

SRI VENKATESWARA UNIVERSITY :: TIRUPATI
MASTER OF LAW
CBCS Pattern
(With effect from 2016-17)
The Course of Study and the Scheme of Examinations
BRANCH – I – CONSTITUTION AND LEGAL ORDER

I - Semester

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	1.1	Mass Media Law	4	2	-	6	20	80	100
2		1.2	Public Utilities Law	4	2	-	6	20	80	100
3	Foundation Course	1.3	Law and Social Transformation in India	4	2	-	6	20	80	100
4		1.4	Indian Constitutional Law, The New Challenges	4	2	-	6	20	80	100
	Total					-	24	80	320	400

II - Semester

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	2.1	Union – State Financial Relations	4	2	-	6	20	80	100
2		2.2	Constitutionalism, Pluralism and Federalism	4	2	-	6	20	80	100
3	Foundation Course	2.3	Judicial Process	4	2	-	6	20	80	100
4		2.4	Legal Education and Research Methodology	4	2	-	6	20	80	100
	Total					-	24	80	320	400

III – Semester

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	3.1	Human Rights	4	2	-	6	20	80	100
2		3.2	National Security, Public Order and Rule of Law	4	2	-	6	20	80	100
3		3.3	Practical Training	-	-	6	6	100	-	100
4	Generic Elective	3.4a	Environment Protection and the Law	4	2	-	6	20	80	100
5		3.4b	Intellectual Property Rights Law							
6	Open Elective	3.5a	Cyber Crimes and Law	4	2	-	6	20	80	100
7		3.5b	Evolution and Concept of ADR							
	Total						24	160	240	400

IV – Semester

S. No	Components of Study		Title of the Paper	Hours per Week			Credits	Max Marks		Total
				L	T	P		I	E	
1	Core	4.1	Dissertation and Viva-Voce	-	-	24	12		Dissertation - 150 Viva – 50	200
2	Open Elective	4.2a	Law of Consumer Protection	4	2	-	6	20	80	100
3		4.2b	International Human Rights (MOOC / Online Course)							
	Total						12		200	200
			Grand Total				84			1400

Note:-

1. Student has to choose one paper out of two in Generic elective in the III Semester.
2. Students of other discipline other than law course can choose one paper out of two in Open elective in the III Semester and IV Semester. In the IV Semester Paper 4.2b – International human Rights is MOOC / Online course only.
3. Duration of examination for each paper in all the semesters is 3 Hours except for Practical Training in III Semester and Dissertation and Viva-Voce in IV Semester.

I SEMESTER

LL.M. SYLLABUS
BRANCH –I – CONSTITUTION AND LEGAL ORDER
I SEMESTER
Paper – 1.1
MASS MEDIA LAW.

Objectives of the course:

Mass media such as press, radio and television, films, play a vital role in socialisation, culturalisation and modernisation of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as mass educators, they are also susceptible to destructive and harmful uses for promoting criminal anti-social and selfish escapist tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

Syllabus:

Unit - 1. Mass media - Types of - 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 People's minds.

Unit - 2. Press - Freedom of Speech and Expression - Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The law 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 Practices Act.

Unit - 3. Films - How far included in freedom of speech and expression?

Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

Unit - 4. Radio and Television - Government monopoly.

Why Government departments ? 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 - 5. 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 and licence fee.

Select bibliography

1. M.P. Jain, Constitutional Law of India (1994) Wadhwa.
2. H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.
3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and
4. Community Controls in New Development Strategies (International Center for law in Development 1980).
5. Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).
6. Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
7. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
8. Soli Sorabjee, Law of Press Censorship in India (1976).
9. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
10. D D. Basu, The Law of Press of India (1980).
11. Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

Paper – 1.2

PUBLIC UTILITIES LAW

Objectives of the course:

Public utilities are government monopolies, which are services rather than commercial enterprises. The law of public utilities is contained in the statutes of incorporation and judicial decisions given by courts while resolving disputes between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular, (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liabilities of the public utilities vis-a-vis their employees, consumers and others.

Syllabus:

Unit - 1. Growth and evolution of public utilities and their legislation

Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service, Police, Fire Brigade, Banking service, etc. Government and Parliamentary Control Constitutional division of power to legislate, Public Utilities law - Why government monopoly?

Unit - 2. Administrative Authorities and Fair hearing

Structure of the Administrative Authorities, Subordinate legislation, Quasi-Judicial Decision – Administrative Discretion.

Unit - 3. Public Utilities And their Employees : Consumer Protection

Application of Articles 16 and 311, Application of Industrial law- right to strike, Rights of consumers protected by the Consumer Protection Act, Rights Arising from law of Contract and law of Torts

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 of the concept of State

Unit - 5. Liabilities and special privileges of public utilities

In contract, In tort, In criminal law

Select bibliography

1. P.M. Bakshi, Television and the Law, (1986)
2. VasantKelkar, "Business of Postal Service" 33 I.J.PA. pp. 133-141 (1987)
3. G. Ramesh, "Characteristic of Large Service Organisation in a Developing Country Like India" 32I.J.PA. 77 (1986)
4. NaliniParanjpe, "Planning for Welfare in the Indian Railways" 31 I.J.PA. 171-180 (1985)
5. Arvind K. Sharna "Semi-Autonomous Enterprise: Conceptual Portrait –
6. Further Evidence on theTheory of Autonomy" 33 I.J.PA. p. 99-113.
7. S.P. Sathe, Administrative Law (1998)
8. Jain & Jain, Principles of Administrative Law, (1986)
9. JagdishUl, Handbook of electricity Laws, (1978)
10. Bhaumik, The Indian Railways Act, (1981)
11. Law Commission of India, 38th Report : Indian Post Office Act, 1898, (1968)
12. Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law I & II, Consumers Protection Law and Labour Law)

Paper – 1.3

LAW AND SOCIAL TRANSFORMATION IN INDIA.

Objectives of the course:

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

Syllabus:

UNIT 1. Law and social change

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

UNIT -2. Community, religion and the law

Caste as a divisive factor, Non-Discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination, Protective discrimination: Scheduled castes, tribes and backward classes. Reservation; Statutory Commissions., Statutory provisions. Freedom of religion and non-discrimination on the basis of Religion, Religious minorities and the law.

UNIT -3. Women, children and law

Crimes against women, Gender injustice and its various forms, Women Commission. Empowerment of women: Constitutional and other legal provisions, Child labour, Adoption and related problems, Children and education.

UNIT- 4. Modernization and law

Modernisation as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralisation and local self-government.

UNIT-5. Alternative approaches to law

The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan--- Surrender of dacoits; concept of gramanyayalayas.

Select Bibliography

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

Paper – 1.4

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

Objectives of the Course:

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

Syllabus:

UNIT-1. Federalism

Creation of new states, The inter-state disputes on resources, Centre's responsibility and internal disturbance within States, Federal Comity : Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas.

UNIT-2. “State” right to equality

Definition of state, Need for widening the definition in the wake of liberalization. Privatisation and its impact on affirmative Action, Relating to equality.

UNIT-3. Emerging regime of new rights and remedies

Reading Directive Principles and Fundamental Duties into Fundamental Rights Compensation jurisprudence Right to education, Commercialization of education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

UNIT – 4. Separation of powers stresses and strain

Judicial activism and judicial restraint, PIL: implementation, Judicial independence, Appointment, transfer and removal of judges, Accountability: executive and judiciary, Tribunals.

UNIT- 5. Democratic process

Nexus of politics with criminals and the business, Election, Election commission: status, Electoral Reforms, Coalition government, 'stability, durability, corrupt practice' Grass root democracy.

Select bibliography

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

II SEMESTER

BRANCH –I - CONSTITUTION AND LEGAL ORDER

II SEMESTER

Paper – 2.1

UNION-STATE FINANCIAL RELATIONS

Objectives of the course:

The Indian Constitution adopts federal government for various reasons. Power is divided between the Union and the States in such a way that matters of national importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

Syllabus:

UNIT – 1. Federalism – Essentials

Models of Federal government - U.S.A, Australia, Canada, Difference between Federation and Confederation Evaluation of federal government of India

UNIT – 2. Distribution of Legislative Power / Administrative Power / Physical power

Indian Constitution, Center-State relations, Factors responsible for subordination of State Administrative relations, Scheme of Allocation of taxing power, Extent of union power of taxation, Residuary power – inclusion of physical power, Fundamental rights Inter-Government tax immunities Difference between tax and fee.

UNIT – 3. Distribution of tax Revenues and Borrowing Power of the state

Tax-sharing under the constitution finance commission – specific purpose grants (article 282), Borrowing by the government of India, Borrowing by the states.

UNIT – 4. Inter – State Trade and Commerce under the Indian constitution

Freedom of Inter-State trade and commerce, restrictions on legislative power of the Union and States with regard to trade and commerce

UNIT – 5. planning and cooperative federalism

Planning commission, National Development Council, Plan grants, Full faith and credit, Inter-State Council, Zonal Councils.

Select Bibliography:

1. H.M. Seervai, Constitutional Law of India (1991), Tripati, Bombay
2. SudhaBatnagar, Union-State financial Relations and Finance Commissions, (1979)
3. Ashok Chandra, Federalism in India, (1965)
4. V.D. Sebastian, Indian Federalism :The Legislative Conflicts Chs. 6,7 & 8 (1980)
5. Chandrapal, Center-State Relations and cooperative federalism. Chs. 5 & 8 (1983)
6. G.C.V SubbaRao, Legislative Powers in Indian Constitutional law, Chs 37,38 & 39 (1982)
7. Richard M. Pious, the American Presidency, 293-331, Ch. 9 (1979)
8. Daniel J. Elzar, American Federalism. Chs 3 & 4 (1984)
9. K.P. Krishna Shetty, The law of Union-State Relations and the Indian Federalism Ch. 9 (1981)
10. Report of the English Finance corporation
11. Administrative Reforms commission on center-state relationship Ch.3 (1969)
12. Constituent Assembly debates Vol. 9, 203, 240 and 302-349; Vol 10, 325-342
13. Administrative reforms commission, Report of study Team o central-state relationship (1967) Vol. 1 Sections land 11 pp. IS-168
14. L.M. Singhvi (ed), Union state Relations in India 124-154 (1969)
15. Government of Tamilnadu report of the Center – State Relations Inquiry committee Ch. 5 (1971)
16. D.T. Lakadwala, Union – State Financial Relations (1967)
17. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
18. K. SubbaRao, The Indian Federation (1969)
19. K.C. Wheare, Federal Government (1963)

Paper – 2.2

CONSTITUTIONALISM, PLURALISM AND FEDERALISM

Objectives of the course:

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding by constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to dharma. He was not absolute in the sense in which John Austin defined sovereignty. Constitutionalism may therefore be determined by a written constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by subnations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures.

Syllabus:

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 conventions Written constitutions: U.S.A, Canada, Australia and India, Separation of powers: Montesquieu, Rule of law: Concept and new horizons

UNIT – 2. Federalism

What is a federal government? Difference between confederation and federation, conditions requisite for federalism patterns of federal government – U.S.A, Australia, Canada, India Judicial review – for federal umpiring New trends in federalism: Co-operative federalism 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 religion, Freedom of association, Rights of the religious and linguistic minorities.

UNIT – 4. Equality in plural society

Right to equality and reasonable classification, prohibition of discrimination on ground of religion, caste, sex, language, compensatory discrimination for backward classes, Women-rights to equality and right to special protection, Abolition of untouchability, Secularism – constitutional principles, Scheduled tribes, District Identity – protection against exploitation, Tribal Groups and Equality.

UNIT – 5. Pluralism and International concern

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. The role of judiciary in plural society.

Select Bibliography:

1. UpendraBaxi, “Law, Democracy and Human Rights” – 5 Lokayan Bulletin 4 (1987)
2. V.M. Dandekar “Unitary Elements in a Federal Constitution” 22 E.P.W 1965 (1988)
3. Rajeev Dhanvan, “The Press and Constitutional Guarantee of Free Speech and Expression” 28 J.I.L.I 299 (1986)
4. M.A. Fazal “Drafting an British Bill of Rights” 27, J.I.L.I 423(1985)
5. M.P. Jain “Indian Constitutional Law” (1994), Wadhwa
6. JagatNarain “Judicial law making and the place of the Directive Principles in the Indian Constitution”, J.I.L.I 198 (1985)
7. Rhett Ludkwikowski, “Judicial Review in the socialist legal systems: Current Development” 37 I.C.I.D. 89-108 (1988)
8. S.P.Sathe, Fundamental Rights and Amendement of Indian Constitution, (1968)
9. H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay
10. The Role of Judiciary in plural societies edited by Neale TiruchuvamRadhika kumara swamy

Paper – 2.3

JUDICIAL PROCESS

Objectives of the course:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus:

Unit - 1. Nature of judicial process

Judicial process as an instrument of social ordering, Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability. The tools and techniques of judicial creativity and precedent.

Unit - 2. Special Dimensions of Judicial Process in Constitutional Adjudications.

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

Unit - 3. Judicial Process in India

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

Unit - 4. The Concepts of Justice

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

Unit - 5. Relation between Law and Justice

Equivalence Theories - Justice as nothing more than the positive law of the stronger class.

Dependency theories - For its realisation justice depends on law, justice is not the same as law.

The independence of justice theories - means to end relationship of law and justice-
The relationship in the context of the Indian constitutional ordering. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice. Access to Justice – Locus standi : PIL, Legal Services authority

Select Bibliography

1. Julius Store, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Henry J.Abraham , The Judicial Process (1998), Oxford.
4. J.Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
5. W.Friedmann, Legal Theory (1960), Stevens, London
6. Bodenheimer, Jurispurdence - the Philosophy and Method of the Law (1997), Universal,Delhi
7. U.Baxi, The Indian Supreme Court and Politics (1980), Eastern,Lucknow.
8. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques(1977), Tripathi, Bombay.
9. John Rawls, A Theory of Justice (2000), Universal, Delhi
10. Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago

Paper – 2.4

LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objectives of the course:

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

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

Syllabus:

Unit - 1. Objectives of Legal Education and methods of teaching

Lecture Method, Problem Method, Discussion method and Seminar Method, Merits and Demerits, student participation in law school programmes- Organisation of Seminars, publication of journal and assessment of teachers, Clinical legal education - legal aid, legal literacy, legal survey and law reforms.

Unit - 2. Research Methods

Socio Legal Research, Doctrinal and non-doctrinal, Relevance of empirical research, Induction and deduction

Unit - 3. Identification of Problem of research

What is a research problem? Survey of available literature and bibliographical research, Legislative materials including subordinate legislation, notification and policy statement, Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering, judicial conflict in the area pertaining to the, research problem and the reasons thereof, Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals Compilation of list of reports or special studies, conducted relevant to the problem.

Unit - 4. Preparation of the Research Design

Formulation of the Research problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, Use of observation studies, Use of questionnaires/interview/Schedule, Use of case studies Sampling procedures - design of sample, types of sampling to be adopted,

Use of scaling techniques, Jurimetrics, Computerized Research - A study of legal research, programmes such as Lexis and West law coding and manupatra

Unit – 5. Analysis and report writing

Classification and tabulation of data, Explanation of tabulated data, Analysis of data and Report Writing.

Bibliography

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
4. M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
5. Pauline V. Young, Scientific Social Survey and Research, (1962)
6. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw-Hill Book Company, London
7. H.M. Hyman, Interviewing in Social Research (1965)
8. Payne, The Art of Asking Questions (1965)
9. Erwin C. Surrency, B. Field and J. Crea, A Guide to Legal Research (1959)
10. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology.

III SEMESTER

BRANCH –I– CONSTITUTION AND LEGAL ORDER

III SEMESTER

Paper – 3.1

HUMAN RIGHTS

Objectives of the course:

Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary. The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

Syllabus:

Unit - 1. Panoramic View of Human Rights

Human Rights in Non-western Thought, Awareness of Human rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process, Subsequent developments in International Law and the Position in India (e.g. Convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants.) Fundamental Rights Jurisprudence as Incorporating Directive Principles. The Interaction between F.R and D.P.

Unit - 2. Freedom and judiciary

Free Press - Its role in protecting human rights, Right of association, Right to due process of law. Role of Judiciary in protecting Human Rights.

Unit - 3. Rights to 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 stand point.

Unit – 4: Right not be Subject to Torture, Inhuman or Cruel Treatment

Conceptions of torture, third degree methods, "Justifications" for it, Outlawry of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform - proposed and pending

Unit - 5. People's Participation in Protection and Promotion of Human Rights

Role of International and National NGOs, Amnesty International, International Bar Association, Law Asia. PUCL, PUDR, Citizens for Democracy, Contribution of these groups to protection and promotion of human rights in India. European Commission/Court of Human Rights, Minorities Rights Commission, Remedies Against Violation of Human Rights, Role of Legal Profession

Select bibliography

1. M.J. Akbar, Riots After Riots (1988)
2. U.Baxi (ed.), The Right to be Human (1986)
3. U.Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.
4. F.Kazmi, Human Rights (1987)
5. L.Levin, Human Rights (1982)
6. Madhavtirtha, Human Rights (1953)
7. W.P. Gromley, Human Rights and Environment (1976)
8. H. Beddard, Human Rights and Europe (1980)
9. Nagendra Singh, Human Rights and International Co-operation (1969)
10. S.C. Kashyap, Human Rights and Parliament (1978)
11. S.C. Khare, Human Rights and United Nations (1977)
12. Moskowitz, Human Rights and World Order (1958)
13. J.A. Andrews, Human Rights in International Law (1986)
14. Menon (ed.), Human Rights in International Law (1985)
15. A.B. Robertson (ed), Human Rights in National and International Law (1970)
16. UpendraBaxi, "Human Rights, Accountability and Development" Indian Journal of internationallaw 279 (1978)

Paper – 3.2

NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Objectives of the course:

In every written constitution, provision is required to be made to equip the state to face grave threats to its existence arising from extra-ordinary circumstances created by war or external aggression or armed rebellion. Although "amidst the clash of arms, the laws are not silent" they do not speak the same language in war as in peace. Extra-ordinary circumstances warrant the invocation of extra-ordinary laws and such laws are known as emergency laws. They put greater fetters on individual liberty and also eclipse certain aspects of the due process. But in such circumstances, the democratic forces must assert that for survival of the State, the least possible liberty should be available. The students should be familiarized with different aspects of such emergency powers and scrutinizing intellectual attitude towards such powers.

Unit - 1. National Security, Public Orders and the Rule of Law

Emergency Detention in England - Civil Liberties, Subjective satisfaction or objective assessment? Pre-Independence law, Martial Law Provisions in English law and in the Indian Constitution.

Unit - 2. 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 - 3. Exceptional Legislation

COFEPOSA and other legislation to curb economic offenders, TADA& POTA : "the draconian law"-comments of NHRC, Special courts and tribunals, Due process and special legislation

Unit - 4. 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 -44th amendment

Unit - 5. 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.

Select bibliography

1. G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I. 287 (1966)
2. H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A Criticism (1978)
3. International Commission of Jurists, Status of Emergency and Human Rights (1984)
4. N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966).

Paper – 3.3

PRACTICAL TRAINING

The practical training shall be held in the Third semester on Research Methodology, Law Teaching and Clinical work. There shall be 25 marks each for doctrinal research and for non-doctrinal research and 25 marks each for law teaching and clinical work. How the components of practical shall be evaluated is left to individual faculties of law. They can formulate their own models of assessment. However, for making the practical training objective and meaningful, the following guidelines shall be adhered to.

1. Research Methodology

(i) Doctrinal research (25 marks)

Each student is assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be evaluated by a group of faculty members.

(ii) Non-doctrinal research (25 marks)

Here the students are asked to go out of the classroom and library and make an empirical study of a problem, which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

2. Clinical work (25 marks)

The law school can evolve the modalities. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation. The faculty shall assess the initiative and potential of the student and the actual work turned out by him.

3. Law Teaching (25 marks)

A topic is assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M programme, the students may be asked to teach the LL.B students. They can select any of the methods of teaching. In legal education practical, the LL.M students are evaluated internally.

Paper – 3.4(a)
ENVIRONMENT PROTECTION AND THE LAW

Objectives:-

The Concept of the Environmental Law is for the maintenance and improvement of environment

Syllabus:-

Unit- 1. General Laws on Environmental Concern Code of Criminal Procedure: Public nuisance, Provisions in the India 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, Regulations of sea resorts, Eco-tourism, Coastal zone management plans, Aquaculture.

Unit-4. Biological Diversity Act, 2002

Unit -5. Emerging Legal Controls

Environmental audit, Environmental Impact Assessment, Public participation in environment decision making, Environment information, environmental education Incentives for pollution control.

Select Bibliography

1. Leelakrishnan, (P et., Al. 9eds,) Law and Environment (1990), Eastern, Lucknow
2. Leelakrishnan, P, The Environment Law in India (1999), Butterworths, India.
3. 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).
5. Indian law Institute, Environment Protection act: An Agenda for Implementation (1987)
6. Indian Journal of public administration, special number on Environment &Administrative, July-September, 1988, Vol. XXXV, No.3
7. Findley, P.W. and Farder, D.A. Environmental law
8. David Hughes, Environmental law (1999), Butterworths, London
9. Armin Rozenzanz, et.al.(eds.), Environmental policy and law in India (2000), Oxford.
10. Biological Diversity Act, 2002.

Paper – 3.4(b)

INTELLECTUAL PROPERTY RIGHTS LAW

Objectives: The main objective of the paper is to introduce to the students the basic concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects . Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR

Unit -1. INTRODUCTION:

- (a) Origin and Genesis of IPR
- (b) The Ways and Means of Creation of IPR
- (c) Sources of IPR-Custom, Treaties, Judicial Decision, Juristic Writings, General Principles of Law, Resolutions of International Organizations

Unit -2. Concept and Theoretical Perspectives

- a) Meaning and Definition or IPR
- b) Theories – Marxist – Western – Indian
- c) International Trade and IPR – GATT and UNCTAD – IMF – World Bank – WTO

Unit – 3. Economic and Technological Approaches

- a) International Economic Law and IPR
- b) Information and Technological perspectives
- c) Computers and Cyber Crimes – WIPO and Perspectives
- d) Bio-technology and IPR

Unit – 4. Approaches of International Institutions and IPR

- a) UN and IPR
- b) ECOSOC – UNESCO – WHO – FAO – ILO – WIPO – Human Rights Council

Unit – 5. SUBJECT PROVINCE OF IPR

- a) Patents – Basic aspects
- b) Trade Marks – Basic principles
- c) Copy Right – Basic Issues
- d) Industrial Designs and Geographical Indications

Suggested Readings:

1. Peter Drahos: A Philosophy of Intellectual Property,1996
2. CommonsJ.R.: International Economics,1934
3. Narayan: Intellectual Property rights, 2007
4. Gopalakrishnan.N.S, Cases And Materials On Intellectual Property Law : Along With Objectives, Methodology, And Course Outline Bangalore : National Law School of India University, 1992
 - International Legal Instruments, D.K. Agencies 1998
 - Intellectual Property Rights CSIR Journal
 - International Legal Materials.; Journal of the Indian Law Institute
5. Journal of the Indian Society of International Law ; American Journal of International Law ; Apart from the above, the students may be informed about the other materials by the concerned teacher.

Paper – 3.5(a)
CYBER CRIMES AND LAW

Unit - 1. Introduction to Cyber Laws, Cyber Crimes.

- 1.1. Meaning, Definition, Nature of Cyber crimes
- 1.2. Historical Genesis and Evolution of Cyber Crimes
- 1.3. International & Indian Laws on Cyber Crimes.
- 1.4. Computer and Internet basics

Computer Hardware & Networks:

The BIOS and Boot Process - Computer Memory - Hard Disks, Floppy Disks, CD ROMs and DVDs - Networks and Communications - Understanding the Internet: How the Domain Name System works - Email Concepts -World Wide Web concepts - Website Creation Concepts Forms, Interactivity, and Database-Driven Web Sites – Web Commerce

Unit - 2. CYBER CRIMES

- 2.1. Cyber crime: Definition –
- 2.2. Malicious Code - Computer Viruses, Computer Worms, Computer Trojans,
- 2.3. Web Hacking Foot printing, Port Scanning, E-Shoplifting Web Defacement, Denial of Service Attacks, Manipulating Cookies
- 2.4. Email Hacking: Email Hacking using Packet Sniffers, EmailHacking & Phishing, Email Frauds & Phishing, Email Bombing
- 2.5. Email Hijacking - Social Engineering .
- 2.6. Cyber Stalking,
- 2.7. Cyber Terrorism,
- 2.8. Pornography,
- 2.9. Cyber Bullying, Piracy

Unit - 3. Statutory Laws pertaining to Cyber Crimes in India:

- 3.1. Cyber Policing Current statutes in India:
- 3.2. Penalties & Offences under the Information Technology Act, 2000,
- 3.3. Offences under the Indian Penal Code, 1860,
- 3.4. Issues relating to investigation and adjudication of cyber crimes in India Digital evidence
- 3.5 IT act 2000 and other legal provisions

Unit - 4. Cyber Crime Investigation

- 4.1. Introduction to Cyber Crime Investigation:
- 4.2. Basic Investigation Techniques
 - First Information Report Initialising a Search and Seizure Operation Tracking & Tracing Emails,
 - Final Form/ Report
 - Computer evidence assessment checklist
 - Computer evidence analysis checklist
 - Computer evidence analysis report
 - Cyber forensics analysis report Recovery of Digital Evidence,
- 4.3. Setting up a Cyber Crime Investigation Cell Cyber Forensics:

Unit - 5. Cyber Law Prevention measures and Data Safety.

- 5.1. Cyber Law Prevention measures

5.2. Data Safety

5.3. Future Challenges

Suggested Reading:-

1. An Introduction to Cyber vCrime and Cyber Law;Dr.R.K.Chaubay
Cyber crime in India :Dr.M.Dasgupta
Cyber laws and crimes :Barkha&U.Ramamohan
Information Technology Act 2000
2. Albert J. Marcellaa and Robert S. Greenfiled (Ed) (2002) Cyber Forensics, A Field Manual for collecting, examining and preserving evidence of computer crimes, Auerbach publications.
3. Deflem, Mathieu, and J. Eagle Shutt. 2006 “Law Enforcement and Computer Security Threats and Measures.” Pp. 200-209 in The Handbook of Information Security, Volume 2: Information
4. Warfare; Social, Legal, and International Issues; and Security Foundations, edited by Hossein Bidgoli. Hoboken, NJ: John Wiley& Sons.
5. Giddens, A (1990) The Consequences of Modernity, Polity Press:Oxford.
6. Hafner, K. &Markoff, J. (1995). Cyberpunks: Outlaws and hackers on the computer frontier. Toronto: Simon and Schuster.
7. Hauben, Michael and Ronda Hauben (1997). Netizens: On the History and Impact of Usenet and the Internet. Wiley-IEEE Computer Society Press: New Jersey
8. McQuade, Samuel C (2005). Understanding and managing cybercrime. New Jersey: Allyn& Bacon.
9. Pease, K. (2001). Crime futures and foresight: Challenging criminal behaviour in the information age. In D. Wall (ed.) Crime and the internet. London: Routledge.
10. Seymour Goodman and Abraham Soafer (ed.) (2002) The Transnational dimensions of cyber crime, Hoover Institution Press Washington.
11. Smith R, Grabosky P and Urbas G (2004). Cyber criminals on trial. Cambridge: Cambridge University Press pp 5-10
12. United Nations (1997). United Nations Manual on the Prevention and Control of Computer-Related Crime, International Review of Criminal Policy Nos. 43 and 44, United Nations: New York<http://www.uncjin.org/Documents/EighthCongress.html>
13. Wall, D. (2001). Cyber crimes and the internet. In D. Wall (ed.) Crime and the internet. London: Routledge.

Paper – 3.5(b)

EVOLUTION AND CONCEPT OF ADR

UNIT – 1. Introduction to ADR

- a. Disputes – meaning and Kinds of Disputes
- b. Dispute Resolution in adversary system, Justiciable court structure and jurisdiction
- c. ADR- Meaning and philosophy, Need for ADR
- d. Overview of ADR processes

UNIT – 2. Indian Perspective of ADR

- a. Types of ADR in India
- b. Current Trends
- c. Acceptability

UNIT –3. Dispute Resolution at grass root level

- a) LokAdalats,
- b) NyayaPanchayath,
- c) Legal Aid, Legal Services Authority
- d) Preventive and Strategic legal aid.

UNIT – 4. ADR Application

- a. Commercial and Financial Disputes
- b. Real estate and Land Disputes
- c. Consumer Disputes
- d. Accident Claims
- e. Matrimonial Disputes

UNIT – 5. Informal Methods of Settlements of Disputes and Grievance Redressal Procedures

- a. Conciliation and Medication through social action groups
- b. Use of media, lobbying and public participation
- c. Public inquires and commissions of inquiry
- d. Ombudsman; Lok Pal, LokAyuktha
- e. Vigilance Commission
- f. Congressional and Parliamentary Committes.

References:

1. P.C. Rao and William Sheffield, Alternative Dispute Resolution, Universal Law Publication, 2004
2. Sarfaraz Ahmed Khan, LokAdalat: An Effective Alternative Dispute Resolution, New APCON Publication, Daryaganj, 2006.
3. Madabhushi Sridhar - Alternative Dispute Resolution, Butterworth Lexis Nexis, (Reprint 2010) Ist edition.
4. Federal Judicial Centre, Manual for Litigation Management and Cost and Delay Reduction (1992).
5. Henry J Brown and Arthur L. Marriott, ADR Principles and Practices (2nd ed.) Sweet and Maxwell, 1999.
6. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press, 2005(Fifth Edition)
7. D.D. Basu, Comparative Administrative Law (1998)
8. Wade, Administrative Law (Seventh Edition, Indian Print 1997), Universal, Delhi
9. Indian Law Institute, Cases and materials on Administrative Law in India, Vol. (1996), Delhi.

IV SEMESTER

BRANCH – I – CONSTITUTION AND LEGAL ORDER

IV SEMESTER

Paper – 4.1

DISSERTATION AND VIVA- VOCE

{Topic from optional group}

The Student has to submit a Dissertation on a topic choosing from optional group containing 150 to 200 pages by following research methodology.

For written part – 150 Marks

For Viva - 50 Marks

Paper – 4.2a

LAW OF CONSUMER PROTECTION.

Unit - 1 Historical and Sociological Background of Consumer Law

Concept of Consumer:

- a. Consumer in India.
- b. Consumer of goods and services.
- c. Professional services - Medical, legal, educational and welfare services.

Unit - 2 Definitions: complainant, consumer dispute, defect, deficiency in service, service, unfair trade practices, restrictive trade practices.

Rights of Consumer under the Act, nature and characteristics.

Unit - 3 Consumer Protection Councils, role, objects, and composition. Structure, composition, power and functions of District Forum, State Commission and National Commission.

Unit - 4 Law of compensation, approach of Consumer Forum while awarding compensation.

Unit - 5 Procedure to be followed by consumer redressal agencies, provisions regarding execution of the decision and Appeals. Landmark Judgments of Supreme Court and NCDRC.

Select bibliography

1. Venkat Rao, Law of Consumer Protection, 1998. Asia Law House
2. G.B. Reddys, Law of Consumer Protection, 1997, Gogia Law Agency
3. V.K. Agrawal, Consumer Protection Law & Practice 1997, B.L.H. Publishers.
4. D.N. Saraf, Law of Consumer Protection in India, (2nd Edn/1995).
5. Consumer Protection Judgments (CPJ) and Consumer Protection Reports (CPR)
6. Dr. Gurjit Singh, The Law of Consumer Protection in India, 1996 Deep and Deep Publications.
7. R.S. Chaudhari, Doctor & Consumer Protection Act, 1994, Maharashtra Law Agency.
8. R.M. Vats, Law Relating to Insurance, 1997, Universal Law Publishing Co. Pvt. Ltd.
9. R.M. Vats, Law Relating to Telephone, 1996, Universal Law Publishing Co. Pvt. Ltd.

Paper – 4.2b

INTERNATIONAL HUMAN RIGHTS

(MOOC / ONLINE COURSE)

This subject is MOOC / Online course only.

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