

**PANJAB UNIVERSITY, CHANDIGARH**

**FACULTY OF LAW**

**OUTLINES OF TESTS SYLLABI AND COURSES OF  
READING**

**FOR**

**One Year LL.M. Course at UILS  
(Semester System)**

**Examinations 2020-21**

**ONE YEAR LL.M. COURSE  
LIST OF PAPERS (2020-21)**

**1<sup>ST</sup> SEMESTER**

S.No	Law, Science & Technology	Commercial and Corporate Laws	Constitutional And Administrative Law
<b><i>Compulsory Subjects</i></b>			
1. 2.	Law & Justice in Globalising World, P-I Legal Education and Research Methodology, P-II		
<b><i>Optional Subjects</i></b>			
3.	Law Health & Technology P-III	Corporate Governance and Corporate Social Responsibility, P-VI	Centre-State Relations and Constitutional Governance, P-XVI
4.	Intellectual Property Rights in 21 <sup>st</sup> Century, P-IV	Banking & Insurance, P-VII	Media Law, P-XVII
5.	General Principles of Criminal Law and Forensic Studies, P-V	Commercial Arbitration, P-VIII	Police and Security Administration, P-XVIII
6.	Term Paper		

**2<sup>ND</sup> SEMESTER**

**SCHEME OF EXAMINATIONS:**

**The scheme of examination of papers of both the semesters (excluding dissertation) shall be as under:-**

Maximum 100 marks will be5 allotted for each paper (except term paper and

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: LAW AND JUSTICE IN GLOBALIZING WORLD  
PAPER-I**

Duration: 3 hours

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25

**Objective of the Course:**

Globalisation has been in existence since the dispersal of *homo sapiens*. However, in the 21st Century the globalisation, because of fundamental economic, geopolitical, demographic and technological changes, has created distinctive opportunities and truly unprecedented challenges, particularly environmental ones, for the mankind. The main objective of the course is to provide the students the necessary tools to understand these contemporary changes & challenges. And how these changes are demanding the new ways of global governance and shaping the shared global vision for development i.e. the concept of global justice based on common ethical values. The students will be able to learn about:

The six waves of globalisation, from trade by sea to the fourth industrial revolution:

The Weakening Power of the nation state with development of human rights and transnational law

Various Theories of Justice and their relevance in administration of Global

**Section-D**

Globalisation and Sustainable Development  
Shared Global Development Vision and Ethics  
Globalisation and Legal Profession

**Suggested Readings:****Books**

Amartya Sen, *The Idea of Justice*, Oxford University Press, 2009.

Amit Bhandari, *Development with Dignity*, National Book Trust of India, New Delhi, 2005.

Andreas Follesdal and Thomas Pogge (eds.), *“Real World Justice: Ground,*



The Economist, When did globalisation start? Free Exchange, September 23rd, 2013

Vivek Kumar Mishra, "Globalisation, Social Justice and Marginalised Groups in India", 19(4) World Affairs : The Journal of International Issues 60-73, (2015).

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT : LEGAL EDUCATION AND RESEARCH METHODOLOGY  
PAPER-II**

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25

**Objective:** The main objective of this course is to acquaint the students of law with the scientific methods of social science research and is expected to provide the knowledge of the various techniques of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on preparing a foundation to conduct research. By the end of the course, students are expected to develop a scientific approach to socio legal problems and shall be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research or workshops/seminars, still an endeavor will be made to unveil various aspects of Legal



## **SECTION-D**

Legal Research Report

Research Proposal, research papers, short articles and commentaries, case comments, review articles including book review and newspaper articles

Dissertation/ Thesis Writing

Foot Notes and Bibliographic Techniques.

Ethics in Legal Research

Issues of Copy Right and Plagiarism in Research

Research Funding Agencies

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: LAW HEALTH AND TECHNOLOGY  
PAPER-III**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Objective of the Course:**

The law is an important determinant of how health of an individual is regulated and maintained. Health has not received due attention in Legal studies. The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various ethical and legal health issues and challenges posed by new scientific and technological developments and how the law plays an important role to regulate the recent challenges raised by technological advances in the field of health.

The primary purpose of this course is to enhance the knowledge and skills of students to:

Understand the theory and mysteries of the Health Laws and relevant court decisions;

Access, interpret and apply these principles and precepts to solve the complex legal problems, in the context of scientific developments;

Evaluate the importance of scientific development and technology in the delivery of instruction, assessment and the professional development.

**Learning Outcomes:**

Students will be able:

- To understand the interface of Law, Health and Technology and its effect on society
- To collect and organize appropriate legF6S-u=km5F27IVkm5F7x6F6SaVm5m()F. Law.
- To evaluate the importance of outcomes assessment in assuring quality across the legal profession in national and global contexts.

**SECTION-A**

Right to Health and Impact of Scientific Development  
Assisted Reproductive Technologies: In-Vitro Fertilisation (IVF), Artificial Insemination (AI) and Surrogacy; Ethical and Legal Issues.

Cryopreservation and Posthumous Reproduction of a  
child: Legal and Ethical Challenges  
**Judgments:**

### ***Suggested Readings:***

#### **Acts:**

- The Assisted Reproductive Technology Act, 2007.
- The Assisted Reproductive Treatment Act, 2008.
- The Assisted Reproductive Technology (Regulation) Bill, 2008.
- The Assisted Reproductive Technologies (Regulation) Bill, 2010.
- The Assisted Reproductive Technologies (Regulation) Bill, 2014.
- The Assisted Reproductive Technologies (Regulation) Bill, 2017.
- The Assisted Reproductive Technologies (Regulation) Bill, 2019.
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**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: INTELLECTUAL PROPERTY RIGHTS IN TWENTY FIRST  
CENTURY  
PAPER-IV**

Duration: 3 hours

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25

**Objective of the Course:**

The paper is designed to highlight the developments in intellectual property rights and to make students conscious of various issues in protecting intellectual property rights in twenty first century.

The objective is to identify the changes needed in the present laws to achieve the goal of sustainable development.

The course aims to provide an understanding of the relationship between laws, development, intellectual property and environment in the present century with especial reference to the issues of developing countries.

**Learning Outcomes:**

After successful completion of this course the student will be able to:

- Develop a critical understanding of a wide range of issues concerning the legal regulation of intellectual property and its socio-economical implications.
- Contribute through learning, innovation and research towards national and international economic, social and cultural development goals at the intersection of law and technology.

**SECTION-A**

**Introduction to Intellectual Property**

Concept of Intellectual Property

Kinds of Intellectual Property: Patents, Trademarks, Copyrights, Plant

Varieties, Designs and Geographical Indications

Economic importance of Intellectual Property

## **SECTION-B**

### **Ethical, Moral and Human Rights Perspectives of Intellectual Property Rights**

Right to Health as Basic Human Rights and IPR

Right to Food as Basic Human Rights and IPR

## **SECTION-C**

### **Transfer of Technology, Sustainable Development and IPR**

### **Transfer of Technology and Economic Development**

**N.S. Gopalakrishnan & T.G. Agitha: Principles of Intellectual Property, Eastern Book Company, Lucknow, 2009**

**M.K. Bhandari: Law relating to Intellectual Property Rights, Central Law Publication, Allahabad**

**Silke von Lewinski: Indigenous Heritage and Intellectual Property, Genetic**

in India," in: M. Blakeney (ed.): Intellectual Property Aspects of Ethnobiology,46-47.

· Richard Tarasofsky, Report on Trade, Environment, and Intellectual Property Rights,

· Ewing, Kenneth P. and Richard G. Tarasofsky 1997: The "trade and environment" agenda: survey of major issues and proposals. From Marrakesh to Singapore. IUCN Environmental Policy and Law Paper: IUCN, Environmental Law Center.

· Geoffrey, Tansey 2002: Food for thought: Intellectual Property Rights, food, and biodiversity.'Harvard-International-Review. Vol. 24 54-

· Godden, David 1998: "Growing Plants, Evolving Rights: Plant Variety in Australia." Australian Agribusiness Review, Vol. 6, No. 3. John H, Barton 2004: Issues Posed by a World Patent System. Journal of International Economic Law, June 2004, vol. 7, 341-57.

· John, Linarelli 2004: Treaty Governance, Intellectual Property and Biodiversity. Environmental Law Review 6 (2004) 21-38.

· Kameri-Mbote, Anne Patricia and Philippe Cullet 1999: "Agro-Biodiversity and International Law-A Conceptual Framework." Journal of Environmental Law, Vol. 11, No. 2, 257- 279

· Kongolo, Tshimanga 2001: "New Options for African Countries regarding Protection for New Varieties of Plants." The Journal of World Intellectual Property, Vol. 4, No. 3, 349-371

· Kothari, A. and R.V. Anuradha 1997: "Biodiversity, intellectual property rights, and the GATT agreement: how to address the conflicts?" Biopolicy, Vol. 2, No. 4

· Review of the provisions of Article 27.3(B) of CBD, IP/C/W/369/Rev.1, 2006



**ONE YEAR LL.M. Course  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: GENERAL PRINCIPLES OF CRIMINAL LAW AND FORENSIC STUDIES**

**PAPER-V**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Objective:**

The paper aims to provide in-depth understanding about General Principles of Criminal Law and their changing scenario in India and in international context. It is also designed to understand different aspects of Forensic Science, which will include study of various techniques, especially recent advances in Forensic Science, which is an important aspect of Criminal Justice System.

**Learning Outcomes**

- Conceptual clarity of subject
- Understanding the Jurisprudence of the subject
- Development of research abilities
- Development of critical thinking ability
- Preparation of State Judicial Service and UPSC Exams

**SECTION-A**

Constituents of Crime

*Actusreus*

*Mensrea*

Concept of Strict Liability in Criminal Law

Principle of Legality

Corporate Criminal Liability

Vicarious Liability with special reference to Section 34 and 149 IPC

**Case Law**

- Barendra Kumar Ghosh versus King Emperor AIR 1925 PC 1
- Standard Chartered Bank versus Directorate Enforcement AIR 2005 SC 2622

**SECTION-B**

Inchoate Crimes

- Abetment
- Criminal Conspiracy
- Attempt

General Defences and Comparative Analysis with Laws in UK and USA

- Mistake
- Accident
- Necessity
- Insanity
- Intoxication
- Private Defence

## **SECTION-C**

Definition, nature and scope of Forensic Science

Crime scene investigation: understanding and purpose of Crime scene examination and investigation, physical evidence, its collection, packing and transportation, chain of custody

Evidentiary value of Forensic Report

### **Case Law**

- Sharda versus Dharmmpal AIR 2003 SC 3450,
- Narayan DuttTiwari versus RohitShekharSLP (c) No. 17622 of 2012 decided on May 24, 2012 (2012) 12 SCC 554

## **SECTION-D**

Recent advances in Forensic Science and Comparative Analysis with UK and USA

Narco Analysis,

Brain Mapping,

DNA Finger Printing and their Admissibility in the Court,

Polygraph Test and NHRC guidelines of administration of Polygraph test.

### **Case Law**

- State of Bombay versus KathiKaluOghad AIR1961 SC 1808
- Selvi versus State of Karnataka AIR 2010 SC 1974

### ***Suggested Readings:***

- Andrew Ashworth and Jeremy Horder, *Principles of Criminal Law*, Oxford University Press, New York, 2013
- Card and Cross and Jones, *Criminal Law*, Oxford University Press, 2012
- Mike Molan, Duncan Bloy and Denis Lanser *Modern Criminal Law* Cavendish Publishing Limited, London, 2003
- PSA Pillai, *Criminal Law*, LexisNexis ButterworthsWadhwa, Nagpur; Edition, 2019

- O.P. Srivastva, *Principles of Criminal Law*, Easter Book Company, Lucknow, 2018
- Glanville Williams, *Criminal Law*, Universal Law Publishing Co. Pvt. Ltd, 2009
- Jonathan Herring, *Criminal Law*, Oxford University Press, New York, 2012
- David Ormerod, *Criminal Law*, Oxford Press, New York, 2011
- R.C. Nigam, *Law of Crimes in India – Vol. I- Principles of Criminal Law*, Asia Publishing House, Bombay.1965
- S.N. Misra, *Indian Penal Code*, Central Law Publications, Allahabad, 2018
- K. Mathiharan and Amrit K Patnaik, *Modi's Medical Jurisprudence and Toxicology*, LexisNexis, Buttersworth, 2010
- K. Kannan and K. Mathiharan, *Textbook of Medical Jurisprudence and Toxicology*, Butterworth's India, 2012
- R.M. Jhala and K Raju, *Medical Jurisprudence*, Eastern Book Company, 1997
- K.S. Narayan Reddy, *Medical Jurisprudence and Toxicology (Law Practice and Procedure)*, ALT Publications, 2006
- KrishanVij, *Forensic Medicine and Toxicology, Principles and Practice*, Elsevier India Private Limited, 2014
- Robert Milne, *Forensic Intelligence*, Taylor & Francis Group, London, 2013
- Modis, *Medical Jurisprudence and Toxicology*, Lexis Nexis, New Delhi, 2006
- B.R. Sharma,

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**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: CORPORATE GOVERNANCE AND CORPORATE SOCIAL  
RESPONSIBILITY**

**PAPER-VI**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Objective of the Course:** Governance choices affect managerial behaviour and the performance of the business entities. **CorpSdg7X2 0cf:l&gf:2,0dl&lg7X2C0l&**

## **SECTION-B**

Corporate Governance in India: Constitution of BOD. Sub-Committees of Board, Role and responsibilities and Duties of Board/ its Sub-Committees

Independent Directors: Global and Indian Perspective.

Corporate Governance and Insolvency Bankruptcy Code, 2016

Legislative framework for Corporate Governance: under the Companies Act,

- Mark S. Schwartz, *Corporate Social Responsibility: An Ethical Approach*, 2011.
- Subhabrata Bobby Banerjee, *Corporate Social Responsibility: The Good, the Bad and the Ugly*, 2007.

### ***Statutory Material***

- The Companies Act, 2013
- The Securities and Exchange Board of India Act, 1992

### ***Suggested Articles***

- Aguilera, R.V. "Corporate governance and director accountability: An institutional comparative perspective." *British Journal of Management*, 16(s1), 2005: S39-S53.
- Bainbridge, S.M. "Corporate Governance after the Financial Crisis" New York: Oxford University Press, 2011.
- Baker, H.K. & Anderson, R., eds. "Corporate Governance: A Synthesis of Theory, Research, and Practice" Hoboken, NJ: Wiley & Sons, 2010.
- Caplan, G.R. & Markus, A.A. "Independent Boards, But Ineffective Directors." *The Corporate Board*, March/April 2009: 1-4.
- Clarke, T. & Branson, D. *The SAGE Handbook of Corporate Governance*. Thousand Oaks, CA: Sage, 2012.
- Larcker, D. & Tayan, B. *Corporate Governance Matters*. Upper Saddle River, NJ: Pearson, 2011.
- Ireland, P. "Limited Liability, Shareholder Rights and the Problem of Corporate Irresponsibility" *Cambridge Journal of Economics*, 34(5), 2010: 837-856.
- Soares, C. "Corporate Versus Individual Moral Responsibility" *Journal of Business Ethics* Vol. 46, 2003, pp: 143-150.
- Smith, N. "Corporate Social Responsibility: Whether or How?" *California Management Review* Vol. 46, 2003, No. 4 pp. 52-73.
- Greenfield, W.M. "In the Name of Corporate Social Responsibility" *Business Horizons* Vol. 1, 2004, pp.19-28.

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**Judgment**

Shanti Prasad Jain vs Director of Enforcement AIR 1964 SC 29

**Case study**

Rustam Cawasjee Cooper vs UOI AIR 1970 SC 564

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National Insurance Co. Ltd vs P. Suresh (September 2018)

***Suggested Readings:***

**Legislations**

- Banking and Regulation Act, 1949
- Consumer Protection Act, 2019
- Enforcement of security interest and Recovery of Debts Laws and Miscellaneous provisions (Amendment) Act 2016
- Insurance Regulatory and Development Authority Act, 2000
- Motor Vehicle Act, 1988
- Recovery of Debt due to Banks and Financial Institutions Act, 1993
- Reserve Bank of India Act, 1934
- Securitization and Reconstruction of Financial Assets and enforcements of security interest Act, 2002

**Books**

- Basu, A. Review of Current Banking Theory and Practice (1998) MacMillan
- Birds, John, Modern Insurance Law, 2003, Universal Publishing Co.
- Birds, John, Modern Insurance (1997), Sweet & Maxwell
- C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
- Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
- Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
- K. Subrahmanyam, Banking Reforms in India (1997) Tata Macgraw Hill, New Delhi.
- K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi
- L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
- Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University BookAgency, Allahabad.
- M.L. Tannan, Tannan's Banking Law and Practice in India (2017) India Law House, New Delhi, 3 volumes, 27<sup>th</sup> ed
- M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
- M. Dasse, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London
- M.N. Sreenivasan : Law and the Life Insurance Contract (1914)
- Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishan Prakashan
- Murthy, K.S.N., and Sarma, K.V.S., Modern Law of Insurance in India, 2002 Lexis Nexis Butterworth

- Nainta, R.P., Banking System, Frauds and Legal Control, 2005, Deep and Deep Publications
- Narasimham Committee report on the Financial System (1991)- Second Report (1999)
- Peter Mac Donald Eggers and PatricFoss : Good faith and Insurance Contracts (1998) LLP Asia, Hongkong
- R. Goode, Commercial Law, (1995) Penguin, London.
- R.K. Talwar, Report of Working Group on Customer Service in Banks
- R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993(51 of1993), Asia Law House, Hyderabad.
- Ross Cranston, Principles of Banking Law (1997) Oxford.
- Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP,London
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
- Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
- Shah, M. B., Landmark Judgments on Insurance, 2004, Universal Publishing Co.
- V. Conti and Hamaui (eds.), Financial Markets' Liberalization and the Role of Banks', CambridgeUniversity Press, Cambridge, (1993).

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: COMMERCIAL ARBITRATION  
PAPER-VIII**

Duration: 3 hours

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25

**Objective:** The traditional justice delivery system through adjudication by courts had already given way to a large extent to many alternative modes of dispute resolution in the common law countries. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system is unsuccessful.

**SECTION-A**

Introduction: concept and nature of arbitration; types of arbitration; hybrid clauses in arbitration

Arbitration agreement: Validity, enforceability, arbitrability

Autonomy of arbitration agreement, Indian position on autonomy of arbitration agreement

**SECTION-B**

Judicial intervention in arbitration: Extent; Role of judiciary in enforcement of arbitral awards; Interim measures of protection

**SECTION-C**

International Arbitration Awards: Meaning and types

International Conventions on enforcement of foreign awards: Geneva Convention 1927, New York Convention 1958, UNCITRAL Model Law

**SECTION-D**

Institutional Arbitration, Ad Hoc Arbitration, Comparison

International Institutions of Arbitration

***Suggested Readings :***

- A.K.Bansal, Law of International Commercial Arbitration (1999), Universal, Delhi
- Alan Redfern, Law and Practice of International Commercial Arbitration (2004), Sweet & Maxwell
- B.P.Saraf and M.Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow White, Mumbai

- Basu.N.D, Law of Arbitration and Conciliation (9th edition reprint 2000), Universal, Delhi
- G.K.Kwatra, The Arbitration and Conciliation Law of India (2000), Universal, Delhi
- Gary B. Born, International Commercial Arbitration, (2014), Kluwer Law International
- Gerald R.Williams (ed.), The New Arbitration and Conciliation Law of India, Indian Council of Arbitration (1998), New Delhi
- Johari, Commentary on Arbitration and Conciliation Act 1996 (1999) Universal, Delhi
- Markanda.P.C, Law relation to Arbitration and Conciliation (1998) Universal, Delhi
- P.C.Rao & William Sheffield, Alternative Disputes Resolution- What it is and how it works? (1997), Universal, Delhi
- S.K. Chawla, Law of Arbitration and Conciliation (2012), Eastern Book House, New Delhi

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: CENTRE-STATE RELATIONS AND CONSTITUTIONAL GOVERNANCE  
PAPER-P-XVI**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Objective:** The Constitution of India provides for a federal system. The Union and the State Governments derive their authority from the Constitution. The relations between the centre and the States have been mentioned in parts XI and XII of the Constitution under the heads, legislative, administrative and financial relations. The objective of this course is to provide a greater understanding of the division of powers between the center and states in India and the existing relationship between the two.

**SECTION-A**

**Indian Federalism**

Federal polity in India: Evolution and Concept  
Federal Structure of Indian Constitution  
Dominant Features of the Union over the States  
Co-operative federalism:  
Inter-state Council  
Inter-state water dispute  
Full faith and Credit clause

**SECTION-B**

**Legislative Relations**

Doctrine of territorial nexus  
Delegated Legislation – permissible limits  
Subject-wise distribution of powers  
Principles of interpretation – Doctrine of Pith and Substance. Doctrine of Colourable Legislation, Doctrine of Harmonious Construction, Ancillary Powers  
Residuary Powers  
Parliament's Power to legislate on matters in the State List  
Doctrine of Repugnancy

**SECTION-C**

**Administrative Relations**

Distribution of Executive Powers  
Inter-governmental delegation of powers  
Centre's directives to the State- Constitutional and other statutory provisions  
All India Services  
Public Service Commissions: Membership and Functions

## **SECTION-D**

### **Financial Relations**

Distribution of Fiscal Power

Inter-Government Tax Immunities, Difference between Tax and Fee

Factors responsible for sub-ordination of States

Tax-Sharing under the Constitution, Finance Commission - Specific Purpose Grants (Article 282)

Impact of GST on Financial Relations

#### ***Suggested Readings:***

- A.G. Noorani (ed.), Centre State Relations in India, 1972
- Ashok Chandra, Federalism in India
- Justice D.A. Desai, Centre and State Powers under the Indian Federalism
- Dr. Subhash Kashyap, Constitution of India: Review and Reassessment
- Dr. Subhash Kashyap, Indian Constitution: Conflicts and Controversies



## **SECTION-B**

Media Trial  
Issues of Privacy  
Right to Advertisement/Comparative/Surrogate  
Media and Ethics

### **Case Laws:**

*Justice K.S. Puttaswamy v. Union of India* (2017) 10 SCC 1

*Dr. Rajesh Talwar v. CBI* 2013 (82) ACC 303

### **Case Study:**

*Sting Operation Jessica case by Tehelka and Star TV*

*Narottam Mishra paid news case*

## **SECTION-C**

Media under Tort & Criminal Law-  
Defamation/Negligence/Obscenity/Sedition  
Media and Legislature – Privileges of the Legislature

Media and Censorship

*Nehru Jin*



### ***Suggested Readings:***

- Durga Dass Basu, *Commentary on the Constitution of India*, Lexis Nexis Butterworths Wadhwa, (2011).
- Dr. M.P.Jain, *Indian Constitutional Law*, Lexis Nexis Butterworths Wadhwa, 6th Edition (2010).
- V.N. Shukla, *Constitution of India*, Eastern Book Company, 12th Edition, (2013).
- H.M. Seervai, *Constitutional Law of India*, Universal Law Publishers, (2005).
- Eric Barendt, *Freedom of Speech*, Oxford University Press, (2006).
- Madabhushi Sridhar, *Madabhushi Sridhar Acharyulu's Right to Information*, Lexis Nexis, (2007).
- P.K. Saini, R. K. Gupta, *Right to Information Act, 2005: Implementation and Challenges*, Deep and Deep Publications, (2009).
- Madhavi Divan, *Facets of Media Law*, Eastern Book Company, Lucknow(2006)
- Dr. Umar Sama, *Law of Electronic Media*, Deep & Deep Publication Pvt. Ltd., (2007)
- Vikram Raghavan, *Communications Law in India (Legal Aspects Of Telecommunication)*, Lexis Nexis, (2007)

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-I**

**SUBJECT: POLICE AND SECURITY ADMINISTRATION**

### ***Suggested Readings:***

- Bailey, David, H : *The Police and Political Development in India*, Princeton University Press, New Jersey, 1969
- Gupta , Anandswarup : *The Police in British India: 1861-1947*, Bureau of Police Research and Development, New Delhi, 2007
- 3. Wilson. O.W and : *Police Administration*, McGraw Hill Book MacLaren Roy Company, New York, 1972
- Sen, Shankar : *Indian Policy Today*, Ashish Publishing House, New Delhi. 1994
- Chaturvedi, J.C. : *Police administration and Investigation of Crime*, Isha Books, Delhi, 2006.
- Dempsey, John S. and : *An Introduction to Policing*, Thomson-Linda S. Forest Wadsworth, CA, 2005
- Sharma, K.K.: *Law and Order Administration*, National Book Organization, New Delhi, 1985.
- Srivastava, Aparna : *Role of Police in an Changing Society*, A.P.H. Publishing Corporation, New Delhi, 1999.
- Ghosh, S.K. and: *Encyclopaedia of Indian Police*, Arg-h efTMh, rN:OZOBOD, clSE:NKHj2jj, oS:NNHBO

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Originalism

Living Constitution

Constitutionalism: Concept, Features and Relation between Constitution and Constitutionalism

## **SECTION-D**

### **Separation of Powers: US, India**

Montesquieu's Theory

The relations between organs of the State: A Comparative Study

### **Public Interest Litigation: US, India**

Locus Standi

Judicial Activism

Judicial Accountability

### ***Suggested Readings:***

- DD. Basu, *Comparative Constitutional Law* (2<sup>nd</sup> ed., Wadhwa, Nagpur)
- M.V. Pylee, *Constitutions of the World* (Universal, 2006)
- Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989)
- Sudhir Krishna Swamy, *Democracy and Constitutionalism in India-A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
- S.P. Sathe, *Fundamental Rights and Amendment of the Indian Constitution* (1968)
- H.M. Seervai, *Constitutional Law of India* (Universal Publications, 2002)
- H.M. Seervai, *The Emergency, Future Safeguards and the Habeas Corpus: A Criticism* (1978)
- Anirudh Prasad, *Judicial Power and Judicial Review* (Eastern Book Company, Lucknow)
- John F. McEldowney, *Public Law* (Sweet & Maxwell, London)
- De Smith's, *Judicial Review* (Sweet & Maxwell, London)
- K.C. Wheare, *Federal Government* (Oxford University Press)
- Wade & Phillips, *Constitutional Law* (Longmans, Green)
- Vikram David Amar, Mark Tushnet, *Global Perspectives on Judicial Review* (Oxford University Press, 2010)



## **Judgements**

- Pavan Duggal, Text book on Cyberlaw, Saakshar Law Publications, 2<sup>nd</sup> Ed 2016
- Pavan Duggal, Cyber Law - An exhaustive section wise Commentary on the Information Technology Act along with Rules, Regulations, Policies, Notifications etc. Saakshar Law Publications, 2nd Ed 2017
- Nandan Kamath, Law relating to computers, internet, and e-commerce: a guide to cyber laws and the Information Technology Act, 2000, Universal Law Pub. Co; 5<sup>th</sup> ed 2016
- Garima Tiwari, Understanding Laws: A legal Quotient Primer, LexisNexis, India 1<sup>st</sup> ed 2014
- Harish Chander, Cyber Laws and IT Protection, PHI Learning Pvt. Ltd., 2012
- Chris Reed, Computer Law, 7th Ed. Oxford University Press, 2003
- Dr Subhajt Basu, Global Perspectives on E-Commerce Taxation Law, Ashgate Publishing, Ltd., 2013
- Karnika Seth, Cyber Laws in the Information Technology Age, LexisNexis, Butterworths Wadhwa, Nagpur, 2009
- Chris Reed, Internet Law: Text and Material, Oxford University Press, (2004)
- Garima Tiwari, Understanding Laws Cyber Laws and Cyber Crimes, LexisNexis, India 2014
- Alwyn Didar Singh, E-commerce in India: Assessments and Strategies for the Developing world, LexisNexis, India, 2008.
- Anirudh Rastogi, Cyber Law Law of Information Technology and Internet, LexisNexis, India, 2014.
- S.J. Joseph P.T., E-commerce: An Indian Perspective, Paperback, PHI, 2012
- Rajaraman V., Essentials of E-commerce Technology, Paperback, PHI, 2009
- Rodney Ryder, Guide to Cyber Laws, Wadhwa Nagpur, 3rd Edition, 2007
- Vakul Sharma, Information Technology - Law and Practice (Law and Emerging Technology, Cyber Law & E-Commerce), Universal Law Publishers, 6nd edition, 2018
- Vakul Sharma, Information Technology Law and Practice- Cyber Laws and Laws Relating to E-Commerce, Universal Law Publication, 5th Edition 2016
- Dr Farooq Ahemed, Cyber Law in India, New Era Law Publishers, 3rd edition, 2008
- Prag Diwan and Shimmi Kapoor, Cyber and E-Commerce Law, Bharat Publishers, 2nd Edition, 2000
- V.K. Unni, Trademarks and Emerging Concepts of Cyber Property Rights, Eastern Law House, 2005



- D.P. Mittal, Law of Information Technology (Cyber Law), Taxmann, 2000
- Dr Amita Verma, Cyber Crimes and Law, Central Law Publishers, Allahabad, 2009
- Dr Amita Verma, Cyber Crimes in India, Central Law Publishers, Allahabad, 2012
- Diane Rowland and Elizabeth, Information Technology Law, 3rd Edition, Oxon Cavendish Publishing, 2006



## **SECTION-C**

**Educational Psychology: Meaning, Nature, Scope and Methods**

- Marclea V. Rodriguez, "Pedagogy and Law: Ideas for Integrating Gender into Legal Education" *Journal of Gender, Social Policy & The Law* Volume 7(2) 1999
- Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, San Diego L. Rev. Volume 38(2001)
- Mihaela Papa<sup>1</sup> and David B. Wilkins, "Globalization, Lawyers, and India: Toward a Theoretical Synthesis of Globalization", *int' 1 J. Legal Prof.* Volume, 18 (2012)
- *Publish Be Found or Perish: Writing Scientific Manuscripts for the Digital Age* [pubs.acs.org/bio/ACS-Guide](https://pubs.acs.org/bio/ACS-Guide)
- Ross Hyams, "Nurturing Multiple Intelligences Through Clinical Legal Education" *University of Western Sydney Review* Volume 15 (2011)
- Steven I. Friedland "How We Teach: A Survey of Teaching Techniques In American Law Schools" *Seattle University Law Review* Volume, 20(1996)

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-II**

**SUBJECT: ENVIRONMENTAL LAW AND POLICY  
PAPER-XII**

Duration: 3 hours

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25

**Objective:**—The paper aims to provide in-depth understanding about various environmental issues and challenges. Apart from creating inquisitiveness related to these issues the objective of the course work is to develop analytical faculties and to have proactive approach for protection and restoration of environment. The paper also focuses on study, analysis and implementation of national and international legal provisions and policies related to these issues. The case studies would help students in understanding the problem at

### **Case Study**

Climate Change A Just Climate Agreement: The Framework for an Effective Global Deal, Sunita Narain [https://www.undp.org/content/dam/india/docs/undp\\_climate\\_change.pdf](https://www.undp.org/content/dam/india/docs/undp_climate_change.pdf), pages 7-16

### **SECTION-C**

Hazardous Waste Management: Hazardous wastes dumping and disposal and their impact on environment

Basel Convention on the Control of Tran-boundary Movement of Hazardous Waste and their Disposal 1989

The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

### **Case Study**

Beyond The Ban – Can The Basel Convention Adequately Safeguard the Interests of the World's Poor in the International Trade of Hazardous Waste? Law, Environment and Development Journal

<http://www.lead-journal.org/content/09167.pdf>

### **Section-D**

Loss of Biological Diversity and Environmental Concerns

United Nations Convention on Biological Diversity 1992

Cartagena Protocol on Bio safety to the Convention on Bio Diversity 2000

Biological Diversity Act, 2002

### **Case Study**

Case studies in the conservation of biodiversity: degradation and threats

<http://www.the.eis.com/data/literature/Case%20studies%20in%20the%20conservation%20of%20biodiversity%20degradation%20and%20threats.pdf>

### ***Suggested Readings:***

- P. Leelakrishnan, *Environmental Law in India*, Lexis Nexis, Butterworths, Nagpur, 2016
- E. John, A. Matthews, J. Patrick, *SAGE Handbook of Environmental*

- Daniel Bodansky, Jutta Brunnee & Ellen Hay, *The Oxford Handbook of International Environmental Law*, Oxford University Press, Oxford, 2007
- Ritwick Dutta, *The Environmental Activists Handbook*, published by Socio-Legal Information Centre, Mumbai, 2002.
- Stuart Bell, Donald McGillivray, *The Law and Policy Relating to the Protection of The Environment*, Oxford University Press, Oxford, 2004
- Donald Anton and Dinah L. Shelton, *Environmental Protection and Human Rights*, Cambridge University Press, Cambridge, 2011
- P.S. Jaswal and Nishtha Jaswal, *Environmental Law*, Pioneer Publications, Allahabad Law Agency, Faridabad, 2017
- Sairam Bhat, *Natural Resources Conservation Law*, SAGE Publication, L.A., 2010
- John S. Dryzek, David Schlosberg, *Debating the Earth the Environmental Politics Reader*, Oxford University Press, Oxford 2005.
- Rohan D' Souza, *Environment, Technology and Development*, Edited, EPW Orient Black Swan, New Delhi, 2012
- Patricia Birnie, Alan Boyle and Catherine Redgwell, *International Law and the Environment*, Oxford University Press, New York, 2009.
- Daniel Bodansky, Jutta Brunnee, and Lavanya Rajamani, *International Climate Change Law*, Oxford University Press, United Kingdom, 2017
- ICLG *Environment and Climate Change Law 2019*, A Practical Cross-border Insight into Environment and Climate Change Law, 16<sup>th</sup> Edition Editor, Nicholas Catlin Published by Global Legal Group, 2019
- Regina S. Axelrod and Stacy D. VanDeveer, *The Global Environment Institutions, Law and Policy* 5<sup>th</sup> Edition, Sage Publishing, 2019

**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-II**

**SUBJECT: INTERNATIONAL TRADE LAW**

**PAPER-XIII**

Duration: 3 hours

Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25



**Carriage of Goods by Air;** Convention for the Unification of Certain Rules Relating to International Carriage by Air (WARSAW CONVENTION) WARSAW, 1929;

**Financing Exports:** Letters of Credit: Forms and Types Documentary Credit; The Principle of Autonomy of the Letter of Credit

## **SECTION-C**

**Public Law of International Trade:** Historical Background of the GATT, 1947; Evolution of the WTO, 1994- Structure, Principles and Functions; Non-discrimination Provisions in WTO; Voluntary Export Restraint and WTO; Agreement on Safeguards; Agreement on Anti-Dumping; Custom Valuation and WTO; Special and Differential Treatment under the WTO.

Case Studies: Shrimp and Turtle case

Tuna Case

## **SECTION-D**

Agreement on Subsidies and Countervailing Measures; Trade in Agriculture; Agreement on the Application of Sanitary and Phytosanitary Measures; Agreement on Technical Barriers of Trade; TRIPS; TRIMS; Trade in Services; Dispute Settlement Body (DSB) in WTO

Case Studies: Avian Influenza Case

Beef Hormone Case

### ***Suggested Readings:***

- INTERNATIONAL TRADE AND BUSINESS: LAW, POLICY AND ETHICS, Professor Peter Gillies, Professor Gabriël Moens, Cavendish Publishing (Australia)
- Gupta, R. K., *World Trade Organization- Text (2Vols)*
- 3. Adamantopoulos, Konstantinos, *An Anatomy of the World Trade Organisation* (Kluwer Law International, 1997).
- 4. Correa, Carlos. M, *IPRs, The WTO and Developing Countries* (Zed Books Ltd, London, 2000).
- 5. Day, D. M. and Griffin, Bernardette, *The Law of International. Trade* (Butterworths and Lexis Nexis, London, 2003).
- 6. Dijck, Pitol, Vom and Faber, Gemit, *Challenges to the New World Trade Organisation* (Kluwer Law International, The Netherlands, 1996).
- 7. Honnold, John, *Uniform Law for International Sales under the 1980 United Nations Sales Convention* (Kluwer Law International, The Hague, 1982).
- 8. Jayaraj, C. & Govindaraj, V. C, *Non- Resident Indians and Private International Law*
- (ISIL & Hope India Publications, New Delhi, 2008)

- 9. Kleso, Robert, *International Law of Commerce* (Denim's and Co, New York, 1976).
- 10. Meron, Theodor, *Investment Insurance in International Law* (OceanaPubliactions, 1976).
- 11. Moens, Gabriel and Giles, Peter, *International Trade and Business Law, Policy and Ethics* (Canadian Publishing, London, 1998).
- 12. Goyal, Anupam, *The WTO and International Environmental Law: Towards Conciliation* (OxfordUniversity Press, New Delhi, 2006).
- 13. Koul, A. K., *The General Agreement on Tariffs and Trade: GATT/World Trade Organisation (WTO) Law, Economic and Politics* (Satyam Books, New Delhi, 2005).
- 14. Thommem, T. Kochu, *Bills of Lading in International Law and Practice* (Eastern Book Company, Lucknow, 1984).
- 15. P. Kindleberger, *International Economics* (Richard Irwin Homewood, Illinois, Indian Edition 1987).
- 16. B.O. Soderston, *International Economics*, (McMillan Press Ltd., 1990).
- Dominick, Salavatore, *International Economics*, (John Wiley & Sons (Asia) pte Ltd.7th edition, 2001).
- 17. Bhagwati,J.N, *International Trade: Selected Readings* (McMilan University Press,1998).
- 18. Krugman P.R. and Obstfeld Maurice, *International Economics-Theory and Policy* (Addison-Wesley, 2000)

## **ONE YEAR LL.M. COURSE**

**SESSION 2020-21**

**SEMESTER-II**

**SUBJECT: TRANSNATIONAL CORPORATIONS AND HUMAN RIGHTS**

**PAPER-XIV**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

### **Objective of the Course:**

The present course is designed to enable students to form a conceptual understanding of the various approaches towards the study of human rights with special reference to the concept of development as well as the human rights standards in international trade. In this backdrop, special emphasis would be laid on creating an awareness regarding the socio-legal issues pertaining to transnational corporations and human rights violations.

### **Learning Outcomes:**

- Evaluation of the concept of human rights and theoretical foundations of Right to Development
- Analyzing the human rights linkages in international trade and sovereignty issues
- Better understanding of the working and operations of TNC's
- Comprehension of Human Rights in terms of TNC's
- Ability to analyse the rights and duties of TNC's
- Understanding the impact of globalization on Corporates and governance

### **SECTION-A**

**Introduction:** Scope and Significance of Human Rights

Human Rights Approaches to Development: Modernization and Dependency Approach, Poverty and Exclusion, Integrating the Human Rights Approach in Development; Towards an Ethical Development.

Transnational corporations: origin and development, Nature and theories, Nationality, Relationship between TNCs and State, TNCs and Globalisation.

Transnational Corporation and Issue of Sovereignty

### **SECTION-B**

**TNCs and Human Rights:** Relationship between TNCs and Human Rights, Impact of TNCs and Human Rights – Theories, Legal status of TNCs – International and National Legal Obligations, Liabilities of TNCs – Civil and Criminal Liability.

TNCs and International Human Rights Instruments: UDHR, ICCPR, ICESCR, CEDAW

**Judgements: Iwanowa v. Ford Motor Company 67 F Supp 2d 424, DCNJ (1999)**

**Sosa v. Alvarez – Machain 542 US 692 (2004)**

### **SECTION-C**

Enforcement of Human Rights in TNCs through Regulations – OECD Guidelines for Multinational Enterprises, ILO Tripartite Declaration, The Global Compact, UN Norms on the Responsibility of TNCs, John Ruggie’s Protect, Respect and Remedy, Framework for Business and Human Rights and its Implementation, National Voluntary Guidelines on Social, Environmental and Economic Responsibilities of Business.

**Judgment:**

**Lubbe v. Cape Plc (2000) JWLR 1545 (HL)**

**Eastman Kodak v. Kevlin 978 F Supp 1078 DCSD Fls (1997)**

### **SECTION-D**

Extraterritorial Regulation of Companies and the UN Guiding Principles on Human Rights and Business, Access to Remedy for Victims of Business-related Abuse, Human Rights and International Investment Law, Judicial Approach towards Human Rights Abuses by TNCs- Development of Various Legislative Provisions relating to Alien Tort and Judicial Interpretation.

**Judgement:**

**Morrison v. National Australia Bank Ltd., 130 S. Ct. 2869**

**Sarei v. Rio Tinto PLC, 221 FSupp2d 1116, DCCD Cal (2002)**

### ***Suggested Readings:***

- Philip Alston and Mary Robinson, (2005), *Human Rights and Development: Towards Mutual Reinforcement* : Oxford University Press, New York
- Centre for Development and Human Rights, (2004), *The Right to Development-A Primer*. New Delhi: Sage
- Cheria, Anita et al, (2004), *Human Rights Approach to Development; Resource Book*, Books for Change, Bangalore
- Bhargava, G.S. and R.M. Pal. (eds.), (2000), *Human Rights of Dalits: Societal Violation*, Gyan Publishing House New Delhi
- Brolmann, C. et al. (eds.), (1993), *People and Minorities in International Law*, MartinusNijhoff, Dordrecht
- Choedon, Yeshi, (1994), Ethnic, Social and Religions Conflicts: Rights of Minorities, in K.P., Saksena, (ed.)

- Narang, A.S., (1999), Debate on Minority Rights, in A.P. Vijapur and Kumar Suresh, (eds.), *Perspective on Human Rights*, Manak Publications, New Delhi
- Baxi, Upendra (2002) *The Future of Human Rights*. New Delhi: Oxford University Press
- David Jason Karp, *Responsibility for Human Rights: Transnational Corporations in Imperfect States*, Cambridge University Press (2014)
- Chandra ,U. ( 2012) *Human Rights* : Allahabad: Allahabad Law Agency
- Dube, M. P. and Neeta Bora, (ed.) (2000) *Perspectives on Human Rights* New Delhi: Anamika Publishers
- Sanajaoba, N. (2000) *Human Rights in the New Millennium*. New Delhi: Manas Publications
- Tripathi, T.P (2012) *Human Rights*. Allahabad: Allahabad Law Agency
- Vadkar, Praveen, (2000) *Concepts, Theories and Practice of Human Rights*. New Delhi: Rajat Publications
- Cranston Maurice (1962) *What are human rights?*( Basic Books, Inc,Publishers New York
- Andrew Clapham (2007) *Human Rights: A very small introduction*. Oxford University Press
- B.S. Waghmare (2000) *Human Rights- problems and prospects*. Kalinga Publications
- Jean-Marc Coicaud, Michael W. Doyle (2003) *The Globalization of Human Rights* : Modeled Nations University Press
- UN Centre for Human Rights (1995), *Harmful Traditional Practices Affecting the Health of Women and Children*, Geneva: World Campaign for Human Rights
- Paras Diwan, Peeyushi Diwan, (1996), *Human Rights and the Law: Universal and Indian*: Deep & Deep Publications
- Ian Brownlie: *Basic Documents on Human Rights*, Oxford, 2012
- Mallik, Ross, (1998), *Development, Ethnicity and Human Rights in South Asia*, Sage, New Delhi
- Menon, N.R. Madhava, (1999), State of Economic and Social Rights, in K.P. Saksena, (ed.) *Human Rights; Fifty Years of India's Independence*, Gyan Publishing House New Delhi
- O' Byrne, Darren J, (2003), *Human Rights; An Introduction*; Pearson, New Delhi
- Raj, Suhendu Ranjan, (1999), "Development Perspectives and Human Rights", in A.P. Vijapur and Kumar Suresh, (eds.) *Perspectives on Human Rights*, Manak Publications, New Delhi

- Rehman, M.M. et al. (2000), *Human Rights and Human Development; Concepts and Contexts*, Manak Publications New Delhi.

**Research Articles:**

Baxi, Upendra, (1983), the New International Economic Order, Basic Needs and Rights; Notes towards Development of the Right to Development, *Indian Journal of International Law*, vol. 23,-45.

Baxi, Upendra, (1998), "The Development of the Right to Development", in Janusz Eymonides, (eds), *Human Rights: New Dimensions and Challenges*, SyAM-fuA775xA6fm6FSyVkm5Dke.Ju5FF(F)SmVkm5DAm5AFD)S.V675))A)SJuVm5FF(F75



***Suggested Readings:***

- Khan Ahmeddullah: Commentary on Labour and Industrial Laws



**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-II**

**SUBJECT: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY**

**PAPER-XIX**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Objective:** Fundamental Rights and Directive Principle of State Policy as enumerated in Part III and Part-IV respectively of the Constitution are the two sides of the same coin. One without the other is incomplete and unfulfilled. The fundamental rights ensure political democracy while the Directive principles ensure economic and social democracy. The objective of fundamental rights is to provide congenial environment for the fullest development of the personality of Indian citizens. For the fulfillment of this objective, the individual has been given a good number of freedoms. The objective of Directive Principles of State Policy is to provide the individual with socio- economic and justice. It is for these reasons that this topic form such an important part of constitution and any study would be incomplete without this subject.

**SECTION-A**

Evolution of Fundamental Rights; Impact of Universal Declaration of Rights and other Rights

Fundamental Rights, Bill of Rights, Human Rights: Concept and Nature

Definition of State under Article 12 and Implications

Scope of Definition of Law under Article 13: Difference between pre and post Constitution laws, Doctrine of Eclipse, Doctrine of Severability, Doctrine of Waiver and Test for infringement of Fundamental Rights

Concept of Basic Structure from Shankari Prasad to I.R. Coehlo

**SECTION-B**

Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation and Wednesbury Principle

Relationship between Article 14, 15, 16, 17 & 18.

Protective grounds for Discrimination (Art. 15); Special Provisions for women; Protective Discrimination in favour of Backward Classes, Scheduled Castes and Scheduled Tribes

Equality of opportunity in matters of public employment (Art. 16); reservation and residence in public employment

Prohibition of Untouchability- Protection of Civil Rights Act, 1995

Abolition of Titles

### **SECTION-C**

Fundamental Freedoms under Art. 19 and reasonable restrictions under Art 19 (2) to (6); reasonableness of restriction; concepts of deprivation and prohibition

Doctrine of ex-post -facto law; Doctrine of Double Jeopardy; privilege against self-incrimination; Rights of Accused

Protection of life and personal liberty; Right to education; Safeguards against ordinary arrest and preventive detention; Right against exploitation

Scope of Freedom of Religion; Cultural and Educational Rights; Minority Rights

Right to Constitutional Remedies

Rights viv-a-vis Armed Forces; Martial Law

### **SECTION-D**

Relative Significance of Directive Principles of State Policy (DPSP) and Fundamental Rights

Nature of Directive Principles of State Policy, Justiciability of Directive Principles of State Policy

Social security and welfare provisions under Directive Principles of State Policy; economic rights

Directive Principles of State Policy viz-a-v into Fundamental Rights

Fundamental Duties – evolution, relationship between Fundamental Rights and Duties

### ***Suggested Readings:***

- H.M. Seervai, Constitutional Law of India – Vol. I &II
- V.N.Shukla , Constitution of India
- Subhash C Jain, The Constitution of India
- D.D. Basu, Commentaries on Constitutional Law of India, Vol. A to E
- M. Hidayatullah (Ed.), Constitution of India.
- M.P.Jain, Indian Constitutional Law.
- Subba Rao G C V Indian Constitutional Lldayatuaztion ofnnc a Inca5)D6)SnVm5Fx0
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**ONE YEAR LL.M. COURSE  
SESSION 2020-21  
SEMESTER-II**

**SUBJECT: ADMINISTRATIVE LAW**

**PAPER-XX**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

**Course Objectives:** To examine the conceptual dimensions of Administrative Law, the legal means for making the Government accountable, review of governmental action including judicial review and freedom of information legislation. The expansion in the functions of the state and enormous powers of the administration has given tremendous capacity to the administration to affect the rights and liberties of the individual. The present course aims to explore the important principles and institutions imperative for a good administration.

**Learning Outcomes:**

- Developing an understanding of Administrative law as a separate legal discipline
- Understanding the various liabilities and privileges of the State
- Comprehending the importance of administrative rule making in the form of delegated legislation
- Appreciating the significance of principles of transparency, natural justice, accountability and fairness in a good governance administration
- Understanding the relevance of administrative discretion in modern governance and its controls

**SECTION I**

## **SECTION-B**

***Suggested Readings:***

- Cann, Steven J, Administrative Law 3<sup>rd</sup> Ed., 2002
- Kesari, U.P.D, Lectures on Administrative Law, 15<sup>th</sup> Ed, 2005, Central Law Agency, Allahabad
- Massey, I.P., Administrative Law, 5<sup>th</sup> Ed. 2003, Eastern Book Company, Lucknow
-



- ii) the Panchayats under the Panchayats (Extension to Scheduled Areas) Act, 1996 and
- iii) The Biodiversity Management Committees under the Biological Diversity Act, 2002 in conservation of forests and biodiversity
- III) The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries UN-REDD Programme and REDD+
- IV) Judicial decisions on issues relating to Mining, Forest Rights and Forest Conservation

## **SECTION-C**

### **Liability and Compensation for Environmental Damage:**

Liability for Environmental Damage: Principles of Strict Liability and Absolute Liability and the Indian Judiciary

Corporate Liability for Hazardous accidents/Incidents: A Critical Analysis of the Bhopal Gas Tragedy and the present legal position in context of relevant judicial decisions.

Liability for Environmental Damage under the National Green Tribunal Act, 2010, NGT decisions evoking the Polluter Pays Principle for Environmental damage

## **SECTION-D**

### **Environment Impact Assessment and Sustainable Development**

Environment Impact Assessment : Environment Impact Assessment and Public Participation ; Judicial Review of Environmental Decision making on grounds of Procedural impropriety and illegality in context of statutory requirement of Environmental Clearance of Projects under the EIA Notification, 2006.

Sustainable Development: Concept, the Role of Judiciary in contributing towards Sustainable Development; Application and development of Emerging Environmental Principles like Polluter Pays Principle, Precautionary Principle and Public Trust Doctrine in furtherance of Sustainable Development

#### ***Suggested Readings:***

- Nishtha Jaswal P S Jaswal , *Environmental Law* , Allahabad Law Agency,2017
- David Freestone , *Sustainable Development and International Environmental Law* , Edward Elgar, 2018
- P. Leelakrishnan , *Environmental Law in India*, 4<sup>th</sup> Edition, Lexis Nexis, 2016

- *Environmental Justice: Comparative Experiences in Legal Empowerment*,  
UNDP, 2014