

APPENDIX-II

DETAILED SYLLABUS FOR LL.M PROGRAMME

FIRST SEMESTER

PAPER - FC-01

LAW AND SOCIAL TRANSFORMATION IN INDIA.

1. Law and social change

- 1.1. Law as an instrument of social change.
- 1.2. Law as the product of traditions and culture. Criticism and evaluation in the light of colonisation and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

3. Language and the law

- 3.1. Language as a divisive factor: formation of linguistic states.
- 3.2. Constitutional guarantees to linguistic minorities.
- 3.3. Language policy and the Constitution: Official language; multi-language system.
- 3.4. Non-discrimination on the ground of language.

4. Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

5. Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.
- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.

6. Women and the law

- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.

7. Children and the law

- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.

8. Modernisation and the law

- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
 - 8.2.1. Reform of family law
 - 8.2.2. Agrarian reform - Industrialisation of agriculture.
 - 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
 - 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 - 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
 - 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

9. Alternative approaches to law

- 9.1. The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan ---Surrender of dacoits; concept of grama nyayalayas.
- 9.2. Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.
- 9.3. Indian Marxist critique of law and justice.
- 9.4. Naxalite movement: causes and cure.

Select Bibliography

- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
Robert Lingat, The Classical Law of India (1998), Oxford
U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
Manushi, A Journal About Women and Society.
Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
H.M. Seervai, Constitutional Law of India (1996), Tripathi.
D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
Savitri Gunasekhare, Children, Law and Justice (1997), Sage
Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

PAPER - FC-02

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

1. Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

2. "State" : Need for widening the definition in the wake of liberalisation.

3. Right to equality: privatisation and its impact on affirmative action.

4. Empowerment of women.

5. Freedom of press and challenges of new scientific development

- 5.1. Freedom of speech and right to broadcast and telecast.
- 5.2. Right to strikes, hartal and bandh.

6. Emerging regime of new rights and remedies

6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights

6.1.1. Compensation jurisprudence

6.1.2. Right to education

6.1.2.1. Commercialisation of education and its impact.

6.1.2.2. Brain drain by foreign education market.

7. Right of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

9. Separation of powers: stresses and strain

- 9.1. Judicial activism and judicial restraint.
- 9.2. PIL: implementation.
- 9.3. Judicial independence.
 - 9.3.1. Appointment, transfer and removal of judges.
- 9.4. Accountability: executive and judiciary.
- 9.5. Tribunals

10. Democratic process

- 10.1. Nexus of politics with criminals and the business.
- 10.2. Election
- 10.3. Election commission: status.
- 10.4. Electoral Reforms
- 10.5. Coalition government, 'stability, durability, corrupt practice'
- 10.6. Grass root democracy.

Select bibliography

- 1) H. M. Seervai – Constitutional Law of India. (1996) Tripathi.
- 2) M. Galanter – Competing Equalities: Law and the Backward Classes in India (1984).
- 3) Dr. Thrity Patel – Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
- 4) D. D. Basu – Constitution of India. (1996).
- 5) M. P. Jain – Constitutional Law of India.
- 6) V. N. Shukla – Constitution of India 9th Ed. 1994.
- 7) Ravi Prakash - Constitution, Fundamental Rights & Judicial Activism in India, 1997.
- 8) Justice Palok Basu - Law Relating to Protection of Human Rights Under the Indian Constitution and Allied Laws, (2002)

These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

PAPER - A-01
Nature and Sources of International Law

1. Historical Background and Theoretical Foundation of International Law :
 - 1) Definition and Character of International Law
 - 2) Historical Evolution and Development of International Law
 - 3) Basis of International Obligation

2. Concept of Source of Law and Methods of Law Formulation.
 - 1) Meaning of Source of Law
 - 2) Sources of International Law
 - 3) Hierarchy of the Sources
 - 4) Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies
 - 5) Jus Cogens

3. Relationship between International Law and Municipal Law :
 - 1) Theories of Relationship
 - 2) Merits and Demerits of the Theories with regard to the Relationship between International Law and Municipal Law
 - 3) American, English and French Approaches towards the Relationship between Municipal Law and International Law
 - 4) Indian Practice and role of Indian Judiciary

4. Subjects of International Law:
 - 1) States
 - 2) Non - State Entities
 - 3) Individuals.
5. State :
 - 1) Nature and Functions of State under International Law
 - 2) Different kinds of states and Non – State Entities
 - 3) Associations or groups of States
 - 4) State territory, acquisition & loss of territory
 - 5) State jurisdiction , Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law
6. Recognition:
 - 1) Recognition of State and Government in General
 - 2) Recognition De jure and De Facto
 - 3) Legal effects of Recognition
7. State Responsibility:
 - 1) Nature and Kind of State Responsibility
 - 2) Responsibility for breach of treaty, contractual obligation and expropriation of foreign property
 - 3) Responsibility for International delinquencies
 - 4) Claims
8. State Succession:
 - 1) Definition of state succession
 - 2) Kinds and Theories of State Succession
 - 3) Rights and obligations arising out of State Succession

Books Suggested for Reading:

- 1) O. Connel, D. P. – International Law Vol. I & II.
- 2) S. K. Agrawal (Ed.) – Essays on the Law of Treaties (1972).
- 3) Roselyn Higgins – The Development of International Law through the Political Organs of the UN (1963).
- 4) D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
- 5) Francis M. Sekandi (ed.) – New Horizons in International Law (Second Revised Edition).
- 6) George Schwarzenberger – International Law.
- 7) Brownlie – Principles of Public International Law, 4th Edn. 1990.
- 8) Rebecca M, Wallace: International Law.
- 9) Melcolm N. Shaw: International Law.
- 10) Martin Dixon and Robert: Cases and Material on international law Mc. Corquodale.
- 11) Shabled Rosemat – Developments in the law of Treaties.

PAPER - A02
International Organizations: Law, Practice & Future

1. Evolution of International organization : The Concert of Europe, the League of Nations and the United Nations.

2. United Nations as a Constitutional and Political System.

- 2.1. Organs and Their functions
- 2.2. Law creating processes including Resolutions and Declarations of the General Assembly and Specialized Agencies
- 2.3. Financing and Problems of financial crisis
- 2.4. Amendment process
- 2.5. Secretary General of the United Nations.

3. The Political Process

- 3.1. Blocks and Alliances
- 3.2. Non-aligned movement and its impact on voting in the various organs of the United Nations.
- 3.3. African and Latin American Groups
- 3.4. India and the United Nations
- 3.5. The Big Two and the United Nations.

4. Peace-Keeping

- 4.1. UN peace-keeping functions.
- 4.2. UN peace-keeping force - case studies
- 4.3. Problems of peace-enforcement through the UN

5. Special Agencies and Non Governmental Organisations

- 5.1. Constitution and functions of specialized agencies
- 5.2. Case studies of some agencies such as FAO and UNDP as illustrative organizations within the UN system.
- 5.3. Select studies of NGOs serving as consultants.
 - 5.3.1. Amnesty International
 - 5.3.2. International Commission of Jurists.

6. Peaceful Change through United Nations

- 6.1. Dispute settlement machinery of the United Nations
- 6.2. The Role of ECOSOC in bringing about peaceful change
- 6.3. UN operational programmes in the Social Field
- 6.4. UN operational programmes in the Economic Field
- 6.5. Anti-colonial consensus
- 6.6. Disarmament and human rights.

Select bibliography

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

Ingrid Detter, Law Making by the International Organisation, (1965)

Stephen S.Goodspeed, Nature and Function of International Organisation, (1967)

Wilfred Jenks, The proper Law of International Organisations, (1962)

E.P.Walters, History of the League of Nations (1965)

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 the United Nations (1954)

Rahmathullah Khan, Implied Powers of the United Nations (1970)

Edward Macwhinney, United Nations Law Making (1984)

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

PAPER - B-01

CONSTITUTIONALISM : PLURALISM AND FEDERALISM

N.B. Students are expected to be familiar with relevant provisions of other constitutions of the World - USA, UK, Canada and Australia.

1. Constitutionalism:

- 1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.
- 2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.
- 3) Globalisation and its impact on Constitutionalism
- 4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism

2. Indian Federalism :

- 1) Essential features and requisites of federal government-Differences between Confederation and federation.
- 2) Pattern of Federal Government - USA, Australia, Canada, India.
- 3) Historical background of the federal structure of Government in India.
- 4) Why Federal government was chosen by the Constituent Assembly?
- 5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.

6) Panchayat Raj, Decentralisation of power and federal structure.

3. Parliamentary Form of Government :

1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.

2) President of India and his constitutional status.

3) The Cabinet and the Doctrine of collective responsibility.

4) Governor and his role in Indian Federalism.

5) Party system and Anti-Defection Law.

6) Parliamentary Privileges.

4. Judicial Review :

1) Meaning, Basis and Constitutional significance.

2) American Supreme Court on Judicial Review-Marbury V. Madison.

3) Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.

4) Supreme Court as an umpire in the federal system.

5) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

5. Pluralism :

1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination

2) Religious, Ethnic, linguistic, cultural and political pluralism.

3) Right to dissent in plural society.

4) Role of Law in Pluralistic society .

Books Suggested for Reading :

- 1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
- 2) M.P. Jain - Indian Constitutional Law.
- 3) D.D. Basu - Comparative Constitutional Law.
- 4) D.D. Basu- Legal Control of limited Government (Tagore Lectures).
- 5) H.M. Seervai - Constitutional Law of India (1993)
- 6) K.C. Wheare - Federal Government (1963)
- 7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
- 8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism - A Comparative Study (1992)
- 9) Subash C. Jain - The Constituion of India, Select Issues and Perceptions (Taxmann-2000).
- 10) D. J. De, - The Constitution of India, Vol I & II, Asia Law House (Hyderabad) , (2003).

PAPER - B-02

UNION - STATE RELATIONS

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. Scheme of Distribution of Legislative and Administrative Powers:

- 1) General Scheme of Distribution of Legislative Powers and Art. 245 to 254.
- 2) Factors responsible for according paramountcy to the Centre.
- 3) Administrative Relations Art. 256-263.

2. Distribution of Fiscal Powers :

- 1) Scheme of allocation of Taxing Powers.
- 2) Extent of Union Power of Taxation.
- 3) Residuary Power.

Restrictions on Fiscal Powers :

- 1) Fundamental Rights.
- 2) Restrictions on the State's Power.
- 3) Inter- Governmental Tax Immunities - Doctrine- its origin and application
in USA, Canada , Australia and India.

3. Distribution of Tax, Revenue and Financial Equilibrium:

- 1) Tax- Sharing under the Constitution.
- 2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
- 3) Borrowing power of the Government of India and the States.
- 4) Financial Emergency and its impact on the Federal Structure.

4. Planning Commission and Finance Commission.

- 1) Finance Commission - Constitution, Function, Role and Work of the Commission.
- 2) Planning Commission and its Role.
- 3) Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Planning Commission and Finance Commission.

5. Freedom of Trade and Commerce : Art. 301-307 :

- 1) Freedom of Trade and Commerce.
- 2) Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.

6. Co-operative Federalism :

- 1) Development from Competitive to Co-operative Federalism –Emerging Trends .
- 2) Full Faith and Credit Clause.
- 3) Inter-State Council.
- 4) Zonal Councils.
- 5) Inter-State Water Disputes.
- 6) National Integration Council.

Books Suggested for Reading :

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala _ Union State Financial Relations (1967).
- 3) M.P. Jain - Indian Constitutional Law (1987)
- 4) H.M. Seervai - Constitutional law of India Vol.2, chap.-22.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984)

PAPER - C-01

NATURE , EMERGENCE & DEVELOPMENT OF IPRs

1. (a) Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights

2. (b) Nature of Intellectual Property Rights

- i. Monopolistic Perspective
- ii. Economic Perspective
- iii. Public welfare perspective

3. (c) Theories

- i. Natural theory
- ii. Lockes' Theory of property
- iii. Hegelian Philosophy
- iv. Utilitarian guidelines
- v. Incentive theory
- vi. Prospect theory
- vii. Schumpeterian theory

4. Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to International Character
- d) Sustainable Ddevelopment
- e) Challenges for IPR system:
 - i. Digital Economy
 - ii. E-commerce
 - iii. Domain names
 - iv. Biotechnology including Human genomes
 - v. Nanotechnology
- f) Role of Government in fostering the IPR

5. International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO régime
 - _ Paris Convention
 - _ Berne convention
 - _ Rome convention
 - _ Patent Cooperation treaty
 - _ World Intellectual Property Organization (WIPO), etc..
- c) Post WTO regime
 - a) TRIPS

6. National regime

- a) Background
- b) Pre WTO
- c) Post WTO

Suggested Readings

1. Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep publication Pvt. Ltd. 2004.
2. Phillippe Culet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis Butterworth, 2004.
3. W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
4. Jayanti Bagachi, *World Trade organization; an Indian Perspective*(2000).
5. Narayanan, P., Intellectual Property Rights

Further readings

1. UNCTAD-ICTSD, *Resource book on TRIPs and Development*, Cambridge University Press, 2005
2. Surendra Bhandari, *World Trade organisation and Developing Countries*, 1998
3. Bleir, F.K., Crespi, R.S. and Straus, J., *Biotechnology and Patent Protection- an international review*, OECD
4. Jayashree Watal, *Intellectual Property rights in the WTO and Developing Countries*, the Hague Kluwer Law International, 2001

PAPER - C-02

COPYRIGHT LAW

1. Introduction to Copyright

- (a) Historical development of the law of copyright
- (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

- (a) Berne Convention
- (b) Universal Copyright Convention
- (c) Rome Convention, 1961
- (d) Phonogram Convention, 1971
- (e) TRIPs Agreement
- (f) WIPO Copyright Treaty, 1996
- (g) WIPO performance and Phonogram Treaty, 1996

3. Subject matter of copyright works

- (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
- (b) Provisions under Indian Law and International Convention

4. Ownership, duration and assignment of copyright

- (a) Ownership of literary, dramatic, artistic and computer generated works etc.
- (b) Economic and moral rights of copyright owners
- (c) Terms of copyright
- (d) Assignment of copyright and licences

5. Performers rights under the Indian Copyright Law and under International Conventions

- (a) Historical development of performers rights: Nature and Scope
- (b) Economic and moral rights of performers and Exception of performers rights

6. Broadcast Reproduction Rights and Public Interest

- (a) Satellite broadcasting and by cable television
- (b) Exception under Indian law and under international convention

7. Infringement of copyright

- (a) Mode of infringement of various copyright works
- (b) Infringement of neighbouring rights
- (c) Statutory exception under Indian law and international convention

8. Remedies of infringement of copyright under national and international perspective

- (a) Preventive and compensatory civil remedies
- (b) Criminal remedies
- (c) Administrative remedies

Suggested Readings:

1. International Copyright and Neighbouring Rights; Stephen M. Steward (London, 1983)
2. Copinger and Skare James on Copyright; E.P. Skare James (London, 1991)
3. How Copyright Works in Practice; Kala Thairani (Bombay, 1996)
4. Law of Copyright: From Gutenberg's Invention to Internet; (Delhi, 2001)

PAPER - D-01
CORPORATE LAW

I. Introduction :

- a) Nature, purposes and types of business enterprises.
- b) Economic themes in the development of modern company law.
- c) Classification of companies.
- d) Concept and theories of corporate personality .
- e) Doctrine of Lifting the Corporate Veil
- f) Administration of Company Law- Authorities, their composition, powers and jurisdiction .

II. Formation of company .

- 1) Promotion and pre-incorporation contracts.
 - a) Concept of Promotion
 - b) Rights and Duties of Promoters
 - c) Pre-incorporation contracts.
- 2) The Mechanics of Company Formation .
 - a) Formation formalities.
 - b) Memorandum of Association :
 - i) Meaning, nature and content (Requirements under company and other legislations)
 - ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reform of the doctrine .
 - iii) Amendment of MOA.
 - c) Articles of Association :
 - i) Meaning and nature.

ii) Doctrine of indoor management - Scope, Effect and Exceptions.

iii) Amendment of AOA.

III Concept of Capital and Financing of Companies:

a) Economic and legal concept of capital

b) Sources of capital Depositories, Public Financial Institutions, Mutual Funds, FDI and NRI investments.

c) Kinds of Capital, Alteration, Reduction and Issue of Capital

d) Share - Definition, Kinds, Classes of Shares, Allotment, Transfer, Transmission of Shares and Buy back of Shares.

e) Debenture - Definition, Kinds and Rights of Debenture Holders, Charges, New Developments in Corporate Debt Financing.

f) Inter- corporate Loans and Investments .

Suggested Reading:

a) Gover's Principles of Company Law, 5th Edn. 1992, Sweet and Maxwell.

b) Iyengar,T.R. Srinivasa : Company Promotion, Management & Incorporation , 2nd Edn. The Law Book co (P) Ltd.

c) Dr.K.R. Chandratre : Transfer and Transimission of Shares and Debentures 3rd Edn. 1996 - Bharat Law House Publication.

d) Badjatya : Model object Clause of Memorandum of Asociation of a company, 1995 Edn. Orient Publishing co.

e) Ramaiya : Guide to the companies Act- (1998)

f) Boyle and Birds - Company Law 3rd Edn. 1997 Universal Law

Publishing Co.Pvt. Ltd.

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

Butterworths

h) Altman and subrahmanyam - Recent Advances in corporate

Finance(1985) LBC.

i) Y.D. Kulshreshta, Government Regulation of Financial

Management of private Corporate sector in india (1986)

Journals - Journal of Indian Law Institute , Corporate Law Cases,

Chartered Secretary, Law and Contemporary Problems.

Statutory Materials - Companies Act

PAPER - D-02

COMPANY & SECURITIES LAW

I. Management of Company .

- 1) Concept of corporate Governance
 - a) Directors and other Managerial Personnel - Qualification, Disqualification, Appointment and Removal, Powers, Position, Duties , Liabilities and Remuneration of Directors.
 - b) Managing Director
 - c) Manager and sole selling agents .
 - d) Meetings of company
 - e) Supremacy of majority and protection of minority : exceptions to Rule in Foss V. Harbottle.
 - f) Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.

II. Regulation of companies by disclosure of information .

- a) Themes underlying disclosure of information.
- b) Auditors - Appointment , Qualification, Disqualification and Removal of .
- c) Audit committee.
- d) Investigation of affairs of companies - inspectors and their powers, inspectors' report .

III. Amalgamation, take over and mergers

IV. Corporate collapse - Winding up of company

- a) Meaning and kinds of
- b) Grounds for compulsory winding up

- c) Appointment , Powers and Duties of Liquidator.
- d) Contributory.

V. International Dimensions of company law.

- a) Multinational and Transnational companies - Meaning , Growth and Regulation of
- b) Cross- frontier mergers international competition and international co-operation.

VI. Securities Laws in India.

- a) Security Contract (Regulation) Act . Control of capital market - listing of Securities etc.
- b) National Stock Exchange /Recognised stock Exchange / OTC .Exchange
- c) Contracts and options in securities, Derives, listing of securities
- d) SEBI ACT and guidelines .
- e) Depositories Act - Demitting of Shares etc.

Suggested Reading:

- a) Prof. I.C.B. Gover's Modern Principles of company law 5th Edn 1992, Sweet and Maxwell .
- b) Boyle and Birds- Company Law
- c) V.H. Farrar and B. M. Hanniyan, Farrar's Company Law (1998) Butter worth
- d) Ramaiya : Guide to the companies Act, (1998)
- e) Thayil Philip and Iyengar, T.R. Srinivasa - companies Director (their Rights, Duties, Power, obligations, Appoint ments, Classifications, Removal, Resignation etc.) 2nd Edn - Law Book Co:(p) ltd.
- f) Iyengar, T.R. Srinivasa : Company Promotion, Management and incorporation, 2nd edn. The law Book co (p) Ltd.
- g) Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni , K. Sethuraman: compendium on SEBI- Capital Issues and listing - 3rd Edn. 1996 Bharat law House publication.

PAPER - E-01.

ENVIRONMENTALISM AND INDIAN SOCIETY

I. Concept of "Environment"

1. Definition, Meaning and Scope of the term 'Environment' and 'Pollution'.
2. Meaning of the term 'Population ', 'Biome', 'Biosphere'
3. Meaning of the term 'Ecosystem: Macro-Ecosystem and Micro- Ecosystem',
4. Natural and Biological Sciences Interactions: Biogeochemical Cycles
5. Ecological Efficiencies and Eltonian Pyramid

II Relationship between Population, Environment and Development

1. Population –Vs- Development
2. Development –Vs- Environment
3. Concept of 'Common Property' and 'State Property'
4. Notion of Doctrine of Public Trust

III Environment and Indian Cultural Tradition

1. Ancient Beliefs
2. Medieval Writings
3. Religious Texts and Environment.

IV Early Legislations dealing with Environment before 1947

(Relevant Sections only)

- a) Shore Nuisance (Bombay and Colaba) Act, 1853
- b) Indian Penal Code, 1860
- c) The Police Act, 1861

- d) The Sarais Act, 1867
- e) Northern India Canal and Drainage Act, 1873
- f) Obstruction in Fairways Act, 1881
- g) Easement Act, 1882
- h) Orient Gas Company Act, 1887
- i) The Indian Fisheries Act, 1897
- j) Indian Ports Act, 1908
- k) Forest Act, 1927
- l) Motor Vehicles Act, 1958
- m) Merchant Shipping Act, 1958

PAPER - E-02.

Human Impact on Environment and Problems in India

I. Pollution of Water

1. Definition and Utilization of Water
2. Sources of Water Pollution
3. Surface and Ground Water Pollution
4. Biological, Chemical and Physical Parameters of Water
5. Water Purification and Pollution Prevention Strategies

II. Pollution of Air

1. Definition and Structure of Atmosphere
2. Sources of Air Pollution
3. Types of Air Pollutants: Primary and Secondary Pollutants
4. Air Pollutants and its Measurement and Standards
5. Effect of Air Pollutant on Health, Vegetation and Material
6. Air Purification and Pollution Prevention Strategies

III. Pollution of Noise

1. Definition, Meaning and Scope
2. Causes of Noise Pollution
3. Sources of Noise Pollution
4. Effect of Noise Pollution
5. Noise Pollution Prevention Strategies
6. Noise Pollution (Regulation and Control) Rules, 2000

IV. Solid Waste and Its Management

1. Solid Waste: Definition and its Characteristics
2. Classification of Solid Waste
3. Sources of Solid Waste
4. Effect of Solid Waste on Health, Vegetation and Material
5. Solid Waste Pollution Prevention and Disposal Strategies
6. General Discussion: Land Pollution

V. Hazardous Waste and Its Management

1. Hazardous Waste: Definition and its Characteristics
2. Classification of Hazardous Waste
3. Effect of Hazardous Waste on Health, Vegetation and Material
4. Hazardous Waste Pollution Prevention and Disposal Strategies

PAPER - F-01

COLLECTIVE BARGAINING

1. Freedom of Organization

- 1.1. International norms: right to association of industrial and unorganised labour
- 1.2 Right to association in India: the constitutional and legal aspects

2. Collective Bargaining Conceptual and Processual Issues

- 2.1. Conception of collective bargaining: a comparative appraisal
- 2.2. Methodological aspects

3. Bargaining Process

- 3.1. Empirical Indian studies
- 3.2. Types of bargaining: plant level, industry level and national level

4. Legal Control of Collective Bargaining Endeavours

- 4.1. Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing)
- 4.2. Gherao
- 4.3. Lock out

5. Factors Affecting on Collective Bargaining

- 5.1. Multi-unionism
- 5.2. Other factors
- 5.3. Conditions for successful functioning: comparative analysis

6. Economic Implications of Collective Bargaining

- 6.1. Wage policy
- 6.2. Work discipline
- 6.3. National income and profit

7. Collective Bargaining and Political Processes

- 7.1. Problem of outsiders in the union
- 7.2. Affiliation of unions to political parties
- 7.3. 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 Hentyball, Text book on Labour Law (1998), Blackstone, London

Stephen Dery and Richard Mitchell, Employment Relations Individualisation and Union Exclusion

(1999), Blackston, London.

Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised Market Economies (1999) Kluwer

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

ILO, Collective Bargaining

ILO, Collective Bargaining in Industrialised 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. II Labour Law Notes P.J. 42

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

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

T.O. Ekechukwu, "Collective Bargaining and Process of Settling Industrial Disputes in Nigeria" 18 Indian Journal of industrial Relations 607 (1983)

Y.R.K. Reddy, "Determination of collective Bargaining Agency Search for a Procedure" 14 Indian

Journal of Industrial Relations 73 (1978) Sahab Dayat "Revival of Collective Bargaining in India: Some Recent Evidence" 17 Indian Journal 'of industrial Relations 329 (1982)

PAPER - F-02

LAW OF INDUSTRIAL ADJUDICATION

1. Constitutional Perspectives and Foundations

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

2. Access to Adjudicatory Justice

- 2.1. Threshold control by government: reference
 - 2.1.1. Extent of governmental discretion: time, expediency and matters for adjudication
 - 2.1.2. Limitations on discretion
 - 2.1.3. Political overtones and pressure tactics
 - 2.1.4. Judicial restraint or liberalism, the ideal juristic approach
 - 2.1.5. Direct access to adjudicatory authority by employer and employee: problems and perspectives
- 2.2. International norms
- 2.3. Comparative overview of access to adjudicatory process in the U.K. and Australia

3. Adjudicatory Process

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

4. Judicial Review of the Adjudicatory Process

- 4.1. Finality of decision making in adjudicatory process: a myth
- 4.2. Jurisprudence of industrial adjudication: formulations through constitutional remedies of writs and appeal
 - 4.2.1. Jurisdiction of the adjudicatory authority in respect of dismissal of workmen
 - 4.2.2. Juridical formulation of the concept of industry
 - 4.2.3. Retrenchment the widening dimensions through decisional law.

Select Bibliography

- Malhotra, The Law of Industrial Disputes, Vol. 1, (1988).
ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX, and XI.
Rideout, Principles of labour Law (1983), Ch. 4, 5 & 6.
Russel A. Smith, et al. Collective Bargaining and Labour Arbitration, (1970) Part-II.
Robert A. Gorman, Basic Text on Labour Law, Ch. 23, 24 and 25 (1976).
Relevant portions of the Report of the National Commission on labour.

I.P. Massey, "A legal Conundrum in Labour Law", 14 JILI 386 (1972).
S.C. Srivastava, "Voluntary Labour Arbitration: Law and Policy", 23, JILI 349, (1981).
Arjun P. Aggarwal "Conciliation and Arbitration of Labour disputes in Australia" J.I.L.I 30 (1966).
D.C. Jain, "Meaning of Industry: Wilderness of Conjectural Justice" (1986) 3. S.C.C. Journal 1.
T.N. Singh, "Futuristic Industrial Jurisprudence a Poser", (1986) 3 S.C.C. Journal 15.
Chaturvedi.R.G., Law and Procedure of Departmental Enquiries and Disciplinary Actions (1997)

PAPER - G-01

CRIMINAL JUSTICE SYSTEM

I A) Crime

- 1) Concept, Nature, Definition and Characteristics of Crime.
- 2) Development of Criminal Law and Criminal Justice System during British period and post independent period.
- 3) Theories of Crime
- 4) Sociology of Crimes.

B) Criminology

- 1) Definition of Criminology - Social, Psychological and Legal approaches
- 2) Nature and scope of Criminology

C) Principles of Criminal Jurisprudence

- 1) Adversarial (Accusatorial) and Inquisitorial System
- 2) Recommendations of Malimath Committee Report-
Shift from Co-ordination in Criminal Justice system,
from 'justice model' to crime control model'.

How the burden of proof shifts as per the nature of crime?

II Crime trends and Crime Prevention

- 1) Social Change, Deviance and Disorganization
- 2) Who is a Criminal
- 3) Crimes against person
- 4) Crimes against property
- 5) Crime, Social Control and Crime Prevention
- 6) Community and Crime Prevention
- 7) Crimes under Special Law and its jurisdictional aspect
(Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003)

III Criminal Liability: Precepts and Principles

- 1) Evolution of civil and criminal Liability from common liability for 'Wrongs'
- 2) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission.
- 3) Mensrea - (intention) recklessness, negligence, malice, inchoate offences.
- 4) Mensrea under the IPC
- 5) Exemptions from criminal liability
- 6) Strict Liability.
- 7) Principles of Group or Joint Liability:
- 8) Vicarious and Corporate Liability

IV Victimology

1. The concept of victimology
2. Rights of Victims. Protection to Victims under Criminal Law

Victim- offender Relationship

3. Victim Perception
4. Withdrawal of Prosecution Role of Victim
Compensation under various Laws:
 - a) Section 357. CRPC
 - b) Motor Vehicles Act
 - c) sexual harassment and assaults.
 - d) medical negligence
 - e) State liability to pay compensation for police Atrocities
5. Compensation and Restitution to the victim- Justice To Victims, (Principle of compensatory jurisprudence)

V. Procedural Mechanism in the Criminal Justice System (viz. Police, Prosecutor and Judicial system)

- a) Role of police in modern societies
- b) Police Reforms and role played by Supreme Court
- c) Meaning, purpose and need of independent prosecution system
- d) Relationship of Police and Prosecution
- e) Effective Judicial Control on Criminal Justice system

Books of Reference

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Dr. Mrinmaya Chaudhari, Languishing for Justice, A Critical Survey of the Criminal Justice System, DATTSONS, J. Nehru Marg, Sadar, Nagpur.
3. Malik P.L., Criminal Court Hand Book, 18th Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
4. Manjula Batra, Protection of Human Rights in Criminal Justice Administration, Deep and Deep Publication, New Delhi.
5. Parvesh K Atri, Readings in Criminal and Criminology, 1st edition 1998, Anmol Publication Pvt. Limited, New Delhi -2
6. Ahmed Siddiqui, Criminology, Problems and Perspectives, 4th edition 1997, Eastern Book Company, Lucknow -01
7. Clive Coleman and Clive Norris , Introducing Criminology, Edition 2000, Lawman (India) Pvt Limited, Lajpat Nagar, New Delhi-24
8. Bharat B Das, Victims in the Criminal Justice System, 1st Edition 1997, APH Publication Corporation, New Delhi 2.

PAPER - G-02

CRIME & SOCIAL LEGISLATION

I Meaning and Purpose of Social Legislation

- a) Concept of Social Justice
- b) Historical Evolution of the concept of Social Justice from British Rule onwards
- c) Social Legislations interpreted by Courts in India
- d) Impact of social legislation on the Criminal Law in India
- e) Need for Reform in Social Legislations in the Indian context.

II Protection of rights in Criminal Justice System

- a) Protection of Civil Right Act 1995.
- b) Meaning, Nature and scope of the Act.
- c) Need for reforms in the existing Civil Right Act,
- d) Nature of Offences.

III. Dowry Prohibitions Act 1961

- a) Meaning and Purpose
- b) Merits and Demerits
- c) Negative Impact of the Act in certain exceptional cases
- d) Need for modification in the existing provisions
- e) Complementary provisions
Sec 498A, Sec 304A & B of I P C
- f) Powers of Police Officers
- g) Nature of Offences.

IV A) The Immoral Traffic (Prevention) Act, 1956

- a) Definition and objectives of Act

- b) Regulatory Framework
- c) Scope of the Act and its applicability
- B) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995
 - a) Purpose and Object of the act
 - b) Merits and Demerits

V Prevention of Corruption Act, 1988 : Its impact on Society

- a) Nature, Meaning and Scope
- b) Social reasons for the increase in the crimes of Corruptions
- c) Prosecution - Sanctions and Regulations under the Act
- d) Investigation Procedure and Powers under the Act.

VI Prevention of Atrocities Act 1989

- a) Meaning, Nature and Scope of the Act
- b) Relevance of the Act in the present day scenario
- c) Merits and Demerits

Books of Reference

- 1) Krishnamurthy S. 1987, Impact of Social Legislations, on the Criminal Law in India, R.R. Publishers, Bangalore
- 2) Bare Acts
 - * I.T. Act, 2003
 - * Evidence Act, 2003 and 2005
 - * CR.P.C. 1999, 2003 & 2004
 - * I.P.C. 1999, 2003 & 2004
 - * Dowry Prohibition Act (1961), Dowry Prohibition (Amendment) Act (1961)

- * The Immoral Traffic (Prevention) Act, 1956
 - * Prevention of Corruption Act, 1988.
-
- 3) Roger Glenn Lamphear, Freedom from Crime. Ed, 1979, Nellen Publishing Company, New York, 100016.
 - 4) P.S. Narayana, The Scheduled Caste and Scheduled Tribes (Prevention of Atrocities Act 1989 and Protection of Civil Rights Act 1955.,)Gogra Law Agency, Hyderabad, AP-2.
 - 5) Chakrabharti N.K. Social Defense, in the administration of Criminal justice Ed 1999, Deep and Deep Publications Pvt. Ltd, New Delhi-27.
 - 6) Dewan V K, Law Relating to Offences against Women, 1st Edition 1996, Oriental Law House, New Delhi-24.

DETAILED SYLLABUS FOR LL.M II nd SEMESTER

PAPER - FC-03

Jurisprudence and Legal Theory

1. Law and Justice:
 - a) Scope of Jurisprudence: The concept of Law.
 - b) The Relation of Justice to Law and Ethics, Ethical and Legal Theory
 - c) Law and Morals - Mills, Hart Devlin Debate.

2. Natural Law Theories:
 - a) Historical Development in Ancient, Medieval and Renaissance Period
 - b) Twentieth Century Natural Law Revival.
 - c) Hart on Natural Law.
 - d) Fuller and Morality of Law.
 - e) Finnis and Restatement of Natural Law

3. Positivism and Analytical Theories of Law:
 - a) Jeremy Bentham's Utilitarianism and Analytical Positivism.
 - b) Austin's Theory of Law
 - c) The Pure Science of Law: Kelson's Theory.
 - d) Positivism-Meaning by Prof. Hart and Dworkin.
 - e) Analytical Positivism and the Indian Legal System.

4. Sociological Jurisprudence:
 - a) Roscoe Pound's Theory of Social Engineering and Theory of Interest.
Laswell and Mcdaugal, Parsons, Selznick.

- b) Jhering, Max Weber, Durkheim, Ehrlich.
- c) Unger and the Development of Modern Law.

5. Historical and Anthropological Theories:

- a) The German Historical School-Savigny and Volkgeist.
- b) The English Historical School - Sir Henry Maine.

6. Concept of Rights:

- a) Classification and Categorisation of Rights, Constitutional Rights, Unenumerated Rights Co-Relation of Rights with Duties, Hohfeld's Analysis.
- b) Human Rights: Generation of Rights, French Revolution and Declaration of the Rights of Man, Debate on British Bill of Rights, American bill of Right, Declaration of Human Rights,

7. The Judicial Process and Theories of Adjudication:

- a) The nature of judicial process and the institution of adjudication.
- b) Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter Dicta- Precedent as a Source of Law.
- c) Nature of Contemporary Judicial Process- Rule of Law, Doctrine of Independence of Judiciary as an aspect of Separation of Powers.

8. Legal Concepts:

- a) Concept of Liability, moral, political and legal – Theories of liability Fault Liability, No-Fault Liability and Tstrict Liability.
- b) Concept of Property – Ownership and Possession.
- c) Corporate Personality / Legal Person.

9. Feminist Jurisprudence:

- a) Origin – Main Enquires Equality and Defference, Feminist Legal Method
- b) The Critical Legal Studies Movement, Post-Modernist Jurisprudence.

Book Suggested for Reading:

- 1) Friedman W. -Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
- 2) Wayne Morrison - Jurisprudence from the Greek to Post - Modernism (1997).
- 3) Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
- 4) Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7th Edition).
- 5) Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
- 6) P.J. Fitzgerald, Salmond on Jurisprudence (12th Edition) Universal Law Publishers
- 7) Rajeev Dhawan and Alice Jocab, Selection and Appointment of Superme Court Judges – a Case Study (1978
- 8) Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law, (Revised Edition) 1996 Universal Book Traders, New Delhi.

PAPER - FC-04

Legal Education and Research Methodology

1. Basic Concepts:

- 1) Meaning and characteristics of research.
- 2) Meaning and characteristic of legal research.
- 3) Concepts and meaning of social science research.
- 4) Law and social science.
- 5) Law and science.
- 6) Characteristics of the scientific methods.

2. Legal Research:

- 1) Indian background of legal research.
- 2) Legal Impact Analysis.
- 3) Methods/tools of legal research for practicing lawyers.
- 4) Doctrinal and Non-doctrinal research.

3. Developing Research Design:

- 1) The nature and type of legal research:
 - i) Exploratory/ Formulative
 - ii) Explanatory
 - iii) Descriptive

- iv) Historical
 - v) Experimental
 - vi) Diagnostic
 - vii) Analytical
- 2) Deriving objectives of legal research.
 - 3) Major concepts and variables of the study.
 - 4) Developing hypotheses and research questions.

4. The Nature of Data in Legal Research:

- 1) The universe of the study.
- 2) The sampling design.
 - i) The adequacy of the sample size.
 - ii) Representatives of the sample.
- 3) Source of data, primary and secondary.

5. Data Collection and Data Processing in Legal Research:

- 1) The Research Tools:
 - i) Interview schedule
 - ii) Questionnaire
 - iii) Observational schedule
- 2) The methods of data collection

- i) Interviewing
 - ii) Entering the data on the questionnaire
 - iii) Observation
- 3) Editing, coding, preparation of master chart and tabulation.

6. Report writing in Legal Research:

- 1) The form, the content and style of the report.
- 2) Reliability of the report in the context of objectivity.
- 3) Analysis of the report.
- 4) Interpretation of data.
- 5) Correct usage of citation, references and bibliography.
- 6) Chapterization.

7. Legal Education:

- 1) Objectives of Legal Education
- 2) Method of Teaching
 - i) Lecture method -merits and demerits.
 - ii) The Problem method
 - iii) Discussion method and its suitability at postgraduate level
teaching
- 3) The Seminar Method of teaching

- 4) Examination system and problems in evaluation - external and internal assessment.
- 5) Clinical Legal Education, legal aid & legal literacy.
- 6) Finding the Law :
 - i) Citation : what is a citation, case citation
 - ii) Law Report
 - iii) Computer information system : Software Packages, practical exercises

Books Suggested for Reading:

- 1) Anderson, J. Durstan, B. H. Pooli, M.(1977) Thesis and Assignment Writing, Eastern Books Limited. New Delhi.
- 2) Bhandarkar and Wilkinson (1990) Methodology and Techniques of Social Research, Himalaya Publishing House, Bombay.
- 3) Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
- 4) Young, P.V. (1975) Scientific Social Surveys and Research Prentice Hall, New Delhi.
- 5) Jain S. N. Legal Research & Methodology I.LI.(1983) Publication, Ed:, Tripathi Pvt. Ltd., Bombay.
- 6) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.
- 7) S.K. Agrawal (edn) , Legal Education in India (1973). Tripathi , Bombay.

8) N.R. Madhava Menon , (Edn) A Handbook of Clinical Legal Education, 1998

Eastern Book Co. Lucknow.

9) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning

in your Law School.. Oxford. 1998.

PAPER - A03

International Humanitarian Law

1. International Movement for Humanization of Warfare

Contributions of classical writers; 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 Conventions of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick persons and Civilian Persons.

2. International Efforts to Outlaw Slavery, Slave Trade and Practices Similar to Slavery, Forced Labour and Trafficking in Human Beings.

3. United Nations and Humanitarian Law

The Role of ECOSOC and ILO; Crusade against discrimination in respect of employment and occupation; Racial Discrimination.

4. International Refugees

The UN Relief and Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status of Refugees and Stateless persons; Genocide Convention.

5. Implementation of the Right to Self-determination

Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships.

6. Eliminating Discrimination Against Women Through International Co-operation.

Select bibliography

C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986).

G.Tunkin, Theory of International Law (1974)

G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)

J.Stone, Legal Controls of International Conflicts (1959)

R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)

T.Taylor, Nuremberg and Vietnam : An American Tragedy (1971)

Paper A04

Disarmament & Peace Strategies

1. The Conceptions of Disarmament

- 1.1. Disarmament and world security, military alliances, arms trade
- 1.2. Changing conceptions of disarmament.

2. The dynamics of the Arms Race

- 2.1. The reasons of arms race, including nuclear weapons
- 2.2. Consequences of arms race in terms of resources and economic development
- 2.3. International implications of the arms race

3. Disarmament and the United Nations

- 3.1. History of the failure of disarmament efforts
- 3.2. UN Disarmament Commission, its achievements and limitations.
- 3.3. U.N. Disarmament Decades of 1970's and 1980's
- 3.4. Negotiations leading to the signing of SALT I and SALT II

4. Nuclear Disarmament: Problems and Perspectives

- 4.1. Nuclear Non-Proliferation treaty and Intermediate range Missile Treaty.
- 4.2. International regulation of nuclear weapons

5. International Regulation of Biological and Chemical or Weapons of Mass Destruction

6. International regulation and Control of Militarization of Outer Space and the Ocean Bed

7. Conserving the world's resources

- 7.1. Assisting the economic development of less developed countries.
- 7.2. Harnessing science and technology for development
- 7.3. Protection of human rights.
- 7.4. Peaceful settlement of international disputes
- 7.5. Towards a balanced world trade.
- 7.6. Peace research and its significance

Select bibliography

Burns H. Weston, Toward Nuclear Disarmament and Global 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).

PAPER - B03

National Security, Public Order and Rule of Law

N.B. : Students are expected to be familiar with relevant provisions of the Constitution of the world - USA, Australia and Canada.

1. National Security , Public Order and Rule of Law.
 - 1) Concept and horizon of Rule of Law.
 - 2) National Emergency and its impact on federal structure of India.
 - 3) Failure of Constitutional Machinery under Art. 356.
 - 4) Scope of Art. 355.

2. Exceptional Legislation.
 - 1) COFEPOSA, FEMA and Customs Act (relevant provisions)
 - 2) TADA & POTA- the draconian law.
 - 3) Special courts and tribunals - Due process and special legislation -
Protection of Human Rights Act, 1993, the National Security Act , 1980
Narcotic Drugs and Psychotropic Substances Act , 1985

3. Civil Liberties and Emergency :
 - 1) Preventive Detention and Safeguards
 - 2) Suspension of fundamental Article 19 on declaration of emergency
 - 3) President's Right to suspend right to move any court
 - 4) Article 21- special importance - its non-suspendability.

4. Martial Law
 - 1) Provision in English Law
 - 2) Provision in India Constitutions
5. Amendment
 - 1) Amendment of the Constitution and Basic Structure Doctrine.
 - 2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
 - 3) 44th Amendment and Art.300- A of the Constitution of India.
6. Election Commission.
 - 1) Superintendence, direction and control of elections (Art. 324)
 - 2) Electoral roll - Adult suffrage.
 - 3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
 - 4) Bar to interference by Court in Electoral matters.

Books Suggested for Reading:

- 1) M.P.Jain - Indian Constitutional Law.
- 2) D.D. Basu - Comparative Constitutional Law.
- 3) H.M. Seervai , The Emergence, Future Safeguards and the Habeas Corpus :A Criticism (1978)
- 4) N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).
- 5) Dr. M.C. Mehanathan , Law of Control on Narcotic Drugs and Psychotropic Substances in India
- 6) R.K. Agrawal and Alka Agrawal , The National Security Act, 1983.

PAPER - B04

Administrative Process

1. Nature, Scope and Necessity of Administrative Law :
 - 1) Nature, scope and approaches to the Administrative Law.
 - 2) Power, Accountability and Law.
 - 3) Emerging Trends - Positive Duties of Administration under the Modern Social Welfare Legislation and Compulsion of planning.

2. Rule of Law :
 - 1) Rule of law in England as propounded by Dicey.
 - 2) Rule of law in Modern Context.
 - 3) Notion of Rule of law under the Indian Constitution.

3. Separation of Powers :
 - 1) Doctrine of Separation of Powers as propounded by Montesque .
 - 2) Separation of Powers under the US Constitution.
 - 3) Spirit and basic purpose of Separation of Powers-Modern Context-
Separation of powers under the Indian Constitution.

4. Classification of Powers and Functions of Administration :
 - 1) Administrative, Executive, Legislative, Quasi - Judicial Powers.
 - 2) Distinction between Administrative and Judicial and Quasi-Judicial Powers.
 - 3) Kraipak's Decision and obliteration of distinction.
 - 4) Administrative Instructions.

5. Legislative Powers of Administration :
 - 1) Meaning of Legislative Powers and Function.
 - 2) Essential Legislative Function.
 - 3) Necessity of Delegation of Legislative Powers.
 - 4) Constitutionality of Delegated Legislation.
 - 5) Excessive Delegation of Legislative Power.
 - 6) Legislative Control of Delegated Legislation.
 - 7) Judicial Control of Delegated Legislation- Doctrine of Ultra Vires -
Substantive and procedural aspects.
 - 8) Sub- delegation.

6. Administrative Directions :
 - 1) Meaning , nature and Identification of Directions.
 - 2) Distinction between Direction and Rules.
 - 3) Need for Directions.
 - 4) Enforceability of Directions.
 - 5) Directions to Quasi- Judicial and Statutory Bodies.

7. Administrative Discretion :
 - 1) Nature of Executive power under the Constitution.
 - 2) Formulation and Execution of Policy without law.
 - 3) Discretionary Power-Nature and Necessity.
 - 4) Conferment of Administrative Powers by Law.

Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) De'Smith - Judicial Review of Administrative Action.
- 4) H.W.R. Wade- Administrative Law.
- 5) D.D. Basu - Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).
- 7) D.J. De - The Constitution of India, Vol. I & II (2002)
- 8) M.C. Jain Kagzi - The Indian Administrative Law, Sixth Edition, (2002)
- 9) P.P. Craig - Administrative Law, Third Edition, (1994)

PAPER C03

Patents Law

Unit I: (A) Evolution and Growth

- (i) History of the patent law in U.K.- Beginning of concept- _ Coming of Industrialization
- (ii) The International Patent System
- (iii) Foreign Impact upon National system
- (iv) History of Patent law in India

Unit I (B) - Grant and Content

- (i) Variety of Patent
- (ii) National Grant of Patents- Patent specification- General procedure for obtaining a patent
- (iii) International Grant of Patent

Unit II (A)- Validity of claims

- (i) National Scenario
 - _ Novelty
 - _ Inventive step
 - _ Industrial application
 - _ Patentable subject matter
 - _ Clear and complete disclosure
 - _ Requirement for claims
- (ii) International Scenario
 - _ Patent Cooperation Treaty
 - _ TRIPs

(B) Scope of Exclusivity

- (i) Infringement
 - _ Introduction
 - _ Infringement during manufacture
 - _ Infringement after manufacture
 - _ Right of patentee

Unit III: (A) Property Rights and Exploitation

1. Under national Forum
 - _ Initial entitlement and property dealing
 - _ Licensee of patent and allied rights
 - _ Compulsory license
 - _ EMR / Mail box System

(B) Infringement of Patent

- Modes of Infringement
- National / International Infringement

Unit IV: (A) Remedies and Enforcement

- _ Injunction and other equitable remedies
- _ Interlocutory injunction
- _ Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits

- _ Cross border patent violation
- _ Emerging technologies

Suggested reading:

- _ Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2005
- _ T. Ramappa, *Intellectual Property Rights under WTO: Tasks before India*, Wheeler Publishing, 2000
- _ W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
- _ Mitta, D.P., *Indian Patents Law & Procedure*, 1st edition (2002)
- _ Robert A. Choate & William H. Francis, *Patent Law*, (1981)
- _ Stedman, *Patents*, 1929

Articles to be read

- _ R. Dhavan, Lindsay Haris and Gopal Jain, “whose interest ? Independent India’s Patent law and policy”, 32 Journal of Indian law Institute, 1990 at p. 429.
- _ E. Wyndham Hulme, “The history of the Patent system under the prerogative and at common law,” 12 LQR, 1986 at p. 141.
- _ Rajeev Dhavan and Maya Prabhu, “ Patent Monopolies and Free trade Basic Contradiction in Dunkel Draft”, 37(2) the Journal of Indian Law Institute, 1995 at pp. 195-208
- _ Bartelt, Sandra, “ Compulsory licenses Pursuant to TRIPs Art. 31 in the light of Doha deceleration on the TRIPs agreement and Public health”, vol.5, the Journal f World Intellectual Property, 283.
- _ Haag Thomas A, “ TRIPs since Doha: How far will the WTO go towards modifying the terms for compulsory licensing?” vol. 84, no 12, journal of the Patent and Trademark Office Society, 2002.
- _ Kabiraj Tarun, “ Intellectual Prperty right, TRIPs and Technology Transfer”, Economic and Political Weekly, Nov. 19 (1997)
- _ Kumar Nagesh, “Intellectual Prperty Right: Asian Experience”, Vol XXXVIII, No.3, Economic and Political Weekly, January 18-24, 2003, p. 209
- _ Christopher May, “The Venetian Moment : New technologies, Legal Innovation and the Institutional origins of Intellectual Property, Prometheus,20(2)(2002):159-79
- _ Nagest kumar, Intellectual Property rights, Technology and Economic development, experience of Asian countries”, Economic Politically Weekly, January 16, 2003.
- _ B.S.Chimni, The Philsophy of Patents: strong regime unjustified, Journal for Scientific and Industrial Research, vol. 52, 1993, p 234-39.
- _ Patrica A. Rac, “ Patentibility of living subject matter”, 10 CIPR 41 (1993)
- _ V. Manoj, EPW, Jan. 24, 1998, *Patents on life* etc., p. 152
- _ Prof.A.K.Koul& V. K. Ahuja,

PAPER - C04

Law Relating to Trademarks

1. History and Evolution

- (a) Paris Convention (history and continuing influence over national trademark laws)
- (b) Madrid Agreement
- (c) Madrid Protocol
- (d) TRIPs Agreement
- (e) Trademark Law Treaty

2. Purpose of Trademarks

- (a) What is Trademarks: Definition, Function, Kind and use
- (b) Economic and Social Justification for Trademarks.
- (c) Overview of general types of laws applicable to trademarks/ service marks globally.

3. Passing Off

- (a) Laws relating to Passing off.
- (b) Passing off action.

4. Registration of Trademarks.

- (a) Principle for Registration of Trademarks.
- (b) Rights Conferred by Registration of Trademarks.
- (c) Procedure for Registration.
- (d) Deceptive Similarity.

5. Licensing of trademarks

- (a) Assignment and Transmission of Trademarks
- (b) Limitations on Licensing.

6. Invalidity

- (a) What marks are not registerable.
- (b) Cancellation of Registration.

7. Infringement

- (c) Infringement of Trademarks
- (d) Action for Infringements.
- (e) Offences & Penalties.
- (f) Unfair Competition Law.

8. Remedies And Enforcement

- (a) Types of Relief- Civil, Criminal & Administrative.
- (b) Procedure for Litigation.

9. New Challenges

- (a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.
- (b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
- (c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.
- (d) Concept of Well-known Trademarks.

10. Comparative Analysis of European and Indian Trademarks Law

Suggested Readings

- _ Narayanan P., *Trademarks & Passing off*, Eastern Law House, 6th edition, 2006.
- _ Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep Publication Pvt. Ltd. 2004.
- _ W. R. Cornish, *Intellectual Property: Patents. Copyrights, Trademarks and allied rights*, London: Sweet & Maxwell, 1996.
- _ J. S. Sarkar, *Trademarks- Law and Practice*, 1997.
- _ P.S. Sangal & K. Ponnuswamy, *Intellectual Property Law*, 1994.
- _ Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Indian Reprint, 1994.
- _ *Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection*, by United State Trademarks Association, 1964, University of Michigan.
- _ Dorr. C. Robert, *Protecting Trade Secrets, Patents, Copyrights and Trademarks*, 1990, University of Michigan.

Articles:

- _ Davis, Benjamin G. *The New New Thing, Uniform Domain-Name Dispute-Resolution Policy of the Internet Corporation for Assigned Names and Numbers* The Journal of World Intellectual Property, Vol. 3, No. 4, July 2000
- _ Curley, Duncan, *Reverse Domain Name Hijacking*, Trademark World, April 2001
- _ Dinwoodie, Graeme B. *(National) Trademark Laws and the (Non-National) Domain Name System*, Journal of International Economic Law, Vol. 21, Fall 2000, p. 495
- _ Donahey, M. Scott, *Mandatory Resolution of Domain Name Disputes*, Journal of Internet Law, Vol. 3, No. 7, January 2000
- _ Zhao, Yun, *A Dispute Resolution Mechanism for Cyber squatting* The Journal of World Intellectual Property, Vol. 3, No. 6, November 2000, pp.849-865
- _ Bernstein, David H. / Rabiner, Sheri L., *Litigating by E-Mail with UDRP-Lessons from New Dispute Resolution Procedure for Domain Name Disputes*, New York Law Journal, August 21, 2001

PAPER - D03
Economic Legislation

1. Law of Contract - General Principles of Contract (Sections. 1 to 75 of Indian Contract Act,)

Theories of Contract- Government Contracts - Meaning, Nature, and special problems relating to Govt. Contract.

2. Consumer Protection:
 - a) Consumer Protection Act, 1986.
 - i) Consumerism and Constitutional Philosophy of Freedom of Trade and Consumer Protection .
 - ii) Concept of Consumer Service, Deficiency in Service, Unfair Trade Practice and Restrictive Trade Practice
 - iii) Rights of Consumer, Mechanism for promotion and protection of rights.
 - iv) Remedy against Violation of their rights -
Consumer Disputes Redressal Agencies - Composition, Jurisdiction, Powers, Procedure and Performance.
 - v) New Developments and Emerging trends- specially globalisation and privatisation and its impact on consumerism

3. Law of Arbitration and Conciliation - Arbitration Act, 1996.
 - A. Arbitration :
 - a) Nature and scope of Arbitration .
 - b) Arbitration Agreement - Meaning .
 - c) Appointment of Arbitrator

- d) Legal framework of arbitration proceedings
- e) Award -- Remission, Setting aside, Modification and filing .
- f) Foreign Award - Recognition's, Enforcement and setting aside.

B. Conciliation :

- a) Meaning and Nature
- b) Appointment of Conciliators
- c) Role of Conciliator and conduct
- d) Conciliation proceedings
- e) Termination of conciliation proceedings.

Bibliography:

- a) Anson- Law of contract (25th Edn.) 1979 .
- b) R.K. Abhichandani (Edn.) Pollock and Mulla on Contracts and specific Relief Acts (1999) Tripathi Publication.
- c) P.S. Atiya, Introduction to the Law of Contract, 1992 Reprint (Claredon Law series)
- d) Dutt on contract (2000) Universal Publishers.
- e) Saraf D.N. Law of Consumer Protection in India (1995) Tripathi Publishers, Bombay.
- f) J.N. Barowalia Commentary on Consumer Protection Act, 1986 (2000) Universal Publishers, Delhi.
- g) P.K. Majumdar, The law of Consumer Protection in India (1998). Orient Publishing co, New Delhi.
- h) B.P. Saraf and M. Jhunjhunwala, law of Arbitration and Conciliation (2000), Snow White, Mumbai.
- i) G.K. Kwatra , The Arbitration and conciliation Law of India (2000) Universal, Delhi.
- j) A.K. Bansal Law of International Commercial Arbitration (1999), Universal, Delhi.

PAPER - D04

Legal Regulation of Economic Enterprises

- 1 Rationale of Government Regulation of Economic Activities by Government :-
 - i) Constitutional Perspective.
 - ii) Historical Background and Contemporary Issues.
 - iii) Judicial Review of Economic Regulation.
 - iv) Basic principles of World Trade Organization.

- 2 Economic Policy Resolutions;
 - i) Industrial Policy Resolutions,
 - ii) Price Policy Resolutions,
 - iii) Foreign Trade Policy Resolutions,
 - iv) Disinvestment and Legal Issues.

- 3 Development, Regulation and Control of Industrial and Trading Activities;
 - i) Industries (Development and Regulation) Act.
 - ii) Competition and Fairness in Competition; Competition Act. And its Philosophical basis.
 - iii) Foreign Trade Development and Regulation Act.

- 4 Control and Regulation of Capital and Finance;
 - i) Foreign Exchange Management Act including FDI and FII regulations.
 - ii) Money Laundering Act, 2005.
 - iii) COFEPOSA.

- 5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
 - i) Telecom Regulatory Authority,

- ii) Broadcasting Regulatory Authority,
- iii) Electricity Regulatory Authority.
- iv) Insurance Regulatory Authority.

Books Suggested for Reading:

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industrial Licensing Policy of 1970, 1975.
3. Industrial Policy Statement 1973, 1977, 1980.
4. Report of Commission on Competition, 2001.
5. Taxmann's FEMA Manual.
6. Taxmann's Corporate Laws, 2003 Edition.
7. K. K. Ramani's Exchange Control Manual 1998, Snowwhite.
8. Bharat's FEMA Rules, Regulations, RBI Circular with allied Acts and Rules, 2000.
9. V. S. Datey – Economic Laws and Practices (2005), Taxmann Publication.
10. K. K. Dewette on Economics, S. Chand Publication.
11. Rudra Dutt, Himalaya Publication.

Journals:

1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.
3. Company Law Journal.
4. Political and Economic Weekly.

Statutory Material:

1. Competition Act, 2002.
2. Industries Development and Regulation Act, 1951.
3. Foreign Exchange Management Act, 1999.
4. Money Laundering Act, 2005.
5. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
6. Foreign Trade Development and Regulation Act, 1992.

PAPER - E03
Environment Laws, Policy & Structures

Chap 1. Environmental Legislation

1. The Air (Prevention and Control of Pollution) Act of 1981
 - a) Framework of the Act
 - b) Scope of the Act
 - c) Machinery, Powers, Functions, Offences and Penalties under (Prevention and Control of Pollution) Act, 1981 Air

2. The Water (Prevention and Control of Pollution) Act of 1974
 - a) Framework of the Act
 - b) Scope of the Act
 - c) Machinery, Powers, Functions, Offences and Penalties under (Prevention and Control of Pollution) Act, 1974 Water

3. The Forest (Conservation) Act of 1980
 - a) Framework and scope of the Act

4. The Wild Life (Protection) Act, 1972
 - a) Framework and scope of the Act

5. The Environment (Protection) Act of 1986
 - a) Framework of the Act
 - b) Scope of the Act
 - c) Importance of Section 3 and 5 of the EPA
 - d) Violations and Penalties under the Act

Chap 2. Constitutional Mandates and Environment

1. Fundamental Rights and Environment
 - a) Right to EqualityArticle 14
 - b) Right to InformationArticle 19
 - c) Right to LifeArticle 21
 - d) Freedom of Trade vis-à-vis Environment Protection
2. The Forty-Second Amendment Act
3. Directive Principles of State Policy
4. Fundamental Duties
5. The Writ Jurisdiction
 - a) Public Interest Litigation : Preview
 - b) Locus Standi : Scope and Restriction

Chap 3. Other Remedies and Legislations

(Relevant Portion only)

1. Criminal Procedure Code 1973
2. Code of Civil Procedure 1908
3. Indian Penal Code 1860
4. Law of Torts : Vicarious Liability
5. Human Rights and Environment
6. Class Action : Order 1 Rule 8 of C. P. C. 1908.
7. Green Courts
8. Public Liability Insurance Act, 1991
9. Legislations under Local Municipal Laws

Chap 4. Role of Government and Legislative Policies

1. National Environmental Policy
2. National Forest Policy
3. National Water Policy and Conservation Strategy
4. Five Years Plans
5. Role of Ministry of Environment and Forests.

PAPER - E04
International Environment Law & Global Issues

Chap 1. International Environmental Campaigns

1. The United Nations Conference on Human Environment, 1972 (Stockholm Conference)
 - a) Framework of the Conference
 - b) Aims and Objectives
 - c) Concept of Sustainable Development
 - 1) Polluters Pay's Principle
 - 2) Precautionary Principle
 - 3) Concept of Equity
 - a) Inter-Generational Equity
 - b) Intra-Generational Equity
2. The United Nations Conference on Environment and Development, (UNCED) (Earth Summit 1992)
 - a) Framework of the Conference
 - b) Aims and Objectives
 - c) Earth Charter or Rio Declaration
 - d) Agenda 21 : Blue Print for action in 21st Century
 - e) Earth Summit Plus Five
3. The Johannesburg Declaration on Sustainable Development, 2002
 - a) Framework of the Declaration
 - b) Aims and Objectives
 - c) From *Stockholm* to *Rio De Janeiro* to *Johannesburg*
4. World Charter for Nature 1982

Chap 2. Other Major International Environmental Arrangements

1. Kyoto Conference and Pact on Global Warming, 1997, and onwards
2. Noordwijk Declaration on Climate change, 1989
3. Helsinki Declaration on the Protection of Ozone Layer, 1989
4. Basel Convention, 1989
5. Nairobi Declaration, 1982

Chap 3. Environmental Obligations

1. International Financing Policy
 - a) Global Environment Facility
 - b) World Environment Fund
2. United Nations Organisation and Environment
3. Millennium Development Goals 2000

Chap 4. Global Environmental Issues and their Impacts

1. Global Warming
2. Oil Pollution
3. Ozone Layer Depletion
4. Green House Effect
5. Acid Rain

Chap 5. Costal Zone and Marine Environment

1. CRZ Notifications
2. Classification of Zones
3. Costal Zone Management Plans and Implementation
4. Marine Resources – Conservation and Exploitation
5. Marine Pollutants : Sources and Impacts

PAPER- F03

Law Relating to Wages and Monetary Benefits

1. Theories and Facets of Wages:
 - i. Definition of Wages.
 - ii. Theories of Wages.
 - iii. Facets of Wages.
 - iv. Minimum, Fair and Living Wages.
 - v. Basic Wage.
 - vi. Bonus as Deferred Wage or share of profit.
 - vii. Allowances and Concessions.
2. A National Wage Policy, Problems and Perspective:
Wage Board and Pay Commission:
 - B. International Standardization: Role of ILO Convention and recommendations relating to Wages:
 - C Constitutional perspective on Wages:
 - i. Constitutional Ideals.
 - ii. Denial of Minimum Wage as Forced Labour.
 - iii. Right to Work.
 - iv. Living Wages.
 - v. Equal Pay for equal Work
3. A Wage Differentials:
 - i. Factors of Differential Wages.
 - ii. Capacity of Industry and Wage Fixation
 - iii. Private Sector and Public Sector –Difference in Wages.

B Wages, Price and Tax :

- i. Increase of Wages-Impact on Price.
 - ii. Increase in Price -Impact on Wages.
 - iii. Impact of Tax on Wages and Price.
 - iv. .Wages and Consumer.
4. Minimum Wage:
- i. Basis under the Minimum Wages Act, 1947 and Minimum Wages(Maharashtra Amendment) Act, 1992.
 - ii. .Power of State Government to fix different rates for certain employments.
 - iii. Procedure for fixation and work.
 - iv. Fixation of hours of work.
 - v. Overtime.
 - vi. Procedure for disposal of claims.
 - vii. Offences and penalties and Exemptions.
 - viii. Concepts of Dearness Allowance and Principles for determination of D.A.
5. Payment of Wages under the Payment of Wages Act.1936:
- i. Responsibility for payment of wages.
 - ii. Wage Periods-Time for payment, deduction ,fines.
 - iii. Claims arising out of deductions and delay in payment.
 - iv. Procedure for filing and disposal of appeals.
 - v. Offences, their trial procedure and penalties.
 - vi. Enforcement machinery under the Act- their powers and functions.

6. Profit sharing and Bonus:
 - i. Concept of Profit Sharing- Desirability.
 - ii. Dificulties in Implementation.
 - iii. Concept of Bonus.
 - iv. .Interpretation by Indian Courts and Tribunals.
 - v. Basis for the calculation of Bonus under the Payment of Bonus Act,1965.
 - vi. Eligibility for Bonus, minimum and maximum bonus.
 - vii. Set on and Set off of allocable.

Books Suggested for Reading:

1. Raghuraj Singh- Movement of I ndustrial Wages in India (1995).
2. J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
3. R.B.Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L.Kothari-Wages, Dearness Allowance and Bonus.
5. S.B.L.Nigam-State Regulation of Minimum Wages (1955).
6. Menon- Foundations of Wage Policy.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
8. O.P.Malhotra-Law of Industrial Disputes Vol.1 & 2 (5th Edn.).

PAPER - F04

Law Relating to Civil Servants

1. Civil Servants: Constitutional Dimensions

- 1.1. Civil servants and the fundamental rights - Historical and comparative perspectives
- 1.2. Equality and protective discrimination: principles and practices
- 1.3. Service Regulations - the constitutional bases - formulation of service rules - doctrine of pleasure.
- 1.4. Limitations on doctrine of pleasure
 - 1.4.1. Action only be an authority not subordinate to the appointing authority
 - 1.4.2. Opportunity of being heard and its exceptions

2. Recruitment and Promotion

- 2.1. Central and state agencies for recruitment
- 2.2. Methods, qualification

3. Conditions of Service

- 3.1. Pay, dearness allowance and bonus: machinery for fixation and revision, Pay Commission
- 3.2. Kinds of leave and conditions of eligibility
Law 275
- 3.3. Social security: provident fund, superannuation and retiral benefits, Medicare, maternity benefits, employment of children of those dying in harness, compulsory insurance
- 3.4. Civil and criminal immunities for action in good faith
- 3.5. Comparative evaluation with private sector
- 3.6. Comparative evaluation between the state government employees and the central government employees.
- 3.7. Consultation with Public Service Commission

4. Civil Service: Amalgam of Principles, Compromises and Conflicts

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

5. Special Categories of Services

- 5.1. Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service
- 5.2. Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action
- 5.3. All India services. objects, regulation of recruitment and conditions of service, disciplinary proceedings

6. Settlement of Disputes over Service Matters

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

Select bibliography

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

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 I.J.P.A. 67

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

Z.M.S. Siddiqi, "Sanctions for the breach of contracts of service," 25 J.1.L.I. 359 (1983)

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

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

G. C. V. Subba Rao, "The O.N.G.C. Case and New Horizons in Public Services Law", 1975

S.C.J. 29

PAPER - G03
Criminal Justice: Concepts and Procedure

I Classification of Offences

- a) Cognizable and Non-cognizable offences.
- b) Bailable and Non-Bailable offences.
- c) Compoundable and Non-Compoundable offences
- d) Investigation, Prosecution and Trial
- e) Warrant cases and Summons cases
- f) Summary Trials

II Constitutional Provisions

- a) Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

- b) Art. 21 Impact of expansive interpretation on criminal jurisprudence
Meaning of terms :

Life and Personal liberty

Fair Procedure

Due Process of Law

- c) Right of Accused

Arrest, Hand Cuffing Bail,

Speedy Trial

Torture Custodial Violence

Compensation

Public Interest Litigation : Direct access to Courts in case of violation of Fundamental Right and other implicit rights

- d) Death Penalty in Light of Art. 21

- e) Art. 22 Protection to Accused in case of punitive detention
Protection against Preventive Detention

III (A) Procedural Criminal Law – Initiation of Proceeding

- 1) FIR – rights of complainant,
- 2) Duties of Police Officers under Sec 154
- 3) Delay in lodging FIR.
- 4) Complaint Proceedings
- 5) Jurisdiction of Courts.
- 6) Quashing of Proceedings Sec. 482 CrPC & Article 227 of Constitution
- 7) Extent and Nature of interference by Superior Courts

(B) Procedural Criminal Law (Trial Procedures).

- 1) Arrest and questioning of accused (Sec. 41,42,46, 65, 57 . CRPC
- 2) Guidelines of Supreme Court in
 - i) D.K Basu v Union of India
 - ii) Joginder's
- 3) Rights of the Accused
 - i) Pre arrest and Post arrest Bail, Remand
 - ii) Right to Legal Aid
 - iii) Search and Seizure, Surveillance
(Sec- 91,94, 97, 103, 165. CRPC)
 - iv) Charge Sheet- powers and duties of Police at the time of investigation
 - v) Extent of interference by court in investigation

IV Admissibility of Evidence.

- 1) Relevancy and admissibility, of facts
- 2) Relevancy of confessions and dying declarations
- 3) Appreciating expert evidence in court
- 4) Relevancy and Admissibility of evidence collected through Forensic and other modern tools and techniques
- 5) Admissibility of evidence in Cyber Crime
- 6) Role of the Court in drawing inference from evidence
- 7) Protection of Witnesses
- 8) Hostile witnesses.

Books of Reference

1. Dutta K.K., Some Aspects of Criminal Law, Law Research Institute, Edition 1997, APH, Publishing House, Darya Ganj, New Delhi -02.
2. Malik P.L., Criminal Court Hand Book, 18th Edition, Eastern Book Company, 32, Lalbagh, Lucknow -01.
3. Justice Chandrachud Y V and Manohar V R, Ratanlal and Dhirajlal's The Indian Penal Code. 28th Edition 199, Wadhwa and Company New Delhi.
4. Manjari Rajendra, First Information Report, Edition 2001, Asia Law House, Hyderabad-2
5. Mahendra Kumar Sharma, minimum Sentencing for Offences in India, Law and Policy, Edition 1996, Deep and Deep publications, Rajori Garden, New Delhi-64
6. Handbook of Criminal Procedure Code
7. Jadhav N.K. Is Capital Punishment Necessary, 1st Edition 1973, Anmol Publications, Bombay-52

PAPER - G04

Penology – Treatment of Offenders

I Nature of Punishment

- 1) Nature, meaning, Concept of Punishment
- 2) Forms of Punishment- in ancient, medieval and modern times
- 3) Alternative punishments
- 4) Theories of Punishment

II Capital Punishment

- 1) Issues and prospective
- 2) Constitutional validity of capital punishment
- 3) Statutory Provisions
- 4) Judicial response to capital punishment

III Sentencing

- A)
 - 1) Process and Policy of sentencing
 - 2) White Collar Crime
 - 3) Organized crime
 - 4) Sexual Offenses, Rape and Abortion
 - 5) Alcoholism and Drug Abuse
 - 6) Violence
- B) Principal types of Sentencing
 - 1) Pre Sentence Hearing
 - 2) Sentencing of Habitual Offender
 - 3) Summary Punishment
 - 4) Plea bargaining
- C) Alternative to Imprisonment

- 1) Probation
- 2) Corrective labour
- 3) Fines, collective fines
- 4) Compounding of offences
- 5) Parole philosophy and practice
- 6) Furlough

IV Prison System

- 1) Prison System in the Post Independent Period
- 2) Prison Administration Achievements and polices
- 3) Judicial Control over prison Administration
- 4) Prison reforms

Books of Reference

1. Saxena R.N. The Immoral Traffic (Prevention) Act, 1956, 5th Edition 1996, The Law Book Pvt. Ltd, Allahabad-01
2. Dr. Mehanathan M C, Law of Control on NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES in India, Edition 2002, Capital Law House, Delhi-32
3. Ramchandran S. Commentaries on The prevention of Food Adulteration Act 1954, 6th Edition 1997, S. Gogia and Company, Hyderabad
4. Peter Barrie, Compensation for Personal Injuries, Edition 2000, Oxford University Press, New Delhi.