978, Constitution (Fifty ninth) Amendment Act, 1988. Marital Law : Provisions in English Law, Provisions in the Constitution

### **SELECT BIBLIOGRAPHY**

- G.O. Koppell : The Emergency, The Courts and Indian Democracy, 8 JILL, 287 (1966)
- H.M. Seervai : The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
- N.C. Chatterji and Parameshwar Rao: Emergency and the Law (1966)

## **G 07 : DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

## **GROUP H**

### **FEMINIST CRITIQUE OF LEGAL ORDER**

#### **H 01 : FEMINIST THEORIZING AND LEGAL ORDER**

- Unit 1 : Introductory : Distinction between sex (nature) and gender (culture). The notion of patriarchy, Patriarchy as referring male dominance (biologist conception of

patriarchy), patriarchy as denoting historical social dimension of women exploitation  
 Historical Sociological conception, Notion of Discrimination, paternalism. Notions of  
 Division Labour, Androgyny (transcendence from traditional masculine/ feminine  
 stereotypes concerning human nature)

Unit 2 : Liberal Feminism : As a doctrine that the same liberal principles which apply to men should apply to women e.g. rights. suffrage, equality;.-, Fight against the ideology which regards women as inferior to men, an ideology which justifies sex-based discrimination, The idea women are not capable of being rational agents -from Aristotle, Middle Age thinkers to Hume, Rousseau, Kant and Hegel, Freud and Marx in Western thought Analogues in classical (Philosophic (traditions which considered women incapable of salvation (Muiki) e.g., Jain, Buddhist, Hindu, Islamic thought, The ideology of National Law justifying women's subordination on grounds of nature (biology) and assignation of private sphere to women and public sphere to men. The ideology of division of labour which not merely politically disenfranchised women but continued them strictly to hearth and home; thus signifying that they create only values but no exchange values. The male dominant ideology which treated women as appendage to men, denied her legal personality and rights to property, The legal/political strategies of liberal feminists. Focus on opposition to sex-based %discriminatory laws, Suffragette struggles, Equality in wages. Equality- in work place, Equality in access to public service: s. Resources e.g credit, Equality in matrimonial remedies -equality in inheritance and property rights, Active uses of Law to expose other forms of sex-based discrimination. Struggle against "protective" Legislation, Struggle against customary law based discrimination. Struggle against impoverishment of women struggle for equality in public participation, Struggle for constrain the state to eliminate sex-based .administration and adjudication, Struggle for preferential discrimination

Unit 3 : Traditional Marxist Feminist Approaches : Engles theses on the origin of family, property and state. Casual linkage between women's oppression class society, How women's oppression assists capitalism. It relieves capital of costs of reproduction of labour power, since women perform tasks like children rearing, cooking care of aged and sick without wages, Work at home by women frees male workers to work for longer hours and enables capitalist to generate surplus value. Women emerge as consumption specialists to be exploited by capitalist growth Women also provide a surplus labour market which is exploited for low wages, Traditional Marxist strategies for overcoming women's oppression, A general transformation of mode of production from capitalism to socialism will end most problems of women's oppression, Specific steps : Unionization and organization of all working women, Equality in employment at work site, Militant enforcement of laws directed against cultural oppression of women, Radical Feminism :Patriarchy is perceived as a total male control of female bodies, Forced motherhood, Sex-based murders : dowry, sati, Critique of slate and law as being based on legitimizing and reinforcing patriarchal Strategies of transformation, Repudiation of Marriage (e.g. Brahmakumaris, other wordly feminism, lesbianism), Women's enterprises serving their needs without hierarchy and domination, Direct action against symbols of patriarchy (e.g. burning of

pornographic, bookstores, destruction of blue films), Attack on the "public" and "private" law distinction

Unit 4: Socialist Feminism : Marxist conception of "labour" does not include procreative labours hence class struggle does not usually include on agenda of women's emancipation from patriarchy, There are difficulties in Marxian theory in conceptualizing women as a class, The struggle to control productive resources of a society have always included a struggle to control the reproductive capacity of women. Organization of procreation forms, therefore, a part of the economic foundation of society, Therefore- the public private distinction overlooks the Mutual interdependence of sexuality, politics and economy, Strategies for transformation, How internationalized repression of women should be eliminated, State and law should recognize the full value of procreational and household labour, struggle against de-professionalisation and proleterinization of women's work, Forging political unity among oppressed groups, Demand for participatory democracy Demand for nuclear families, with equalization of domestic labour, between men and women (democratization of procreation), Legal Theory and Practice in the light of Feminist Critiques: Critique of natural law ideologies, Critique of Legal Positivism: especially in terms of patriarchal conceptions of rule or law (as lawyers law , equality before law), Critiques of affirmative or preferential discrimination programmes. Evaluation of family property and criminal law as instrumentalities of oppression, Law reform and patriarchy

#### **SELECTBIBLIOGRAPHY**

Alison M. Jaggar :Feminist Thought and Human Nature (1983), Harvester Press Sussex

Maria Mies : Patriarchy and Accumulation on a World Scale : Women in the International Division of Labour (1986), Zed Books. London

Lawrence A. Babbm : Redemptive Encounters: Three Modern Styles in the Hindu Tradition 93-158 (1987)

K.N. Venkatarayappa : Feminine Roles (1980)

Susan Atkins & Brend Hogett: Women and the Law (1984)

Julia Brop'hy & Carol Smart (ed.) : Women in Law: Explorations in Law, Family arycl Sexuality (1985)

Skusan Edwards (ed.) : Gender, Sex and Law (1985)

Michael D.A. Freeman (ed.) : The State.the Law and the Family (1984)

Catherine A. Mackinon : Fenninism unmodified: Discourse on Life and Law(1987)

## H 02: NATIONALIST STRUGGLE AND GENDER EQUALITY

- Unit 1 : Position of Women in Early Societies: Position of Women in early societies - matriarchal societies, Advent of private property. and change in the position of women, Position of women under shastric laws and bias against women, The role of interpretation and custom on shastric law, Position of Women after the advent of Company Administration : Policy of non-interference with the personal laws of Hindus and Muslims and its effects on custom, Results of the freezing of the law, Criticism of Sati of burning of widows in the funeral pyre of the husband the British Parliament and the dilemma between curbing barbaric practices and noninterference with religion, The concern of Indian social reformers like Raja Ram Mohan Roy on the plight of women, Position of Sati in Bengal, The contribution of Mritunjay Vidyalankar in dilemmas of the British rules and Indian social reformers about steps to stop Sati, Contextual setting of the Regulation against Sati, Social Legislation to Ameliorate the Position subsequent to Regulation against Sati : Legislation against female infanticide, Age of consent for intercourse with a girl, The Hindu Widow Remarriage Act, 1856 Emphasis on education of women by Indian social reformers as a means to elevate the status of women, Education, widow remarriage and other reforms within the patriarchal structure-their weaknesses
- Unit 2 : Position of Muslim Women : The superior legal position of Muslim women as compared to Hindu Women, Sayid Ahmed's views on reform, Conflicting views on reforms by rationalists and revivalists, Developments Subsequent to domination, 1887 : End to social reforms at the initiative of the British Administration, Special Marriage Act 1872, Married Women's Property Act, 1874, Montague Chelmsford Reform and role of Indians in reform, Child Marriage Restraint Act, 1929, The Hindu Law of Inheritance: Removal of Disabilities Act, 1928 and The Hindu Law c - Inheritance (Amendment) Act, 1929- The Hindu Women Rights to Property Act, 1938, Muslim Personal Law. (Shariat) Application Act, 1937, Dissolution of Muslim Marriage Act, 1939, Reform of other Personal Law Married Women's Property Act, 1974 and its applicability to Parsi & Christian married women, Indian Succession Act 1925 and its application to the Parsi and the Christian Parsi Marriage and Divorce Act, 1936
- Unit 3 : Non-implementation of Many of the Social Legislation : In 1911 discussion on female infanticide and the best method. of putting down this inhuman practices, Child Marriage: Restraint Act, 1929 and its ineffective implementation, Few remarriages of widows, British reluctance to introduce further reforms apprehending opposition from orthodox Hindus and Muslims Women's Participation in the Nationalist Movement before Gandhiji: Partition of Bengal Participation of women in the movement against, Advocacy, of violent methods by a group to resist partition (known the terrorist group) women members, After attainment goal by defeating the move of the British the majority of the women went back to their homes no further efforts made b Indian leaders to involve women in the fight for Swaraj, Gandhiji and Involvement of the Women : in the Nonviolent Movement : Gandhiji's abjuration of the violent methods adopted by the terrorists and attempts to wean away women from violent methods,

Gandhiji's attention the plight of the women domestic slaves and on discrimination in the payment of wages, Emphasis ownership of property by men-advocacy of equal proper rights for women, Jawaharlal Nehru's emphasis (economic freedom for women and elimination for feudal institutions like Hindu joint family- Resolution of Karachi Congress on equality of status and equality of opportunities for women, Appointment of National Planning Commission with sub-committee on women's role in planned economy, Recommendation for civic rights inclusive of adult surface and the right of women to hold public offices identical standard of morality for both men and women, Recommendation relating to economic rights. Recommendation relating to night shifts, Recommendation relating to the duty of state to ensure all women wage earners absolute control over their own earnings, Women to have indefeasible share in the husband's property, Recognition of the need that women should have an absolute control over some part of the family income

Unit 4: Legislation prior to Hindu Code : Pressure from Indian social reformers on the legislators reforming Hindu law further brought Hindu Marriage Disabilities Removal Act, 1946 permitting sagotra marriages; validating Act of 1949 recognising inter-caste marriages, The Hindu Married Women's Right to separate residence and Maintenance Act, 1946, Committee appointed under B.N. Rau to codify Hindu Law and produce a logical and coherent code of Hindu Law, Independence and the Constitutional Guarantee of Equality : Karachi Congress Resolution recognizing the right of equality of sexes and equal opportunity incorporated in the Constitution of Equal pay 'advocated man years earlier by Gandhiji and recommended by subcommittee of National Planning Committee of the Congress but only as a directive principle Major recommendations of the sub-committee about women workers put in the directive principles for implementation in the future, Special provision for women put in the Fundamental Rights so that special steps could be taken to improve the position of women and brings them on a par with men, Hindu Code: Monogamous marriage with equal rights of divorce, Rights of daughters to share equality with sons in separate property of father recognized and limited right of ownership abolished. Strong hold of patriarchal values clear in retention of joint family and coparcener, Father's right of custody retained placing mother after him, Sub-committees' recommendation of matrimonial property and restriction on power to will away entire property not included, Patriarchal structure of family retained resulting in continuing unequal status of women

### **SELECT BIBLIOGRAPHY**

E.M.S. Namboodiripad : History of Indian Freedom Struggle (1980)

J. Nehru : Autobiography (1936-80) M. Nehru : Discovery of India (1956) Lata Mani : Production of Official Discourse on Sati in Nineteen' Century Bengal, 21 EPW 32 (1986)

Ajit Ray: Widows are not for Burning (1985)

Ranjit Sinha : Chandra's death, Subaltern of Independence- Gender Caste and Class in India (1986)



Indira Munshi Saldhana : Tribal Women in World Revolt, 1946-47 Class and Gender in the Left Perspective 21 EPW, WS41 (1986)

### **H 03: PATRIARCHAL ELEMENTS IN INDIAN LAW**

- Unit 1 : Introductory : Patriarchy linked to belief or ideology the men are superior to men-women are and should be controlled by men- women are part of men's property, Right of feminists against Patriarchy, Feminism is awareness of women's oppression and exploitation in society at work. within family. Conscious action by men and women to: change situation, Changing nature of feminist struggle: challenges the very notion of femininity and masculinity as mutually exclusive biologically determined categories: Patriarchy and Jurisprudence : Patriarchal Aspects of natural Law Traditions, Theistic/ Divine/Revealed Natural Law Patriarchy in classical Hindu, Christian, Shariat tradition, Secular Natural Law based on human reasons, patriarchy and Natural Rights traditions, Patriarchy and Legal paternalism, Patriarchy in Utilitarian Jurisprudence Legalism: Equality before the law and patriarchy Denial of legal personality, Patriarchy and Colonial law: Hands off Personal law in India, Continuation of separate discriminatory personal laws even after independence Gender based rules doctrines in the laws of evidence (e.g Shariat law on evidence of women), Gender based specification of offences-adultery-rape, Gender based notions of property (e.g. unit for purpose of land reform male headed family : discrimination between adult son and daughter), Gender based notions of matrimonial Law - divorce, maintenance, guardianship
- Unit 2 : The Patriarchal Character of Public/Private Law Dichotomy: The nature and scope of the Distinction, How "Private" law was a device to perpetuate patriarchy, How does not extend to routinized domestic violence, No Marital rape, How "Dowry" till recently considered to be a matter of parry autonomy. Female infanticide and its new forms today, Religion based exploitation (e.g. devadasi system), Nation of domicile of the wife following that of her husband in private international law Patriarchal Character of Criminal Law : Ways in which the prosecutrix in "rape" cases becomes virtually the accused, Notions of adultery, Problems of proof in bigamous marriage Legislation on Sati, The law relating to prostitution and immoral traffic, How patriarchal was the Dowry Act (and still is in J & K Dowry Restraint Act, 1969). Constitution and Constitution making and Patriarchy : Constitution contains no special rubric 'women', Family planning under population not under women welfare or social welfare, Fundamental Right Against Exploitation - non inclusion of exploitation of women domestic labour no recognition or value given, Constituent Assembly rejects inclusion in the draft of Article 23, dedicated in the name of religion to be devadasi or addition of prostitution after traffic in human beings, Equal pay for equal work for men and women in Directive Principles, Six women specific articles in the whole Constitution (both fundamental rights and directive principles and one fundamental duty)

- Unit 3 : Legislative Process and Patriarchy : Hindu Code Bill and retention of Joint Hindu Family - continued discrimination against women, Exclusion of divorced Muslim women from Sec. 125 Criminal Procedure Code (giving maintenance to destitute women) under Muslim Women (Protection of right on divorce) Act, 1987, Dowry Prohibition Act and Amendments Sati, Judiciary and Patriarchy : Upholding the offence of adultery as being special provision for women Attitude to wife's rights to work, Retention of restitution of conjugal rights as a matrimonial remedy, Matrimonial home-whose decision? What constitutes cruelty?
- Unit 4: Government, Public undertaking and Patriarchal Values : Government rules - administrative service and foreign service regarding married women discriminatory treatment, Indian Air Lines and Air India Service Rules governing air hostesses, Orissa Government disqualifying married women from Post of district judge, Patriarchal Character of Legal Administration : Conception of legal administration, Law Enforcement process and women, Policing and women, Custodial rape, Women dacoits and policing, Correctional system and women, Custodial institutions, Problems of women prisoners, Patriarchal Character of Judicial administration

### **SELECT BIBLIOGRAPHY**

- Bina Agarwal (ed.) : Structures of patriarchy (1988)
- KamiaBhasin and NighatSaid Khan : Some Questions of Feminism and its Relevance in South Asia (1986)
- Madhu Kishwar and Ruth Vanita : In Search of Answers Chap. 1 (Women's Lives) Chap. 3 (Violence against Women) (1986)
- R. Aininova : The October Revolution and Women's Liberation Movement (1977), Constituent Assembly Debates, Vol. 7 (3.12,11,48)
- Kumari Jayawardlane: Feminism and Rationalism in the Third World (1986)
- Claire Duchon: Feminism in France (1986)
- Varda Bunslyn : 'Masculine Dominance and the State 46 in Socialist Register' (1983)
- P. Andiappaa : Public Policy and Sex Discrimination in Employment in India, I 4LIIR, 395 (1978-79)
- Kay Macpherson : International Aspects of Feminism in Status on Women News Vol. 6, No. 302 (1980)
- Govind Kelkar : Women in Post Liberation Societies: A Comparative Analysis of 'Indian & Chinese Experiences

#### **H 04: GENDER JUSTICE STANDARDS AT INTERNATIONAL LAW**

- Unit 1 : The League of Nations and women's equality, Women's issue in the formulations of the UN Charter, The UN Sub Commission on Status of women since 1946 and the Role of the NGOs. The International Labour Organisation and Rights of Women hour: Equal pay for equal work, Women and part-time work. Protective for women, Maternity protection, Advisory Opinion of PCIJ on Regulation of Night Work for Women (PCI) November 1932
- Unit 2: Political Rights of Women : Article of Universal Declaration of Human Rights, The 1952 Convention on Political Rights of Women, "the 1979 Convention on the Abolition of all Forms of Discrimination against Women
- Unit 3: Sexual Exploitation of Women : The International Agreement for the Suppression of White Slave Traffic, 1910 and 1921 League of Nations Activity, The Programme of Action by the United Nations, Convention of Traffic in Women and Children, 1949, Recommendation for World Tourism Organization (WTO) on Sex Oriented Tourism
- Unit 4 : Nationality of Married Women : Convention on the subject dated January 29, 1957, Women Year and International Women's Decade, Review of UN's work in the period 1975-1988

#### **SELECT BIBLIOGRAPHY**

S.K. Kuba : Work Status of Women in International Law

#### **H 05 : LABOUR, GENDER AND THE LAW**

- Unit 1 : Women Labour: Introductory : Sex ratio in employment in modern sectors, Female labour in unorganized subsistence sector, Self-employed women, Housewifification process: Quantification of domestic and family work and services, Paternalistic Legislation and Employment of women : Hours of work legislation and exclusion of women from the labour force, Hazardous operations and women labour exclusion, Home based production and exploitation of women's labour, with special reference to Beedi and Cigar Workers' Act
- Unit 2 : Case Studies of Female Agricultural Labour: Maria Mies study of Andhra Pradesh, Manish Gupta and Anita Barkar study of women's work, fatality and access to health care in Pune district M. Mies study of the Lace makers of Nagpur
- Unit 3 : Legal and Jurisprudential Questions arising from the case studies : The anti-women model of development and planning Consonance with constitutional obligations with the state. The enforcement of equalitarian laws, Associational rights of working women, legal repression and fundamental rights, Law reform and social action for amelioration of the situation

Unit 4 : Self-Employed Women: Conceptions of self-employment, SEWA: A success story?  
Position of self-employed women at laws, Need for law reform

#### SELECT BIBLIOGRAPHY

U. Baxi: Law and Poverty: Critical Essays (1988)

Government of India, National Commission on Self-employed women (1988)

Government of India. Towards Equality: Report of the Committee on the Status of Women (1975)

Ministry of Social Welfare Manisha Gupta & Anita Borkar : Women's Work Fertility and Access to Health Care (1988), the Foundation for Research in Community Health, Bombay

A. Mitra, L. Pathok, S. Mukedi : The Status of Women: Shift in Occupational Participation (1980)

Maria Mies : The Lace-makers of Narsapur: India Housewives Prepare for the World Market (1982)

Maria Mies : India Women in Subsistence and Agricultural Labour (1987)

### **H 06: POPULATION PLANNING AND GENDER JUSTICE**

Unit 1 : Introductory : About demography as a social science, Demography and human and cultural geography, Poverty and population, Population policy perspectives, Constitutional Aspects of Population Policy. Law as a Factor - Affecting Fertility, Notions of fertility, Raising the minimum age of marriage through the law: Problems and prospects, Population planning and equal inheritance rights for women, as factor affecting fertility, Adverse sex ratio and legal order, Infant mortality rate of girls, Nutritional sex discrimination, Amniocentesis, Social sterilization of widows, Polygamous marriages, Uniform Civil Code and population planning

Unit 2 : Sterilization : The relating to manufacture, advertisement and sale of contraceptives, Vasectomy v, tube to my Discrimination against women to family welfare programmes, Incentives and disincentives for family planning Abortion law and services, Coercive/compulsory family planning measures: The 1975-1976 emergency excesses, Injectible contraceptives, women's health and wellbeing and judicial response, Human Rights issue and Sterilization of the Unit

Unit 3 : Laws on Economic Factors Affecting the Family : The incidence of income tax and family planning, Maternity benefits; Factories Act, Maternity Benefits Act, 1961. Workmen's Compensation Act, 1923, The Minimum Wages Act, 1948, Child labour regulation and population planning

Unit 4: Migration, Law, Population Planning: Fundamental Right for moment, Migration, growth of informal sector and quality of life : Problems for the Indian population, The Bombay dwellers, The Hawkers cases, The sons of soil movement

### **SELECT BIBLIOGRAPHY**

Ashoka Mitra : The India's Population: Aspects of Quality Control (1978)

S. Chandra'sekhar : Population and Law in India (1976)

Govt. of India, Towards Equality Report of the National Committee on the Status of Women (1975)

Govt. of India, The Shah Commission Report on Emergency Excesses (1978), Relevant Articles from the Economic and Political Weekly

### **H 07: DISSERTATION & VIVA - VOCE**

Dissertation : 50 Marks

Preparation and presentation

of Non-Doctrinal Research : 20 Marks

Viva Voce : 30 Marks

### **GROUP I:**

#### **SCIENCE, TECHNOLOGY AND LAW**

#### **I 01 : LAW, SCIENCE AND TECHNOLOGY**

Unit 1 : Introductory : Science : Conceptions of "Science" Science as natural philosophy and modern science, Scientific thought in ancient and medieval India, Modern Science : This scientific revolution (Copernicus, Galileo, Descartes, Newton, Lavoisier, Darwin, Einstein), The role of legal order in institutionalization of conceptions of sciences and repression of "Alternate" Sciences

Unit 2: Introductory : Technology : Notions of technology, Legal order and technological innovation general considerations, The emergence of western technology (1500-1750), The renaissance The steam engine, Metallurgy and mining New Commodities, Agriculture, Transport and communications, Chemistry, The industrial revolution, Power technology, Development of industries (Metallurgy), Mechanical Engineering Textiles, Chemicals, Agriculture, Civil Engineering, Transport and Communication, Military Technology)

Unit 3 : Colonization, Science and Technology: Industrial revolution and colonization, Creation of the political economy of backwardness through colonizing powers and processes. Displacement of indigenous science and technology during colonization, Colonial legal order and its role in 3.1 to 3.3

Unit 4: Technology in the Twentieth Century : The second industrial revolution: Computers, The Nuclear technology for peace and war, Biotechnology, Space technology, Role of national and international orders relating to these, The Emergence of Technological Society and State: Technology:.. and practice of politics, Law as social technology, Notion; of technological "Scientism" and notions of scientific temper

### **SELECT BIBLIOGRAPHY**

Markandey Katju : Law in the Scientific Era (2000), Universal, New Delhi

Helen Recce (ed.) : Law and Science in Current Legal Issues (1998). Oxford

Philip Grubb : Patents for Chemicals, Pharmaceuticals and Biotechnology (1999), Oxford

John Zinia et. al. (ed.) : World of Science and the Rule of Law (1986 Oxford Am Johnston et al. (ed.) : New Technologies and Developmen: (1986), LTNESCO

Male-Wan Ho : Genetic Engineering : Dreams or Nightmare? Th: Brave New World of Bad Science and Bic Business (1997). RESTE, New Delhi

Cees J. Hamelink : The Ethics of Cyberspace (2001), Sage

### **I 02: LAW, SCIENCE AND MEDICINE**

Unit 1 : Profession and Professionals Self Regulation : Notion of \_ profession, The varieties of medical professions in India The pharmaceutical industry in India, A profile, Paraprofessionals Self Regulation through codes of conduct and disciplinary proceedings, Self Regulation through\_ education, Self Regulation through institutional discipline: Hospital regulation

Unit 2 : The Regulation and Organization of Medical Education and Profession in India: Medical education: Dilemmas federalism and judicial review, Medical education, rural\_ health and family planning, Organization of medical research under governmental auspices, Bhopal catastrophe : and ICMR 2.5 "Health for All" by 2000 A.D., Article 21 - the Constitution and the foregoing aspects

Unit 3 : The Regulation of Pharmaceutical Industry :Select problems under the Drugs Act, The Hathi Committee Report and Aftermath on essential drugs, Regulation of research and development, Public sector in pharmaceuticals, MRTP Aspects, Advertising and consumer protection, Regulation of drug-testing procedures in India, Multinational drug industry in India: Patent law aspects and dumping of unsafe drugs

Unit 4: Experimentation and Regulation : The Doctrine of "Informed Consent", Experimental Abuses, Experimentation on Foetuses and Children, Experimentation of People in Custody, including psychiatric Custody, Proper Role for Experimentation on Animals, The Physician-Patient Relationship : Confidentiality and Privilege, Patient's right of full disclosure of course of therapy including side effects of drugs, Medical malpractice. Health insurance, The law relating to medico-legal cases with special reference to (i) road accidents (ii) sexual assaults and (iii) mass disasters (e.g. Bhopal)

### **SELECT BIBLIOGRAPHY**

Lokojan Bulletin. Special Issue, Bhopal - An Interim Appraisal (JanApril, 1988)

Centre for Science and Environment, The State of India's Environment. The Second Citizen's Report (1985)

Socialist Health Review (published from Bombay)

Jina Melrose, Bitter Pills : Medicines and the Third World Poor (1982)

Proceedings of the World Congress on Law and Medicine held at Delhi (1984)

Pragya Kumar : Medical Education in India (1987)

Government of India. Report of Working Group on Health for All by 2000 A.D

### **I 03: THE ELECTRONICS REVOLUTION AND LEGAL ORDER**

Unit 1 : Introductory : Notion of artificial intelligence, Growth of computer science and technology, Hardware and Software, Organization of R & D and of international market for computer systems, The overall Indian position

Unit 2: Artificial Intelligence and Human Resources : Can computers Think? Appropriation of human faculties by a machine actuality, potentiality, appropriateness, The Law : Intellectual Property : Law relating to protection of computer software, Law relating to patenting of hardware, Regulation of transfer of computer technology (Unfair Means, Restrictive Trade Practices)

Unit 3 : Potential for Invasion of Privacy : Central data banks and privacy rights, Consumer Credit, privacy rights and computer systems, Computer Systems and Liability Issues: Computer fraud, Computer non-feasance and liability for damages

Unit 4 : Computer' Systems and Renovation of Legal Order : Legal information retrieval systems, Computerized retrieval of judicial decision, Jurimetrics and computer analysis. Computer analysis and computerization, Criminological analysis and computerization, Patent information systems, Management of courts, role of computer analysis

## **SELECT BIBLIOGRAPHY**

- Cees J. Hamelink: *The Ethics of Cyberspace* (2001), Sage Markandey Katju : *Law in the Scientific Era* (2000). Universal. New Delhi
- John Zinian et al. (ed.) : *World of Science and the Rule of Law* (1986), Oxford
- Ann Johnston et al. (ed.) : *New Technologies and Development* (1986), UNESCO
- Maie-Wan Ho : *Genetic Engineering : Dreams or Nightmare? The Brave New World of Bad Science and Big Business* (1997) RESTE, New Delhi

## **I 04: NUCLEAR TECHNOLOGY: DILEMMAS OF LEGAL CONTROL**

- Unit 1 : Introduction : Nuclear Fission/Fusion, Radioactivity. Fission product and half-life measure, Thermal and Fast reactors, Heavy water reactors. Nuclear fuel
- Unit 2 : Development in Civilian Uses of Nuclear Energy : Atoms for Peace and International Atomic Energy Commission (IAEA). The European Atomic Energy Community (EUROTAM). Development of Nuclear industry at a global level, India's Atomic Energy Programme : India's overall energy needs and planning, India's nuclear Energy Programme, The Atomic Energy Commission Act, Technology transfer and India's nuclear programme
- Unit 3 : Hazard Aspects of Nuclear Power: Plant Location: Problems of sites, Uranium mining associated hazards, Accidents Potential: e.g., fuel failure, recirculation pump failures, control valve leaks, failure of shut-down device, metal failure of electronic monitoring and control systems, Containment facilities, Occupational hazards for workers at research institutes and nuclear plants, The Regime of legal liability including, Right, to information as to levels of radioactivity, Right to compensation, Right to meaningful rehabilitation
- Unit 4: Other Associated Hazards and Other Management : The nature and magnitude of nuclear wastes, Reprocessing, Entombment Low level wastes and High Level Wastes, Reprocessing of wastes, Vitrification, Dumping, Legal Aspects : Secrecy, Minimum public participation, Right to information, Regimes of liability for mass disasters and personal injuries, Environmental: Law regulation of the hazardous aspects of nuclear energy production

## **SELECT BIBLIOGRAPHY**

- Report of the DAE and Regulative Texts, Centre for Science and Environment



The State of India's Environment : 1984-1985 The Second Citizen's Report (1985) Economic and Political Weekly, Supreme Court decision on the EEC radioactive butter case

## **I 05: BIOTECHNOLOGY AND LEGAL REGULATION**

- Unit 1 : Introductory : Decoding the Structure of the DNA/RNA, The Technology of Splicing, Cloning, Cell-Fusion, Genetic-Engineering, The Case for and against Genetic Engineering: The problem of biohazards in recombinant DNA Research, Men should not play God and create new forms of the unknown to nature, Social responsibility of scientists, Multi-national and imperialist appropriation and use of biotechnology, Failures of self regulation and vicissitudes of legal regulation, The right of scientific research as an aspect of basic human rights, There is no cost-free innovations and invention. Biohazards can be contained, Non-exploitative Biotechnology is both conceivable and likely, Legal incentives such as patenting or new life-forms is a necessary, though not sufficient, condition for advances in frontier technologies
- Unit 2: Biotechnology Agro-business and Biological Diversity : Plant Genetic Resources in Nature: Abundance of biological diversity The Genetic mutation of Seed: Seed industry at global level: Indian Seeds Act, 1966, The impact of Biotechnology on Biological Diversity: Erosion of plant genetic resources. Patenting of new plant varieties, The green revolution and biotechnology, Growth of fertilizer and pesticide industry, Impact of fertilizer and pesticides on agricultural workers. Bhopal green revolution and biotechnology, Agro-business and reckless commercial exploitation of biotechnology
- Unit 3: Biotechnology and Human Health : Genetic Markers : Diagnostic biotechnology, Conquest of disease, Genetic screening: Prevention of genetic disease and mental retardation Genetic screening: Uses and abuses of amniocentesis, Cloning of human beings, Obsolescence and resilience of law
- Unit 4 : Legal Regulation of Biotechnology: Regulation of government sponsored research. Regulation of Private R & D Regulation of deliberate release of genetically mutated microorganisms, Regulation of accidental release of genetically mutated microorganisms, Comparative perspectives, U.S.A., E.E.C., U.K., India, Progress of biotechnology and legal regulation in India

### **SELECT BIBLIOGRAPHY**

- U. Baxi : Biotechnology and Legal Order, Dilemmas of the Future of Law and Human Nature (1993)
- D. Bull : A growing Problem: Pesticide and the Third World Poor (1982) J. Doyle : Altered Harvest, Agriculture, Genetics and Fate of the World's Food Supply (1986)
- Z. Harsanyi & R. Hutton : Genetic Prophecy: Beyond the Double Helix (1987)

United Nations : Our Common Future : The World Commission on Environmental and Development (1987)

Symposium on Biotechnology and Law, 11 Rutgers Computer and Technology Law Journal (1985)

### **I 06: EPIDEMIOLOGICAL AND PUBLIC HEALTH ASPECTS OF SCIENCE AND "TECHNOLOGY**

Unit 1 : Introductory : Why this course? Generation of Human resources through the exploitation of medical science and technology : Biomedical concept - health as absence of disease, Ecological concept - health as a state of balance between man and environment. Bio-social and bio-cultural concept - health includes the consideration of social, cultural and psychological factors

Unit 2 : Health as Basic Human Right: Impediments to Public Health: Undue emphasis on curative medicine as the basis of primary health care (as a result of uncritical acceptance of the western model of medical health care), Concentration of health care services in urban areas. Meagre resource allocations to cover the hitherto uncovered rural population, Neglect of preventive, promotive and rehabilitative aspects of health care, Population Stabilization : A Crucial Aspect of Public Health : Correlation between population stability and primary health care. Modes of enforcing small family norms

Unit 3 : Public Health: A Key to National Socio-Economic Development : Health for all: Alma-Ata Declaration, Sectors serving as inputs to public health, Drugs and pharmaceuticals, Agriculture and food production, Rural development, Education and social welfare, Housing, Potable water, Sanitation, Prevention of food adulteration, Immunization, Conservation of environment

Unit 4 : Some Ponderable Issues: It is just to provide unlimited health care to self-inflicted diseases such as oral cancer due to tobacco chewing? The right to life of the foetus versus the right of the women to have control over her body and to refuse to carry to term a pregnancy she does not want

### **SELECT BIBLIOGRAPHY**

Report of Working Group on Health for All by 2000 A.D. (1981)

V Ramalin Qaswami : 'Medicine, Health and Human Development, The Ninth Jawaharlal Nehru Lecture. New Delhi, Nov. 1975 D.D. Kulpati : The Basic Concepts of Health, in Dilemmas in Health Policy. at C'-9,C-43( 1986)

Prava Kunlar & Virendra Kumar : Health as a Fundamental Human Right in Dilemmas in Health Policy at C-1, C-8 (1986)

### **I 07 : DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

### **GROUP J :**

#### **HUMAN RIGHTS LAW**

#### **J 01 : CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS**

##### Unit 1 Human Rights: Jurisprudence of Human Rights

- (i) Concept of 'Right' and 'Duty'.
  - (A) Jural relationship, and
  - (B) Problem in International Law of Rights with out Remedy.
- (ii) Meaning and Diversifications of Human Rights :
  - (A) Meaning derived from Scope : How to determine which human rights are Important? General or Universal?
  - (B) Meaning derive from Values: Protective, Humanizing, Community building and Distributive.
  - (C) Meaning derive from functions: Rational, Restraining, Legitimizing and distributive functions.

##### Unit 2 (i) Justificatory Theories

- (A) Theology:
  - (B) Natural Law and Natural Rights:
  - (C) Positivist Theory :
  - (D) Marxist Theory :
  - (E) Utilitarian Theory:
  - (F) Socio logical Process :
- (ii) Contribution of Modern Theories of Human Rights in shaping the concept:
    - (A) Modern Approaches:
      - 1. Priori Approach.
      - 2. Universal Perspectives Approach.
      - 3. Ideal Observer Approach.
      - 4. Rational Contract Approach.
    - (B) Revived natural Rights Theory:
    - (C) Theories based on Distributive Justice:
      - 1. Rawls theory on Social Justice.

2. Ackerman's theory of Egalitarianism pursued.
3. Cahn's approach of identifying injustice.
- (D) Theories based on Autonomy:
  1. Gewirth theory of liberal approach.
  2. Nozick's theory of libertarianism
- (E) Theories based on Equal Respect:
  1. Dworkin's Theory of equality and liberty.
  2. Claims flow from human dignity.
  3. Application of various theories to key values.
- (iii) Collective Rights :
  1. Are Collective rights human rights?
  2. Right to Solidarity, Development and Peace.
  3. Balancing Collective rights and individual human rights.

Unit 3 Role of Jurists  
Sociological/Functional Approaches in Jurisprudence, Realist Movement and Judicial Process : A study of selected ideas. Thomas Pain, Locke, J. S. Mill, Geremy 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 on the Responsibilities of the Present Generation Towards Future Generations 1997.

#### **Suggested books :**

Angela Hegarty : Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)  
Lalit Parmar : Human Rights (1998)  
Rama Jis : Human Rights : Bhartiya Values (1998)  
David P. : Forsythe, Human Rights in International Relations Lon L. Fuller, The Morality of Law  
John Finnis : Natural law and Natural Rights (1980)  
Julius Stone : Human Law and Human Justice (2000), Universal, New Delhi  
M.G. Chitkara : Human Rights : Commitment and Batrayal (1966)

### **J 02 : HUMAN RIGHTS IN INTERNATIONAL AND REGIONAL PERSPECTIVES**

Unit 1 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.

## Unit 2 Civil and Political Rights :

- (a) Right to Life, Liberty and Security of person:

UN General Assembly resolution of Summary or arbitrary Executions, 1984, International Convention against Taking of Hostages, 1979, UN General Assembly Declaration on the Protection of All Persons from Enforced disappearance, 1992, Vienna Declaration on Human Rights, 1993, Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century, 2000.

- (b) Freedom from Torture:

Convention on Prevention and Punishment of the Crime of Genocide, 1948, Declaration on the Protection of Women and children in emergency and Armed Conflict, 1974, Declaration on standard Minimum Rules for Treatment of prisoners, 1957. Convention on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, Code of conduct for Law Enforcement Officials, 1979, WHO Guidelines for Medical Doctors Concerning Torture or punishment in relation to detention or Imprisonment, 1975, UN Turst Fund for Victims for Torture, 1981, Declaration of Minimum Humanitarian Standards (Institute for Human Rights, Oslo) 1994.

- (c) Freedom from Slavery:

Slavery Convention, 1926 and supplementary Convention, 1956, Convention for the Suppression of Traffic in Persons and of Exploitation of the prostitution of Others, 1949, Forced Labour Convention, 1957.

- (d) Administration of Justice by states:

Vienna Declaration on Crime and Justice: Meeting the challenges of the Twenty-first Century, Five Yearly UN congresses on the prevention of Crime and the Treatment of Offenders. Principles relating to Independence of Judiciary, Caracas, 1980, Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, 1985.

(e) Right to Freedom of Opinion and Expression:

Convention on the International right of Correction, 1952, UNESCO Declaration on Fundamental Principles concerning the Contribution of the Media to Strengthening Peace and international Understanding to the Promotion of Human rights, 1978.

(f) Freedom of Association including Trade Union Rights :

ILO Conventions on the Freedom of Association and Protection of the Right to Organize, 1948, the Right to Organize and Collective Bargaining, 1949, Workers' Representatives, 1971, the Rural Workers Organizations, 1975, the Labour Relations (Public Services) 1978, the Collective Bargaining, 1981.

(g) Right to participation in governance

Unit 3 Rights of Minorities and Disadvantaged groups

(a) Rights of Ethnic, Religious or Linguistic Minorities:

Declaration on the Right of Persons Belonging to Ethnic, Religious and Linguistic Minorities, 1992.

(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

(e) Rights of the Disabled:

UN General Assembly Declaration on the Rights of the disabled Persons, 1975, Declaration on the Rights of mentally retarded persons, 1971, Resolution on the rights of the disabled persons adopted by the Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, 1993.

(f) Human Rights and Terrorism: UN General Assembly resolution 54/164 on Human Rights and Terrorism, 2000

#### Unit 4 Human Rights under regional charters

- (a) Asian charter
- (b) African charter
- (c) European charter
- (d) American charter

#### **Suggested Books**

UN, Human Rights : A Compilation of international Instruments (New York : UN Publication Division, 1983).

UN Centre for Human Rights, International Human Rights standards for Law Enforcement (Geneva : World Campaign for Human Rights, 1996).

UN, The Standard Rules on the Equalization of Opportunities for Persons with Disabilities (New York : UN Publication division, 1994).

UN World Campaign for Human Rights. The African Charter on Human and people's rights (Geneva, 1990).

Aggarwal, Amita, "Human Rights of Women in India and International Standards", in M.P. Dube and Neeta Bora, eds, Perspectives on Human Rights (New Delhi : Anamika Publishers, 2000), pp. 97-106.

Jenks, W., Human Rights and international labour Standards (London : Stevens, 1960).

Ghai, Yash, "Human rights and Asian Values", Journal of Indian Law Institute, vol. 40, nos., 1-4, 1998, pp. 67-86

Gandhi, Sandy, "Spare the Rod : Corporal Punishments in Schools and the European Convention on Human Rights", International and Comparative Law Quarterly, vol 33, no.2 , 1984, pp. 488-94.

The Rome Statute of the International Criminal Court (Oxford: Clarendon Press, 2000).

Cerna, Christina, M., "The Structure and Functioning of the Inter-American Court of Human Rights", British Yearbook of International Law, vol. 63, 1992, pp. 135-229.

Evans, Malcolm and Rod Mergan, "The European Convention for the Prevention of Torture: Operational Practice", International and Comparative Law Quarterly, vol.41, no.3, 1992, pp. 590-614.

“The European and American Conventions : A Comparison”, Human Rights Law Journal, vol. 1, no.1, 1980, pp. 44-58.

Ghai, Yash, “Human Rights and Asian Values”, Journal of Indian Law Institute , vol. 40, nos. 1-4, 1998, pp. 67-86.

Gittleman, Richard, “The African charter on Human and People's Rights : A Legal Analysis”, Virginia Journal of international Law, vol. 22, no.4, 1982, pp. 667-714.

Madhusudhanana V., “European System for the protection of Human Rights (The Hague : Martinus Nijhoff, 1977)

Mani, V.S., “The European unknown's Approach to Human Rights: Implications on India's Trade”. In H.S. Chopra, ed., India and the European Unknown in the 21<sup>st</sup> Century (New Delhi: ICWA, 1998), pp. 134-53.

Padilla, Davidj., “the Inter-American System for the Promotion and Protection of Human Rights” Georgia Journal of International and comparative Law Quarterly, vol.20, no.2, 1990, pp. 407-12

Scheman, I.R. “The Inter-American Commission on Human Rights”. American Journal of International Law, vol.64, no. 2, 1965, pp.335-48

### **J 03 : HUMAN RIGHTS : ENFORCEMENT MECHANISM**

Unit 1 Human Rights : Implementation and Supervision by the United Nations Organisation

- (i) National measures of Implementation and Supervision.
- (ii) International Measures for Implementation and Supervision
  - (A) Periodic reporting system.
  - (B) Procedure for dealing with Inter-state Complaints.
    - 1. References to International Court of Justice.
    - 2. References to European and Inter-American Court of Human Rights.
    - 3. Fact-finding and Conciliation.
  - (C) Procedure for consideration of Private Communications.
  - (D) Conflicts between various Implementation Procedures
- (iii) United Nations Human Rights Council
- (iv) United Nations High Commissioner for Human Rights
- (v) United Nations Commission on Human Rights

Unit 2 Human 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 to the competent authorities.
2. Reports on ungratified Conventions and Recommendations.
3. Reports on ratified Conventions.
4. Involvement of Employers' and Workers' Organizations in the Supervisory Procedures.

(B) Supervisory Bodies:

1. The Committee of Experts on application of the Conventions and Recommendations.
2. The Conference committee on application of the Conventions and Recommendations.
3. The System of Direct Contract.

(C) Contentious Procedures

1. Representations against Members.
2. Complaints against Members.

(D) Special Freedom of Association Procedure.

1. The Committee of Freedom Association.
2. The Fact Finding and Conciliation Commission on Freedom of Association.

(E) Non-Contentious Procedures.

Unit 3 Human Rights: Implementation under the Regional Instruments on & through Non-Governmental Organization

- (A)
- i. European Commission of Human Rights.
  - ii. European Court of Human Rights
  - iii. Inter-American Commission on Human Rights.
  - iv. Inter-American Court on Human Rights.
  - v. O.A.S. General Assembly and the Committee of Ministers.

(B) International Non-Governmental Organizations :

1. Meaning of International Non-governmental Organizations
  2. Role of International Non-governmental Organizations in Implementation of Human Rights.
    - (i) Diplomatic Interventions and Mission by NGOs.
    - (ii) Public discussions of Human Rights Violations
    - (iii) Contribution to International Investigative Procedures.
    - (iv) AIDS and Human Rights
    - (v) Activities at Local levels.
- (C) Contribution to Development of Human Rights Norms

Unit 4 Human Rights : Implementation Mechanism in India

- (i) Executive, Legislature and Judiciary.

- (ii) National Human Rights Commission, State Human Rights Commission(s), Other Commissions and Committees at Central and State level
- (iii) Human Rights Court.
- (iv) Information Media and Education
- (v) Role of N.G.Os. in Promotion and Protection of Human Rights in India.

**Suggested books:**

- D.D. Basu : Human Rights in Indian Constitutional Law (1994)
- Vijay Chitnis (et al.) : Human Rights and the Law : National and Global Perspectives (1997)
- B.P. Singh Sehgal : Law Judiciary and Justice in India (1993) James Vadakkumchery : Human Rights and the Politics in India (1996)
- Saxena : Tribals and the law (1997)
- Poomima Advani : Indian Judiciary : a Tribute (1997)
- Justice Venkataramiah : Human Rights in the Changing World (1998); Paramjit S. Jaiswal and Neshtha Jaiswal : Human Rights and the Law (1996)

**J 04 : HUMAN RIGHTS AND SPECIAL  
INTERESTS/DISADVANTAGED GROUPS:  
WOMEN AND CHILDREN**

- Unit-1
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
  3. International Norms for Protection of Women
    - (a) ILO Conventions for protection of Female Labour
    - (b) UNESCO Convention against Discrimination in Education, 1960
    - (c) UN Convention on Political Rights of Women 1952, Convention on Elimination on all Forms of Discrimination against Women, 1979. Convention on Nationality of Married Women, 1957, Convention on Consent to marriage, Minimum Age of Marriage and Registration of Marriages, 1962, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949. Declaration on the Elimination of Violence against Women, 1993, Convention on Political Rights of Women, 1952
    - (d) Declaration on the Participation of Women in Promoting International Peace and Cooperation, 1982

- (e) Documents of the Four World Conferences on Women: Mexico, 1975, Copenhagen, 1980, Nairobi, 1985, Beijing, 1995
- (f) Protection of women in armed conflicts
- (g) Other relevant development

Unit-2 4. The Constitution of India and Status of Women

- (i) Women
  - (a) Fundamental Rights and Directive Principles and Fundamental Duties under the Constitution,
  - (b) Special provisions for the protection of women: Article 15(3), Article 39(d) & (e), Article 42, Articles 243-D & 243-T.
- 5. Special Laws and Policies for Protection of Women
  - (i) Women
    - (a) Special Laws: Suppression of Immoral Traffic Act, 1956, Indecent Representation of Women (Prohibition) Act, 1986, Commission of Sati (Prevention) Act, 1982, Medical Termination of Pregnancy Act, 1971 Maternity Benefit Act, 1961. Other laws having a direct bearing on protection of women
    - (b) Gaps between International Norms and Indian Law, if any
    - (c) Women and public policy: female health and family welfare, literacy programmes, Female Labour Welfare; Issue of current public debate political rights of women (reservations and protection of women) personal Laws and status of women
- 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-governmental organizations
  - (d) the Information Media
  - (e) Role of Education

Unit-3 7. Philosophical and Social Perspectives

8. Status of Children in Contemporary Indian Society

- (a) Impact of problems of Poverty and Illiteracy
- (b) Social and Cultural practices regarding Girl Child: Foeticide, Child Marriage
- (c) Child Labour in unorganized sectors, Forced labour, Sale of Children
- (d) Child abuse inside and outside homes, trafficking in Children, Children and Custodial Crimes
- (e) Street Children: Child and Crime

9. International norms for Protection of Children

- (a) ILO conventions on restrictions and prohibition on child labour including ILO Convention on Child Labour, 1999
- (b) UN Convention on the Rights of the Child, 1989, Optional Protocol on the Involvement of Children in Armed conflict, and Optional Protocol on Sale of Children, Child Prostitution and Child Pornography, 2000. Declaration of Social and Legal Principles relating to the Protection and Welfare of Children with Special Reference to Foster, Placement and Adoption, 1986

- (c) UNESCO: International Charter of Physical Education and Sports, 1978, Convention on Technical and Vocational Education, 1989. Convention and Recommendation against Discrimination in Education, 1960, Universal Declaration on the Human Genome and Human Rights, 1997. Declaration on the Responsibilities of the Present Generation towards Future Generations, 1997
- (d) World Summit for Children: Declaration and Plan of Action
- (e) Other relevant developments

Unit-4 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

11. Special Laws and Policies for Protection of the Child

- (a) Child Labour (Prohibition and Regulation) Act, 1986, Children (Pledging of Labour) Act, 1933, Young Persons (Harmful Publications) Act, 1956, Child Marriage Restraint Act, 1929, Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1956, Children's Act, 1960, Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960, Juvenile Justice (Care & Protection of Children) Act 2000.

(b) Other Laws relevant to protection of the Child

- (a) Gaps between International norms and the Indian Law, if any
- (b) Government Policies

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

**Suggested Books**

UN Centre for Human Rights, The Rights of the child (Geneva : World Campaign for Human Rights 1996).

UN High Commissioner for human Rights, Sexual Exploitation of Children (Geneva : UN Publication Division, 1996).

UN, Convention on the Rights of the Child (New York : UN Department of Public Information, 1999)

UNICEF, The Child and the Law (New Delhi : UNICEF, 1994).

UNICEF, The Media and the Children's Rights : A Practical Introduction for Media Professionals (New Delhi: UNESCO, 2000).

UNICEF, *The State of World's Children 2001* (New York: UNICEF, 2001).

Agarwal, S.P., *Handbook on Child* (New Delhi : Concept Publishing Company, 1992).

Dennis, Michael J., "Newly Adopted Protocols to the convention on the rights of the Child", *American Journal of International Law*, Vol. 94, 2000, pp. 789-96.

Diwan, Paras and Peeyushi Diwan, *Children and Legal protection* (New Delhi : Deep and Deep Publishers, 1994).

Gupta, Srinivas, "Rights of Child and Child Labour : A Critical Study". *Journal of Indian law Institute*, Vol. 37, No. 4, Oct. to Dec. 1995, pp. 531-42.

Khanna, S.K., *children and the Human Rights* (New Delhi: Commonwealth, 1998).

Kumar, Bindal, *Problems of Working Children* (New Delhi : APH Publications, 2000).

Mehta, P.L. and S.s. Jaswal, *Child Labour and the Law* (New Delhi : Deep and Deep Publications 19660).

Misra, Ranganath, "Rights of the Child", in K.P. Saksena, ed., *Human Rights : Fifty Years of India's Independence* (New Delhi : gyan Publishing House, 1999), pp. 38-46.

Pachauri, S.K. *Children and Human Rights* (New Delhi : APH Publishing Corporation, 1999).

Pal, R.M. "Wrong and Rights of the Child", in K.P. Saksena, ed., *Human Rights: Fifty years of India's Independence* (New Delhi : Gyan Publishing House, 1999), pp. 47-58.

Raina, B.K., "child and Human Rights : An Insight" in B.P. Singh Sehgal, ed., *Human Rights in India : Problem and Perspective* (New Delhi : Deep and Deep Publications, 1999), pp. 182-86.

Sachar, Rajinder, "Rights of the Child", *Wood Focus*, vol. 13, No. 3, March 1992, pp. 22-23.

Saksena, Anu, *Human Rights and Child Labour in Indian Industries* (New Delhi, Shipra Publications, 1999).

Saksena, K.P., "Recent Sypreme Court Judgement on Child Labour : A Critique", in K.P. Saksena, eds., *Human Rights : Fifty years of India's Independence* (New Delhi : Gyan Publishing House, 1999), pp. 73-78.

Saxen, Ira, "Needs of the Child : Education for Pleasure", in K.P. Saksena, ed., *Human Rights in Asia : Problems and Perspective* (New Delhi: HURITER, 1984), pp. 101-110.

Seth, Leila, "Rights of the Child", *India International Centre Quarterly*, vol. 20, no. 4, 1993, pp. 79-90. Shams, Shamusuddin, *Women, Law and Social Change* (1997).

Sharma, A.K., "Human Rights Violations of Street Children and Child Labour in India", in B.P. Singh Sehgal ed. Human Rights in India : Problem and Perspectives (New Delhi : Deep and Deep publications, 1995), pp. 187-91.

Weisner, The Child and the State in India (Delhi : Oxford University Press, 1991).

## **J 05 : INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW**

### Unit-1 International Humanitarian Law (IHL)

- (i) 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

### Unit-2 Implementation and Enforcement of IHL

- (a) Concept of Protecting Power
- (b) United Nations
- (c) International Criminal Court and Tribunals
- (d) Unilateral 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

### Unit-3 International Humanitarian and Refugee Laws

- (i) History of refugee law : Definition and description
  - (a) Meaning
  - (b) Refugee defined in International Instruments 1942-46.
  - (c) Refugee for the purpose of United Nations
  - (d) Development of Statutory definition and extension of mandate
  - (e) Other regional and related instruments
- (ii) Determination of Refugee Status:
  - (a) Under the Refugee Convention 1951 and Protocol of 1967
  - (b) Problem of Refugees in non-armed conflict situations (economic, environmental, natural disasters)
- (iii) Protection under International law
  - (a) Right of non-refoulement
    - 1. Principle of non-refoulement
    - 2. Non-refoulement and its relation with admission and non rejection at the frontier,

- 3. Extradition,
  - 4. Expulsion
  - 5. Illegal entry
  - 6. Measures not amounting to non-refoulement.
  - (b) Right to Asylum
  - (c) UNHCR and Refugee protection
- Unit-4
- (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

### **Suggested Books**

- Independent Commission on International Humanitarian Issues, Modern Wars : the Humanitarian Challenge, Report presented by Mohammed Bedjaoni (London : Zed Books, 1986)
- International Committee of the Red Cross and Henry Dunant Institute, Bibliography of International Humanitarian Law Applicable in Armed Conflict (Geneva : International Committee of the Red Cross, 1987)
- International Committee for the Red Cross and international federation of Red Cross and Red Crescent Societies, Handbook of the International red Cross and red Crescent movement (Geneva, 13th ed., 1994.)
- International Committee for the Red cross, Fundamental Rules of International Humanitarian Law applicable in armed Conflict (1979).

UN Centre for Human Rights, Human Rights and Refugees (Geneva : World Campaign for Human Rights, 1993)

UN centre for Human Rights, international Humanitarian Law and Human Rights (Geneva, : World Campaign for Human Rights, 1992).

UN Centre for Human Rights, Spectal issue on Human Rights and Humanitarian Law and Human Rights and Refugee law (New York, 1992).

UNESCO, International Dimensions of Humanitarian Law (Paris : UNESCCO, 1988)

UNHRC, Collection of International Instruments, and other Legal tests Concerning Refugee and Displaced Persons (UNHRC, 1995)

UNHCR, The State of World's Refugee : A Humanitarian Agenda (1997-98).

Abi-Saab, Rozemary, 'The Principles of Humanitarian Law according to the international Court Justice'. International Review of the Red Cross, no. 259, 1987, pp. 367-78.

Bankowski, I, ed. International Ethical Guidelines for Biomedical Research Involving Human Subjects (Geneva : WHO, 1993).

Bhagwati, P.N., "International Aspect of Rights to Life, peace and Development". Denver journal International Law and Policy vol. 19. no. 1, Fall 1990, pp. 67-76.

Bond, B.E. Harrel, Imposing Aid emergency Assistance to Refugees (Oxford University Press, 1985).

Carlier, Jean, Who is a Refugee" A Comparative Case Law Study (The Hague: Kluwar law International, 1971).

Cassese, Antonio, "Wards of national Liberation and Humanitarian Law", in Studies and Essays on International Humanitarian Law and Red Cross Principles in Honour of Jean Pictet (The Hague : Martinus Nijhoff, 1984), pp. 313-24.

Chakraborty, Manik, Human Rights and Refugees, Problems, Law and Practices (New Delhi : Deep and Deepa, 1998).

Chhangani, R.C., "Discrimination of Refugees Status in Nigeria", Indian Journal of International Law, vol. 34, 1994, pp. 455-56.

Chimni, B.S., International Refugee Law : A Reader (New Delhi : Sage Publications, 2000).



## **J 06 : SCIENCE, TECHNOLOGY AND HUMAN RIGHTS**

- Unit 1 : Inter relationship of Science. Technology and Human Rights Implication of Development of Science and Technology on If human Rights, Rights to environment in the development of science and technology. Rights to development in the advancement of science and technology, Rights to human health and impact of development in medical sciences
- Unit 2: Medicine and the Law : Organ transplantation, Experimentation on human beings, Euthanasia (mercy killing), Gene Therapy
- Unit 3 : Issue of Human Rights Ethics in Scientific and technological Development : Sex determination test, Induced abortion, Reproductive Technology, Cloning, invitro fertilization, Artificial insemination, Surrogate motherhood, Development in Information Technology and Human Rights
- Unit 4 : Impact of Scientific and Technological Progress on Human Rights : Normative Response of the International Community : Right to life, Right to privacy, Right to physical integrity, Right to information. Right to benefit from scientific and technological progress, Right to adequate standard of living

### **SELECT BIBLIOGRAPHY**

- Suresh T. Viswanathan : The Indian Cyber Law (2000)
- The International Dimensions of Cyberspace Law (2000), UNESCO publication
- D.P. Mittal : Law of Information Technology (Cyber Law) (2000) Kamenka, E.: Ideas and Ideologies Human rights (1978)
- Akbar, M.J. : Riots after Riots (1988)
- Baxi, U. (ed.) : Rights to be Human (1986)
- Kadhavirtha : Human Rights (1453)
- Swarup, J.: Human Rights and Fundamental Freedoms (1975) Nagandra Singh : Human Rights and International Cooperation (1969)
- Kashyap, S.C. : Human Rights and Parliament (1978)
- Khare, S.C. : Human Rights and United Nations (1977)
- Menon, I. (ed.) : Human Rights in International Law (1985)
- Krishna Iyer, V.R., Human Rights - A Judge's Miscellany (1995) Rama Jois M.: Human Rights: Bharatiya Values (1998)

## **J 07: DISSERTATION & VIVA-VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

### **GROUP K:**

#### **ADMINISTRATIVE LAW**

##### **K 01 : ADMINISTRATIVE PROCESS: NATURE AND SCOPE**

- Unit 1 : Administrative Process : Nature and meaning, The role of civil service, The role of administrative agencies. Administrative Process : Regulation to De-regulation and Control to Decontrol-Globalization and Liberalization : Constitutional standards, Comparative aspects
- Unit 2 : Rule of Law: Changing dimensions, Regulation of administrative process, Separation of Powers: From Rigidity to Flexibility
- Unit 3 : Delegated Legislation : Problems, Process and Control. Power and Duty : Doctrine of police power, Doctrine of eminent power, Taxing power, Responsibility and accountability
- Unit 4: Administrative Discretion : Structuring and limiting. Impact of technological development

#### **SELECT BIBLIOGRAPHY**

- Friedman : The State and the Rule of Law in a Mixed Economy Dicey: Introduction to the Law of the Constitution
- Davis : Discretionary Justice
- Jain & Jain : Principles of Administrative Law (1986)
- Tripathi De Smith: Judicial Review of Administrative Action (1995)
- M.P. Jain :Case and Materials on Administrative Law (1996), Vol I,

## **K 02: ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

- Unit 1 : Concepts and Agencies : Common law countries. French system Judicial Review in India : Historical development. Powers of the Supreme Court, Powers of the High Court, Role of subordinate judiciary, Jurisdiction: Finality clauses, Conclusive evidence clauses, Law fact distinction, Exclusionary clause
- Unit 2 : Grounds of Review : Doctrine of ultra vires, Unreviewable discretionary powers: from Liversidge to Padfield, Discretion and Justifiability, Violation of fundamental rights, Extraneous ; consideration and/or irrelevant grounds, Delegation, Acting under dictation. Malafides and bias, Lack of rationality and proportionality, Oppressing decision, Absence of proportionality
- Unit 3 : Procedural fairness: Legitimate Expectation, Natural justice and duty to act fairly, Bias and personal interest, Fair hearing Remedies: Writs. Injunction and declaration
- Unit 4: Limits of Judicial Review, Locus standi and public interest litigation, Laches, Res judicata, Alternative remedies

### **SELECT BIBLIOGRAPHY**

- S.P. Sathe : Administrative Law (1998), Butterworth, India
- De. Smith : Judicial Review of Administrative Action (1995), Sweet and Maxwell
- LP. Massey : Administrative Law (1995), Eastern, Lucknow Bagawati Prasad Banerjee : Writ Remedies (1999), Wadhwa, Nagpur
- M.P. Jain : The Evolving Indian Administrative Law (1983), Tripathi, Bombay
- Jain & Jain : Principles of Administrative Law (1986), Tripathi
- M.P. Jain : Cases and-Materials on Administrative Law (1996), Vol. I, Wadhwa, Nagpur

## **K 03: PUBLIC AUTHORITIES: LIABILITY**

- Unit 1 : Tortious Liability: Sovereign immunity, Commercial and noncommercial function, Contractual Liability: Processual justice: Privilege-right dichotomy. Blacklisting of contractors, Terms in government contract as instruments of social justice
- Unit 2 : Emerging Liability : Personal accountability, Compensatory jurisprudence and right to life, Accountability under consumer law
- Unit 3 : Privilege against Disclosure : Right to information, Official secrecy, Executive privilege. Security of state and control on information, Judicial review
- Unit 4: Promissory Estoppel : Legitimate expectation, Constitutional dimensions

## **SELECT BIBLIOGRAPHY**

Jain & Jain : The Principles of Administrative Law (1986), Tripathi De Smith ; Judicial Review of Administrative Action (1995) B. Schwartz; An Introduction to American Administrative Law

### **K 04: PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MAL-ADMINISTRATION**

Unit 1 : Ombudsman: The concept, Comparative perspectives, Evolving Indian models - Lokpal, Lokayuki institutions, Commission of Inquiry

Unit 2 : Vigilance Commissions, Investigation Agencies: The CBI

Unit 3 : Inquiries by Legislative Committees, Legislative Control

Unit 4: Financial Control - Comptroller and Auditor General, Judicial Inquiries

## **SELECT BIBLIOGRAPHY**

K.S, Shukla and S.S. Singh : Lokayukta: a Social Legal Study (1988), Indian Institute of Public Administration, New Delhi

Jain & Jain : Principles of Administrative Law-(1986) Tripathi Donald. C. Rowat : The Ombudsman (1966),-George Allan and Unwin Ltd. Toronto

### **K 05: LOCAL\_ SELF-GOVERNMENT LAW**

Unit 1 : Historical Perspectives : Early period, Gram Swaraj: The Gandhian concept, Constitutional Scheme : Directive Principles, Structure and powers of local bodies

Unit 2: Legislative Powers: Direct democracy and grass root planning Municipalities and corporation, Gram Sabha, Quasi-legislative Powers : Rule making power of the State Government, Regulations and Bye-laws

Unit 3 : Levying taxes, Licensing power, Financial resources and powers

Unit 4: Judicial and Quasi judicial powers of the Local Bodice, Election to Local Bodies, Conduct of Meetings: Corporation, Municipal Council, Panchayat Committee and Gram Sabha, Institutional and Judicial Control

### **SELECT BIBLIOGRAPHY**

Friedman : The State and the Rule of Law in a Mixed Economy Neville L. Brown and J.F. Garner: French Administrative Law Dicey: Introduction to the Law of the Constitution  
Davis : Discretionary Justice  
Jain & Jain : Principles of Administrative Law (1986), Tripathi, Bombay  
Radhakumud Mookerji : Local Government in Ancient India (1985), Daya Publishing Delhi  
I. Venketarangaia & M. Pattabliiram - Local Government in India (1969)

### **K 06: COMPARATIVE ADMINISTRATIVE LAW**

- Unit 1 : Evolution and Significance of Administrative Law in various systems of Governance - From Ancient to Modern: system, England and US, Other systems, Doctrine of Separation of Powers: Comparative survey - Common law and continental systems: English, US, French, German and Indian
- Unit 2 : Delegated Legislation: Comparative approaches: widening contours: classification, Controls over delegated legislation Administrative Discretion, Need for discretionary powers, Nature, scope and limits
- Unit 3 : Processual Fairness, Evolution and significance of natural justice, England : Judicial process: doctrine of fairness and doctrine of legitimate expectation - legislation, US: Due process and judicial decisions - legislation India: through judicial process - doctrine of fairness: Articles 14, 19 and 21 -doctrine of legitimate expectation, Access to information
- Unit 4: Liability of Administration - England, US and Indian Practices : Contractual liability, Tortious liability, Federal Tort Claims Act, 1946, Crown Proceedings, Act 1947, Indian attempts at legislation

### **SELECT BIBLIOGRAPHY**

Peter H. Schuck : Foundations of Administrative Law (1994), Oxford, New York  
Friedman : The State and the Rule of Law in a Mixed Economy Neville L. Brown and J.F. Garner: French Administrative Law Davis : Discretionary Justice .  
D. D. Basu : Comparative Administrative Law (1998)

**K 07: DISSERTATION & VIVA - VOCE**

Dissertation	:	50 Marks
Preparation and presentation of Non-Doctrinal Research	:	20 Marks
Viva Voce	:	30 Marks

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