



BANGALORE UNIVERSITY
BANGALORE

TWO YEAR LL.M DEGREE COURSE (CBCS)
SEMESTER SCHEME
SYLLABUS 2019

University Law College
& Department of Studies in Law
Jnana Bharathi Campus, Bangalore - 560 056

TWO YEAR LL.M DEGREE COURSE (CBCS)
SEMESTER SCHEME
SYLLABUS 2019

SPECIALIZED BRANCHES:

- 1. CONSTITUTION AND LEGAL ORDER**
- 2. CORPORATE AND COMMERCIAL LAW**
- 3. LABOUR AND EMPLOYMENT LAW**
- 4. HUMAN RIGHTS AND ENVIRONMENTAL LAW**
- 5. CRIMINAL LAW**

I SEMESTER

COMPULSORY PAPERS:

Paper -1: Research Methods and Legal Writing

Paper -2: Comparative Public Law

SPECIALIZATION PAPERS:

CONSTITUTION AND LEGAL ORDER:

Paper -3: Fundamental Rights and Directive Principles of State Policy

Paper -4: Local-Self Government and Federal Governance

CORPORATE & COMMERCIAL LAW:

Paper -3: Banking Law

Paper -4: International Trade Law

LABOUR AND EMPLOYMENT LAW:

Paper -3: Collective Bargaining

Paper -4: Industrial Adjudication

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -3: International Environmental Law

Paper -4: Environmental Laws and Policies in India

CRIMINAL LAW:

Paper -3: Comparative Criminal Procedure

Paper -4: Drug Addiction, National Security and Human Rights

II. SEMESTER

COMPULSORY PAPERS:

Paper -1: Advanced Jurisprudence

Paper -2: Judicial Process

SPECIALIZATION PAPERS:

CONSTITUTION AND LEGAL ORDER:

Paper -3: Mass Media Law

Paper -4: Centre-State Relations and Constitutional Governance

CORPORATE & COMMERCIAL LAW:

Paper -3: Intellectual Property Law

Paper -4: Competition Law

LABOUR AND EMPLOYMENT LAW:

Paper - 3: Law Relating to Civil Servants

Paper - 4: Laws relating to Agricultural labour and other forms of Unorganized Workers

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -3: Resource Management and the Law

Paper -4: Concept and Historical Development of Human Rights

CRIMINAL LAW:

Paper -3: Juvenile Justice and Law Relating to Women

Paper -4: Crime and Justice: Penology and Treatment of Offenders

III SEMESTER:**COMPULSORY PAPER:**

Paper -1: Practical Paper.

SPECIALIZATION PAPERS:**CONSTITUTION AND LEGAL ORDER:**

Paper -2: National Security, Public Order and Rule of Law.

Paper -3: Open Elective

Paper -4: MOOCs

CORPORATE & COMMERCIAL LAW:

Paper -2: Corporate Social Responsibility

Paper -3: Open Elective

Paper -4: MOOCs

LABOUR AND EMPLOYMENT LAW:

Paper -2: Wages

Paper -3: Open Elective

Paper -4: MOOCs

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -2: Human Rights- International Perspectives

Paper -3: Open Elective

Paper -4: MOOCs

CRIMINAL LAW:

Paper -2: Socio-Economic Crimes: Origin and Development

Paper -3: Open Elective

Paper -4: MOOCs

IV SEMESTER

DISSERTATION – Report & Viva -voce

SPECIALIZATION PAPER:

CONSTITUTIONAL AND ADMINISTRATIVE LAW:

Paper -1: Judicial Review

CORPORATE & COMMERCIAL LAW:

Paper -1: Cyber Law

LABOUR AND EMPLOYMENT LAW:

Paper -1: Social Security Law

HUMAN RIGHTS AND ENVIRONMENTAL LAW:

Paper -1: Human Rights- Indian Perspectives

CRIMINAL LAW:

Paper -1: Collective Violence and Criminal Justice System

SYLLABUS

COMPULSORY PAPERS

RESEARCH METHODS AND LEGAL WRITING

Unit – I Basics of Legal Research

- Meaning, objectives of legal research
- Characteristics of scientific method – applicability of scientific method
- Kinds of Research
- Concepts and constructs- relationship between theory and fact
- Stages of Research Process

Unit - II Research Problem, Hypothesis, Research design, Sampling

- Research Problem – Definition, Determination, Sources of Data
- Hypothesis – Meaning and definitions, Characteristics, Research Questions and Hypothesis
- Research Design – Meaning and essentials of Research Design, Forms of Research Design, and major steps
- Testing of Hypothesis
- Sampling techniques – definition, basic assumptions, classifications

Unit – III Research methods and tools

- Social and legal survey
- Case method
- Jurimetrics
- Questionnaire Schedule
- Observation and interview

Unit – IV Tabulation, analysis, interpretation and Reporting

- Classification and Tabulation of Data
- Analysis and interpretation of Data
- Use of Statistical methods and computers in legal research
- Reporting and Methods of Citations
- Ethics in research

Unit – V Legal Writing

- Foundations of writing
- Transmittal letter, client opinion letter and e-mail correspondence
- Pleadings
- Office memo
- Memorandum of Law
- Appellate brief

Bibliography & Suggested Readings:

1. Whitney, F.L, *The elements of Research*.
2. Goode. William J and Hatt. Faul, H, *Methods in Social Research*.
3. I.L.I, *Legal Research and Methodology*.
4. Amy E Sloan, *Basic Method Research – Tools and Materials*
5. Pauline V.Young, *Scientific Social Survey and Research*.
6. Morris L.Cohan, *Legal Research in Nutshell*
7. Carol M Bast, *Foundations of Legal Research and Writing*
8. Erwin C. Surrency, B.Fielf and J. Crea, *A Guide to Legal Research (1959)*
9. H.M.Hyman, *Interviewing in Social Research (1965)*
- 10.Havard Law Review Association, *Uniform System of Citations*.
- 11.High Brayal, Nigel Dunean and Richard Crimes, *Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London*
- 12.ILI Publication, *Legal Research and Methodology*
- 13.London
- 14.M.O.Price, H.Bitner and Bysiewiez, *Effective Legal Research (1978)*
- 15.Morris L. Cohan, *Legal Research in Nutshell, (1996), West Publishing Co.*
- 16.N.R. MadhavaMenon, (ed) *A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.*
- 17.Pauline V. Young, *Scientific Social Survey and Research, (1962)*
- 18.Payne, *The Art of Asking Questions (1965)*
- 19.S.K.Agrawal (Ed.), *Legal Education in India (1973), Tripathi, Bombay.*
20. William J. Grade and Paul K. Hatt, *Methods in Social Research, McGraw-Hill Book Company.*

COMPARATIVE PUBLIC LAW

Unit-I : Public Law - Constitution and Administrative Law

- Nature of Public Law and its importance in Governance
- Concept of Constitution
- Meaning and Idea of Constitution, Nature and Goals
- Living Constitution
- Constitution as Supreme Law
- Study of Comparative Constitutional Law in India, USA and UK.

Unit-II : Constitutionalism

- Concept, Distinction between Constitution and Constitutionalism
- Essential features of Constitutionalism
- Constitutional foundations of powers
- Supremacy of Legislature in Law Making
- Rule of law
- Separation of Powers,
- Independence of Judiciary and Judicial Review

Unit-III : Forms of Government

- Federal and Unitary Forms
- Features, Advantages and Disadvantages
- Models of Federalism and Concept of Quasi-federalism
- Role of Courts in Preserving Federalism
- Distribution of Powers in USA and India
- Parliamentary and Presidential Forms of Government

Unit-IV Scope and Importance of Fundamental Rights in Public Law

- Evolution of Fundamental Rights
- Magna Carta 1215
- Bill of Rights 1689
- Fundamental Rights: Comparative Study in India, USA and U.K.
- Restrictions and Exceptions to Fundamental Rights in India

Unit-V Constitutional Review

- Methods of Constitutional Review
- Concept and Origin of Judicial Review
- Limitations on Judicial Review
- Amendment of Constitution
- Various Methods of Amendment
- Limitations on Amending Power: Comparative Perspective
- Theory of Basic Structure: Origin and Development

Bibliography & Suggested Readings:

1. B. Shiva Rao, *Framing of Indian Constitution*, (Universal Law, 2004).
2. Christopher Forsyth, Mark Elliott, Swati Jhaveri, *Effective Judicial Review: A Cornerstone of Good Governance* (Oxford University Press, 2010).

3. Christopher N. May and Allan Ides, *Constitutional Law: National Power and Federalism* (3rd Edition, Aspen Publishers, 2004).
4. D.D. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa Nagpur).
5. David Strauss, *The Living Constitution* (Oxford University Press, 2010)
6. Elizabeth Giussani, *Constitutional and Administrative Law* (Sweet and Maxwell, 2008).
7. Erwin Chemerinsky, *Constitutional Law, Principles and Policies* (3rd ed., Aspen, 2006)
8. H.M. Seervai, *Constitution of India* (Universal, 2004).
9. M.V. Pylee, *Constitution of the World*, (Universal Publishers, 2006)
10. Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989).
11. Neal Devins and Louis Fisher, *The Democratic Constitution* (Oxford University Press, 2010).
12. S.N Ray, *Judicial Review and Fundamental Rights* (Eastern Law House, 1974).
13. Sudhir Krishna Swamy, *Democracy and constitutionalism in India – A study of the Basic Structure Doctrine* (Oxford University Press, 2009).
14. Sunil Khilnani, Vikram Raghavan, Arun Thiruvengadam, *Comparative Constitutionalism in South Asia* (Oxford University Press, 2013).
15. Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009).
16. Zachery Elkins, Tom Ginsburg, James Melton, *The Endurance of National Constitutions* (Cambridge University Press, 2009).
17. Aman Ullah and Uzair Samee, "Basic Structure of Constitution: Impact of Kesavananda Bharati on Constitutional Status of Fundamental Rights", Vol. 26 (2) *South Asian Studies* 299-309 (July-December 2011).
18. Anne Smith, "Internationalization and Constitutional Borrowing in Drafting Bills of Rights" 60(4) *International and Comparative Law Quarterly* 867-894 (2011 October).
19. Bruce Ackerman, "The New Separation of Powers", 113 (3) *Harv. L. Rev.* 634-729 (2000)
20. Daryl Levinson and Richard H. Pildes "Separation of Parties, Not Powers" 119(8) *Harvard Law Review.* 2311-2386 (2006).
21. Daryl Levinson and Richard H. Pildes, "Separation of Parties, Not Powers" 119(8) 14 *Harvard Law Review* 2311-2386 (2006).
22. David Annoussamy, "Who Governs India?" 14 (4) *South Asia Politics* 18-21 (August 2011).
23. David King, "Formalizing Local Constitutional Standards of Review and the Implications for Federalism" 97 (7) *Virginia Law Review* 1685-1726 (November 2011).
24. David Staruss, "Do we Have a Living Constitution" 59 (4) *Drake Law Review* 973-984 (2011 Summer)
25. Devi Prasad Singh, "Sovereignty, Judicial Review and Separation of Power", 7(5) *Supreme Court Cases J-13* (September 2012)
26. G.N. Ray, "Mass Media and Parliamentary Democracy" 31 (2) *Press Council of India Review* 1-10 (April 2010).
27. Geoff Holland, "Standing as a Barrier to Constitutional Justice: Can we create a New Public Law Paradigm" 22 (3) *Bond Law Review* 78-81 (December 2010).
28. Glen Staszewski, "Political Reasons, Deliberative Democracy and Administrative Law" 97(3) *Iowa Law Review* 849-912 (March 2012).
29. Gustavo Fernandes de Andrade, *Comparative Constitutional Law: Judicial Review*, 3 *U. Pa. J. Const. L.* 977
30. Jan-Erik Lane, "Models of Federalism" 1 *Indian Journal of Federal Studies* 30-50 (January 2011).

31. Jonathan Siegel, "Institutional case for Judicial Review" 97(4) *Iowa Law Review* 1147-1200 (2012 May).
32. K.K. Venugopal, "Separation of Power and the Supreme Court of India", Vol. 2 (2) *Journal of Law and Social Policy* 64-82 (July 2008).
33. Karthiga Sridhar Gopal, "Writ of Mandamus" 241 (4) *Madras Law Journal* 71-79 (2009).
34. L.N. Sharma, "Democracy and Development in South Asia: Experiences and Suggestions for Reforms" 55 (4) *Indian Journal of Public Administration* 867-881 (2009).
35. Linda Bosniak, "Persons and Citizens in Constitutional Thought" 8 (1) *International Journal of Constitutional Law* 9-29 (January 2010).
36. Mark Tushnet, "The Possibilities of Comparative Constitutional Law", 108 *Yale.L.J.* 1225. (1999).
37. Najma Akhtar, "Affirmative Action and Positive Discrimination for the Most Disadvantages in India" 2 *Indian Journal of Federal Studies* 93-97 (2010).
38. Quinn Rosenkranz, "Subjects of the Constitution" 62 (5) *Stanford Law Review* 1209- 1292 (May 2010). 15
39. Rajvir Sharma, "Judiciary as Change Agent: Some insights into the Changing role of Judiciary in India", 58(2) *Indian Journal of Public Administration* 264-286 (April-June 2012).
40. Rebecca Brown, "Assisted Living for the Constitution" 59 (4) *Drake Law Review* 985-1000 (Summer 2011).
41. Schapiro., "Judicial Federalism and the Challenges of State Constitutional Contestation", 115(4) *Penn State Law Review* 983-1006 (Spring 2011).
42. Subhash Chandra Singh, "Redressing Socio-economic Exclusion: critical Look into Affirmative Action Policies in India" 37 (1-2) *Indian Bar Review* (Jan-June 2010).
43. Tom Ginsburg, Eric Posner, "Sub Constitutionalism" 62 (6) *Stanford Law Review* 1583-1628 (June 2010) 16

ADVANCED JURISPRUDENCE

Unit I:

- Nature and value of Jurisprudence.
- Natural law- Attractions of Natural law, a brief History,
- 20th century revival of natural law;
- Fuller and the morality of law, Finnis and the restatement of Natural law
- Classical English positivism – Theories John Austin and Bentham.

Unit II:

- Fundamental legal concepts Rights
- Nature and basis - Hohfeld's Analysis of Rights,
- Concepts of duty, obligation and liability, concept of property.

Unit III:

- Sociological Jurisprudence and sociology of Law
- Theories of Max Weber, E.Durkheim, E.Erlich, Roscoe Pond and Unger on the development of modern law
- Legal Realism – American and Scandinavian Realists.

Unit IV:

- Historical and Anthropological Jurisprudence –. F.K.Von Savigny and Sir Henry Maine
- Marxist theories of Law and state.
- Critical legal studies Feminist Jurisprudence
- Post-Modernism and law.

Unit V:

- Modern Trends in normative and analytical jurisprudence
- Economic approach to Law
- Theories of H.L.A. Hart, R.W. Dworkin
- John Rawls theory of justice – Pure theory of law.
- Epistemology of Law – Richard A. Posner

Suggested Readings:

1. M.D.A. Freeman, *Lloyd's Introduction to Jurisprudence*, 7th ed., London: Sweet & Maxwell.
2. Julius Stone, *Legal System and Lawyer Reasoning* (1967, Stevens London) (Relevant Chapters)
3. R.W.M., Dias, *Jurisprudence 5th edn.*, Indian Reprint- Butterworth India.
4. W.N.Hohfeld, *Fundamental Legal concepts*.
5. F.J. Fitzerald, *Salmond on Jurisprudence*, 12th ed., Indian Reprint (London; Sweet & Maxwell) (Relevant chapters).
6. E.Bodenhemier, *Jurisprudence –Indian Edition*.
7. J.Raz, *Concept of Legal System*.
8. Julius Stone, *Social Dimensions of Law and Justice* (1967, Stevens
9. The Problems of Jurisprudence, Richard A. Posner, Universal Law Publishing Co.

JUDICIAL PROCESS

Unit – I 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 the doctrine of precedent, Ratio Decidendi and Obiter Dictum - Wambaugh's test and Dr. Goodhart's method of determining the Ratio Decidendi.
- Legal Development & creativity through legal reasoning under statutory and codified systems

Unit-II Special dimension of Judicial Process in Constitutional Adjudications

- Notions of judicial review in common law and civil law
- '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.
Law reporting is a tool for effective observance of the law of precedent.

Unit-III 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 court and judicial activism – scopes and limits
- The Law Commission of India and its role in Law making in India

Unit-IV The Concept 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-V Relation between Law & Justice

- Equivalence Theories-Justice as nothing more than the positive law of the stronger class.
- Dependency theories-For its realization justice depends on law, but 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 the theories of justice

Bibliography & Suggested Readings:

1. Julius Stone, *The Province and Functions of Law, Part II, Chs. 1,8-16*(2000), Universal, New Delhi.
2. Cardozo, *The Nature of Judicial Process* (1995) Universal, New Delhi
3. G Henry. J. Abraham, *The Judicial Process* (1988), Oxford
4. J. Stone., *Precedent and the law: Dynamics of common law Growth* (1985) Butterwooprths
5. W. Friedmann, *Legal Theory* (1960) Stevens, London.
6. Bodenheimer, *Hurisprudence-the Philosophy and Method of the Law* (1997), Universal, Delhi
7. J. Stone, *Legal System and Lawyer's Reasoning* (1990), Universal, Delhi,
8. U. Baxi, *The Indian Supreme Court and Politics* (1980), Eastern, Lucknow
9. Rajeev Dhavan, *The Supreme Court of India- A Socio legal Critiue of its Juristic Techniques* (1977), Tripathi, Bombay
10. John Rawls, *A Theory of Justice* (2000), Universal, Delhi.
11. Edward.H. Levi, *An Introduction to Legal Reasoning* (1970), University of Chicago.
12. Rajeev Dhawan – *The Supreme Court of India*
13. Amartya Sen, *The Idea of Justice*.

SPECIALIZATION PAPERS

CONSTITUTION AND LEGAL ORDER

FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

Unit -1 Concept of Fundamental Rights

- Evolution of Fundamental Rights
- Concept of Fundamental Rights and Relation with Natural Rights
- Enforcement of Fundamental Rights
- Definition of „State“ - Rights against state
- Rights against non-state actors
- Is there need to enlarge the definition of State?

Unit -II Forms of Fundamental Rights

- Rights to Equality
- Right to Freedom and Right against Exploitation
- Fundamental Freedoms and Right to Information
- Right to Life and Personal Liberty
- Arrest, Preventive Detention and National Security,
- Freedom of Religion and Secularism

Unit -III Fundamental Rights: Limitations, Suspendability and Amendability

- Limitations on Fundamental Rights
- Exceptions to Fundamental Rights (Arts.31-A, 31-B and Ninth Schedule)
- Suspendability of Fundamental Rights –Effects (44th Amendment)
- Remedies against Violation/Threat of Violation of Fundamental Rights
- Effects of Indemnity Granted under Article 34.

Unit-IV Directive Principles of State Policy and their Unenforceability

- Development and Importance of Directive Principles of State Policy and their Unenforceability
- Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights – Use of DPSP and International Instruments in Interpreting FRs.
- Significance and Importance of Fundamental Duties

Unit-V FRS AND DPSP and Judicial Review

- Judicial Response on FRs and DPSP
- Amendment to FRs and DPSP (*Shankari Prasad to I.R.Coelho's Case*)
- FRs and Judicial Review
- Reasonableness Test and Strict Scrutiny Test
- Rights Test and Essence of Rights Test

Bibliography & Suggested Readings:

1. *H.M. Seervai, Constitutional Law of India – Vol. I &II*
2. *V.N. Shukla , Constitution of India*
3. *Subhash C Jain, The Constitution of India*
4. *D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E*
5. *M. Hidayatullah (Ed.), Constitution of India.*
6. *M.P. Jain, Indian Constitutional Law.*
7. *Subba Rao G C V Indian constitutional law*
8. *Pande G S Constitutional law of India*
9. *Saharay H K Constitution of India*
10. *Pylee M.V Our constitution government & politics*
11. *Tope T K Constitutional law of India*

LOCAL-SELF GOVERNMENT AND FEDERAL GOVERNANCE

Unit-I Local Self-Government

- Federalism in India and Local Self Government
- Evolution of Local Self Government in India
- Lord Ripen's Resolution
- Royal Commission.
- Community development programme, National Extension Service.
- The Balvantrai Mehta committee report
- Vasantrya Naik committee report

Unit -II Local Self-Government and Constitutional Amendment

- 73rd and 74th Constitutional amendments
- Subject matters of 11th and 12th Schedule of the Constitution of India
- Constitutional division of power to legislate

Unit-III Rural local self government

- Importance of Rural local self government
- Rural local self government: Origination
- Powers and functions of Rural local self government

Unit-IV Urban local self government

- Significance Urban local self government
- Organization of Urban local self government
- Urban local self government: powers and functions

Unit-V Local Self Government and Sarkaria Commission

- Sarkaria Commission Report: An Analytical Study
- Finance and Local self Govt; Bureaucracy and Local self Govt
- Women's reservation in Panchayat and its effects

Bibliography & Suggested Readings:

1. S.P. Aiyar and U. Mehta (eds.), *Essays on Indian Federalism*, Bombay, Allied Publishers, 1965.
2. D.D. Basu, *An Introduction to the Constitution of India*, New Delhi, Prentice Hall, 1994 (in Hindi also)
3. K.R. Bombwall, *The Foundations of Indian Federalism*, Bombay, Asia Publishing House, 1967.
4. R. Khan, *Rethinking Indian Federalism*, Shimla, Indian Institute of Advanced Studies, 1997.
5. R. Kothari, *Party System and Election Studies*, Bombay, Asia Publishing House, 1967.
6. J.A. Kousar, *Federalism and Good Governance : Issues across Cultures*, New Delhi, South Asian, 1998.
7. P. Kumar, *Studies in Indian Federalism*, New Delhi, Deep and Deep 1988.

8. Z. Hasan (ed.), *Parties and Party Politics in India*, New Delhi, OxfordUniversity press, 2001.
9. J. Manor, "Parties and the Party System", in A. Kohli (ed.) *India's Democracy : An Analysis of Changing State-Society Relations*, PrincetonNJ, PrincetonUniversity Press, 1988.
10. S. Pai, *State Politics : New Dimensions : Party System, Liberalisation and Politics of Identity*, Delhi, Shipra, 2000.
11. M. Weiner, *PartyBuilding in a New Nation : The Indian Congress*, Chicago, University of Chicago Press, 1967.
12. C.E. Zirakzadeh, *Social Movements in Politics : A Comparative Study*, New York, Addison Wesley, Longman 1997

MASS MEDIA LAW

Unit-I Mass Media- Types of –Press, Films, Radio and Television

- Ownership patterns-Press-Private-Public
- Ownership patterns-Films-Private
- Ownership patterns-Radio and Television, Public
- Difference between visual and non visual Media- impact on People’s minds.
- Role of Internet as Mass media**

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

- Includes Freedom of the Press
- Laws of defamation, obscenity, blasphemy and sedition
- The laws relating to employees wages services 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 –III Films-How far included in freedom of speech and expression

- Censorship of films- constitutionality
- The Abbas Case
- Difference between films and press-why pre-censorship valid for films but not for the Press?
- Censorship under the Cinematography Act

Unit-IV Radio and Television-Government monopoly-

- Why Government Department?
- Should there be an autonomous corporation?
- Effect of Television on People
- Report of the Chanda Committee
- Government Policy
- Commercial Advertisement
- Internal scrutiny of services, etc.
- Judicial Review of Doordarshan decisions: Freedom to telecast.

Unit-V 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 license fee.

Bibliography & Suggested Readings:

1. *M.P.Jain Constitutional Law of India (1994) wadhwa*
2. *H.M.Seervai, Constitutional Law of India Vol.1 (1991) Tripathi, Bombay.*
3. *John B.Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Centre for Law in Development 1980)*
4. *Bruce Michael Boyd, "Film Censorship in India A Reasonable Restriction on Freedom of Speech and Expression" 114.J.I.L.I.501 (1972)*
5. *Rajeev Dhavan "On the Law of the Press in India" "26.J.I.L.I. 288 (1984)*
6. *Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26, J.I.L.I 391 (1984)*
7. *Soli Sorabjee, Law of Press Censorship in India (1976)*
8. *Justice E.S.Venkataramaiah, Freedom of Press: Some Recent Trends (1984)*
9. *D.D. Basu, The Law of Press of India (1980)*
10. *Students should consult relevant volumes of the Annual Survey of India Law published by the Indian Law Institute. (Constitutional Law I & II, Administrative Law and Public Interest Litigation)*

CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE

Unit-I Federalism

- Models of Federal Government – U.S.A, Australia, Canada
- Difference between Federalism and confederation
- Evolution of federal government in India
- Unitary Features of the Constitution of India

Unit-II Distribution of Legislative Power / Administrative Power

- Legislative Relations between Centre and States
- Parliaments Power to legislate in State List
- Administrative Relations and Cooperative Federalism
- Common Civil Service and Impact on Autonomy of States

Unit-III Distribution of Fiscal Power

- Financial Relations - Dependence of States on Centre
- Scheme of allocation of taxing power
- Extent of Union power of taxation
- Residuary power – inclusion of fiscal power
- Grant in Aid
- Restrictions of Fiscal Power**
- Fundamental Rights
- Inter-Government tax immunities
- Difference between Tax, Fee and Surcharge
- Distribution of Tax Revenues**
- Finance Commission – Specific purpose grants (Article 282)

Unit-1V Inter-State Trade and Commerce

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

Unit-V Centre –State Relations and Emergency

- Emergency and Division of Powers
- Judiciary and Division of Powers
- Article 356 and the Role of Governor
- Sarkaria Commission Report
- What Reforms are Necessary.

Bibliography & Suggested Readings:

1. H.M. Seervai, *Constitutional Law of India (1991)*, Tripathi, Bombay
2. Sudha Bhatnagar, *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 and 8(1980)*

5. Chandrapal, *Centre-State Relation and Co operative Federalism*, Chs. 5 and 8 (1983)
6. K.C.Wheare, *Federal Government*.
7. Jain M.P *Outlines of Indian Legal History*.
8. M.V Pylee, *Constitutional History of India*
9. Rama Jois M, *Legal and Constitutional History of India*.
10. Stetalvad M.C, , *Constitutional History of India*
11. Keith A.B. , *Constitutional History of India*
12. H.M. Seervai, *Constitutional Law of India – Vol.I&II*
13. G.C.V Subbarao, *Legislative powers in Indian Constitutional Law*.
14. V.D. Sebastian, *Indian Federalism: the Legislative Conflict*.
15. L.M Singhvi, *Union-State Relations in India*
16. K.SubbaRao, *The Indian Federation*.
17. K.P. Krishna Shetty, *The Law of Union-state Relations and Indian Federalism*.
18. Ashok Chandra, *Federalism in India*.
19. SubbaRao G C V *Indian constitutional law*
20. Pande G S *Constitutional law of India*
21. Saharay H K *Constitution of India*
22. Pylee M.V *Our constitution government & politics*
23. Tope T K *Constitutional law of India*
24. G.C.V.SubbaRao, *Legislative Powers in Indian Constitutional Law*, Chs. 37,38,39 (1982)
25. Richard M.Pious, *The American Presidency*, 293-331, Ch 9 (1979)
26. Daniel J. Elazar, *American Federalism*, Chs. 3 and 4 (1984)
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NATIONAL SECURITY, PUBLIC ORDER AND RULE OF LAW

Unit-I: Origin of concept

- Emergency Detention in England - Civil Liberties;
- Pre-Independence law – Defense of India Act, 1858; Government of India Act, 1935;
- Meaning and concept of Security of State, Public Order, Rule of Law;
- Concept of Subjective satisfaction or objective assessment of detaining authorities.

Unit-II: Rule of Law, Preventive Detention under Indian Constitution:

- Article 14 - Special courts and tribunals;
- Article 21 - Due process and special legislation;
- Article 22 - Preventive Detention and Safeguards;
- Article 34.

Unit-III: Martial Law;

- Article 359 – Suspension of enforcement of Fundamental Rights and judicial review;
- Constitution (Forty-fourth) Amendment Act, 1978;
- Constitution (Fifty-ninth) Amendment Act, 1988.

Unit-IV: Special Legislations:

- National Security Act, 1980;
- The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (COFEPOSA);
- Armed Forces (Special Powers) Act.

Unit-V: Civil Liberties and Emergency

- Emergency provisions: Article 352, 356, 360
- Declaration of Emergencies: 1962, 1965, 1970 and 1975;

Unit-VI: Emergencies

- 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-suspend ability
- Access to Courts and Emergency

Bibliography & Suggested Readings:

1. G.O. Koppell *"The Emergency, the Courts and Indian Democracy"* 8 J.I.L.I. 287 (1966)
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4. *N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).*

JUDICIAL REVIEW

Unit-I: Fundamental Concept of Judicial Review

- Meaning, Scope and Origin and Its Democratic Legitimacy
- Meaning, Scope and Origin of Judicial Review
- Democratic elements in Judicial Review
- Purposes of Judicial Review
- Effects of Judicial Review

Unit –II: Judicial Review of Legislative and Administrative Actions

- Judicial Review of Legislation
- Judicial Review of Administrative Actions
- Grounds
- Scope – Permissibility of Merits Review

Unit-III: Limits on Judicial Review

- Doctrine of Political Questions
- Judicially Manageable Standards
- Policy Matters

Unit-IV: Constitutional Framework for Judicial Review of Administrative Actions in India

- Indian Federalism and Judicial Review
- Power and Jurisdiction of the Supreme Court
- Power and Jurisdiction of High Courts
- Subordinate Courts and Judicial Review of Administrative Actions – Is there a need to invoke Article 32 (3)
- Writs
- Mandamus
- Certiorari
- Quo warranto
- Prohibition
- Habeas Corpus

Unit-V: Judicial Activism and Judicial Review

- Judicial Activism as an Extension of Power of Judicial Review.
- Exclusion of Judicial Review.

Bibliography & Suggested Readings:

1. M. P. Jain & S. N. Jain - *Principles of Administrative Law, 6th Edition 2001, Publication-Lexis Nexis Butterworth's Wadawa Nagpur .*
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3. H.W.R. Wade and C.F. Forsyth - *Administrative Law, 10th Edition 2009, Publication-Oxford University Press, New York.*

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SubbaRao G C V Administrative law

CORPORATE AND COMMERCIAL LAW

BANKING LAW

Unit – I: Introduction

- Nature and development of banking
- History of banking in India and elsewhere-indigenous banking evolution of banking in India-different kinds of banks and their functions
- Multi-functional banks-growth and legal issues
- Advent of Foreign Banks in India
- Recent trends of Banking Systems in India and Recommendations of Committees-Recent trends of Banking Systems in India, New Technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit Cards, Reforms in Indian Banking and Recommendations of Committees.

Unit – II: Law Relating to Banking Companies in India

- Controls by government and its agencies
- On management
- On accounts and audit
- Lending
- Credit Policy
- Reconstruction and reorganization
- Suspension and winding up
- Contract between banker and customer: their rights and duties

Unit – III: Social Control over Banking and Deposit Insurance

- Social Control
- Nationalisation
- Evaluation: private ownership, nationalization and disinvestment
- Protection of depositors
- Priority lending
- Promotion of under privileged classes
- Deposit Insurance -The Deposit Insurance Corporation Act, 1961; objects and reasons
- Establishment of Capital of DIC; Registration of banking companies, insured banks, liability of DIC to depositors; Relations between insured banks, DIC and reserve Bank of India.

Unit – IV: The Central Bank

- Evolution of Central Bank
- Economic and social objectives
- The Reserve Bank of India as the Central Bank
- Organizational Structure
- Function of the RBI
- Regulation of minority mechanism of the economy“
- Credit control

- Exchange Control
- Monopoly of currency issue
- Bank rate policy formulation
- Control of RBI over non-banking companies
- Financial companies
- Non-financial companies

Unit – V: Relationship of Banker and Customer and Lending

- Relationship of Banker and Customer
- Legal Character
- Contract between banker and customer
- Banker's of lien,
- Protection of bankers
- Customers-Nature and type of accounts; Special classes of customers- lunatics, minor, partnership, corporations, local authorities; Banking duty to customers; Paying and Collecting Banks and their duties; Consumer protection: banking as service
- Lending by Banks
- Good lending principles- Lending to poor masses
- Consortium Lending
- Securities for advances- Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty
- Default and recovery; Debt recovery tribunal; Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest, 2002; Recovery of Debts due to Banks and Financial Institutions Act, 1993 (DRT, Act) with special reference to the Debt Recovery Tribunal
- Non-Performing Assets

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2. C. Goodhart, *The Central Bank and the Financial System*, (1995). Mac Millan, London. Company, 2002).
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30. V. Conti and Hamuai (eds.) *Financial Markets Liberalization and the Role of Banks* Cambridge University Press, (1993)

INTERNATIONAL TRADE LAW

Unit –I: The World Trade Organization

- Economic Theories of free trade: Doctrine of absolute advantage and the doctrine of comparative advantage and their modern versions. Historical evolution culminating in the establishment of the GATT, 1947 and evolution of the GATT as an international institution. Establishment of the WTO.
- WTO as an international institution - Framework agreement and the accession of members. Structure and function of the WTO. Evolution of the dispute settlement mechanism and the Dispute settlement Understanding. Trade Review Mechanism.
- The GATT and Trade in Goods- Most favoured nation treatment and the principle of national treatment. Quantitative Restrictions. State trading Enterprises, General and Security Exceptions.
- Trade Remedies-Anti-dumping duties. Countervailing duties. Safeguard Measures.
- Customs Unions and Free Trade Areas. GATT and Regional Trade Agreements. Proliferation of Preferential Trade Agreements. India and Preferential trade Agreements.

Unit –II: World Trade Organization

- Agreement on Technical Barriers to Trade Sanitary and Phytosanitary Agreement. WTO jurisprudence on TBT and SPS Agreements. WTO and environment protection. Application of precautionary principle.
- General Agreement on Trade in Services(GATS) - Meaning of trade in services. General obligations. Specific obligations. Financial services. Telecommunication services. India and the GATS.
- Trade-Related Aspects of Intellectual Property Rights (TRIPs) - IPRs covered by TRIPs. Rights of patentees under the TRIPs. Compulsory licensing. Public health and the TRIPs. Indian response to the TRIPs.
- Agreement on Agriculture. Agriculture under the GATT and the WTO. Tariffication, domestic support and export subsidies. Food security and the WTO..Agriculture under the Doha Round.
- WTO in 21stcentury, Doha development round; WTO social clauses, reform proposals

Unit –III: Transnational transactions and resolution

- Transnational Commercial Laws: Meaning and scope of Transnational Commercial Law. Evolution of Law Merchant. Sources of Transnational Commercial Law. Movement towards unification of national commercial laws. UNIDROIT and UNCITRAL.
- International Carriages. Carriage of goods by sea. Carriage by air. Multimodal transportation.
- International Sales. Concept of proper law of contract and its application. Vienna Convention on contract for international sale of goods.

- International Payments. The role of International Chamber of Commerce in the development of Transnational Commercial Laws. Uniform Customs and Practices on Documentary Credits.
- International Commercial Arbitration. UNCITRAL Model Law on international commercial arbitration. Indian Arbitration and Conciliation Act, 1996. Enforcement of foreign arbitral awards.

Unit –IV: Law and policy on trade and investment

- Law and Policy of Export-Import Trade in India -Indian Trade Policy. State control over international trade. Export-Import Act, 1947. Various types of import licences. WTO Agreement on Import Licensing.
- Liberalization. Liberalization of trade policy in the nineties. Foreign Trade (Development and Regulation) Act, 1992. Foreign Exchange Management Act, 1999. Special Economic Zones. The legal framework. The practice.
- Law relating to Customs. The Customs Act. The Customs Tariff Act. The Export-Import Policy.

Unit –V Foreign Investment in India

- The Industries (Development and Regulation) Act and its application. Liberalization in the nineties. Foreign Investment Promotion Board. Current issues relating to foreign direct investment.

Bibliography & Suggested Readings:

1. Bhagirath Lal Das *The W T O: a guide to framework for international trade*
2. Carole Murray, David Holloway Schmitthoff's *export trade: the law & practice of international trade*
3. Chauh J C T *Law of International trade, 3/edn.*
4. Indira Carr *International trade law*
5. Michael K Levine *Inside international trade policy formulation*
6. Rao M B *WTO & international trade, 2/edn*

INTELLECTUAL PROPERTY LAW

Unit –I: International regime of Intellectual Property Rights

- History and International Regime: Pre- TRIPs and post TRIPs
- Balancing Rights of the IPR Holder and the Society
- IPR and Human Rights
- Interface between IPR and Competition Law
- National Regime

Unit –II: Law of Copyright and Design

2.1. Copyright

- Meaning, Nature, Justification, Registration
- History and International Treaties
- Idea/expression Dichotomy; Copyright in Concept Notes
- Moral Rights
- Rights of Performers, Rights of Broadcasting Organizations etc.,
- Modes of Transfer
- Infringement: Civil and Criminal Remedies
- Border Protection Measures
- Fair Dealing
- Copyright in Database, Software and Digital Works
- Folklore and Cultural Expressions

2.2. Industrial Design and Layout Designs of Integrated Circuit

- Meaning, Scope and Registration
- History, International Developments
- Designs v/s Copyright and Trademark
- Infringement and Remedies

Unit –III: Law of Patent and Undisclosed Information

3.1 Patent

- Scope, Objectives and Justification
- History and International Treaties
- Patentability Criteria
- Patentable and Non- patentable inventions
- Registration, Ownership, Rights of Patentee, Transfer of technology
- Working of Patents and Compulsory licensing
- Infringement
- Impact of TRIPs and TRIPs Flexibilities
- Pharma patents *vis a vis* Public Health Issues
- Patent *vis-à-vis* Copyright: Software and Computer Programmes
- Utility Patent
-

3.2. Undisclosed Information

- Rationale and Subject matter of Confidential Information
- TRIPs Regime
- Trade Secrets v. other forms of protection
- Techniques of Secrecy Protection (India and International level)

Unit –IV: Law of Trademark, Geographical Indication and Sui Generis Protection

4.1. Trademark

- Justification, History, and International Treaties
- Registration (India and International level) and Scope of Protection
- Kinds : Conventional and Non-conventional
- Licensing and Assignments
- Passing off, Infringement and Remedies
- Character Merchandising
- Comparative Advertisement and Disparagement
- Interplay of Unfair Competition and Trademark Law

4.2. Geographical Indication

- National and International Perspective
- Meaning, Nature and Justification
- Geographical Indication v. other forms of IPRs
- Registration, Infringement and remedies
- TRIPS and Concerns for developing countries

4.3. Sui Generis System of Intellectual Property Protection

- TRIPS, International Institutions and Treaties
- Different *sui generis* approaches
- Advantages and options for developing countries
- Role of Intergovernmental Committee on Intellectual Property and Genetic Resources,
- Traditional Knowledge and Folklore
- Sui generis* protection for plant and genetic resources
- Protection of new varieties of plants, UPOV; Protection of Plant Varieties and Farmers Rights Act, 2001
- Protection of Traditional Knowledge and Indigenous Knowledge
- Concepts of benefit sharing, prior informed consent etc.; Biological Diversity Act, 2002
- Administration and Enforcement of *sui generis* rights

Unit –V: Intellectual Property in the Digital Age

- Impact of internet: Issues for Developing Countries
- WIPO Digital Agenda : WCT and WPPT
- Protection of Trademark: Use of trademarks as Meta tags, Domain name dispute resolution
- Protection of Copyright: Liability of ISPs, Rights of Performers and Digital Broadcasters, Licensing and Rights Management

Bibliography & Suggested Readings:

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COMPETITION LAW

Unit – I: MRTP Act metamorphoses into the Competition Act

- Introduction to Competition and concept of Perfect competition
- Theories on IP and Competition and the Concept of Open- Market System.
- Competition Policy & Regulation of Competition
- MRTP Act: Formation & Features
- Anti-Competitive Practices and its Regulation under MRTP Act

Unit –II: Competition Act 2002

- Drawbacks under the MRTP Regime and Need for Competition Act
- Regulatory Authorities under the Competition Act
- Competition Law & Policy: Conceptual Study of Relevant Supreme Court Decisions
- Regulation of Unfair Competition
- Competition Policy and Consumer Protection

Unit –III: Competition Policy and IPR

- Intellectual Property Rights: Introduction to various IP Assets
- Patent Policy and its Regulation under the Indian Laws.
- Abuse of IPR and Regulation of Combinations
- Conflict of Competition Policy and Patent Policy
- TRIPS and its impact on Competition and Patent-Monopoly

Unit-IV: Competition Policy under the EU and USA

- Regulation of Unfair Competition in UK
- Anti-trust Policy and Unfair Competition in USA
- Doctrine of Exhaustion: under the legal regime of EU, USA and India
- Competition Policy: Conceptual Study on the Decisions under US Anti-Trust Laws and the U.K

Unit- V: WTO and its impact on Competition Laws with reference to UNCTAD

- International Dimensions of Competition Law Globalization and competition law
- Competition rules of WTO
- International enforcement and Judicial assistance
- Emerging principles of international competition law

Bibliography & Suggested Readings:

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3. *Gurbax Singh, Law of Consumer Protection.*
4. *Indian Competition Law: An International Perspective; Suzanne Rab; CCH - A Wolters Kluwer Business, 2012*
5. *Law of Monopolistic, Restrictive and Unfair Trade Practices, Wadhwa & Co.*
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CORPORATE SOCIAL RESPONSIBILITY

Unit-I: Corporate social responsibilities-

- Meaning and definitions, history.
- Potential business benefits of CSR. CSR nature, types, principles and strategies, Models of CSR, Best practices of CSR,
- Need for CSR, Arguments for and against CSR,
- CSR Indian perspective, Indian examples.

Unit II: Government policies for CSR:

- Voluntary guidelines for CSR by Ministry of Corporate Affairs.
- Corporate social challenges-corporate accountability-business and ecology-case.
- Corporate crimes-company and society relations analysis.

Unit III: Business Ethics

- Fundamental principles of ethics
- Ethics in international business
- Normative and relative ethics, concept and choice
- Human dignity - Ethics and human rights Balanced global environment
- Kyoto Protocol concern of global warming
- Judicious use of natural resources, Maintenance of ecological balance - Sustainable development

Unit IV

- Cost benefit analysis of corporate social responsibility and good corporate citizenship
- Meeting stake holders, expectations, competitiveness and fair trade practices Employee wellness
- International Importance of integrity
- Role of international trade and business organizations
- Corporate- range of involvement in CSR
- Understanding complexities of industry
- Identifying gaps in corporate opportunities for CSR.

Unit V: Corporate Governance:

- Issues, need of corporate governance code
- Code of Corporate Practices
- Social Responsibility of Corporate
- Corporate Social Reporting
- Corporate Governance and the Role of Board (BOD)
- Corporate Governance System Worldwide
- Corporate Disclosure and Investor Protection in India
- Legal compliances- home and host country's regulations and compulsions of international agencies
- Corporate governance beyond legal compliance.

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CYBER LAW

Unit I: Cyberspace and Virtual world

- Introduction
- Evolution of Internet
- Features of internet and WWW
- Cyberspace and Law

Unit II: Civil liberties and Crimes

- Free speech issues
- Defamation
- Privacy
- Social networking
- Cyber crime

Unit III: Contractual and Consumer Protection Issues

Contractual Issues

- E-contracts – concept
- Offer and acceptance
- Acceptance of contract: applicability of postal rule
- E-commerce directives and Regulations
- Incorporation of terms
- Identity of contracting parties
- E-contracts: extent of details: Overview of UNCITRAL Model Law on e-commerce: Information Technology Act, 2000

Consumer Protection Issues

- Consumer Protection Act
- EC Directive on distance selling
- E-commerce Directive
- Payment Issues
- Fraud Risk and Protection
- Breach of contract
- Credit cards, debit cards and Digital Cash
- Charge back agreements

Unit IV: Electronic signatures

- Provisions under IT Act
- Certifying authorities
- Issuing authorities
- PKI
- Electronic Signature Certificate
- EDI and Electronic fund transfer
- Grant, Revocation and withdrawal of ESC

Unit V: Intellectual Property Rights and related issues

- Digital copyright, linking, caching,
- Digital rights management, DMCA
- Patents
- Trademarks and domain names
- Brand identities, search engines and secondary market
- ICANN
- Database Right
- Jurisdiction
- Addressing multiple jurisdiction
- Application of International law
- Zippo Test
- Current trends

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LABOUR AND EMPLOYMENT LAW

COLLECTIVE BARGAINING

Unit –I: Freedom of Association and Concept of Collective Bargaining

- Comparative study of Freedom of Association
- ILO response to Freedom of Association.
- Relationship between Freedom of Association and Collective Bargaining.
- Judicial Response to Freedom of Association.
- Legal Concept of Collective Bargaining.
- Historical Background of Collective Bargaining in India.
- Prerequisites of Collective Bargaining.
- Advantages and Disadvantages of Collective Bargaining.
- Judicial Response to Collective Bargaining.
- Collective Bargaining V/S Industrial Adjudication.
- Contribution of 1st and 2nd National Commission on Labour for Collective Bargaining.
- ILO response to Collective Bargaining.

Unit –II: Legal Control and Process of Collective Bargaining

- Concept of Strike.
- Different kinds of Strike.
- Legal response to the concept of Strike.
- Strike as a legal control on the concept of Collective Bargaining.
- Subject matter of Collective Bargaining in changed economics scenario.
- Negotiation and contract administration as a process of Collective Bargaining.
- Different kinds of Collective Bargaining.
- Levels of Collective Bargaining.
- Content of Collective Bargaining Agreement.

Unit –III: Economic Implications and factors influencing Collective Bargaining

- Relationship between income and wages with Collective Bargaining.
- Influence of wage policy on Collective Bargaining.
- Ethical codes in Industrial relations and Collective Bargaining.
- Factors for success and failure of Collective Bargaining.
- Size of Trade Unions.
- Finance.
- Outside leadership.
- Inter and Intra Union rivalry.
- Multiplicity of Trade Union.
- Politicization.
- Meaning of recognition of Trade Union.
- Problems of recognition of Trade Union.
- Recent debates on recognition of Trade Union.
- Recognition of Trade Union in other countries.
- Contribution of Indian Labour Conference, Standing Labour Committee and Planning Commission for recognition of Trade Union.
- Response of National Commission on Labour to problems of Collective Bargaining.
- Unfair Labour Practice and Collective Bargaining.

Unit –IV: Collective Bargaining in Public Sector- A Comparative Study

- Position of Collective Bargaining in Public Sector.
- An Empirical study of Collective Bargaining in Public and Private Sector.
- Need for Collective Bargaining in Unorganized Sector.
- Comparative study of Collective Bargaining between UK & USA.
- Collective Bargaining in other Countries.

Unit –V: Globalization and its Impact on Collective Bargaining

- Meaning and development of Globalization.
- Impact of globalization on Collective Bargaining in India.
- Right of Public Sector employer to be consulted about changes in terms of employment.
- Role of Trade Union for collective Bargaining in Global Era.
- Community Unionism and Trade Union renewal in the U.K.
- Economic arguments for and against Workers Participation in Management.

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22. Deakin "Labour Law".
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INDUSTRIAL ADJUDICATION

Unit –I: Constitutional Perspectives and Foundations

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

Unit- II: Access to Adjudicatory Justice

- Threshold control by government: reference.
- Extent of government discretion: time expediency and matters for adjudication
- Limitations on discretion.
- Political overtones and pressure tactics.
- Judicial restraint or liberalism, the ideal juristic approach.
- Direct access to adjudicatory authority by employer and employee: problems and perspectives.

Unit- III: Adjudicatory Process

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

Unit-IV: Judicial Review of the Adjudicatory Process

- Finality of decision making in adjudicatory process: a myth.
- Jurisprudence of industrial adjudication authority in respect of dismissal of workmen
- Jurisdiction of the adjudicatory authority in respect of dismissal of workmen
- Juridical formulation of the concept of industry
- Retrenchment the widening dimensions through law
- Recent amendments to the I.D. Act, 1947
- Second National Labour Commission on Industrial Adjudication.

Unit V: Comparative Perspectives on Industrial Adjudication.

- ILO conventions and recommendations relating to Labour Dispute Settlements.
- History of the development of U.K.'s Industrial System-Settlement of Individual and Collective Dispute.
- Arbitration and Conciliation of labour disputes in the common wealth of Australia.
- The American Arbitration system to resolve labour disputes.
- Similarities in labour dispute settlement and case law adjudication between India, UK and Australia.

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LAW RELATING TO CIVIL SERVANTS

Unit-I Civil Servants: Constitutional Dimensions

- Civil Servants and the fundamental rights- Historical and comparative perspectives
- Equality and protective discrimination; principles and practice
- Service Regulations- the constitutional bases- formulation of service rules- doctrines of pleasure
- Limitations on doctrine of pleasure
- Action only by an authority not subordinate to the appointing authority.
- Opportunity of being heard and its exceptions.

Unit-II Recruitment, Promotion and Conditions of Services

- Central and state rules for recruitment
- Methods, qualification
- Pay, dearness allowance and bonus; machinery for fixation and revision, pay commission.
- Kinds of leave and conditions of eligibility
- Social Security: provident fund, superannuation and retirement benefits, Medicare maternity benefits, employment of children of those dying in harness, compulsory insurance
- Civil and Criminal immunities for action in good faith
- Comparative evaluation with private sector
- Comparative evaluation between the state government and the central government employees
- Consultation with Public Services Commission

Unit-III Civil Service: Amalgam of Principles., Compromise and Conflicts

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

Unit-IV Special Categories of Services

- Judicial services: subordinate judiciary-judicial officers and servants: appointment and conditions of service
- Officers and servants of the Supreme Court and High Courts: recruitment and conditions of service, disciplinary proceedings.

Unit-V Settlement of Disputes over Service matters

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

Selected Bibliography

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

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LAWS RELATING TO AGRICULTURE LABOUR AND OTHER FORMS OF UNORGANISED WORKERS

Unit-I Agricultural Labour Relations

- Agricultural labourer-the concept
- Early stages-the traditional ties between the landlord and the worker
- Non-exploitative fair relation with the feudal hegemony-share in products as wages,wages in kind, benefits in addition to wages, participation in festive occasion grievance redressal at landlord's residence
- Exploitation of labour by the landlord
- Longer hours of week and lower wages
- Bonded Labour
- Indebtdness
- Tribal labour in forest settlements
- Migrant agricultural labour

Unit-II Trade Unionism and Collective Bargaining among Agriculture labour

- Unorganized nature
- Seasonal character
- Political movements
- State, regional and macro-regional disparities in collective bargaining, organization and remuneration.

Unit-III Industrial "Hour Norms" in the Agricultural Labour Area

- Problems: multi-employer-employment situation
- Workmen's Compensation
- Minimum wages

Unit-IV Labour Welfare

- Need for state initiative and support
- Assessment of existing measure; statutory and non-statutory.
- Agrarian reform as agricultural labour protection measure-land to the tiller doctrine
- Environmental impact of distribution of forest land among agricultural laborers
- Futuristic perspectives
- Recent tenancy reforms 2011 in State of Andhra Pradesh.

(Reference 2011 licensing reforms for agricultural tenants Act of Andhra Pradesh)

Unit-V Dispute Settlement Mechanism

- Practices: settlements
- Statutory measures; conciliation, adjudication
- Comparative study of state practices and laws

- Analysis of the definition of Agriculture as provided in Agricultural Workers Bill 1987 & Kerala Agricultural Works Act 1964.

- Dairy family & related Laws
- Poultry farming & related Laws
- (Government of India & Government of Karnataka schemes and notification)

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WAGES

Unit-I Constitutional Perspectives on wages

- Denial of minimum wages as forced labour
- Constitutionalism of legal rights; elevation of legal to fundamental rights
- The Constitutional ideals
- Right to work
- Right to living wage
- Right to equal pay for equal work
- Workers Participation in management: impact on wage determination.

Unit-II Theories of Facets of Wages

- Theories of Wages
- Wages, bonus and dearness allowance
- Basic wage
- Bonus as deferred wage or share of profits – eligibility
- Allowances and concessions
- House rent allowance
- City Compensatory allowance
- Educational allowance
- Conveyance allowance
- Cash incentives: percentage and turn-over
- Medical allowance
- Leave travel concession
- Free and subsidized food and products
- Leave encashment
- Overtime allowance
- Low wages and high perks as a camouflaging stratagem of defeating ceiling on wages.

Unit-III Wage Differentials: Rational Policy or Unjust Practice?

- Equality honored or violated?
- Diminishing the differential: disincentive to initiative and productivity or elimination or irrational disparity in remuneration?
- Inter – industry, Intra-industry and regional factors
- Private sector – public sector difference in wages – government servants
- Capacity of industry and wage fixation

Unit-IV Wages, Price and Tax

- Increase of wages – impact on price
- Increase of price-impact on wages
- Tax-impact on price and goods
- Taxation on goods and increase of prices
- Taxation on wage income a cut on real wages
- Wages and the consumer

Unit-V National Wage Policy: Problem and Perspectives

- National wage policy

- Need for integrated approach: income, price and wage
- Problems of mixed economy
- Capital intensive sector
- Labour intensive sector
- Wages in Multi-national corporations: impact of globalization

Unit-VI International Standardization

- Role of ILO: convention and recommendations relating to wages
- Recommendations of the National Labour Commission relating to Wages
- A Comparative Study of Wage Legislations in UK, USA & Australia.
- An empirical study of wages in the organized and unorganized sectors.

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SOCIAL SECURITY LAW

Unit-I Social Security

- Meaning
- Distinction with labour welfare
- Modality, social prescription, social assistance and social insurance
- Labour social security as part of the general social security in the welfare state.

Unit-II Origin and Development

- Western countries charitable institutions professional guilds philanthropic organization workmen's compensation law in England.
- Eastern Societies-India: joint family system, statutory schemes
- International norms on social security for Labour; the ILO measures

Unit-III Constitutional Perspectives

- Fundamental Rights: realization of the rights through meaningful social security measures; right to life, the wider dimensions.
- Right to adequate means of livelihood, free legal aid, public assistance in case of unemployment, old age, sickness and disablement, maternity relief

Unit-IV from Compensation to Insurance

- Judicial interpretation of the expression "arising out of and in the course of employment"
- Employees state insurance benefits; an improvement over workmen's compensation

Unit-V Social Security: Law and Practices, the Comparative Perspectives

- The United Kingdom
- Redundancy Rights & transfer of Undertakings
- The United State

Unit-VI Towards an ideal Social Security Scheme: The Futuristic

- Comprehensive and integrated social security: a utopian concept or a pragmatic approach?
- Funding
- Benefits and beneficiaries
- Role of trade unions
- Social Security in collective agreements
- Trade union schemes with its own fund

Unit-VII Recent Social Security Legislation

- Mahatma Gandhi National Rural Employment Gaurantee Act 2005.
- Un-Organised Workers Social Security Act 2009.
- Contribution Workers Welfare Board of Karnataka State including Construction Workers Cess Act – 2008

- Attempts by Karnataka State for introducing social security Law for Un-Organised Workers.
- Social Security for construction workers as per building & other construction Workers (Regulation of Employment and condition of services) Act of 1996.

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HUMAN RIGHTS AND ENVIRONMENTAL LAW

INTERNATIONAL ENVIRONMENTAL LAW

Unit-I

- History and development of international environmental law
- Sources and principles of international environmental law
- Global environmental change- international equity- protection of global atmosphere global environmental education- global trade order and environment- environmental crimes

Unit-II

- International conventions- treaties- declarations-bilateral and multilateral agreements
- Stockholm Declaration, United Nations Conference on Environment and Development, UNFCCC, Kyoto and Montreal Protocol, Vienna Convention, Nairobi Declaration, Declaration and conference on sustainable development- World charter for Nature

Unit-III

- International Environmental Organizations/ Institutions-UN, UN General Assembly, Economic and Social Council, United Nations Environment Programme, World Meteorological Organization, International Union for Conservation of Nature, World Commission on Environment and Development, International Panel Climate Change, United Nations Commission on Sustainable Development, World Bank, International Court of Justice.

Unit-IV

- Marine Environment- Antarctic environment
- United Nations Convention on Law of Sea, marine pollution and its effect, oil pollution, International Tribunal for the Law of the Sea.

Unit-V

- Trans-boundary Pollution- Trans -boundary Air Pollution- Trail Smelter case, Rotterdam Convention, Basel Convention, Bamako Convention

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ENVIRONMENTAL LAWS AND POLICIES IN INDIA

Unit-I

- Environmental issues- evolution of Indian Environmental laws- Environment (Protection) Act, 1986
- Rules-hazardous wastes rules, municipal solid wastes rule
- ozone depleting substances rules, plastic manufacture sales and usage rules and notifications
- coastal regulation zone notification environment impact assessment notification, five years plans, environmental policies and strategies

Unit-II

- Administrative Machineries- Pollution Control Boards - Government Organizations
- NGOs- Corporate criminal liability and Social Responsibility- Social Movements, eco-democracy, -environmental decision making civic society and environment
- role of youth, women, children, scientists, environmentalists, professionals

Unit-III

- Foreign Policies pursued by India
- Environment Impact Assessment, Eco-labeling, Carbon Trading, Carbon Credit, Clean Development Mechanism, Eco-tourism, eco-consumerism, sustainable development, green marketing, environmental audit, national environmental awards, national air ambient quality standards

Unit IV

- Development and Environment, Natural Disaster Management
- Disaster Management Act, 2005

Unit-V

- Judiciary- Principles and Doctrines- principle of absolute liability, precautionary principle, polluter's pay principle, public trust doctrine, inter-generational equity principle.
- Public Interest Litigation-Indian Constitution, citizen and state, National Green Tribunal.

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RESOURCE MANAGEMENT AND THE LAW

Unit-I

- Ecosystem- its diversity-
- Assessment of risk from chemicals and biological introductions to ecological system
- Ecology- its limits, material cycle in ecosystem
- Concept of Natural Resources- types of natural resources- Lake environment.

Unit-II

- Bio-diversity- meaning- need for protection of biodiversity
- Concept of sustainable development
- Protection of biosphere resources
- Convention on biodiversity, Forest- Wildlife-Convention on International Trade in Endangered Species of wild fauna and Flora indigenous people- forest dwellers- tribal people-natural heritage.

Unit-III

- Land- land resources and landscape management
- Urban planning
- Modern rural agricultural practices industrialization, mining- quarrying.

Unit IV

- Water –water quality and management of water courses
- Ground water management- aquaculture and fishing- irrigation- Helsinki Convention, wet lands- Ramsar convention

Unit V

- Energy-sources-conventional energy- hydro-electric, thermal and nuclear, non-conventional energy- solar, wind, tidal, biogas and bio fuel

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CONCEPT AND HISTORICAL DEVELOPMENT OF HUMAN RIGHTS

Unit -I

- Concept and Development of Human Rights
- Notions and Theories relating to Rights
- Classification of Rights
- Relationship with other Concepts
- First, Second and third Generation rights

Unit – II

- Historical Antecedents, National and International Perspectives
- Universalism and Cultural Relativism
- Globalization and Cultural Relativism
- Changing conception of Justice and Globalized Legal Order.

Unit –III

- International Standards for Protection of Human Rights
- United Nations Human Rights Regime
- Universal Standards and Enforcement
- Convention on the Elimination of Discrimination Against Women
- ILO and Other conventions dealing with Human rights.

Unit-IV

- Customary International law relating to Human Rights
- Universal Declaration of Human Rights.
- International Covenant on Civil and Political Rights.
- International Covenant on Social Economic and Cultural Rights.

Unit- V

- UN Mechanism for the Protection of Human Rights.
- Enforcement of Human Rights
- Regional Organisation
- Regional Standards and Enforcement.
- Role of International NGO's

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4. Robert Mc Corquodale, 'Globalization and Human Rights' 21 *Human Rights Quarterly* 42 (1999).
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HUMAN RIGHTS- INTERNATIONAL PERSPECTIVES

Unit -I

- Human Rights, Democracy and Good Governance.
- Science, Technology and Human Rights: Indian and International Perspective.
- Rights of Special Groups: International Perspective
- Human Rights, Globalization and State Sovereignty.

Unit - II

- Crimes against Humanity
- Nuremberg Tribunal
- Genocide
- Slavery/bonded labour
- Torture
- Piracy
- trafficking in human beings

Unit -III

- International Criminal Court
- International Terrorism
- United Nation Conventions
- Organized Crime

Unit -IV

- International Humanitarian Law
- Historical Perspective
- The Geneva Conventions
- Modern Context

Unit- V

- International Refugee Law
- Migrants
- Internally Displaced Persons
- Indigenous Peoples.

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12. UpendraBaxi, *The Future of Human Rights* (OUP, 2002).

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9. Lindsay Moir, *The Historical Development of the Application of Humanitarian Law in Non-International Armed Conflicts to 1949*, Vol. 47 *International and Comparative Law Quarterly* 337-361. (1998).
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13. Toni Pfanner, *The Establishment of a Permanent International Criminal Court - ICRC Expectations of the Rome's Diplomatic Conference*, n. 322 *International Review of the Red Cross* 21-28 (1998).

HUMAN RIGHTS- INDIAN PERSPECTIVES

Unit- I

- Conceptual dimensions of Human Rights in India
- Issues of Human Rights in India,
- Social, Economic, Political and Cultural Rights

Unit- II

- Constitutional Recognition and Enforcement of Human Rights in India
- Inter- relation between Fundamental Rights and Directive Principles of State Policy.

Unit- III

- Protection of Human Rights in India
- Statutory enforcement of human rights in India
- National Human Rights Commission.
- State Human Rights Commission
- National Commission for Women

Unit- IV

- Role of Media,
- Role of NGO's in protection of Human Rights
- Human Rights of Special Groups in India
- Human Rights, Women and Development
- Human Rights, Children and Development
- Aged and disabled
- Scheduled Castes and Scheduled Tribes
- Minorities

Unit- V

- Environmental Governance
- Various Legislation on Environment
- Right to clean environment
- Right to development

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2. Anthea Elizabeth Roberts, *Traditional and Modern Approach to Customary International Law: A Reconciliation*´ 95:757 *The American Journal of International Law* 757(2001).
3. Ashley Tomlynson, *Slavery in India and the False Hope of Universal Jurisdiction*´ Vol. 18: 231 *Tulane Journal of International and Comparative Law* (Winter 2009).
4. Balakrishnan Rajagopal, *Pro-Human Rights but Anti-Poor: A Critical Evaluation of the Indian Supreme Court from a Social Movement Perspective*´ *Human Rights Review* (April-June 2007).
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CRIMINAL LAW

COMPARITIVE CRIMINAL PROCEDURE

UNIT-I Organization of Courts and Prosecuting Agencies

- Hierarchy of criminal courts and their jurisdiction.
- NyayaPanchayats in India.
- Panchayats in tribal areas.
- Organisation of prosecuting agencies for prosecuting criminals.
- Prosecutors and the Police.
- Withdrawal of prosecution.

UNIT-II Pre-trial Procedures

- Arrest and questioning of the accused.
- The arrest of the accused.
- The evidentiary value of statements/articles seized/collected by the police.
- Right to counsel.
- Roles of the prosecutor and the judicial officer in investigation.

UNIT-III Trial Procedures

- The accusatory system of trial and the inquisitorial system.
- Role of the judges, the prosecutor and defence attorney in the trial.
- New kinds of evidence (a)DNA, (b) Finger print, (c) Brain mapping, legal status of Narco Analysis etc.
- Admissibility and inadmissibility of evidence.
- Expert Evidence.
- Appeal of the Court in awarding appropriate punishment
- Plea Bargaining.

UNIT-IV Correction and after care services

- Institutional correction of the offenders.
- General comparison- After-care services in India and France.
- The role of the court in correctional programmes in India.

UNIT-V Preventive Measures in India

- Provisions in the Criminal Procedure Code
- Provisions under Special enactments
Police Act
National Investigation Agency Act 2008 (NIAA)
Arms Act etc.
- Directions for criminal prosecution through Public Interest litigation

Selected Bibliography

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2. *Wilkins and Cross, Outlines of the Law of Evidence.*
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6. *Patrick Devlin, The Criminal Prosecution in England.*

7. *American series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.*
8. *John N.ferdico, Criminal Procedure (1996) West.*
9. *Sanders & Young, Criminal Justice (1994)*
10. *Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha Criminal Procedure (1997). West.Criminal Procedure Code, 1973*
11. *The French Code of Criminal Procedure. 14th and 41st Reports of Indian Law Commissions.*
12. *the paper will be taught with reference, wherever necessary, to the procedures in India, England, U.S, France, Russia and China.*

DRUG ADDICTION, NATIONAL SECURITY AND HUMAN RIGHTS

UNIT-I Introduction

- Basic Conceptions: Drugs, “narcotics”, “psychotropic substances”
- ‘Dependence’, “Addiction”
- Crimes without victims
- Trafficking in drugs
- Primary drug abuse
- Difference between Traditional Crime and White Collar Crime
- NDPS and White Collar Crime
- SelfReporting
- Victim studies
- Problems of Comparative studies

UNIT-II Anagraphic and Social characteristics of drug users

- Gender
- Age
- Religiousness
- Single individuals/cohabitation
- Social economic level of family
- Residence factors (Urban/ Rural)
- Educational levels
- Occupation
- Age and first use
- Type of drug use
- Reasons given as cause of first use
- Method of intake
- Pattern of use
- Average quantity and cost
- Consequences on addicts health (physical/ Psychic)

UNIT-III The International Legal Reforms

- Analysis of the background, text and operation of the Single Convention on Narcotics Drugs, 1961, 1972
- Analysis of the Convention on Psychotropic Substances, 1972
- International collaboration in combating drug addiction
- The SARC, and South-South Cooperation
- Profile of international market for psychotropic substances

UNIT-IV National Security and Terrorism

- Preventive detention
- Unlawful Activities (Prevention) Act, 1967
- National Investigation Agency Act 2008 (NIAA)
- National Investigative Agency
- Armed Forces (Special Powers) Act, 1958 and Crimes against Humanity

UNIT-V Human Rights Aspects

- Deployment of marginalized people as carrier of narcotics

- The Problem of juvenile drug use and legal approaches
 - Possibilities of misuse and abuse of investigative prosecutory powers
 - Bail
 - Right to Health under Article 21 of the Constitution and NDPS Act
 - The role of Community in Combating Drug Addiction and terrorism
- Profile of community initiative in inhibition of dependence and addiction (e.g. addiction and aftercare),
 The role of educational system,
 The role of medical profession,
 The role of mass media,
- Law reform initiative

Selected Bibliography

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5. P.Kondanram and Y.N.Murthy, "Drug Abuse and Crime; A Preliminary Study" *7 Indian Journal of Criminology*, 65-68 (1979)
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 - (i) *The Law and Society Review* (USA)
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 - (iii) *International Journal of Addictions* (New York)
 - (iv) *British Journal of Criminology*
 - (v) *Journal of Criminal Law, Criminology and Police Science* (Baltimore, Md.)
 - (vi) *Journal of criminal law and Criminology* (Chicago, 111)
 - (vii) *International Journal of Offender Therapy and Comparative Criminology* (London)
 - (viii) *Bulletin on Narcotics* (United Nations)

JUVENILE JUSTICE AND LAW RELATING TO WOMEN

UNIT-I Introduction

- The conception of child in Indian Constitution and Penal Code
- Juvenile in conflict with law
- Juvenile in need of care and protection
- The Overall situation of children/young persons in India, also with reference to crime statistics (of crimes by and against children)
- Determining Factors of Juvenile Delinquency

Differential association

Anomie

Economic pressure

Peer group influence

Gang sub culture

Class differentials

UNIT-II Legislative Approaches

- Legislative approaches during the late colonial era.
- Children's Act
- Legislative position in various States
- The Juvenile Justice Act, 2000
- Constitutional aspects,
- Distinction between "Juvenile in need of protection and "Juvenile who is in conflict with law"
- Competent authorities
- Procedural safeguards for juveniles
- Powers given to government
- Community participation as envisaged under the Act

UNIT III Laws relating to women

- Human Trafficking
- Domestic Violence
- Sexual Offences
- Sexual Harassment at work place
- Dowry Prohibition
- Sex determination

UNIT-IV Implementation and Preventive Strategies

- Preventive Strategies relating to juvenile justice
- State welfare programmes: health, nutrition ICWS, grants in aid
- Compulsory education
- Role of community, family, voluntary, bodies, individuals
- The role of Law Enforcement Authority in protection of women

UNIT-Judicial Contribution

- Social action litigation concerning juvenile justice and justice to women
- Salient Judicial decision
- Role of legal profession

Selected Bibliography

1. *National Institute of Social Defense, Model Rules under the juvenile justice Act , 1986, (1986)*
2. *K.S.Shukla, Adolescent Offender (1985)*
3. *United Nations, Beijing Rules on Treatment of Young Offenders (1985)*
4. *Myron Weiner, The Child and State in India (1990)*
5. *The United Nations Declaration on the Rights of Children*
6. *UNICEF periodic materials*
7. *Law Commission of India, 64th Report on the Suppression of Immoral Traffic in Women and Girls Act, 1956 (1975)*
8. *Law Commission of India, 84th Report on Rape and Allied Offences: Some questions of Substantive Law, Procedure and Evidence (1980).*
9. *Law Commission of India, 146th Report on Sale of Women and Children (1993).*
10. *Law Commission of India, 172nd Report on Review of Rape Laws (2000).*
11. *Law Commission of India, 202nd Report on Proposal to Amend Section 304 – B of Indian Penal Code (2007)*

CRIME AND JUSTICE: PENOLOGY AND TREATMENT OF OFFENDERS

UNIT-I Introduction

- Introduction: Definitions, Kinds of crimes, cybercrimes, information technology
- Theories of Punishment:
 - o Retribution
 - o Utilitarian prevention: Deterrence
 - o Utilitarian Intimidation
 - o Behavioral Prevention: Incapacitation
 - o Behavioral prevention; Rehabilitation- Expiation
 - o Classical Hindu and Islamic approaches to punishment

UNIT-II The problematic of Capital Punishment

- Constitutionality of Capital Punishment
- Judicial Attitudes towards Capital Punishment in India- An inquiry through the statute law and case law
- Law Reform Proposals.

UNIT-III Approaches of Sentencing

- Alternatives to Imprisonment
 - o Probation
 - o Corrective Labour
 - o Fines
 - o Collective Fines
 - o Reparation by the offender/by the Court
- Imprisonment
- Victim Compensation

UNIT-IV Sentencing

- Principal types of sentences in the Penal Code as special laws.
- Sentencing in white collar crimes.
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

UNIT-V Prison Reforms

- The state of India's jails today
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoners and duties of custodial staff
- Deviance by custodial staff
- Open prisons
- Judicial Surveillance-basis-development reforms

Selected Bibliography

1. S.Chhabra, *the Quantum of Punishment in Criminal Law (1970)*
2. H.L.A.Hart, *Punishment and responsibility*

3. *Herbert L Packer, The Limits of Criminal Sanction*
4. *Alf Ross, On Guilt, Responsibility and Punishment.*
5. *A.Siddique, Criminology (1984) Eastern, Lucknow.*
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114 (2011 Oct- Dec).*
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Indian Police Journal (Prev. Police R&D Journal) 2013 Jan-Mar 73*

SOCIO ECONOMIC CRIMES: ORIGIN AND DEVELOPMENT

UNIT-I Introduction

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

UNIT-II Official Deviance

- Conception of Official deviance- permissible limit of discretionary powers
- The Chambal valley dacoit Vinoba Mission and Jai Prakash Narain Mission 1959 and 1971.
- The Chagia Commission Report on LIC- Mundhra Affair
- The Das Commission Report on Pratap Singh Kairon
- The Grover Commission Report on Dev Raj Urs
- The Maruti Commission Report
- The Ibakkar-Natarajan Commission Report on Fairfax
- Judges Accountability in India
- Laws relating to Judges Accountability and Public Response
- Disclosure of property by judges

UNIT-III Police deviance

- Structures of legal restraint on police powers in India
- Unconstitutionality of "third degree" method and use of fatal force by police
- "Encounter Killings"
- Police atrocities
- The plea of surrender orders
- Rape related forms of gender based aggression by police and para military forces
- Reform suggestions especially by the National Police Commissions

UNIT-IV Professional Deviance

- Unethical practices at the Indian bar.
- The Lentin Commission Report
- The Press Council on unprofessional and unethical journalism
- Medical malpractice

UNIT-V Response of Indian Legal Order to the Deviance of Privileged Classes

- Vigilance Commission
- Public Accounts Committee
- Ombudsman
- Commissions of Enquiry
- Food Safety and Standards Act, 2006
- Prevention of Corruption Act, 1988
- Prevention of Money Laundering Act, 2002

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COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

UNIT-I Introduction

- Nations of “force”, “coercion”, “violence”
- Distinctions: “Symbolic” violence, “Institutionalized” violence, “Structural” violence
- Legal order as a coercive normative order
- Force-monopoly of modern law
- “Constitutional” and “criminal” speech: Speech as incitement to violence
- “Collective political violence” and legal order
- Notion of legal and extra-legal “repression”
- Rights of the victims in the Indian criminal justice system
- Compensation and assistance to the victims
- Collective Violence and Judicial response

UNIT-II Approaches of Violence in India

- Religiously sanctioned structural violence: Caste and gender based
- Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India
- Gandhiji’s approach to non-violence
- Discourse on political violence and terrorism during colonial struggle
- Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

UNIT-III Agrarian Violence and Repression

- The nature and scope of agrarian violence in the 18th-19th centuries India
- Colonial legal order as a causative factor of collective political (agrarian) violence
- The Telangana struggle and the legal order
- The Report of the Indian Human Rights Commission on Arwal Massacre
- Study of reports pertaining to violence erupting due to agrarian protest in Karnataka

UNIT-IV Violence against the Scheduled Castes

- Notion of Atrocities
- Incidence of Atrocities
- Uses of Criminal Law to combat Atrocities or certain aftermath of Atrocities
- Violence against women

UNIT-V Communal Violence

- Incidence of courses of “communal” violence
- Findings of various commissions of inquiry
- The Role of police and para-military systems in dealing with communal violence
- Operation of criminal justice system and firing, & in relation to communal violence

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HUMAN RIGHTS

(OPEN ELECTIVE FOR STUDENTS OF OTHER DEPARTMENTS)

Unit-I Concept and Development of Human rights

- Meaning, Scope and Development of human rights
- U.N. and Human Rights- UNHCR
- UDHR 1948, ICCPR, 1966 and ICESCR, 1966
- Protection of Human Rights Act, 1993 (NHRC and SHRC)
- First, Second and Third Generation Human Rights

Unit-II Human Rights and Constitution of India

- Human Rights and Constitutional Values: Democracy and Rule of Law
- Human Rights and Fundamental Rights
- Human Rights and Directive Principles of State Policy
- Legislative Power of State- International Treaties and Covenant
- Human Rights Violation- Constitutional and Statutory Remedies

Unit-III Human Rights and Environmental Law

- Environmental pollution, its effect on life, water air, and land
- Environment (Protection) Act, 1986 and National Environmental Policy 2006
- Preservation of Natural Resources and Sustainable Development
- International conventions on protection of Environment, NGOs and Civil Society Organization
- Judicial Review: PIL and Environment

Unit-IV Human Rights and the Labour Law

- Human Rights- ILO and Development of Labour Law Jurisprudence
- Constitutional and Statutory rights of Labour
- Human Rights and Unorganized Labour
- Human Rights and Contract Labour
- Human Rights and Agriculture Labour

Unit-V Human Rights and Vulnerable Groups

- Human Rights and Women
- Human Rights and Children
- Human Rights and Disabled Persons
- Human Rights and Minorities and Indigenous Persons
- Human Rights and Refugees, Migrants, Displaced Persons

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