APPENDIX-II

DETAILED SYLLABUS FOR LL.M PROGRAMME

FIRST SEMESTER

PAPER - FC-01

LAW AND SOCIAL TRANSFORMATION IN INDIA.

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

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

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

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

5. Regionalism and the law
   5.1. Regionalism as a divisive factor.
   5.2. Concept of India as one unit.
   5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
   5.5. Admission to educational institutions: preference to residents of a state.

6. Women and the law
   6.2. Gender injustice and its various forms.
   6.3. Women's Commission.
   6.4. Empowerment of women: Constitutional and other legal provisions.
7. Children and the law
7.2. Sexual exploitation.
7.3. Adoption and related problems.
7.4. Children and education.

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

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

Select Bibliography
Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
Savitri Gunasekhare, Children, Law and Justice (1997), Sage
M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford
PAPER - FC-02

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

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

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


4. Empowerment of women.

5. Freedom of press and challenges of new scientific development
5.1. Freedom of speech and right to broadcast and telecast.
5.2. Right to strikes, hartal and bandh.

6. Emerging regime of new rights and remedies
6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights
6.1.1. Compensation jurisprudence
6.1.2. Right to education
6.1.2.2. Brain drain by foreign education market.

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

8. Secularism and religious fanaticism.

9. Separation of powers: stresses and strain
9.2. PIL: implementation.
9.3.1. Appointment, transfer and removal of judges.
9.5. Tribunals

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

3) Dr. Thrity Patel – Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
5) M. P. Jain – Constitutional Law of India.

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

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

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

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

5. State:
   1) Nature and Functions of State under International Law
   2) Different kinds of states and Non-State Entities
   3) Associations or groups of States
   4) State territory, acquisition & loss of territory
   5) State jurisdiction, Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law

6. Recognition:
   1) Recognition of State and Government in General
   2) Recognition De jure and De Facto
   3) Legal effects of Recognition

7. State Responsibility:
   1) Nature and Kind of State Responsibility
   2) Responsibility for breach of treaty, contractual obligation and expropriation of foreign property
   3) Responsibility for International delinquencies
   4) Claims

8. State Succession:
   1) Definition of state succession
   2) Kinds and Theories of State Succession
   3) Rights and obligations arising out of State Succession
Books Suggested for Reading:

3) Roselyn Higgins – The Development of International Law through the Political Organs of the UN (1963).
4) D. J. Harris – Cases and Materials on International Law (Third Ed. 1983).
6) George Schwarzenberger – International Law.
8) Rebecca M, Wallace: International Law.
9) Melcolm N. Shaw: International Law.
11) Shabled Rosemat – Developments in the law of Treaties.

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

3. The Political Process
   3.1. Blocks and Alliances
   3.3. African and Latin American Groups
   3.4. India and the United Nations
   3.5. The Big Two and the United Nations.

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

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

6. Peaceful Change through United Nations
   6.1. Dispute settlement machinery of the United Nations
   6.2. The Role of ECOSOC in bringing about peaceful change
   6.3. UN operational programmes in the Social Field
   6.4. UN operational programmes in the Economic Field
   6.5. Anti-colonial consensus

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


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

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


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


M.S. Rajan, United Nations and Domestic Jurisdiction (1961)
N.B. Students are expected to be familiar with relevant provisions of other constitutions of the World - USA, UK, Canada and Australia.

1. Constitutionalism:

   1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.

   2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.

   3) Globalication and its impact on Constituttionalism

   4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism

2. Indian Federalism :

   1) Essential features and requisites of federal government-Differences between Confederation and federation.

   2) Pattern of Federal Government - USA, Australia, Canada, India.

   3) Historical background of the federal structure of Government in India.

   4) Why Federal government was chosen by the Constituent Assembly?

   5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.
6) Panchayat Raj, Decentralisation of power and federal structure.

3. Parliamentary Form of Government :

1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.
2) President of India and his constitutional status.
3) The Cabinet and the Doctrine of collective responsibility.
4) Governor and his role in Indian Federalism.
5) Party system and Anti-Defection Law.
6) Parliamentary Privileges.

4. Judicial Review :

1) Meaning, Basis and Constitutional significance.
2) American Supreme Court on Judicial Review-Marbury V. Madison.
3) Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.
4) Supreme Court as an umpire in the federal system.
5) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

5. Pluralism :

1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
2) Religious, Ethnic, linguistic, cultural and political pluralism.
3) Right to dissent in plural society.
4) Role of Law in Pluralistic society.
Books Suggested for Reading:

1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.

2) M.P. Jain - Indian Constitutional Law.

3) D.D. Basu - Comparative Constitutional Law.

4) D.D. Basu - Legal Control of limited Government (Tagore Lectures).


6) K.C. Wheare - Federal Government (1963)

7) Granville Austin - The Indian Constitution; Cornerstone of a Nation (Oxford University 1972)

8) Justice E.S. Venkataramaiah and P.N. Bakshi - Indian Federalism - A Comparative Study (1992)


PAPER - B-02
UNION - STATE RELATIONS

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

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

2. **Distribution of Fiscal Powers:**
   1) Scheme of allocation of Taxing Powers.
   2) Extent of Union Power of Taxation.
   3) Residuary Power.

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

3. **Distribution of Tax, Revenue and Financial Equilibrium:**
   1) Tax- Sharing under the Constitution.
   2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
4. **Planning Commission and Finance Commission.**
   2) Planning Commission and its Role.
   3) Formulation and Implementation of the Plan - the Role of Centre and the States - coordination between Planning Commission and Finance Commission.

5. **Freedom of Trade and Commerce : Art. 301-307 :**
   1) Freedom of Trade and Commerce.
   2) Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.

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

**Books Suggested for Reading :**

2) D.T. Lakadawala _ Union State Financial Relations (1967).
1. (a) Nature & Concept
   i. Meaning
   ii. Types of Intellectual Property Rights

2. (b) Nature of Intellectual Property Rights
   i. Monopolistic Perspective
   ii. Economic Perspective
   iii. Public welfare perspective

3. (c) Theories
   i. Natural theory
   ii. Lockes’ Theory of property
   iii. Hegelian Philosophy
   iv. Utilitarian guidelines
   v. Incentive theory
   vi. Prospect theory
   vii. Schumpeterian theory

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

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

6. National regime
   a) Background
   b) Pre WTO
   c) Post WTO
Suggested Readings

Further readings
2. Surendra Bhandari, *World Trade organisation and Developing Countries*, 1998
1. Introduction to Copyright
   (a) Historical development of the law of copyright
   (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright
   (a) Berne Convention
   (b) Universal Copyright Convention
   (c) Rome Convention, 1961
   (d) Phenogram Convention, 1971
   (e) TRIPs Agreement
   (f) WIPO Copyright Treaty, 1996
   (g) WIPO performance and Phenogram Treaty, 1996

3. Subject matter of copyright works
   (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
   (b) Provisions under Indian Law and International Convention

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

5. Performers rights under the Indian Copyright Law and under International Conventions
   (a) Historical development of performers rights: Nature and Scope
   (b) Economic and moral rights of performers and Exception of performers rights

6. Broadcast Reproduction Rights and Public Interest
   (a) Satellite broadcasting and by cable television
   (b) Exception under Indian law and under international convention
7. Infringement of copyright
   (a) Mode of infringement of various copyright works
   (b) Infringement of neighbouring rights
   (c) Statutory exception under Indian law and international convention

8. Remedies of infringement of copyright under national and international perspective
   (a) Preventive and compensatory civil remedies
   (b) Criminal remedies
   (c) Administrative remedies

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

a) Nature, purposes and types of business enterprises.

b) Economic themes in the development of modern company law.

c) Classification of companies.

d) Concept and theories of corporate personality.

e) Doctrine of Lifting the Corporate Veil

f) Administration of Company Law - Authorities, their composition, powers and jurisdiction.

II. **Formation of company**.

1) Promotion and pre-incorporation contracts.

   a) Concept of Promotion

   b) Rights and Duties of Promoters

   c) Pre-incorporation contracts.


   a) Formation formalities.

   b) Memorandum of Association:

      i) Meaning, nature and content (Requirements under company and other legislations)

      ii) Doctrine of ultra vires - Scope, Effect, Remedies and Reform of the doctrine.

      iii) Amendment of MOA.

   c) Articles of Association:

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

iii) Amendment of AOA.

### III Concept of Capital and Financing of Companies:

a) Economic and legal concept of capital

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

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

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

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

f) Inter- corporate Loans and Investments.

### Suggested Reading:


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


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

Butterworths 

h) Altman and subrahmanyan - Recent Advances in corporate 

Finance(1985) LBC. 

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

Management of private Corporate sector in india (1986) 

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

Chartered Secretary, Law and Contemporary Problems. 

Statutory Materials - Companies Act
I. Management of Company.
   1) Concept of corporate Governance
      b) Managing Director
      c) Manager and sole selling agents.
      d) Meetings of company
      e) Supremacy of majority and protection of minority: exceptions to Rule in Foss V. Harbottle.
      f) Oppression and Mismanagement: Meaning of and Relief against Oppression and Mismanagement.

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

III. Amalgamation, take over and mergers

IV. Corporate collapse - Winding up of company
   a) Meaning and kinds of
   b) Grounds for compulsory winding up
c) Appointment, Powers and Duties of Liquidator.

d) Contributory.

V. **International Dimensions of company law.**

a) Multinational and Transnational companies - Meaning, Growth and Regulation of

b) Cross-frontier mergers international competition and international co-operation.

VI. **Securities Laws in India.**

a) Security Contract (Regulation) Act. Control of capital market - listing of Securities etc.

b) National Stock Exchange/Recognised stock Exchange/OTC. Exchange

c) Contracts and options in securities, Derives, listing of securities

d) SEBI ACT and guidelines.

e) Depositories Act - Demiting of Shares etc.

**Suggested Reading:**


b) Boyle and Birds- Company Law


e) Thayil Philip and iyengar, T.R. Srinivasa - companies Director (their Rights, Duties, Power, obligations, Appointments, Classifications, Removal, Resignation etc.) 2nd Edn - Law Book Co:(p) ltd.


g) Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni, K. Sethuraman: compendium on SEBI- Capital Issues and listing - 3rd Edn. 1996 Bharat law House publication.
ENVIRONMENTALISM AND INDIAN SOCIETY

I. Concept of "Environment"

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

II Relationship between Population, Environment and Development

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

III Environment and Indian Cultural Tradition

1. Ancient Beliefs
2. Medieval Writings

IV Early Legislations dealing with Environment before 1947

(Relevant Sections only)

a) Shore Nuisance (Bombay and Colaba) Act, 1853
b) Indian Penal Code, 1860
c) The Police Act, 1861
d) The Sarais Act, 1867

e) Northern India Canal and Drainage Act, 1873

f) Obstruction in Fairways Act, 1881

g) Easement Act, 1882

h) Orient Gas Company Act, 1887

i) The Indian Fisheries Act, 1897

j) Indian Ports Act, 1908

k) Forest Act, 1927

l) Motor Vehicles Act, 1958

m) Merchant Shipping Act, 1958
PAPER - E-02.

Human Impact on Environment and Problems in India

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

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

III. Pollution of Noise
   1. Definition, Meaning and Scope
   2. Causes of Noise Pollution
   3. Sources of Noise Pollution
   4. Effect of Noise Pollution
   5. Noise Pollution Prevention Strategies
   6. Noise Pollution (Regulation and Control) Rules, 2000
IV. Solid Waste and Its Management
1. Solid Waste: Definition and its Characteristics
2. Classification of Solid Waste
3. Sources of Solid Waste
4. Effect of Solid Waste on Health, Vegetation and Material
5. Solid Waste Pollution Prevention and Disposal Strategies
6. General Discussion: Land Pollution

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

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

2. Collective Bargaining Conceptual and Processual Issues
   2.1. Conception of collective bargaining: a comparative appraisal
   2.2. Methodological aspects

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

4. Legal Control of Collective Bargaining Endeavours
   4.1. Strike (pen-down, tool down, go slow, work to rule, stay in, sit in, picketing)
   4.2. Gherao
   4.3. Lock out

5. Factors Affecting on Collective Bargaining
   5.1. Multi-unionism
   5.2. Other factors
   5.3. Conditions for successful functioning: comparative analysis

6. Economic Implications of Collective Bargaining
   6.1. Wage policy
   6.2. Work discipline
   6.3. National income and profit

7. Collective Bargaining and Political Processes
   7.1. Problem of outsiders in the union
   7.2. Affiliation of unions to political parties
   7.3. Policies towards workers, participation in management - role of state.

Select bibliography

Nick Humphrey, Trade Union Law (1997), Blackstone, London

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


ILO, Collective Bargaining

ILO, Collective Bargaining in Industrialised Market Economies

Mary Sur, Collective Bargaining (1965)

R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)


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

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

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

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

Select Bibliography

ILI, Labour Law and Labour Relations, Parts 11, IV, VI, VII, IX, and XI.
Robert A. Gorman, Basic Text on Labour Law, Ch. 23, 24 and 25 (1976).
Relevant portions of the Report of the National Commission on labour.
CRIMINAL JUSTICE SYSTEM

I  A) Crime
   2) Development of Criminal Law and Criminal Justice System during British period and post independent period.
   3) Theories of Crime
   4) Sociology of Crimes.

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

C) Principles of Criminal Jurisprudence
   1) Adversarial (Accusitorial) and Inquisitorial System
   2) Recommendations of Malimath Committee Report-
      Shift from Co-ordination in Criminal Justice system,
      from ‘justice model’ to crime control model’.
      How the burden of proof shifts as per the nature of crime?

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

1) Evolution of civil and criminal Liability from common liability for ‘Wrongs’

2) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission.

3) Mensrea - (intention) recklessness, negligence, malice, inchoate offences.

4) Mensrea under the IPC

5) Exemptions from criminal liability

6) Strict Liability.

7) Principles of Group or Joint Liability:

8) Vicarious and Corporate Liability

IV Victimology

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

Victim- offender Relationship

3. Victim Perception
4. Withdrawal of Prosecution Role of Victim

Compensation under various Laws:

a) Section 357. CRPC

b) Motor Vehicles Act

c) sexual harassment and assaults.

d) medical negligence

e) State liability to pay compensation for police Atrocities

5. Compensation and Restitution to the victim- Justice To Victims, (Principle of compensatory jurisprudence)

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

a) Role of police in modern societies
b) Police Reforms and role played by Supreme Court

c) Meaning, purpose and need of independent prosecution system
d) Relationship of Police and Prosecution
e) Effective Judicial Control on Criminal Justice system
Books of Reference

CRIME & SOCIAL LEGISLATION

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

II  Protection of rights in Criminal Justice System
   c)  Need for reforms in the existing Civil Right Act,
   d)  Nature of Offences.

III. Dowry Prohibitions Act 1961
   a)  Meaning and Purpose
   b)  Merits and Demerits
   c)  Negative Impact of the Act in certain exceptional cases
   d)  Need for modification in the existing provisions
   e)  Complementary provisions
       Sec 498A, Sec 304A & B of I P C
   f)  Powers of Police Officers
   g)  Nature of Offences.

IV  A)  The Immoral Traffic (Prevention) Act, 1956
   a)  Definition and objectives of Act
b) Regulatory Framework  
c) Scope of the Act and its applicability  

B) Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1995  

a) Purpose and Object of the act  
b) Merits and Demerits  

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

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

VI Prevention of Atrocities Act 1989  

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

Books of Reference  

1) Krishnamurthy S. 1987, Impact of Social Legislations, on the Criminal Law in India, R.R. Publishers, Bangalore  

2) Bare Acts  
   * I.T. Act, 2003  
   * Evidence Act, 2003 and 2005  
   * Dowry Prohibition Act (1961), Dowry Prohibition (Amendment) Act (1961)
* The Immoral Traffic (Prevention) Act, 1956


Jurisprudence and Legal Theory

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

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

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

4. Sociological Jurisprudence:
   a) Roscoe Pound’s Theory of Social Engineering and Theory of Interest.
      Laswell and Mcdaugal, Parsons, Selznick.
b) Jhering, Max Weber, Durkheim, Ehrlich.

c) Unger and the Development of Modern Law.

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

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

7. The Judicial Process and Theories of Adjudication:
   a) The nature of judicial process and the institution of adjudication.
   b) Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter Dicta- Precedent as a Source of Law.
8. Legal Concepts:
   a) Concept of Liability, moral, political and legal – Theories of liability: Fault Liability, No-Fault Liability and Strict Liability.
   b) Concept of Property – Ownership and Possession.
   c) Corporate Personality / Legal Person.

9. Feminist Jurisprudence:
   a) Origin – Main Enquires Equality and Difference, Feminist Legal Method

**Book Suggested for Reading:**

4) Freeman M.D.A. Lloyd’s, Introduction to Swet and Maxwell Jurisprudence (7th Edition).
7) Rajeev Dhawan and Alice Jocab, Selection and Appointment of Supreme Court Judges – a Case Study (1978)
1. Basic Concepts:

1) Meaning and characteristics of research.

2) Meaning and characteristic of legal research.

3) Concepts and meaning of social science research.

4) Law and social science.

5) Law and science.

6) Characteristics of the scientific methods.

2. Legal Research:

1) Indian background of legal research.

2) Legal Impact Analysis.

3) Methods/tools of legal research for practicing lawyers.

4) Doctrinal and Non-doctrinal research.

3. Developing Research Design:

1) The nature and type of legal research:

   i) Exploratory/ Formulative

   ii) Explanatory

   iii) Descriptive
iv) Historical

v) Experimental

vi) Diagnostic

vii) Analytical

2) Deriving objectives of legal research.

3) Major concepts and variables of the study.

4) Developing hypotheses and research questions.

4. The Nature of Data in Legal Research:

1) The universe of the study.

2) The sampling design.
   
i) The adequacy of the sample size.
   
ii) Representatives of the sample.

3) Source of data, primary and secondary.

5. Data Collection and Data Processing in Legal Research:

1) The Research Tools:
   
i) Interview schedule
   
ii) Questionnaire
   
iii) Observational schedule

2) The methods of data collection
i) Interviewing

ii) Entering the data on the questionnaire

iii) Observation

3) Editing, coding, preparation of master chart and tabulation.

6. Report writing in Legal Research:

1) The form, the content and style of the report.

2) Reliability of the report in the context of objectivity.

3) Analysis of the report.

4) Interpretation of data.

5) Correct usage of citation, references and bibliography.

6) Chapterization.

7. Legal Education:

1) Objectives of Legal Education

2) Method of Teaching

   i) Lecture method - merits and demerits.

   ii) The Problem method

   iii) Discussion method and its suitability at postgraduate level teaching

3) The Seminar Method of teaching
4) Examination system and problems in evaluation - external and internal assessment.

5) Clinical Legal Education, legal aid & legal literacy.

6) Finding the Law:
   i) Citation: what is a citation, case citation
   ii) Law Report
   iii) Computer information system: Software Packages, practical exercises

Books Suggested for Reading:


6) Adem Stott,: Legal Research Series Editor julie Macfarlane 1996.

7) S.K. Agrawal (edn), Legal Education in India (1973). Tripathi, Bombay.
   Eastern Book Co. Lucknow.

International Humanitarian Law

1. International Movement for Humanization of Warfare


3. United Nations and Humanitarian Law
   The Role of ECOSOC and ILO; Crusade against discrimination in respect of employment and occupation; Racial Discrimination.

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

5. Implementation of the Right to Self-determination
   Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships.


Select bibliography
G.Tunkin, Theory of International Law (1974)
G.Schwarzenberger, The Law of Armed Conflicts (Vol.II)
J.Stone, Legal Controls of International Conflicts (1959)
R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)
Paper A04

Disarmament & Peace Strategies

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

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

3. Disarmament and the United Nations
   3.1. History of the failure of disarmament efforts
   3.2. UN Disarmament Commission, its achievements and limitations.
   3.4. Negotiations leading to the signing of SALT I and SALT II

4. Nuclear Disarmament: Problems and Perspectives
   4.1. Nuclear Non-Proliferation treaty and Intermediate range Missile Treaty.
   4.2. International regulation of nuclear weapons

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

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

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

Select bibliography

J. Schell, The Fate of the Earth (1982)
Julius Stone, Legal Controls of International Law (1954)
M. Walzer, Just and Unjust Wars (1979)
R. Kothari, Transformation and survival: In Search of Human World Order (1988)
PAPER - B03

National Security, Public Order and Rule of Law

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

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

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

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

1) Provision in English Law
2) Provision in India Constitutions

5. **Amendment**

1) Amendment of the Constitution and Basic Structure Doctrine.
2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
3) 44th Amendment and Art.300- A of the Constitution of India.

6. **Election Commission.**

1) Superintendence, direction and control of elections (Art. 324)
2) Electoral roll - Adult suffrage.
3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
4) Bar to interference by Court in Electoral matters.

Books Suggested for Reading:

1) M.P.Jain - Indian Constitutional Law.
2) D.D. Basu - Comparative Constitutional Law.
5) Dr. M.C. Mehanathan, Law of Control on Narcotic Drugs and Psychotropic Substances in India
Administrative Process

1. Nature, Scope and Necessity of Administrative Law:
   1) Nature, scope and approaches to the Administrative Law.
   2) Power, Accountability and Law.

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

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

4. Classification of Powers and Functions of Administration:
   1) Administrative, Executive, Legislative, Quasi - Judicial Powers.
   2) Distinction between Administrative and Judicial and Quasi-Judicial Powers.
   3) Kraipak's Decision and obliteration of distinction.
   4) Administrative Instructions.
5. Legislative Powers of Administration:
   1) Meaning of Legislative Powers and Function.
   2) Essential Legislative Function.
   4) Constitutionality of Delegated Legislation.
   5) Excessive Delegation of Legislative Power.
   6) Legislative Control of Delegated Legislation.
   7) Judicial Control of Delegated Legislation - Doctrine of Ultra Vires - Substantive and procedural aspects.
   8) Sub-delegation.

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

7. Administrative Discretion:
   1) Nature of Executive power under the Constitution.
   2) Formulation and Execution of Policy without law.
   4) Conferment of Administrative Powers by Law.
Books Suggested for Reading:


4) H.W.R. Wade - Administrative Law.


Unit I: (A) Evolution and Growth
   (i) History of the patent law in U.K.- Beginning of concept- Coming of Industrialization
   (ii) The International Patent System
   (iii) Foreign Impact upon National system
   (iv) History of Patent law in India

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

Unit II (A)- Validity of claims
   (i) National Scenario
      _ Novelty
      _ Inventive step
      _ Industrial application
      _ Patentable subject matter
      _ Clear and complete disclosure
      _ Requirement for claims
   (ii) International Scenario
      _ Patent Cooperation Treaty
      _ TRIPs
   (B) Scope of Exclusivity
   (i) Infringement
      _ Introduction
      _ Infringement during manufacture
      _ Infringement after manufacture
      _ Right of patentee

Unit III: (A) Property Rights and Exploitation
   1. Under national Forum
      _ Initial entitlement and property dealing
      _ Licensee of patent and allied rights
      _ Compulsory license
      _ EMR / Mail box System
   (B) Infringement of Patent
      - Modes of Infringement
      - National / International Infringement
Unit IV: (A) Remedies and Enforcement
  _ Injunction and other equitable remedies
  _ Interlocutory injunction
  _ Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits
  _ Cross border patent violation
  _ Emerging technologies

Suggested reading:
  _ Elizabeth Verkey, Law of Patents, Eastern Book Company, 2005
  _ Stedman, Patents, 1929

Articles to be read
  _ E. Wyndham Hulme, “The history of the Patent system under the prerogative and at common law,” 12 LQR, 1986 at p. 141.
  _ Rajeev Dhavan and Maya Prabhu, “ Patent Monopolies and Free trade Basic Contradiction in Dunkel Draft”, 37(2) the Journal of Indian Law Institute, 1995 at pp. 195-208
  _ Bartelt, Sandra, “ Compulsory licenses Pursuant to TRIPs Art. 31 in the light of Doha deceleration on the TRIPs agreement and Public health”, vol.5, the Journal f World Intellectual Property, 283.
  _ Haag Thomas A, “ TRIPs since Doha: How far will the WTO go towards modifying the terms for compulsory licensing?” vol. 84, no 12, journal of the Patent and Trademark Office Society, 2002.
  _ V. Manoj, EPW, Jan. 24, 1998, Patents on life etc., p. 152
  _ Prof.A.K.Koul& V. K. Ahuja,
Law Relating to Trademarks

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

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

3. Passing Off
   (a) Laws relating to Passing off.
   (b) Passing off action.

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

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

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

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

8. Remedies And Enforcement
   (a) Types of Relief- Civil, Criminal & Administrative.
   (b) Procedure for Litigation.
9. New Challenges
(a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.
(b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
(c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.
(d) Concept of Well-known Trademarks.

10. Comparative Analysis of European and Indian Trademarks Law

**Suggested Readings**

**Articles:**
- Curley, Duncan, *Reverse Domain Name Hijacking*, Trademark World, April 2001
PAPER - D03
Economic Legislation

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

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

   A. Arbitration:
      a) Nature and scope of Arbitration.
      b) Arbitration Agreement - Meaning.
      c) Appointment of Arbitrator
d) Legal framework of arbitration proceedings

e) Award -- Remission, Setting aside, Modification and filing.

f) Foreign Award - Recognition's, Enforcement and setting aside.

B. Conciliation:

a) Meaning and Nature

b) Appointment of Conciliators

c) Role of Conciliator and conduct

d) Conciliation proceedings

e) Termination of conciliation proceedings.

Bibliography:


c) P.S. Atiya, Introduction to the Law of Contract, 1992 Reprint (Claredon Law series)


h) B.P. Saraf and M. Jhunjhunwala, law of Arbitration and Conciliation (2000), Snow White, Mumbai.


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

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

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

4 Control and Regulation of Capital and Finance;
   i) Foreign Exchange Management Act including FDI and FII regulations.
   iii) COFEPOSA.

5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
   i) Telecom Regulatory Authority,
ii) Broadcasting Regulatory Authority.
![](ii)iii) Electricity Regulatory Authority.
![](iv)iv) Insurance Regulatory Authority.

Books Suggested for Reading:

5. Taxmann’s FEMA Manual.
11. Rudra Dutt, Himalaya Publication.

Journals:

1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.

Statutory Material:

2. Industries Development and Regulation Act, 1951.
Chap 1. Environmental Legislation

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

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

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

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

5. The Environment (Protection) Act of 1986
   a) Framework of the Act
   b) Scope of the Act
   c) Importance of Section 3 and 5 of the EPA
   d) Violations and Penalties under the Act
Chap 2. Constitutional Mandates and Environment

1. Fundamental Rights and Environment
   a) Right to Equality ..........Article 14
   b) Right to Information ......Article 19
   c) Right to Life ...............Article 21
   d) Freedom of Trade vis-à-vis Environment Protection

2. The Forty-Second Amendment Act

3. Directive Principles of State Policy

4. Fundamental Duties

5. The Writ Jurisdiction
   a) Public Interest Litigation : Preview
   b) Locus Standi : Scope and Restriction

Chap 3. Other Remedies and Legislations

          (Relevant Portion only)

1. Criminal Procedure Code 1973

2. Code of Civil Procedure 1908

3. Indian Penal Code 1860

4. Law of Torts : Vicarious Liability

5. Human Rights and Environment


7. Green Courts


9. Legislations under Local Municipal Laws
Chap 4. Role of Government and Legislative Policies

1. National Environmental Policy
2. National Forest Policy
4. Five Years Plans
5. Role of Ministry of Environment and Forests.
Chap 1. International Environmental Campaigns

   a) Framework of the Conference
   b) Aims and Objectives
   c) Concept of Sustainable Development
      1) Polluters Pay's Principle
      2) Precautionary Principle
      3) Concept of Equity
         a) Inter-Generational Equity
         b) Intra-Generational Equity

   a) Framework of the Conference
   b) Aims and Objectives
   c) Earth Charter or Rio Declaration
   d) Agenda 21 : Blue Print for action in 21st Century
   e) Earth Summit Plus Five

3. The Johannesburg Declaration on Sustainable Development, 2002
   a) Framework of the Declaration
   b) Aims and Objectives
   c) From Stockholm to Rio De Janeiro to Johannesburg

Chap 2. Other Major International Environmental Arrangements

1. Kyoto Conference and Pact on Global Warming, 1997, and onwards
2. Noordwijk Declaration on Climate change, 1989
5. Nairobi Declaration, 1982

Chap 3. Environmental Obligations

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

Chap 4. Global Environmental Issues and their Impacts

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

Chap 5. Costal Zone and Marine Environment

1. CRZ Notifications
2. Classification of Zones
3. Costal Zone Management Plans and Implementation
4. Marine Resources – Conservation and Exploitation
5. Marine Pollutants : Sources and Impacts
PAPER- F03

Law Relating to Wages and Monetary Benefits

1. Theories and Facets of Wages:
   
i. Definition of Wages.
   
ii. Theories of Wages.
   
iii. Facets of Wages.
   
iv. Minimum, Fair and Living Wages.
   
v. Basic Wage.
   
vi. Bonus as Deferred Wage or share of profit.
   
vii. Allowances and Concessions.

2. A National Wage Policy, Problems and Perspective:
   
   Wage Board and Pay Commission:
   
   B. International Standardization: Role of ILO Convention and recommendations relating to Wages:
   
   C Constitutional perspective on Wages:
      
i. Constitutional Ideals.
      
ii. Denial of Minimum Wage as Forced Labour.
      
iii. Right to Work.
      
iv. Living Wages.
      
v. Equal Pay for equal Work

3. A Wage Differentials:
   
i. Factors of Differential Wages.
   
ii. Capacity of Industry and Wage Fixation
   
iii. Private Sector and Public Sector –Difference in Wages.
   
B Wages, Price and Tax :
i. Increase of Wages-Impact on Price.

ii. Increase in Price-Impact on Wages.

iii. Impact of Tax on Wages and Price.

iv. Wages and Consumer.

4. Minimum Wage:


ii. Power of State Government to fix different rates for certain employments.

iii. Procedure for fixation and work.

iv Fixation of hours of work.

v. Overtime.

vi. Procedure for disposal of claims.

vii. Offences and penalties and Exemptions.

viii. Concepts of Dearness Allowance and Principles for determination of D.A.

5. Payment of Wages under the Payment of Wages Act, 1936:

i. Responsibility for payment of wages.

ii. Wage Periods-Time for payment, deduction, fines.

iii. Claims arising out of deductions and delay in payment.

iv. Procedure for filing and disposal of appeals.

v. Offences, their trial procedure and penalties.

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

Books Suggested for Reading:

2. J.C. Sandersara & LL.Deshpande, Wage Policy and Wage Determination in India.
3. R.B.Sethi- Payment of Wages Act and Minimum Wages Act
4. G.L.Kothari-Wages, Dearness Allowance and Bonus.
7. R.D. Agarwal- Dynamics of Labour Relation in India. (1972)
1. Civil Servants: Constitutional Dimensions

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

2. Recruitment and Promotion
2.1. Central and state agencies for recruitment
2.2. Methods, qualification

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

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

5. Special Categories of Services
5.1. Judicial services: subordinate judiciary - judicial officers and servants: appointment and conditions of service
5.2. Officers and servants of the Supreme Court and the High Courts: recruitment, promotion, conditions of service and disciplinary action
5.3. All India services. objects, regulation of recruitment and conditions of service, disciplinary proceedings
6. Settlement of Disputes over Service Matters
6.1. Departmental remedies: representation, review, revision and appeal: role of service organisations
6.2. Remedy before the Administrative Tribunal: jurisdiction, scope and procedure - merits and demerits - exclusion of jurisdiction of courts
6.3. Judicial review of service matters - jurisdiction, of the Supreme Court and High Courts
6.4. Comparative position in England, United States and France.

Select bibliography
Students are to study the state laws and rules relating to service matters, make empirical investigations and write a paper on a significant problem.
ILI (by Justice M. Rama Jois), Services Under the State (1987)
N. Narayanan Nair, The Civil Servant under the Law and the Constitution (1973)
K. K. Goyal, Administrative Tribunals Act (1985)
Seervai, Constitutional Law of India
Arjun P. Aggarwal Freedom of Association in Public Employment", 14 JILI (1972)
C.K. Kochukoshy, "All India Services-Their Role and Future", 1972 I.J.P.A. 67
D.S. Chopra, "Doctrine of Pleasure-its scope implication and limitations", 1975 I.J.P.A.92
PAPER - G03
Criminal Justice: Concepts and Procedure

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

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

   b) Art. 21 Impact of expansive interpretation on criminal jurisprudence
      Meaning of terms :
      Life and Personal liberty
      Fair Procedure
      Due Process of Law
   c) Right of Accused
      Arrest, Hand Cuffing Bail,
      Speedy Trial
      Torture Custodial Violence
      Compensation
      Public Interest Litigation : Direct access to Courts in case of violation of
      Fundamental Right and other implicit rights
   d) Death Penalty in Light of Art. 21
e) Art. 22 Protection to Accused in case of punitive detention

Protection against Preventive Detention

III (A) Procedural Criminal Law – Initiation of Proceeding

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

(B) Procedural Criminal Law (Trial Procedures).

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

IV Admissibility of Evidence.

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


6. Handbook of Criminal Procedure Code

I Nature of Punishment

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

II Capital Punishment

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

III Sentencing

A) 1) Process and Policy of sentencing
2) White Collar Crime
3) Organized crime
4) Sexual Offenses, Rape and Abortion
5) Alcoholism and Drug Abuse
6) Violence

B) Principal types of Sentencing
1) Pre Sentence Hearing
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3) Summary Punishment
4) Plea bargaining

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

IV Prison System

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

**Books of Reference**


