

## **FIRST SEMESTER**

### **COMPULSORY COURSE: - (CC– 01)**

#### **INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

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

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social needs. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes.

##### **Learning Outcomes:**

After completion of the course, the students will be able to comprehend the Fundamental Rights with a deeper perspective and understand the dynamic role played by the Judiciary. They will also be able to grasp the transformative nature of the Constitution and understand how the emerging challenges to the Constitution are met by the Indian Judiciary.

The following syllabus will be spread over a period of one semester.

##### **Syllabus of the Course:**

##### **Unit I - Nature and Scope of Fundamental Rights and Widening Ambit of the Art. 12 and 13:**

- Historical Background of Fundamental Rights in India.
- Scope and Definition of Human Rights and Fundamental Rights.
- Scope of Art.12 and Definition of Instrumentalities of Government – Private Corporations
- Art. 13 - Doctrines – Concept of Law – Art.13 and Art. 368– Concept of Basic Structure – Art. 13 and Personal Laws
- Horizontal Application of Fundamental Rights

##### **Unit II - Equality, Social Justice and its Emerging Trends:**

- Equality before Law and Equal Protection of Law – Reasonable Classification- Absence of Arbitrariness
- Prohibition against discrimination – Concept of protective discrimination
- Reservation in Services

- Abolition of Untouchability
- Abolition of Titles.

### **Unit III - Scope of Art. 19 and its New Dimensions:**

- Scope of the freedom under Art. 19(1) (a)
- Scope of other freedoms as guaranteed in Art. 19(1)(b) to (g)
- Reasonable Restrictions

### **Unit IV - Protection of Person, Right to Life and its Expanding Horizons:**

- Safeguards to persons accused of crime under Art. 20
- Right to life and personal liberty –Recent trends
- Art. 22
- Prohibition of traffic in human beings and forced labour
- Prohibition of employment of children in factories etc.

### **Unit V- Religion, Constitution and Modern Challenges:**

- Arts. 25-28
- Cultural and Educational Rights of Minority Communities - Arts. 29 and 30

### **Unit VI - New Rights and Emerging Regime of Remedies:**

- Nature and Scope of Art. 32
- Locus Standi - Public Interest Litigation
- Implementation of International Conventions of Human Rights
- Compensatory Justice
- Judicial Activism

### **Unit VII - Fundamental Duties and Directive Principles of State Policy – New Frontier:**

- Legal status, underlying object, nature and character of directives, classification and categories of directives
- Interaction and Relationship between Fundamental Rights and Directive Principles and Fundamental Duties
- Transition of Directive Principles of State Policy into Fundamental Rights by Judicial Interpretation

**Suggested Readings:**

- 1) H. M. Seervai – Constitutional Law of India, Law and Justice Publishing Co.
- 2) M. Galanter – Competing Equalities: Law and the Backward Classes in India
- 3) Dr. Thrity Patel – Personal Liberty under The Constitution of India, B. Jain Publishers Delhi
- 4) D. D. Basu – Constitution of India, Lexis Nexis
- 5) M. P. Jain – Constitutional Law of India, Lexis Nexis
- 6) V. N. Shukla – Constitution of India, Eastern Book Co.
- 7) Ravi Prakash - Constitution, Fundamental Rights & Judicial Activism in India
- 8) Justice Palok Basu - Law Relating to Protection of Human Rights Under the Indian Constitution and Allied Laws, Modern Law Publication

**COMPULSORY COURSE: - (CC – 02)****LEGAL EDUCATION AND RESEARCH METHODOLOGY – I****Objective of the Course:**

The objective of the course is to understand the basics of legal education and research methodology, which will enable the students to use the scientific tools and techniques in research to write a research project on any legal problem, issue or topic.

**Learning Outcomes:**

After studying the subject, the students will be able to understand the importance of Legal Research, different basic concepts of Research Methodology, steps to be followed in Research. Students will also be able to understand the development of Legal Education in India. This subject will make them realize the role of Clinical Legal Education in making justice accessible to all.

The following syllabus will be spread over a period of one semester.

## **Unit I - Basic Concepts in Legal Research:**

- Meaning and characteristic of legal research
- Law and social science
- Legal Impact Analysis
- Doctrinal and Non-doctrinal research
- Qualitative and Quantitative Research

## **Unit II - Developing Research Design:**

- The nature and types of legal research:
  - i) Exploratory/ Formulative
  - ii) Explanatory
  - iii) Descriptive
  - iv) Historical
  - v) Analytical
  - vi) Comparative

## **Unit III - Deriving objectives of legal research:**

- Major concepts and variables of the study
- Developing hypotheses and research questions

## **Unit IV - The Nature of Data in Legal Research:**

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

## **Unit V - Data Collection and Data Processing in Legal Research:**

- The Research Tools:
  - i) Interview schedule

ii) Questionnaire

iii) Observational schedule

- The methods of data collection
- Entering the data on the questionnaire
- Editing, coding, preparation of master chart and tabulation
- Interpretation of data and analysis

#### **Unit VI - Report writing in Legal Research:**

- The form, the content and style of the report
- Citation: what is a citation, case citation
- Major findings and conclusion

#### **Unit VII - Legal Education & Law Teaching:**

- Objectives of Legal Education
- Methods of Teaching:

i) Lecture method -merits and demerits.

ii) The Problem method

iii) Discussion method

iv)The Seminar Method of teaching

v) Clinical Legal Education

- Law Teaching

#### **Suggested Readings:**

- 1) Anderson, J. Durstan, B. H. Pooli, M.- Thesis and Assignment Writing, Eastern Books Limited, New Delhi.
- 2) P. Ishwara Bhatt - Idea and Methods of Legal Research, Oxford University Press
- 3) Goode, W. J. & Hatt, P. K. - Methods of Social Research, McGraw Hill, New York.
- 4) Young, P.V.- Scientific Social Surveys and Research, Prentice Hall of India Pvt. Ltd., New Delhi.

- 5) Jain S. N. - Legal Research & Methodology I.LI, Publication, Tripathi Pvt. Ltd., Bombay.
- 6) N.R. Madhava Menon- A Handbook of Clinical Legal Education, Eastern Book Co. Lucknow.
- 9) H. Brayne, N. Duncan & R.Grimes - Clinical Legal Education Active Learning in your Law School, Oxford.
- 10) Dr. Rakesh Kumar Singh, Souvik Dhar - Legal Research Methodology, Vinod Publications (P) Ltd.

### **COMPULSORY COURSE: - (CC – 03)**

#### **RESEARCH PAPER WRITING AND SEMINAR – I (GUIDELINES)**

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

Research Paper Writing will allow the students to present credible and persuasive evidence and ideas. Research writing includes finding sources, evaluating their credibility, and smoothly integrating them into academic and non-academic texts. It will enable the students to develop the methods of citation, conventions of style and organization, and critical thinking skills necessary for writing research papers on a contemporary academic themes.

##### **Learning Outcomes:**

On successful completion of this course, the students will be able to carry out a substantial research-based project and also analyze data and synthesize research findings. They will also be able to assess the credibility of each source, quote the data and conclusions of others while avoiding plagiarism and providing basic bibliographic information for sources.

##### **Research paper should contain following contents:**

1. Title Page
2. Table of Contents including page numbers
3. Introduction: In this, a Researcher is expected to mention the topic/ central theme, explanation for it and also a thesis statement.
4. Main part: In this, a Researcher is expected to analyze a topic in detail.
5. Conclusion: In this, a Researcher is expected to summarize all the important and main points/findings of the Research paper. A Researcher is also expected to give answers to questions

raised in the thesis statement/introduction and also to point out whether the thesis is proved right or wrong.

6. Word limit should be 3,000 words

7. Font type: Times New Roman

8. Font size: 12

9. Font size of the footnotes: 10

10. Margin: 1 inch from all the sides, 1.5 inch from the left side

12. Line spacing: 1.5

**Referencing:**

A Researcher has to follow Indian Law Institute (ILI) citation style.

**Bibliography/Works Cited:**

The academic paper must contain a bibliography, i.e. a list of all the sources that have been used while writing a Research paper. It is to be placed at the end of the paper.

**Plagiarism check:**

Maintaining academic integrity has become a hallmark of academic excellence and therefore, the Research paper should be free from plagiarism. As per the UGC norms, 10% plagiarism will be allowed. Every Research paper will be subjected to plagiarism check.

**Seminar:**

Students will have to give presentations based on their Research paper.

**GROUP A: INTERNATIONAL LAW**

**OPTIONAL CORE COURSE (OCC -A- 01)**

**NATURE AND SOURCES OF INTERNATIONAL LAW**

**Objective of the Course:**

The objective of the Course is to understand the basic concepts and terminologies of International Law and to provide an in-depth understanding of the important concepts like State, Succession, Recognition etc. for the analytical understanding of the students.

### **Learning Outcomes:**

On successful completion of the course students will be able to gain knowledge and understanding of the international rights frame work, its origins and theories. Demonstrate capacity to assess the sources and subjects of international law. Critically evaluate the relationship between international and domestic law. Appraise the responsibility of the State for breach of treaty, contractual obligation and for international delinquencies and address contemporary real-world issues. Analyse the concepts of State succession and State recognition.

### **Unit I- Nature and Sources of International Law:**

- Historical Background and Theoretical Foundation of International Law:
  - i) Definition and Character of International Law
  - ii) Historical Evolution and Development of International Law
  - iii) Basis of International Obligation

### **Unit II - Concept of Source of Law and Methods of Law Formulation:**

- Meaning of Source of Law
- Sources of International Law
- Hierarchy of the Sources
- Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies
- Jus Cogens

### **Unit III - Relationship between International Law and Municipal Law:**

- Theories of Relationship
- Merits and Demerits of the Theories with regard to the Relationship between International Law and Municipal Law



- American, English and French Approaches towards the Relationship between Municipal Law and International Law
- Indian Practice and role of Indian Judiciary

#### **Unit IV - Subjects of International Law:**

- States
- Non - State Entities
- Individuals

#### **Unit V - State:**

- Nature and Functions of State under International Law
- Different kinds of states and Non – State Entities
- Associations or groups of States
- State territory, acquisition & loss of territory
- State jurisdiction, Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law

#### **Unit VI - Recognition:**

- Recognition of State and Government in General
- Recognition:
  - i) De jure
  - ii) De Facto
- Legal effects of Recognition

#### **Unit VII - State Responsibility:**

- Nature and Kind of State Responsibility
- Responsibility for breach of treaty, contractual obligation and expropriation of foreign property
- Responsibility for International delinquencies
- Claims

#### **Unit VIII - State Succession:**

- Definition of state succession
- Kinds and Theories of State Succession

- Rights and obligations arising out of State Succession

### **Suggested Readings:**

- 1) O, Connel, D. P. - International Law Vol. I & II
- 2) S. K. Agrawal (Ed.) – Essays on the Law of Treaties
- 3) Roselyn Higgins – The Development of International Law through the Political Organs of the UN
- 4) D. J. Harris – Cases and Materials on International Law, Sweet and Maxwell
- 5) Francis M. Sekandi (ed.) – New Horizons in International Law, Springer
- 6) George Schwarzenberger – International Law, Cambridge University Press
- 7) Brownlie – Principles of Public International Law, Oxford University Press
- 8) Rebecca M, Wallace - International Law, Sweet and Maxwell
- 9) Melcolm N. Shaw - International Law, Cambridge University Press
- 10) Martin Dixon and Robert McCorquodale- Cases and Material on International Law, OUP Oxford
- 11) Shabled Rosemat – Developments in the law of Treaties

## **OPTIONAL CORE COURSE (OCC - A – 02)**

### **LAW OF INTERNATIONAL ORGANIZATIONS**

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

The objective of the Course is to understand the evolution, growth of international law and as well to study the role and functioning of international organisations like League of Nations, United Nations in the development of International Law.

#### **Learning Outcomes:**

On successful completion of the course students will be able to demonstrate knowledge and understanding of the international organisations, types of international organizations, their establishments and functionality. Appraise the principles and Purposes of United Nations. Analyse the Composition and functions of UN Principal organs and its specialised agencies. Understand the Law-

making process in the United Nations along Executive Powers and Functions of the Secretary General of the UN. Demonstrate capacity to assess the Regional International Organizations and Judicial Institutions. Critically assess the relationship between India and United Nations.

### **Unit I - Evolution and growth of International Organisations**

### **Unit II- Nature and Scope of International Organisations:**

- Nature and Legal personality: Public & Private
- Types of International Organisations: Private International Organisations (NGOs)

### **Unit III - Universal International Organisations:**

- League of Nations
- United Nations:
  - i) Principles and Purposes of United Nations
  - ii) Structure Composition and functions of organs of United Nations
  - iii) Law making process in the United Nations Resolutions
  - iv) UN Peace Keeping Function
  - v) Need for structural changes in United Nations Organisation

### **Unit IV - Executive Powers and Functions of the Secretary General of the UN**

### **Unit V - Specialised Agencies of the United Nations and their functions**

### **Unit VI - Regional International Organisations:**

Council of Europe, OAS., OAU., NATO., SAARC., Arab League

### **Unit VII - Judicial Institutions:**

- Historical Evolution
- Permanent Court of Arbitration
- Permanent Court of International Justice
- International Court of Justice – Composition, jurisdiction and functions

### **Unit VIII - India and the United Nations**

### **Suggested Readings:**

- 1) S. S. Goodspeed – The Nature and Function of International Organization, Oxford University Press
- 2) Edward Yewin – Legislative Powers in the UN and Specialized Agencies
- 3) Ingrid Detter – Law Making by International Organization
- 4) Higgins – The Development of International Law through the Political Organs of the United Nations, Oxford University Press
- 5) D. W. Rowett – The Law International Institution, Stevens & Sons, London
- 6) Buth Russell – A History of UN Charter
- 7) A Cassess (Ed.) United Nations Peace Keeping Legal Essay
- 8) Meurice Rertrend – The Third General World Organisation
- 9) M. Moskowitz – The Roots and Reaches of United Nations – Action and Decisions
- 10) Dr. J. N. Saxena (Ed.) – United Nations for a Better World, Lancers  
Book,P. B. 4236 New Delhi – 110 048.
- 11) Dr. Rahmatullah Khan – Implied Powers of the United Nations
- 12) Sir Gerald Fitz Maurice – The Law and Procedure of the International Court of Justice
- 13) Sabltai Rosenne – The World Court, What it is and how it works?
- 14) Felice Morgen Stern – Legal Problems of International Organisation
- 15) Dr. S. K. Kapoor - International Law and Human Rights, Central Law Agency

## **GROUP B: CONSTITUTIONAL AND ADMINISTRATIVE LAW**

### **OPTIONAL CORE COURSE (OCC-B-01)**

### **CONSTITUTIONALISM AND PLURALISM**

## **Objective of the Course:**

The objective of this course is to develop a deeper understanding of the Constitutional values of Pluralism and Constitutionalism and as well to help the students understand the role of Judiciary and the Legislature in the light of certain inviolable characteristics of the Constitution. The course also provides an understanding of the powers, functions and functioning of the Election Commission.

## **Learning Outcomes:**

The students will garner a deeper understanding of the Constitutional values of Pluralism and Constitutionalism and also get an in-depth analytical understanding between different polities. The students will also get a deeper insight in the emergence of the concept of Judicial Review and related doctrines that guide the Judiciary.

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

## **Unit I - Constitutionalism:**

- Meaning and nature of the concept of Constitutionalism
- Historical Background of the concept- Liberal View
- Constitutionalism in Developing Societies

## **Unit II - Constitution and its Importance:**

- Nature of Constitutional Law and why the Constitution matters
- Sources of strain in the Modern Constitutional Practice

## **Unit III - Locus of sovereignty and concept of global justice:**

- Emergence of Supra National Institutions for the protection and enforcement of rights
- Concept of global justice

## **Unit IV - Limits on the powers of the Government:**

- Theory of Separation of Powers
- Concept of Rule of Law
- Fundamental rights as limitation on State's powers
- Parliamentary Democracy and its mechanism for accountability

## **Unit V - Judicial Review:**

- Meaning, Basis and Constitutional significance.
- American Supreme Court on Judicial Review-Marbury V. Madison.
- Limits of Judicial review - Justiciability, Doctrine of Ripeness and Mootness
- Judicial self-restraint

## **Unit VI - Pluralism:**

- Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
- Religious, Ethnic, linguistic, cultural and political pluralism
- Right to Dissent in plural society
- Role of Law in Pluralistic society

## **Unit VII - Amendment:**

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

## **Suggested Readings:**

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

## **OPTIONAL CORE COURSE:- (OCC- B - 02)**

### **FEDERALISM AND UNION - STATE RELATIONS**

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

The objective of this course is to provide an understanding of not only the traditional concept of federalism but also the transition to co-operative federalism in the Indian Constitution. It also helps in understanding the intricate details, the power sharing between the different tiers of Government on legislative, administrative, fiscal plane and as well the role played by the judiciary as an impartial arbiter in resolving the disputes in a federal structure.

#### **Learning Outcomes:**

The course will provide the students a deeper understanding not only of the traditional concept of federalism but also the transition to co-operative federalism in the Indian Constitution. It will also help the students to appreciate with intricate details, the power sharing between the different tiers of Government on legislative, administrative and fiscal plane.

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

#### **Unit I - Indian Federalism:**

- Essential features of Federalism
- Historical background of the Federalism in India
- Federation in the US, Canada, Australia
- Indian Federation and its Uniqueness
- From two to three-tier model of Federation (73rd and 74th Constitution Amendment Act)
- Role of Supreme Court as an impartial umpire to adjudicate federal disputes (Art.131)

#### **Unit II - Scheme of Distribution of Legislative and Administrative Powers:**

- General Principles governing the distribution of Legislative Powers - Arts. 245, 246, 246 - A and 248
- Exceptions to the General Principles – Arts. 249 to 253
- Repugnancy – Art. 254

- Administrative Relations (Art. 256-263)

### **Unit III - Distribution of Fiscal Powers:**

- Scheme of allocation of Taxing Powers
- Extent of Union Power of Taxation
- Residuary Power

### **Restrictions on Fiscal Powers:**

- Fundamental Rights.
- Restrictions on the State's Power
- Inter- Governmental Tax Immunities

### **Unit IV - Distribution of Tax, Revenue and Financial Equilibrium:**

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

### **Unit V - Niti aayog and Finance Commission:**

- Finance Commission - Constitution, Function, Role and Work of the Commission
- Niti aayog and its Role
- Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Niti aayog and Finance Commission

### **Unit VI - Freedom of Trade and Commerce: Art. 301-307**

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

### **Unit VII - Co-operative Federalism:**

- Development from Competitive to Co-operative Federalism & Emerging Trends
- Full Faith and Credit Clause
- Inter-State Council



- Zonal Councils
- Inter-State Water Disputes
- National Integration Council

**Suggested Readings:**

- 1) K.C. Wheare - Federal Government, Oxford University Press
- 2) D.T. Lakadawala - Union State Financial Relations, Lalwani Publishing House, Bombay
- 3) M.P. Jain - Indian Constitutional Law, Lexis Nexis
- 4) H.M. Seervai - Constitutional law of India, Law and Justice Publishing Co.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4, Crowell
- 6) Chandrapal - Centre - State Relations and Co-operative Federalism, Deep and Deep Publications

**GROUP C: INTELLECTUAL PROPERTY LAWS**

**OPTIONAL CORE COURSE (OCC- C-01)**

**CONCEPTS AND THEORIES RELATED TO INTELLECTUAL PROPERTY RIGHTS**

**Objective of the Course:**

The Objective of the Course is to understand the importance of Intellectual Property and to educate the students on basic concepts of Intellectual Property Law and to understand the statutory provisions of different forms of Intellectual Property Rights. The Course will develop procedural knowledge to Legal System and inculcate problem-solving capacity related to Intellectual Property Rights.

**Learning Outcomes:**

On successful completion of this course the student will be able to distinguish and explain the meaning, nature, evolution and significance of Intellectual property. This will acquaint the students with various jurisprudential theories propounded by respective exponents. This will help in Identifying criteria to fit one's own intellectual work in particular form of IPRs. It will in understanding various forms of IPR which got momentum with the advent of globalization and westernization in commercial market and its development.

## **Unit I- Introduction to Intellectual Property Law:**

- Origin of Intellectual Property
- Historical Development of IPR
- Meaning, Nature and Definition of IPR
- Significance of Intellectual Property Rights
- Characteristics feature of IPR

## **Unit II - Jurisprudence of Intellectual Property:**

- Natural theory
- Locke's Theory on IPR (Labour Theory)
- Hegel's Theory on IPR (Personality Theory)
- Incentive Theory
- Marxian Theory on IPR
- Utilitarian Theory
- Moral Desert Theory
- Economic Theory

## **Unit III- Kinds of Intellectual Properties:**

- Copyright – Meaning, Nature, Scope and Definition
- Patents– Meaning, Nature, Scope and Definition
- Trademarks– Meaning, Nature, Scope and Definition
- Trade Secrets– Meaning, Nature, Scope and Definition
- Trade Designs– Meaning, Nature, Scope and Definition
- Geographical Indications– Meaning, Nature, Scope and Definition
- Plant Varieties

## **Unit IV - Development of IPR:**

- International Law and Intellectual Property Rights
- Significance of Legal Protection
- Historical Perspective of IPR in India
- Ethical perspectives of IPR: An overview
- Moral perspectives of IPR: An overview
- Human rights perspectives of IPR: An overview

### **Suggested Readings:**

1. W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights, London Sweet & Maxwell
2. Nard Madison- The Intellectual Property, Asian Publication
3. Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press
4. David Bainbridge – Intellectual Property Law
5. Paul L.C. Torremans (ed.) - Intellectual Property and Human rights, Wolters Kluwer
6. Nard, Barnes, Madison – The Law of Intellectual Property, Wolters Kluwer
7. Helen Norman – Intellectual Property Law, Oxford University Press

### **OPTIONAL CORE COURSE (OCC- C-02)**

#### **LAW OF COPYRIGHT**

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

The Course will make them the students realize the ethical/moral aspects involved in using materials protected by copyright, besides increasing their knowledge and understanding of the copyright law as such, the Raison D'etre of copyright law, historical background and the key changes that have occurred in the domain of copyright.

#### **Learning Outcomes:**

On successful completion of this course the student will be able to have an understanding of the fundamental legal principles relating to copyright, international convention for protection of Copyright. The students will understand the legal and practical steps needed to ensure that copyrights remain valid and enforceable. It will further help in enabling to demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under Copyright law as applicable to information, ideas, new products and product marketing. It helps in acquainting the transfer of copyright work through two modes, Infringement and remedies.

## **Unit I - Foundation of Copyright:**

- Historical background and Development of Copyright Law
- International Conventions for Protection of Copyright. Bern, UCC
- Idea/Expression Dichotomy
- Terms of Copyright
- Subject matter of Copyright
- Author Special Rights
- Neighboring Rights: right of performing artists, broadcasting organizations, broadcasting rights including satellite and cable distribution

## **Unit II - Registration and Rights:**

- Copyright Registration and Registrar
- Copyright Board-Power and Procedure
- Copyright Societies
- Ownership of Copyright and the Rights of the Owner

## **Unit III - Assignments and License:**

- Assignment
- License, Translation of Copyright, Compulsory Licenses
- Rights of Broadcasting, Organization and of Performer

## **Unit IV- Infringement, Offences and Remedies:**

- Infringement-Criteria of Infringement, Infringement of Copyright-Films, Literary and Dramatic works, Importation and Infringement
- Fair use provisions
- Remedies for infringement of copyright
- Offence of infringement of copyright

## **Suggested Readings:**

1. Melville B. Nimmer - Copyright and other Aspects of Literary, Musical and Artistic Works
2. Baxi, U - The Law of Intellectual Property: Copyright law in India

3. P. Narayanan - Copyright and Industrial Design, Eastern Law House
4. Thairani, K- Copyright: The Indian Experience, Allied Publishers Pvt. Ltd.
5. Lal's Copyright Act, Law Publications

## **GROUP D: BUSINESS LAWS**

### **OPTIONAL CORE COURSE (OCC- D- 01)**

#### **CORPORATE LAW**

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

The Course seeks to impart in students specialized knowledge pertaining to fundamental and contemporary aspects of company law and offers detailed analysis of the internal operations of a company like the Incorporation of a Company and its Winding Up, Corporate Governance and Corporate Social Responsibility. It will also guide the students to critically analyze complex problems in relation to the regulation of companies, apply and critique the efficacy of those principles in the working of Modern Corporation.

#### **Learning Outcomes:**

On successful completion of the course, the students can analyze, critically reflect on and synthesize the complex information and concepts of the company law, gain knowledge and understanding of the core legal principles which apply to the formation, legal structure of companies and the ideas which underpin these principles. The students will be able to understand the importance of the responsibilities of a corporation towards the society.

#### **Unit I – Introduction:**

- Development & impact of Liberalization, Privatization and Globalization on corporate sector
- Theories of corporate personality
- Doctrine of Lifting and reverse piercing the Corporate Veil

#### **Unit II - Formation of company:**

- Promotion and pre-incorporation contracts.
- Documents required for incorporation & process of incorporation

- Memorandum of Association & Articles of Association

### **Unit III - Corporate collapse:**

- Winding up of company- Meaning and modes
- Grounds for compulsory winding up
- Appointment, Powers and Duties of Liquidator
- Contributory
- Payment of liabilities

### **Unit IV- Corporate Governance:**

- Concept of Corporate Governance:
  - i) Impact of Legal Traditions and the Rule of Law on Corporate Governance
  - ii) Basic principles & OECD
  - iii) Reports of the various Committees on Corporate Governance
  - iv) Legal Reforms of Corporate Governance in India
  - v) Emerging trends in corporate governance
- Directors and their liability in the backdrop of Memorandum of Association and Articles of Association

### **Unit V – Corporate Social Responsibility (CSR):**

- Historical Perspective of CSR
- Global Perspective of CSR
- CSR Laws in India - Companies Act 2013, Schedule VII of Companies Act, 2013, Companies (Corporate Social Responsibility) Rules, 2014
- Environmental, Social and Governance (ESG) vis a vis CSR
- CSR – way forward

### **Suggested Readings:**

1. Sami Pathasarathy - Corporate Governance, Principles, Mechanisms and Practice, Biztantra
2. Gover's - Principles of Company Law, Sweet and Maxwell
3. Iyengar, T.R. Srinivasa - Company Promotion, Management & Incorporation, The Law Book Co. Pvt. Ltd.

4. Dimple Grover, Amulya Khurana, Ravi Shankar- The Regulatory Norms of Corporate Governance in India

5. Sadhalaxmi Vivek Rao -Legal Framework and corporate Governance: An Analysis of Indian Governance System

**Websites:**

1. [www.mca.gov.in](http://www.mca.gov.in)

**Suggested Journals**

1. Journal of Indian Law Institute

2. Chartered Secretary

3. Law and Contemporary Problems

4. Company Law Journal

**OPTIONAL CORE COURSE (OCC- D-02)**

**COMPANY AND SECURITIES LAWS**

**Objective of the Course:**

The world has recognized the importance of a securities market regulatory system that protects investors and encourages fair, transparent, efficient and liquid markets in attracting and keeping capital. The continued growth of our capital markets and their potential for accelerated growth over the next decade and beyond, creates enormous demands and opportunities for lawyers and other skilled securities market professionals with expertise in securities laws. The course will allow students to deeply understand legal issues from theoretical and practical perspective, recognize the vital systems to raise capital of the company, understand the role of SEBI as the essential capital market controller and help acknowledge investor protection.

**Learning Outcomes:**

At the end of the course, the students will be able to explain and analyze the legal and regulatory framework governing Securities Laws in India, analyze the basic concepts of financial instruments

relating to investments and the working of SEBI and the Securities Appellate Tribunal in regulating Stock Market.

### **Unit I - Capital Market & Financing of Companies:**

- Capital Market – Meaning and significance
- Types of finance:
  - i) Equity Finance
  - ii) Debt Finance & New Developments in Corporate Financing (Venture Capital, Institutional Financing, IDR, ADR, GDR, Public Financing Institution, Mutual Funds & Collective Investment Schemes, Institutional Investment)
- Inter Corporate Loan & Investment

### **Unit II - Regulation of Capital Market:**

- SEBI and SEBI Act, 1992
- Depositories Act
- Securities Contract Regulation Act
- Role of RBI and MCA in regulation of capital market

### **Unit III - Investor Protection and Regulators:**

- Investor protection and shareholders rights
- Insider Trading and SEBI Guidelines
- Role & Functions of regulators –
  - i) RBI
  - ii) Ministry Of Finance
  - iii) Stock Exchange

### **Unit IV- Crimes in Capital Market:**

- Insider trading, Money Laundering, IPO Fraud, Ponzi schemes, Price Rigging
- Punishment for Contravention, Appeal to SAT, Offences, Contravention by Companies, Special Courts, Appeal and Revision

### **Suggested Readings:**

1. Dr. K.R. Chandratre, Bipin S. Acharya, Dr. S.D. Israni, K. Sethuraman- Compendium on SEBI-Capital Issues and listing, Bharat Law House publication.



2. M.Y. Khan -Indian Financial Systems, Tata McGraw Hill
3. S. Suryanarayanan &V. Varadarajan- SEBI – Law, Practice & Procedure, Commercial Law Publishers (India) Pvt. Ltd
4. Shashi K Gupta, Nisha Aggarwal, Neeti Gupta - Financial Institutions and Markets, Kalyani Publishers
- 5.Sanjeev Aggarwal- Guide to Indian Capital Market, Bharat Law House

**Websites:**

1. [www.sebi.gov.in](http://www.sebi.gov.in)
2. [www.nseindia.com](http://www.nseindia.com)
3. [www.bseindia.com](http://www.bseindia.com)
4. [www.rbi.org.in](http://www.rbi.org.in)
5. [www.mca.gov.in](http://www.mca.gov.in)

**Suggested Journals:**

1. SEBI and Corporate Laws
2. Corporate Law Adviser
3. SEBI Monthly Bulletin
4. NSE News

**GROUP E: ENVIRONMENT LAWS**

**OPTIONAL CORE COURSE (OCC- E-01)**

**ENVIRONMENTALISM AND INDIAN SOCIETY**

**Objective of the Course:**

The objective of the course is to provide an in depth understanding about the concept of Environment, Relationship between Population, Environment and Development, Environment and Indian Cultural Tradition etc.

## **Learning Outcomes:**

The students will gain perspective of the different concepts used in Environmental Law, the relationship between our culture and environment, the different pre- independence legislations and the golden triangle of population, environment and development.

### **Unit I- Concept of Environment:**

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

### **Unit II - Relationship between Population, Environment and Development:**

- Population Vs Development
- Development Vs Environment
- Concept of Common Property and State Property
- Notion of Doctrine of Public Trust

### **Unit III - Environment and Indian Cultural Tradition:**

- Ancient Beliefs
- Medieval Writings
- Religious Texts and Environment

### **Unit IV - Early Legislations dealing with Environment before 1947: (Relevant Sections only)**

- Shore Nuisance (Bombay and Colaba) Act, 1853
- Indian Penal Code, 1860
- The Police Act, 1861
- The Sarais Act, 1867
- Northern India Canal and Drainage Act, 1873
- Obstruction in Fairways Act, 1881
- Easement Act, 1882
- Orient Gas Company Act, 1887
- The Indian Fisheries Act, 1897

- Indian Ports Act, 1908
- Forest Act, 1927

**Suggested readings:**

1. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
2. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.
3. Dr. Vikas Vashishth - Law and Practice of Environmental Laws, Bharat's
4. Environmental Law, S.C. Shastri EBC
5. Environmental Law in India, Gurdip Singh EBC
6. Prof. CM Jariwala, "Changing base of Indian Environmental Law" 1 RMLNLUJ (2008) 48.
7. Nirmal Chopra " Environment Problems – Penal Action Required", 2004 PLWEBJOUR

**OPTIONAL CORE COURSE (OCC- E-02)**

**HUMAN IMPACT ON ENVIRONMENT AND PROBLEMS IN INDIA**

**Objective of the Course:**

The objective of the course is to provide an in depth understanding about different types of Pollution, its sources, its impact on Environment and preventive strategies which can be adopted to deal with the Environmental issues.

**Learning Outcomes:**

The students will get familiarized with the human impact on the environment which includes the determination of pollution factors and general losses to biodiversity due to the activities of human beings.

**Unit I - Pollution of Water:**

- Definition and Utilization of Water
- Sources of Water Pollution
- Surface and Ground Water Pollution
- Biological, Chemical and Physical Parameters of Water
- Water Purification and Pollution Prevention Strategies
- Water Scarcity

## **Unit II - Pollution of Air:**

- Definition and Structure of Atmosphere
- Sources of Air Pollution
- Types of Air Pollutants: Primary and Secondary Pollutants
- Air Pollutants and its Measurement and Standards
- Effect of Air Pollutant on Health, Vegetation and Material
- Air Purification and Pollution Prevention Strategies

## **Unit III - Pollution of Land:**

- General Discussion: Land Pollution
- Causes of Land Pollution
- Effect of Land Pollution
- Food Scarcity
- Radioactive Pollution
- Soil Conservation

## **Unit IV - Noise Pollution:**

- Definition, Meaning and Scope
- Causes of Noise Pollution
- Sources of Noise Pollution
- Effect of Noise Pollution
- Noise Pollution Prevention Strategies
- Noise Pollution (Regulation and Control) Rules, 2000

## **Suggested Readings:**

1. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
2. Dr. SC Tripathi - Environmental Law, Central Law Publications
3. S.K. Mohanty – Environment Law and Pollution Manual, Universal Law Publication Pvt. Ltd.
4. Nirmal Chopra “ Environment Problems – Penal Action Required”, 2004 PLWEBJOUR
5. Mashhood Ahmed Khan and arsalan Mujahid Ghouri, “ Environmental Pollution: Its effects on Life and its remedies” Researcher world: Journal of Arts, Science and Commerce, Vol.2, No.2, pp.276-285, 2011

## **GROUP F: LABOUR LAWS**

### **OPTIONAL CORE COURSE (OCC- F-01)**

#### **LAW RELATING TO INDUSTRIAL ADJUDICATION-I**

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

The Objective of the Course is to understand the fundamental concepts and nature of Industrial Relations and the role of trade unions for workers and industries. The course will help in understanding the relevance of collective bargaining and its impact on employee-management relations.

##### **Learning Outcomes:**

After the completion of the course the student will be able to describe the machinery and procedure for the investigation and settlement of industrial dispute by negotiation. Will understand the mechanism and procedure for investigation and settlement of industrial dispute by conciliation, arbitration and adjudication which is important for securing amity and good relationship between the employer and the workman and also to maintain industrial peace

##### **Unit I - Constitutional Perspective And Industrial Adjudication:**

- Constitutional goals protecting labour and capital enshrined in Part-II, IV and IVA of the Constitution, Art. 300A and Art. 323A and B
- Constitution framework for industrial policy and Legislative entries
- Jurisprudence of Industrial Adjudication, Constitutional Remedies and appeal.

##### **Unit II- History of Industrial Adjudication from 1819:**

- Post-independence treatment of industrial adjudication - relevance in India
- Principles of industrial adjudication and methods of regulation brought in by Industrial Dispute Act

##### **Unit III- Principal techniques of adjudication:**

- Conciliation, Mediation, and Forum.
- Reference of Disputes to Boards Courts and Tribunals
- Notice of change

- Condition of service etc. to remain unchanged under certain circumstances during pendency of proceedings

#### **Unit IV – Arbitration:**

- Exclusion of jurisdiction of civil courts and machinery under special statutes
- Industrial adjudication as a modality of harmonizing interest of capital labour
- Guiding principles of industrial adjudication – equity and justice
- Employers’ prerogative and employee’s rights
- Resolution of industrial disputes by collective bargaining

#### **Unit V- Arbitral Award:**

- Publication of reports and awards
- Payment of full wages to workmen pending proceedings in higher court
- Persons on whom settlements and awards are binding
- Arbitration Award and its binding effect
- Settlement and awards

#### **Suggested Readings:**

1. ILI-Labour Law and Labour Relations.
2. O.P.Malhotra - Law of Industrial Disputes, Vol-1 & 2, Lexis Nexis
3. Kothari- Industrial Law, Vol-1& 2, Lexis Nexis
4. Report of National Commission on Labour (Relevant Provisions)
5. Rideout-Principles of Labour Law, Sweet & Maxwell
6. Arya -Strikes, Lockouts and Gheraos, Oxford and IBH Publishing Company
7. Russel A Smith, et al- Collective Bargaining and Labour Arbitration, Part-2.
8. Justice D.D. Seth- Industrial Disputes Act, 1947, Law Publishing House

### **OPTIONAL CORE COURSE (OCC- F-02)**

### **LAW RELATING TO INDUSTRIAL ADJUDICATION-II**

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

The objective of the Course is to provide an in depth understanding about the Industrial Relation Code 2020 and the basic concepts involved in it. The students will also come to know about the Conditions precedent to retrenchment of workers, Procedure for retrenchment etc.

### **Learning Outcomes:**

Students will know and understand labour laws and various other provisions. Understand the rights and responsibilities of the management and especially workmen and trade unions. The penalties provided under the labour laws. Knowledge of labour laws shall enable students to understand the changes made disseminate under the Industrial Relations Code, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020 with reference to its current need in the society.

#### **Unit I- Introduction to the New Code**

- Introduction to Industrial Relation Code 2020
- Changes in existing laws
- Definitions

#### **Unit II - Industrial Relations Code, 2020: Basic Concepts:**

- Definition of continuous service
- Rights of workers laid off for compensation, etc
- Workers not entitled for compensation in certain cases

#### **Unit III - Lay-Off, Retrenchment And Closure:**

- Conditions precedent to retrenchment of workers
- Procedure for retrenchment
- Re-employment of retrenched worker
- Compensation to workers in case of transfer of establishment
- Closure and Compensation
- Writ Remedy

#### **Unit IV - Industrial Relations Code, 2020: Special Provisions Relating To Lay-Off, Retrenchment And Closure In Certain Establishments:**

- Prohibition of lay-off
- Procedure for closing down an industrial establishment

- Duty of an employer to maintain muster rolls of workers

**Suggested Readings:**

1. S.N. Misra - Labour & Industrial Laws (With Latest Amendments) Chapter VIII & IX, Central Law Publications
2. Punjab Land Development and Reclamation Corporation Ltd. v. Presiding Officer, Labour Court (1990) 3 SCC 682
3. Deepali Gundu Surwase v. Kranti Junior Adhyapak & Ors. (2013) 10 SCC 324
4. Management of the Barara Cooperative Marketing cum Processing Society Ltd. v. Workman Pratap Singh AIR 2019SC 228
6. In Microwave Project, Kota and Another v. Ramesh Chand, 2007 SC
7. Municipal Council, Samrala vs Sukhwinder Kaur on 8 August, 2006 SC Rajasthan Tourism Development Corporation Ltd. and another on 13 July, 2006

**GROUP G: CRIMINAL LAWS**

**OPTIONAL CORE COURSE (OCC- G -01)**

**PRINCIPLES OF CRIMINAL LAW**

**Objective of the Course:**

The objective of the Course is to provide an in depth understanding about the Principles of Criminal Law and the Substantive rules. Students will have in depth knowledge about the elements of crime, stages of crime and about the changing contours of criminal liability.

**Learning Outcomes:**

After studying the subject, the students will be able to understand the history and development of criminal law in different ages, elements of crime, stages of crime. Students will also be able to understand the changing nature of Criminal liability, Principles of Criminal liability which will further ignite their thought process.

**Unit I - Historical Development of Criminal Law:**

- Criminal Jurisprudence in Primitive Ages
- Criminal Law of the Hindu System



- Mohammadan Criminal Law
- Development of Criminal Law in India under the British Rule

## **Unit II -Nature and Concept of Crime:**

- Definition of Crime
- Are Crimes and Torts Complementary
- Criminal Law and Morality
- Extent and Operation of IPC

## **Unit III - Fundamental Elements of Crime:**

- Elements of Crime
- Mental Element in Crime
- Modern Trends of Mens Rea
- Mens Rea under the Penal Code

## **Unit IV - Stages in Commission of a Crime:**

- Intention or Contemplation
- Preparation
- Attempt
- Attempt and preparation distinguished
- Accomplishment

## **Unit V - Group Liability and Criminal Liability:**

- Common Intention
- Common Object
- Vicarious Liability
- Strict Liability
- Criminal Liability of Corporation

## **Unit VI - Abetment and Criminal Conspiracy:**

- Abetment by instigation
- Abetment by conspiracy
- Abetment by intentional aiding

- Abetment in General
- Punishment for Abetment
- Criminal Conspiracy
- Punishment for Criminal Conspiracy
- Proof of Conspiracy

#### **Unit VII - General Exceptions:**

- Excusable Defence
- Justifiable Defence

#### **SUGGESTED READINGS: -**

1. Nigam R.C.- Law of Crimes in India, Vol.I, Asia Pub. House
2. Bentham - Principles of Penal Law
3. Burdick - The Law of Crime, Vol. I
4. Friedmann - Law in the Changing Society
5. Gandhi, B.M - Indian Penal Code, Eastern Book Company
6. Gaur, H.S.- Penal Law of India, Law Publishers India Pvt Ltd
7. Gaur, K.D- Criminal Law: Cases & Materials, Lexis Nexis
8. Smith and Hogan - Criminal Law, Oxford
9. Glanville Williams- Criminal Law, Universal Law Publishing Company
10. Hall, Jerome - General Principles of Criminal Law
11. Huda, Shamshul - Principles of Law of Crime in British India, Eastern Book Co., Lucknow
12. Kenny's - Outlines of Criminal Law, Universal Law Publishing Co.
13. Mayne, J.D. - Criminal Law of India
14. Nelson - Indian Penal Code
15. Rattan Lal, Dhiraj Lal - The Law of Crimes, Lexis Nexis

16. Russel - On Crime, Vol. I
17. Siddique, Ahmad - Criminology
18. Stephen, James - History of Criminal Law, Vols. I & II
19. Ratan Lal, Dhiraj Lal- The Indian Penal Code, Lexis Nexis

### **OPTIONAL CORE COURSE (OCC-G-02)**

#### **PENOLOGY: TREATMENT OF OFFENDERS**

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

The objective of the Course is to provide an in depth understanding about the development of Penology, Theories of Punishment, the Prison administration and sentencing policy in India.

##### **Learning Outcomes:**

After studying the subject, the students will be able to understand the development of Penal system, different types of punishments, Theories of Punishment, concept of Parole, Probation etc. Students will also be able to understand the Prison system in India. This subject will also help them critically evaluate the Penal policies.

##### **Unit I – Introduction:**

- Definition of Penology
- Modern or New penology

##### **Unit II - Theories Of Punishment:**

- Theory of Retribution
- Deterrent Theory
- Reformatory Theory
- Efficacy of Punishment

##### **Unit III - Forms of Punishment and Sentencing:**

- Principal types of sentences in the Penal Code
- Sentencing in white collar crime

- Sentencing for habitual offender
- Constitutionality of Capital Punishment
- Judicial Attitude towards Capital Punishment in India

#### **Unit IV - The Prison Administration:**

- Classification of Prisoners
- Rights of Prisoners and Duties of Custodial Staff
- Open Prison
- The Problem of Under Trial Prisoners
- Prison Reforms

#### **Unit V - Parole:**

- The Concept and Definition of Parole
- The object of Parole
- Judicial Trends in India
- Essentials of an Ideal Parole System

#### **Unit VI - Probation of Offenders:**

- Concept and Definition of Probation
- The Probation of Offenders Act, 1958
- Scope of Probation under section 360 of Cr.P.C.
- Judicial Trends.

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

1. S.Chhabbra- The Quantum of Punishment- in Criminal Law, Chandigarh Publication Bureau, Punjab University
2. H.L.A.Hart- Punishment and Responsibility, Clarendon Press, Oxford
3. Herbert L, Packer- The Limits of Criminal Sanction, Indiana University, Maurer School of Law
4. A.Siddique- Criminology, Eastern Book Company, Lucknow
5. Law Commission of India, Forty-Second Report Ch., 3 (1971)
6. Tapas Kumar Banerjee- Background to Indian Criminal Law, R. Cambay & Co., Calcutta

7. Prof. N.V.Paranjape- Criminology and Penology with Victimology, Central Law Publications
8. Arie Freiberg (Ed.)- Penal Populism, Sentencing Councils and Sentencing Policy
9. Consultation Paper on Capital Punishment, Law Commission of India, 2014

## **SECOND SEMESTER**

### **COMPULSORY COURSE: - (CC – 04)**

### **JURISPRUDENCE AND LEGAL THEORY**

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

The Objective of this Course is to have a basic understanding about different Legal Theories and Legal Concepts and to appreciate the importance of Jurisprudence in understanding law. It will also help the students to develop their own legal acumen and analytical ability. It will guide the students to critically analyze and research complex problems relating to law and legal theory and make reasoned and appropriate choices amongst alternatives.

#### **Learning Outcomes:**

After studying the subject, the students will be able to understand the importance and significance of Jurisprudence. Students will have an in depth knowledge about different Schools of Jurisprudence, legal concepts. This subject will develop their ability to understand and interpret law and ascertain the true meaning of law.

The following syllabus will be spread over a period of one semester.

#### **Unit 1- Introduction to Jurisprudence:**

- Nature and Scope of Jurisprudence
- The Relation of Law and Justice
- The Relation of Law and Morals – Mill's Harm Principle, Hart Devlin Debate

#### **Unit II - School of Natural Law:**

- Historical Development in Ancient, Medieval and Renaissance Period
- Twentieth Century Natural Law Revival
- Hart on Natural Law
- Fuller and Morality of Law

- Finnis and Restatement of Natural Law

### **Unit III - School of Analytical Positivism and Realism:**

- Jeremy Bentham's Theory of Utilitarianism
- Austin's Theory of Law
- Hans Kelson and Pure Theory of Law
- Prof. HLA Hart's concept of law and response by Prof. Ronald Dworkin

### **Unit IV - School of Sociological Jurisprudence:**

- Roscoe Pound's Theory of Social Engineering and Theory of Interest

### **Unit V - School of Historical Jurisprudence:**

- The German Historical School-Savigny and Volkgeist
- The English Historical School - Sir Henry Maine

### **Unit VI - The Judicial Process and Theories of Adjudication:**

- The nature of judicial process and the Institution of adjudication.
- Precedent as a Source of Law - Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter Dicta

### **Unit VII - Concept of Rights:**

- Concept and Classification of Rights
- Hohfeld's Analysis
- Unenumerated Rights

### **Unit VIII - Legal Concepts:**

- Concept of Liability – Theories of liability
- Concept of Property – Ownership and Possession
- Corporate Personality / Legal Person

### **Unit IX - Feminist Jurisprudence:**

- Introduction to Feminist Jurisprudence
- Schools of Feminist Jurisprudence – Liberal, Radical, Social, Cultural

- The Critical Legal Studies Movement, Post-Modernist Jurisprudence

### **Suggested Readings:**

- 1) Friedman W. -Legal Theory, Universal Law Publishing Co-Pvt. Ltd.
- 2) Wayne Morrison - Jurisprudence from the Greek to Post - Modernism
- 3) Holand Sir R.W.M, Thomas Erskine Holland - The Elements of Jurisprudence, Universal law Publishing Co Pvt. Ltd.
- 4) Freeman M.D.A. Lloyd's- Introduction to Jurisprudence, Sweet and Maxwell
- 5) Dias- Jurisprudence, Butterworths.
- 6) P.J. Fitzgerald - Salmond on Jurisprudence, Universal Law Publishers
- 7) Bodenheimer, Edgar - Jurisprudence, The Philosophy and Method of the Law, Universal Book Traders, New Delhi.

## **COMPULSORY COURSE: - CC-05**

### **LAW AND SOCIAL TRANSFORMATION IN INDIA**

#### **Objective of the course:**

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

#### **Learning Outcomes:**

After studying the subject, the students will be able to understand the role of Law in bringing social change in our society. Students will also be able to appreciate the role of Indian Judiciary in the process of social transformation in India. Students will also have basic understanding about different concepts like Protective discrimination, Uniform Civil Code and Gender justice etc. Students will also study the thoughts of different Political leaders in India.

The following syllabus will be spread over a period of one semester.

## **Syllabus of the Course:**

### **Unit I - Law and social change:**

- Law as an instrument of social change
- Approaches to Social transformation - Top down and Bottom up approaches
- Law as the product of traditions and culture - Criticism and evaluation

### **Unit II - Advent of English Law in India:**

- Development of judicial institutions and civil law in British India
- Role of Privy Council in India.
- Role of Justice, Equity and Good Conscience

### **Unit III - Caste as a divisive factor:**

- Discrimination on the ground of caste.
- Acceptance of caste as a factor to undo past injustices.
- Protective discrimination: Scheduled castes, Scheduled tribes and backward classes.
- Reservation: Statutory Commissions, Statutory provisions.

### **Unit IV - Role of the Courts in bringing about Social transformation:**

- Plea bargaining
- Prison reforms
- Justice to victims of crime
- Public Interest Litigation as a tool of social transformation

### **Unit V - Enforcement of Constitutional Values:**

- Directive Principles of State Policy - judicial response.
- Constitutional perspectives reflected in fundamental duties.
- Problems of Uniform Civil Code.
- Gender justice (Constitutional perspective)
- Children and Law

### **Unit VI - Approaches to Law and Justice during the Nationalist Struggle:**



- Gandhi's Theory of State, Political and Legal Obligation.
- Sources of Liberalism – The ideas of Phule, Ambedkar and Tilak
- Political and Legal thoughts of Nehru

**Suggested readings:**

- 1) A. V. Dicey – Law and Public Opinion in England, Universal Book Traders
- 2) Upendra Baxi – Towards a Sociology of Indian Law (Delhi)
- 3) M. C. Setalwad – The Common Law in India.
- 4) Vasudha Dhagamwar - Law, Power and Justice
- 5) M. P. Jain - Outlines of Indian Legal History, Wadhwa & Co.
- 6) Rama Jois - Legal & Constitutional History of India, Vol -I & II, N.M.Tripathi Pvt. Ltd. Bombay.
- 7) Rajeev Bhargava, Edited- Secularism & Its Critics, Oxford India
- 8) S.P. Shaw- Laws of the Child, Alia Law Agency, Allahabad.
- 9) B.R. Ghatak -. Ambedkar Thought, APH Publishing Corporation, N. Delhi.
- 10) Verinder Grover- Jawaharlal Nehru, Deep and Deep Publication, N. Delhi.
- 11) S.R. Bakshi - Bal Gangadhar Tilak, Annot Publications, N. Delhi.
- 12) Shyam S. Agarwalla - Religion and Caste Politics, Rawat Publications Jaipur and New Delhi.
- 13) A.S. Anand - Justice for Women concerns and expressions, Universal Law Publishing Co.Pvt. Ltd.
- 14) P Ishwara Bhatt - Law and Social Transformation, Eastern Book Company

**COMPULSORY COURSE: - (CC – 06)**

**RESEARCH PAPER WRITING – II (GUIDELINES)**

**Objective of the Course:**

Research Paper Writing will allow the students to present credible and persuasive evidence and ideas. Research writing includes finding sources, evaluating their credibility, and smoothly integrating them

into academic and non-academic texts. It will enable the students to develop the methods of citation, conventions of style and organization, and critical thinking skills necessary for writing research papers on a contemporary academic themes.

### **Learning Outcomes:**

On successful completion of this course, the students will be able to carry out a substantial research-based project and also analyze data and synthesize research findings. They will also be able to assess the credibility of each source, quote the data and conclusions of others while avoiding plagiarism and providing basic bibliographic information for sources.

### **Research paper should contain following contents:**

1. Title Page
2. Table of Contents including page numbers
3. Introduction: In this, a Researcher is expected to mention the topic/ central theme, explanation for it and also a thesis statement.
4. Main part: In this, a Researcher is expected to analyze a topic in detail.
5. Conclusion: In this, a Researcher is expected to summarize all the important and main points/findings of the Research paper. A Researcher is also expected to give answers to questions raised in the thesis statement/introduction and also to point out whether the thesis is proved right or wrong.
6. Word limit should be 3,000 words
7. Font type: Times New Roman
8. Font size: 12
9. Font size of the footnotes: 10
10. Margin: 1 inch from all the sides, 1.5 inch from the left side
12. Line spacing: 1.5

### **Referencing:**

A Researcher has to follow Indian Law Institute (ILI) citation style.

**Bibliography/Works Cited:**

The academic paper must contain a bibliography, i.e. a list of all the sources that have been used while writing a Research paper. It is to be placed at the end of the paper.

**Plagiarism check:**

Maintaining academic integrity has become a hallmark of academic excellence and therefore, the Research paper should be free from plagiarism. As per the UGC norms, 10% plagiarism will be allowed. Every Research paper will be subjected to plagiarism check.

**Seminar:**

Students will have to give presentations based on their Research paper.

**GROUP A: INTERNATIONAL LAW****OPTIONAL CORE COURSE (OCC-A-03)****INTERNATIONAL HUMANITARIAN LAW****Objective of the Course:**

The objective of this course is to develop an in-depth understanding of origin, development and sources of International Humanitarian Law and as well various measures undertaken at the International level for the implementation of Humanitarian Law.

**Learning Outcomes:**

On successful completion of the course students will be able to determine the concept and understanding of the international humanitarian law, its origins and historical development. Students will gain important skills evaluating sources and researching. Demonstrate capacity to assess the sources of IHL and its relationship with human rights. Critically evaluate the International and national Measures for Implementation of IHL. Appraise the Growth and Development of ICRC and its additional protocols.

**Unit I- Historical Development of IHL:**

- History and Evolution
- The Origin and Growth of IHL

- Definition of IHL
- Character of IHL

#### **Unit II- Sources of IHL: The Four Geneva Conventions of 1949:**

- Geneva Convention I
- Geneva Convention II
- Geneva Convention III
- Geneva Convention IV
- 1977 Additional Protocols

#### **Unit III- International Humanitarian Law and Human Rights**

#### **Unit IV- International Committee of Red Cross:**

- Growth and Development of ICRC
- Additional Protocols

#### **Unit V - International Measures for Implementation of IHL:**

- Serious Breaches of IHL
- International Criminal Court
- War Crime Trials
- National Measures for Implementation of IHL: The Geneva Convention Act, 1960

#### **Suggested Readings:**

1. Balchandran – Varghese – Introduction to IHL
2. Year book of International Humanitarian Law, Volume 22
3. Customary International Humanitarian Law, ICRC
4. Companion to International Humanitarian Law, ICRC

### **OPTIONAL CORE COURSE (OCC-A-04)**

### **INTERNATIONAL REFUGEE LAW**

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

The objective of the course is to provide an all-round understanding of International Refugee Law along with various international instruments passed for the protection of refugees. The course also discusses about steps taken at the national level in India for the protection of refugees.

### **Learning Outcomes:**

On successful completion of the course students will be able to establish the understanding of the Historical Development of Refugee Law and Attain in depth knowledge of the Principle of Non-refoulement and Rights and responsibilities of Refugees. Determine the capacity to evaluate the International Instruments and Regional Mechanism like Statute of the UNHCR, Convention and Protocol Relating to the Status of Refugees. Critically evaluate the relationship between Human Rights Instruments and Rights of Refugees. Appraise the International Strategies for Refugee Protection by identifying the contentious issues, analyse the concept and status of Internally Displaced Persons.

### **Unit I - Historical Development of Refugee Law:**

- Definition of Refugee
- Right to Seek Asylum
- Principle of Non-refoulement
- Rights and responsibilities of Refugees

### **Unit II- International Instruments and Regional Mechanism:**

- Statute of the UNHCR
- 1951 Convention Relating to the Status of Refugees
- 1967 Protocol Relating to the Status of Refugees
- OAU Convention
- Cartagena Declaration

### **Unit III - Link between Human Rights Instruments and Rights of Refugees:**

- Rights of Women Refugees
- Rights of Refugee Children

### **Unit IV - International Strategies for Refugee Protection:**

- Early Warning
- Burden Sharing
- Safety Zones

- Right to Remain and Right to Return
- Temporary Asylum
- Refugees 'surplice'

#### **Unit V- Internally Displaced Persons**

#### **Unit VI - Protection of Refugees in India:**

- Protection without Legislation
- Indian Critique of UNHCR and the Refugee Convention
- Status of Refugees in India under UNHCR
- Model National Law for Refugees

#### **Suggested Readings:**

1. Goodwin Gill - The Refugee in International Law
2. B. S. Chimni - International Refugee Law: A Reader, Sage India
3. Bulletin on IHL and Refugee Law
4. Indian Society of International Law- Yearbook on IHL and Refugee Law

### **GROUP B: CONSTITUTIONAL AND ADMINISTRATIVE LAW**

#### **OPTIONAL CORE COURSE: - (OCC- B 03)**

#### **NATIONAL SECURITY AND RULE OF LAW**

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

The objective of the course is to understand the transition from classical concept of national security to the modern concept of national security and as well critically analyze the emergency provisions in the Constitution vis-a-vis national security. The course will also provide insight of various security legislations in India, martial Law and the International efforts to combat terrorism globally.

#### **Learning Outcomes:**

The students will get a deeper understanding of the national security provisions in various security legislations in India along with various important topics like sedation, terrorism, etc. They will be able to understand and analyze the emergency provisions in the Constitution.

### **Unit I - National Security, Public Order and Rule of Law:**

- Changing concept of Rule of Law – From Traditional Notion to Modern Notion
- Concept and horizon of Rule of Law
- National Security and Public Order

### **Unit II - Preventive Detention and National Security:**

- Concept and Meaning of Preventive Detention
- Preventive Detention and Constitutional Safeguards
- Unlawful Activities Prevention Act, 1967:
  - i) Salient features
  - ii) Compositions
  - iii) Powers and functions of authorities
  - iv) Offences and penalties
  - v) Appeals
- National Security Act, 1980:
  - i) Making of Detention order
  - ii) Execution
  - iii) Revocation of Detention orders
  - iv) Place and Execution of Detention
  - v) Role of Advisory Board
- Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974:
  - i) Power to make Order of Detention
  - ii) Execution of order
  - iii) Advisory Board
  - iv) Power to detain beyond 3 months
  - v) Maximum period
  - vi) Revocation of detention
  - vii) Temporary release of persons

### **Unit III - Martial Law and Emergency:**

- Article 355
- Three Types of Emergencies -National Emergency and its impact on federal structure of India - Failure of Constitutional Machinery under Art. 356 – Financial Emergency
- National Emergency and Fundamental Rights – Arts. 358,359
- Art 21 – its special Importance and non - suspendability – relevant cases
- Martial law, provisions in Britain and Indian constitution

### **Unit IV - Sedition and Terrorism:**

- Sedition Law
- Concept of terrorism and problems of definitions.
- UN efforts to combat terrorism
- National Investigative Agency Act, 2008:
  - i) Constitution
  - ii) Superintendence
  - iii) Investigation under the Act
  - iv) Constitution of Special Courts

### **Suggested Readings:**

- 1) M.P.Jain - Indian Constitutional Law, Lexis Nexis
- 2) D.D. Basu - Comparative Constitutional Law, Lexis Nexis
- 3) H.M. Seervai- The Emergence, Future Safeguards and the Habeas Corpus: A Criticism
- 4) N.C. Chatterji and Parameshwar Rao- Emergency and the Law, Asia Publication House
- 5) Dr. M.C. Mehanathan -Law of Control on Narcotic Drugs and Psychotropic Substances in India
- 6) R.K. Agrawal and Alka Agrawal -The National Security Act, 1983
- 7) Kiran, R. - The Role of NIA in the War on Terror: An Appraisal of National Investigation Act, 2008. Journal of Terrorism Research
- 8) The Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974



9) The Unlawful Activities Prevention Act, 196

## **OPTIONAL CORE COURSE: - (OCC- B 04)**

### **ADMINISTRATIVE PROCESS**

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

The objective of the course is to develop an all-encompassing understanding of the transition from Laissez Faire to Welfare State and the emergence of Administrative Law and as well various important concepts like Rule of law, Separation of Powers in the contemporary sense. The course also gives a critical insight in the Subordinate Legislation, its necessity, constitutionality, etc.

#### **Learning Outcomes:**

The students will get an understanding on various important topics like separation of powers, rule of law as well about the various functions performed by the administration and the importance, necessity and constitutionality of subordinate legislation.

**N.B. Students are expected to be familiar with relevant principles of Administrative Law of -UK, USA and France.**

#### **Unit I - Nature, Scope and Necessity of Administrative Law:**

- Nature, scope and approaches to Administrative Law
- Power, Accountability and Law
- Emerging Trends - Positive Duties of Administration under the Modern Social Welfare Legislation and Compulsion of planning

#### **Unit II - Rule of Law:**

- Rule of law in England as propounded by Dicey
- Rule of law in Modern Context
- Notion of Rule of law under the Indian Constitution

#### **Unit III - Separation of Powers:**

- Doctrine of Separation of Powers as propounded by Montesquieu
- Separation of Powers under the US Constitution

- Spirit and basic purpose of Separation of Powers - Modern Context - Separation of powers under the Indian Constitution

#### **Unit IV - Classification of Powers and Functions of Administration:**

- Administrative, Executive, Legislative, Quasi - Judicial Powers
- Distinction between Administrative, Judicial and Quasi-Judicial Powers
- Kraipak's Decision and obliteration of distinction
- Administrative Instructions

#### **Unit V - Legislative Powers of Administration:**

- Meaning of Legislative Powers and Function
- Essential Legislative Function
- Necessity of Delegation of Legislative Powers
- Constitutionality of Delegated Legislation
- Excessive Delegation of Legislative Power
- Legislative Control of Delegated Legislation
- Judicial Control of Delegated Legislation- Doctrine of Ultra Vires -Substantive and procedural aspects
- Sub- delegation

#### **Unit VI - Administrative Directions:**

- Meaning, nature and Identification of Directions
- Distinction between Direction and Rules
- Need for Directions
- Enforceability of Directions
- Directions to Quasi- Judicial and Statutory Bodies

#### **Unit VII - Administrative Discretion:**

- Nature of Executive power under the Constitution
- Formulation and Execution of Policy without law
- Discretionary Power-Nature and Necessity
- Conferment of Administrative Powers by Law

#### **Suggested Readings:**

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law, Lexis Nexis
- 2) D.D. Basu - Comparative Administrative Law, Lexis Nexis
- 3) De Smith - Judicial Review of Administrative Action
- 4) H.W.R. Wade- Administrative Law
- 5) D.D. Basu - Administrative Law
- 6) M.P. Jain - Treaties in Administrative Law Vol. I, Lexis Nexis
- 7) D.J. De - The Constitution of India, Vol. I & II, Asia law House
- 8) M.C. Jain Kagzi - The Indian Administrative Law, Universal Law Publishing
- 9) P.P. Craig - Administrative Law

## **GROUP C: INTELLECTUAL PROPERTY LAW**

### **OPTIONAL CORE COURSE (OCC-C-03)**

#### **LAW OF PATENTS**

##### **Objective of the course:**

This Course is designed with the objective to develop among students greater awareness about the patent law in India, the procedural mechanism involved in obtaining a patent besides assignment and licensing of patents and compulsory licensing and spell out the importance of patent search, and the various databases available for conducting patent search. The Students will also gain an in-depth knowledge about the legal aspects governing infringement and the remedies available to the patent holder in the event of infringement.

##### **Learning Outcomes:**

On successful completion of this course the student will be able to have an understanding of the fundamental legal principles relating to Patent, international convention for protection of patent. The students will understand the legal and practical steps needed to ensure that patent rights remain valid and enforceable. It will further help in enabling to demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under Patent law as applicable to new products and process.

It helps in acquainting the transfer of Patent work through two modes, the relevant provisions of Infringement and remedies.

### **Unit I- Understanding Patents:**

- History of Patent Protection
- Rationale behind Patent System
- International regime for protection of Patents
- Kinds of Patents, Subject matter of Patents
- Product and process patent
- Method and procedure of acquiring patent

### **Unit II- Enforcement of Patents:**

- Term of Patent
- Compulsory Licensing, rights of License holder
- Rights and Obligations of the patentee

### **Unit III - Exploitation of Patentee:**

- Infringement of Patents
- Literal Infringement
- Remedies for Infringement of Patents
- Doctrine of Equivalent
- Defense to Infringement

### **Unit IV- General Provisions:**

- Revocation of Patents
- Patent Search
- Patent claims

### **Suggested Readings:**

1. Cornish, W.R.- Intellectual Property, Universal Book Traders, Delhi
2. Vashishtha - Law and Practice of Intellectual Property in India
3. P. Narayanan- Intellectual Property

4. Sangal P.S. and Kishore Singh - Indian Patent System and Paris Convention: Legal Perspectives
6. Pearson and Miller- Commercial Exploitation of Intellectual Property
7. Gopalkrishnan, N.S.- Intellectual Property and Criminal Law National Law School of India University, Bangalore.
8. T.A. Blanco white - Patents for Inventions, Stevens and Sons.
9. P. Ganguli - Clearing up for Patents - Indian Scenario, Universal Press.

### **OPTIONAL CORE COURSE (OCC-C-04)**

#### **LAW ON TRADEMARK, TRADE DESIGNS AND GEOGRAPHICAL INDICATIONS**

##### **Objective of the course:**

Trade marks being an important aspect of the intellectual property, the course will enable the students to be well versed with the conceptual and legal framework, and procedural requirements relating to trade marks, provisions of Design Legislation in India and the legal position relating to geographical indications of goods in India.

##### **Learning Outcomes:**

On successful completion of this course the student will be able to have an understanding of the fundamental legal principles relating to Trademark, international convention for protection of Trademark and Design. The students will understand the legal and practical steps needed to ensure that trademark and Design rights remain valid and enforceable. It will further help in enabling to demonstrate a capacity to identify, apply and assess ownership rights and marketing protection under trademark and Design law as applicable to goods and services marketing. It helps in acquainting the transfer of Trademark work through two modes, the relevant provisions of Infringement and remedies. It will help in understanding relevant provisions of Geographical indication.

##### **Unit I- Law of Trademark in India (Trade Marks Act, 1999) :**

- Development of Trademark Law in India
- Registration of Trade Marks: procedure and effect of registration, limitation, Prohibition against registration
- Collective Marks

- Certification of trademarks, foreign trade mark

## **Unit II – Licensing and Assignment and Transmission:**

- Assignability and transmissibility of registered and unregistered Trade Marks.
- Restrictions on assignment or transmission
- Conditions for assignment and transmission
- Assignability and Transmissibility
- Registration of assignments and transmissions

## **Unit III - User Of Trade Marks, Infringement And Remedies**

- User of Trade Marks
- Goodwill, Passing off and infringement, rights of owner, rights of licensee
- Remedies for infringement of trade mark

## **Unit IV- Law Of Trade Designs (The Designs Act, 2000):**

- Definitions, basic concepts, functional designs, inventor of designs and rights
- Registration: procedure and benefits, registration authorities, their powers and functions
- Design Copyright, term of design, compulsory license and right of licensee; Assignment
- Protection of Design: Infringement of design
- Remedies against infringement of Trade Designs
- Salient Features of Industrial Designs Act, 2001

## **Unit V- The Geographical Indications Of Goods (Registration And Protection) Act, 1999 :**

- Registration and conditions for Registration of Geographical Indication
- Procedure for Registration of Geographical Indication
- Protection to trademarks and prior users
- Appeals for GI
- Offences, penalties and procedure

## **Suggested Readings:**

1. Cornish, W.R.- Intellectual Property, Universal Book Traders, Delhi.
2. Vashishtha - Law and Practice of Intellectual Property in India

3. P. Narayanan- Intellectual Property

4.P. Narayanan - Copyright and Industrial Design

## **GROUP D: BUSINESS LAWS**

### **OPTIONAL CORE COURSE (OCC-D-03)**

#### **CONSUMER PROTECTION AND COMPETITION LAW**

##### **Objective of the course:**

The processes of globalization and liberalization have brought a considerable awareness towards improving the competitive process in developing economies such as India. India owing to its WTO obligations enacted Competition Act, 2002. The course seeks to provide extensive knowledge of application of competition policy in India and also analyze the progress of the Competition Law. The students will develop clarity about the types of anti-competitive agreements, the practices covered by abuse of dominant position and combinations. The students will be familiarized with an understanding about the role of the CCI and will gain a clear understanding about the conflicting and complementary issues regarding the competition law and consumer protection law.

##### **Learning Outcomes:**

Upon the successful completion of this course, the students will be able to analyze how Competition Law facilitates the promotion of free Competition and acts as an instrument in regulating the markets. It will help them apply the law to solve practical problems concerning the control of anti-competitive practices. They will also critically appreciate the strategies and mechanisms of Competition law enforcement agencies in India and evaluate solutions to more complex problems revolving Competition law and Consumer Protection Law through interdisciplinary learning.

##### **Unit I- Consumer Protection Act, 2019 and its applicability to Competition Law:**

- Historical and social background of consumer protection law
- Challenges faced by consumers in the digital age
- Concept of consumer & their rights

- Enforcement of consumer rights

## **Unit II - Introduction to Competition Law:**

- Genesis & Growth of competition law: (USA, UK, Europe)
  - i) Relevant provisions of Sherman's Act
  - ii) Indian scenario with an overview of MRTP Act, 1969
  - iii) Raghavan Committee Report
- Competition Act, 2002: need and importance and international co-operation for competition
- WTO & impact on Competition Law with reference to UNCTAD
- Dumping, State Aid and International Judicial Assistance

## **Unit III - Anti Competitive Agreements and Abuse of Dominant Position:**

- Anti-competitive agreements: Concept and treatment in India
- Types of Anti Competitive Agreements
- Prohibition of Abuse of dominant position: Concept, forms and treatment in India

## **Unit IV - Combination & Enforcement Mechanism:**

- Concept, Forms and framework In India
- Creeping Acquisitions
- Regulation of Cross Border Combination
- CCI:
  - i) Powers of CCI
  - ii) Functions of CCI
  - iii) Role of Director General
  - iv) Appellate tribunal
  - v) Penalties & Remedies
- Competition Advocacy

## **Unit V - Overlapping areas of Consumer Protection Act and Competition Act:**

- Unfair Trade Practice, Restrictive Trade Practice
- Interest of consumers
- Regulations
- Effect of anti-competitive agreements, dominant position, combination etc. on consumers



**Suggested Readings:**

1. Avtar Singh - Competition Law; Eastern Law House
2. Competition Law and Cartels, ICFAI University
3. Srinivasan Parthsarthy -Competition Law in India, Wolter Kluwer
4. Competition Law-Emerging Trends, ICFAI University
5. D P Mittal - Competition Law and Practice, Taxmanns Allied Services, New Delhi
6. Gurbax Singh- Law of Consumer Protection
7. P.K. Majumdar- The law of Consumer Protection in India, Orient Publishing Co., New Delhi
8. Raghavan Committee Report

**Websites:**

1. [www.unctad.org](http://www.unctad.org)
2. [www.wto.org](http://www.wto.org)
3. [www.cci.gov.in](http://www.cci.gov.in)

**OPTIONAL CORE COURSE (OCC-D-04)****MERGER AND ACQUISITION****Objective of the course:**

This course brings a multi-dimensional approach to the practice of mergers and acquisitions law. It will help the students understand the relevant regulations and fiduciary standards relating to M&A in India and also sensitize them to the practical issues relating to deal-making within the confines of those laws. It will enable students to appreciate the comparative elements of M&A in an increasingly globalized world replete with cross-border transactions and instill the necessary skills in students that help in their development as transactional practitioners, including by way of analysis of specific fact situations and structuring of transactions through case studies.

## **Learning outcomes:**

Through this course, the students will be able to explore the opportunities and constraints created by the laws relating to M&A in India, key concepts under transaction documents relating to M&A, specific issues relating to cross-border M&A and contractual tools available to the parties to allocate deal risk and mitigate legal constraints.

## **Unit I - Introduction to Corporate Restructuring:**

- The substance, form and mechanics of corporate mergers, acquisitions and reorganization
- Theories and factors responsible for M&A
- Mergers – concept, Types of Mergers, Merit & demerits
- Amalgamation, Acquisition, Types of acquisitions, Joint Ventures;

## **Unit II- Mergers and Acquisitions:**

- Companies Act 2013 read with CAA rules, 2016
- SEBI Act, SEBI Takeover Code (Role of SEBI)
- Fast track mergers – Sec. 233 of Companies Act 2013
- Cross border Merger & Acquisitions and Comparative legal regulatory regime in US, EU/ UK and Australia & Hurdles

## **Unit III - Other Allied Issues:**

- Role of CCI: Combinations - Regulations of combinations
- Role of RBI
- Ease of doing business & Green Channel Route

## **Unit IV- Legal due diligence:**

- Purpose
- Essential topics Consequences – risk allocation and investor protection (representations, warranties and indemnity)
- Transacting Documents of Mergers and understanding the associated Documents
- Hostile takeover & Takeover defenses

## **Unit V – Case Studies:**

- Acquisition of Corus group by Tata Steel

- Merger of Vodafone and Idea
- Amazon- Future group- Reliance Deal

### **Suggested Readings:**

1. J.C. Verma & Sanjeev Agarwal- Corporate Mergers, Amalgamations & Takeovers, Bharat Law House
2. A. Ramaiya - Guide to Companies Act, LexisNexis Butterworths, Wadhwa, Nagpur
3. ICSI: Handbook on Mergers Amalgamations and takeovers
4. K. R. Sampath- Mergers/Amalgamations, Takeovers, Joint Ventures, LLPs and Corporate Restructure, Snow White Publications
5. M.C. Bhandari- Guide to Company Law Procedures, Lexis Nexis Butterworths Wadhwa Nagpur
6. Godbole, P. - Mergers Acquisitions and Corporate Restructuring, Vikas Publishing House, Noida
7. Vineet Aneja, "Cross Border M & A in India" 19 International Law Practicum 53 (Spring 2006)
8. Atreya Chakraborty and Richard, "Takeover Defenses and Dilution: A Welfare Analysis" 36(3) The Journal of Financial and Quantitative Analysis 311-334 (Sep., 2001)

### **Websites:**

1. [www.mca.gov.in](http://www.mca.gov.in)
2. [www.sebi.gov.in](http://www.sebi.gov.in)
3. [www.nclt.gov.in](http://www.nclt.gov.in)
4. [www.nclat.nic.in](http://www.nclat.nic.in)
5. [www.ibbi.gov.in](http://www.ibbi.gov.in)
6. [www.rbi.org.in](http://www.rbi.org.in)
7. [www.finmin.nic.in](http://www.finmin.nic.in)
8. [www.drt.gov.in](http://www.drt.gov.in)
9. [www.dipp.nic.in](http://www.dipp.nic.in)

**GROUP E: ENVIRONMENT LAWS**  
**OPTIONAL CORE COURSE (OCC-E-03)**  
**WASTE MANAGEMENT**

**Objective of the Course:**

The objective of the course is to provide an in depth understanding about different types of waste, its sources, classification and the threat it can pose to the Environment and Human health.

**Learning Outcomes:**

The students will be able to identify the different types of wastes, execute an action plan for the disposal of such wastes, and implement the relevant laws related to such waste management.

**Unit I - Solid Waste and Its Management:**

- Solid Waste: Definition and its Characteristics
- Classification of Solid Waste
- Sources of Solid Waste
- Effect of Solid Waste on Health, Vegetation and Material
- Solid Waste Pollution Prevention and Disposal Strategies

**Unit II - Hazardous Waste and Its Management:**

- Hazardous Waste: Definition and its Characteristics
- Classification of Hazardous Waste
- Effect of Hazardous Waste on Health, Vegetation and Material
- Hazardous Waste Pollution Prevention and Disposal Strategies

**Unit III - Biomedical Waste and Its Management:**

- Biomedical Waste: Definition
- Classification of Biomedical Waste
- Effect of Biomedical Waste on Health and the surroundings

**Unit IV - E-Waste and management:**

- E-Waste – Meaning
- Classification of e-waste

- Growing problem of e-waste
- E-waste (Management and Handling) Rule, 2016

**Suggested Readings:**

1. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
2. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.
3. SN Chary and Vinod Vyasula – Environmental Management: An Indian Perspective, Macmillan
4. Dr. Vikas Vashishth - Law and Practice of Environmental Laws, Bharat's
5. Environmental Law, S.C. Shastri EBC
6. Environmental Law in India, Gurdip Singh EBC
7. Rajiv Khare “Select Legal controls of Hazardous Waste Management: A little done; Vast and done”, 1RMLNLUJ (2008) 66.

**OPTIONAL CORE COURSE (OCC-E-04)**

**ENVIRONMENT: LAWS, POLICIES AND STRUCTURES**

**Objective of the Course:**

The objective of the Course is to provide an in depth understanding of Environmental regulation, its implementation and adjudication. The Course will also enable students to understand the role of Government and Legislative Policies in protecting the Environment.

**Learning Outcomes:**

The students will be able to understand and trace down the developmental trajectories of laws required to protect our environment and the role of Government in protecting the Environment.

**Unit I - Environmental Legislation:**

- The Air (Prevention and Control of Pollution) Act of 1981:
  - i) Framework of the Act
  - ii) Scope of the Act
  - iii) Machinery, Powers, Functions, Offences and Penalties under Air (Prevention and Control of Pollution) Act, 1981
- The Water (Prevention and Control of Pollution) Act of 1974:

- i) Framework of the Act
- ii) Scope of the Act
- iii) Machinery, Powers, Functions, Offences and Penalties under Water (Prevention and Control of Pollution) Act, 1974
- The Forest (Conservation) Act of 1980, The Forest Act, 1927 and Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006: Framework and scope of the Act
- The Wild Life (Protection) Act, 1972: Framework and scope of the Act
- The Environment (Protection) Act of 1986
  - i) Framework of the Act
  - ii) Scope of the Act
  - iii) Importance of Section 3 and 5 of the EPA
  - iv) Violations and Penalties under the Act

## **Unit II - Constitutional Mandates and Environment:**

- Fundamental Rights and Environment
- Right to Equality - Article 14
- Right to Information - Article 19
- Right to Life - Article 21
- Freedom of Trade vis-à-vis Environment Protection
- The Forty-Second Amendment Act
- Directive Principles of State Policy
- Fundamental Duties
- The Writ Jurisdiction
  - i) Public Interest Litigation: Preview
  - ii) Locus Standi: Scope and Restriction

## **Unit III - Other Remedies and Legislations (Relevant Portion only):**

- Criminal Procedure Code 1973
- Code of Civil Procedure 1908
- Indian Penal Code 1860
- Law of Torts: Vicarious Liability, Nuisance, Negligence, Strict Liability and Absolute Liability
- Human Rights and Environment

- Class Action: Order 1 Rule 8 of C. P. C. 1908.
- Green Courts: National Green Tribunal Act, 2010
- Public Liability Insurance Act, 1991
- Legislations under Local Municipal Laws

#### **Unit IV - Role of Government and Legislative Policies:**

- National Environmental Policy
- National Forest Policy
- National Water Policy and Conservation Strategy
- Five Years Plans
- Role of Ministry of Environment, Forests and Climate Change (MOEFCC)

#### **Suggested Readings:**

1. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
2. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.
3. Dr. SC Tripathi- Environmental Law, Central Law Publications
4. P. Leela Krishnan - Environmental Case Book, Lexis Nexis
5. Nirmal Chopra “ Environment Problems – Penal Action Required”, 2004 PLWEBJOUR
6. Devanshu Bhudauria and Rachi Singh “ Development vs. Environment with special reference to Indian constitutions” (2014) PL July, 79.
7. Justice D. M. Dharmadhikari, “ Human Rights and the Environment”, 1 RMLNLWJ (2008) 1.

### **GROUP F: LABOUR LAWS**

#### **OPTIONAL CORE COURSE (OCC-F-03)**

#### **LAW RELATING TO COLLECTIVE BARGAINING AND TRADE UNION**

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

The objective of the Course is to provide an in depth understanding about the Constitutional and Legal aspects of right to form associations and Unions, Concept and process of Collective bargaining, Trade Union movement in India.

##### **Learning Outcomes:**

After the completion of the course the student shall be able to describe fundamental concepts and nature of Industrial Relation. Understand the nature and role of trade union for workers and industries. The relevance of collective bargaining and its impact on employee employer relations. Understand industrial dispute, ways to resolve them and how the application of various industrial legislation take place.

### **Unit I- Freedom Of Association:**

- Constitutional and Legal aspects of right to form associations and Unions
- International norms: Right to form association of industrial and unorganized Labour

### **Unit II- Concept and process of collective bargaining:**

- Nature, Definition and theories of collective bargaining
- Advantages, Disadvantages, comparative appraisal
- Types of bargaining at different levels – plant level, industry level and national level
- Factors affecting collective bargaining
- Multi Unionism
- Other factors
- Conditions for successful functioning of collective bargaining
- Constitutional provision towards workers participation in management – State Role

### **Unit III - Trade Union and Collective Bargaining:**

- Need objectives and functions of TU
- Character of present Trade Union
- Role of Trade Unions in the changing atmosphere of Globalization, Privatization and Liberalization
- Collective bargaining getting a back seat today – a cause of concern

### **Unit IV - Trade Union movement in India:**

- Historical development of Trade Union movement in India
- Registration of Trade unions under Trade Union Act 1926
- Bombay Industrial Relation Act, 1946
- MRTU and PULP Act 1971



**Unit V - Rights and liabilities of Registered Trade Unions under the TU Act, 1926 and MRTU and PULP Act 1971:**

- Rights of Trade Union under the Trade Union Act
- Recognition of Trade Union as bargaining agent
- Rights privileges and duties of recognized unions
- Unfair labour practices and victimization

**Unit VI- Industrial Relations Code, 2020: Trade Unions:**

- Registrar of Trade Unions
- Provisions to be contained in constitution or rules of Trade Union
- Application for registration of a Trade Union
- Certain Acts not to apply to registered Trade Union
- Recognition of negotiating union or negotiating council
- Objects of general fund, composition of separate fund and membership fee of Trade Union
- Immunity from civil suit in certain cases
- Criminal conspiracy in furtherance of objects of Trade Union
- Enforceability of agreements
- Right to inspect Basic to Advance Reading s of Trade Union
- Rights of minor to membership of Trade Union
- Disqualification of office bearers of Trade Unions
- Adjudication of disputes of Trade Unions
- Change of name, amalgamation notice of change and its effects
- Recognition of Trade Unions at Central and State level

**Suggested Readings:**

1. ILO-Collective Bargaining.
2. Otto Kahn Freund- Labour and the Law
3. ILI-Labour Law and Labour Relations
4. V. P. Arya-Strikes, Lockouts and Gherao.
5. Kothari - Industrial law, Vol. I & II.

6. Mary Sur-Collective Bargaining.
7. Russel A., Smith et.al-Collective Bargaining and Labour Arbitration
8. Rideont-Principles of Labour Law, Chap. 8,9 & 10
9. Shrivastava S. C. –Industrial and Labour Relations.
10. R. Dayal, MRTU and PULP Act, 1971 (Act and Rules).
11. Abdul Majid – Legal Protection to unorganized labour 2000, Deep & Deep Publications Pvt.
12. S.N. Misra - Labour & Industrial Laws (With Latest Amendments) Chapter 2 Part 3
13. Rangaswami v. Registrar of Trade Unions, AIR 1962 Mad. 231
14. The Tamil Nadu Non-Gazette Government Officers' Union, Madras v. The Registrar of Trade Unions, AIR 1962 Mad. 234
15. In Re Inland Steam Navigation Worker's Union, AIR 1936 Cal 59
16. The Food Corporation of India Staff Union v. Food Corporation of India & Ors, AIR 1995

### **OPTIONAL CORE COURSE (OCC-F-04)**

#### **LAW RELATING TO WAGES AND MONETARY BENEFITS**

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

The objective of the Course is to provide an in depth understanding about the Theories and Facets of Wages, Constitutional perspective of wages, Wage Differentials, Concept of profit sharing, Concept of bonus etc.

##### **Learning Outcomes:**

Wages is among the most important conditions of work and major subject of collective bargaining. This will help students in acquiring basic concept of wages. Will be able to know how the constitutional policies and national wage policy works. Will be able to understand how the wage differentials exist. It is expected at the end of this lesson the student will be in a position to understand the minimum wages act 1948. The students will know about the procedure for fixing and revising of minimum wages. Will have a clear idea about eligibility and other criteria for bonus under the Act.

## **Unit I - Theories and Facets Of Wages:**

- Definition of wages
- Theories of wages
- Minimum fair and living wages
- Bonus as deferred wage or share of profit
- Allowances and concessions

## **Unit II - Constitutional Ideals:**

- National wage policy, problems and perspective wage board and pay commission
- Constitutional perspective of wages
- Denial of minimum wage as forced labour
- Right to Work
- Equal pay for equal work

## **Unit III - Wage Differentials:**

- Private sector and public sector difference in wages
- Factors of differential wages
- Increase of wages – impact on price
- Increase in price – impact on wages
- Impact of tax on wage and price
- Wages and consumer
- Capacity of industry and wage fixation

## **Unit IV - Payment Of Wages Under The Payment Of Wages Act, 1936:**

- Responsibility for payment of wages
- Wage periods – time for payment deductions fines
- Claims arising out of deductions and delay of payments
- Procedure for filing and disposal of appeals
- Enforcement machinery under the Act. Their power and functions.

## **Unit V -Profit Sharing And Bonus:**

- Concept of profit sharing – desirability
- Concept of bonus

- Bonus formula and bonus under payment of Bonus Act, 1965
- Set on and set off
- Available and allocable surplus.

**Suggested Readings:**

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

**GROUP G: CRIMINAL LAWS**

**OPTIONAL CORE COURSE (CC- G-03)**

**COMPARATIVE CRIMINAL PROCEDURE**

**Objective of the Course:**

The objective of the Course is to provide an in depth understanding about the Procedural law in India on procedure for administration of substantive criminal law in India, the Hierarchy of Criminal Courts, Arrest provisions, Bail, Appeal, Revision etc. Legal education becomes farce unless a student is well equipped with a basic knowledge about the Substantive and Procedural laws.

**Learning Outcomes:**

After studying the subject, the students will be able to understand the Hierarchy of criminal Courts in India, concept of Nyaya Panchayat, Pre trial procedure, Trial procedure, Provisions relating to Bail,

Appeal, Revision etc. This subject will help the students to get Bird's eye view of the Procedural law in India.

### **Unit I - Organisation Of Courts And Prosecuting Agencies:**

- Hierarchy of criminal courts and their jurisdiction
- Nyaya Panchayats in India
- Panchayats in tribal areas
- Prosecutors and the police
- Withdrawal of prosecution

### **Unit II - Pre-Trial Procedures:**

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

### **Unit III - Trial Procedures:**

- The accusatory system of trial and the inquisitorial system
- Role of the judge, the prosecutor and defence attorney in the trial
- Admissibility and inadmissibility of evidence
- Expert Evidence
- Appeal of the court in awarding appropriate punishment
- Plea bargaining

### **Unit IV - Provisions In The Criminal Procedure Code:**

- Information to the Police and Their powers to Investigate
- Conditions Requisite for Initiation of Proceedings
- Complaints to Magistrate
- Commencement of Proceedings before Magistrate
- Appeals
- Provisions as to Bail and Bonds

**Suggested Readings: -**

1. Wilkiris and Cross- Outline of the Law of Evidence
2. Archbold- Pleading, Evidence and Practice in Criminal Cases
3. R.V.Kelkar's- Outlines of Criminal Procedure, Eastern Book Co, Lucknow
4. Ratan Lal, Dhiraj Lal - The Code of Criminal Procedure, Lexis Nexis;
5. Shailendra Malik- The Code of Criminal Procedure, Allahabad Law Agency
6. Edwin H. Sutherland, Donald R. Cressey- Principles of Criminology, Universal Law Publishing Co, New Delhi;
7. Sir John Woodroffe - Commentries on Code of Criminal Procedure (2 volume);
8. V.S.R. Avadhani, V.Soubhagya Valli- Criminal Investigation (Law, Practice and Procedure), Asia Law House
9. S.P.Tyagi - Criminal Trial ( 2 Volume), Vinod Publications
10. Y.H. Rao, Y.R.Rao- Criminal Trial, Fundamentals and Evidentiary Aspects, Lexis Nexis
11. 14th and 41st Reports of Indian Law Commission

### **OPTIONAL CORE COURSE (OCC- G-04)**

#### **CRIMINOLOGY**

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

The objective of the Course is to provide an in depth understanding about the various Theories of Causation of crime, Schools of Criminology, factors responsible for exhibiting criminal behaviour. The Course will also ignite inquisitiveness in a student and develop interest in conducting further research in the field of Criminology as well.

## **Learning Outcomes:**

After studying the subject, the students will be able to understand various Schools of Criminology, Theories of Causation of crime, factors responsible for criminal behaviour. This subject will help them locate and evaluate the information on the causes of crime, juvenile delinquency and the ways to rehabilitate the criminals. Using this knowledge, students can conduct further research in the field of Criminology.

## **Unit I - Criminology- Definition, Nature, Scope and utility:**

- Definition of Criminology
- Nature, Scope of Criminology
- Utility of Criminology
- Relation between Crime and Society

## **Unit II - Schools of Criminology:**

- Pre-classical School of Criminology
- The Classical School of Criminology
- The Neo- Classical School of Criminology
  - i) Cesare Lombroso
  - ii) Enrico Ferri
  - iii) Raffaele Garofalo
  - iv) Gabriel Tarde
- Clinical School of Criminology
- Sociological School of Criminology
- The New Criminology

## **Unit III - Causation of Crime:**

- Heredity and Crime
- M' Naghten's Rule of Criminal Responsibility
- Physical Factors and Genetics on Criminality
- Freud's theory of Criminal behavior
- Psychological concept of crime
- Strain and Cultural Theories
- Conflict Theory

- Group Therapy

#### **Unit IV - Prevention of Crime:**

- Prevention Policies
- Crime Prevention
- Kinds of Programmes
  - i) General Programme
  - ii) Local Community Organization
  - iii) Group Work
  - iv) Institutional Modification

#### **Unit V - Developing Trends in Criminology:**

- Female Criminality
- Terrorism and State Violence
- Victimology
- Criminology and Restorative Justice
- White Collar Crime

#### **Suggested Readings:**

1. Edwin H. Sutherland- Principles of Criminology, Universal Law Publishing Co.
2. Garofolo -Criminology Parts I, II and III
3. Taft -CriminologyPart-I-Ch 1,3 for study
4. K.S. Pillai -Principles of Criminology (Tagore Law lectures)
5. Pillai K.S. - Theories of Criminology;
6. Cavan -Criminology Part-I Omitting Chapter 2. Part II-full
7. Lombroso,Casare – Crime, its cause and remedies
8. Different Reports published by government of India form time to time
9. Radzinowicz and Turner - Moral Approach to Criminal Law
10. Barnes and Tettors - New Horizons in Criminology



11. Minnhein - Pioneers in Criminology
12. Ahmad Siddique, Criminology-Problems and Perspectives
13. Prof N.V.Paranjape- Criminology and Penology with Victimology, Central Law Publications
14. Katherine S. Williams- Text Book on Criminology, Oxford
15. Dr.N.Maheshwara Swamy - Criminology and Criminal Justice System, Adia Law House
16. Upendra Baxi - The Crisis of the Indian Legal System,Vikas Publishing House
17. K.D.Gaur(ed.) - Criminal Law and Criminology, Deep and Deep Publications

### **THIRD SEMESTER**

#### **COMPULSORY COURSE (CC-07)**

#### **HUMAN RIGHTS**

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

On successful completion of the course, students will have an in-depth knowledge and understanding of the International Human Rights framework, its origins and justifying theories and will demonstrate capacity to assess how specific human rights may be asserted, enforced or violated. It will also help them in critically evaluating the relationship between international and domestic law on human rights. The Course will provide detailed knowledge on the working of different Institutions in India established for the protection of human rights.

##### **Learning Outcomes:**

After studying the subject, the students will be able to understand the concept of Human rights and its importance. Students will also be able to gain an in depth knowledge about the rights of Transgender, HIV patients. Students will also understand the concept of reproductive autonomy, Interface of Technology and Reproductive rights.

The following syllabus will be spread over a period of one semester.

##### **Unit I - Human Rights:**

- Indian Perspective of Human Rights

- International Perspective of Human Rights
- European Concept of Human Rights

#### **Unit II - Human Rights and its changing perspective:**

- Trade
- Health
- Employment

#### **Unit III - United Nations Program on HIV/AIDS (UNAIDS):**

- Its perspective of Human Rights
- Goal of UNAIDS
- International Guidelines on HIV/AIDS and Human Rights.
- The Human Immunodeficiency virus and Acquired Immune Deficiency Syndrome (Prevention and Control) Act, 2017 with regard to protection of Human Rights

#### **Unit IV - Human rights and Transgenders' Rights:**

- Gender identity and Trans rights – Concept
- Human Rights violation of Transgender Persons
- The Transgender Persons (Protection of Rights) Act, 2019
- Welfare schemes for Transgender Persons in India

#### **Unit V - Human Rights and Reproductive rights:**

- Sexual Rights of women in India
- Privacy and Reproductive autonomy
- CEDAW (relevant provisions)
- Interface of Technology and Reproductive rights - PCPNDT Act (Relevant Provisions), ART, Surrogacy
- Prospective future

#### **Suggested Readings:**

1. Transgender Rights as Human Rights, Tia Powell, MD, Sophia Shapiro, MD, and Ed Stein, JD, PhD, AMA J Ethics. 2016; 18(11):1126-1131.
2. Protecting Human Rights Of Transgender Persons, A short guide to legal gender recognition
3. International Human Rights and Women's Reproductive Health, Rebecca J. Cook, Studies in Family Planning, Vol. 24, No. 2 (Mar. - Apr., 1993), pp. 73-86 (14 pages), published by Population Council.
4. The Human Immunodeficiency Virus And Acquired Immune Deficiency Syndrome (Prevention And Control) Act, 2017 (Bare Act)
5. The Transgender Persons (Protection Of Rights) Act, 2019 (Bare Act)
6. International Guidelines on HIV/AIDS and Human Rights 2006 Consolidated Version

**COMPULSORY COURSE: - CC - 08**

**LEGAL EDUCATION AND RESEARCH METHODOLOGY – PART II**

**It includes submission of SOCIOL LEGAL RESEARCH PROJECT, Viva Voce and law teaching.**

<b>Sr. No.</b>	<b>Activity</b>	<b>Credits</b>
1.	Project Report External Exam	2
2.	Viva Voce External Exam	1
3.	Law Teaching External Exam	1
	Total	4

**GUIDELINES FOR SOCIO-LEGAL RESEARCH:**

A. Research scholars are required to follow the steps given below for preparation of Socio-Legal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Universe
    - Population
    - Sample and Sample size
    - Sampling Method
  - iii) Method of Data Collection
  - iv) Sources of Data Collection
  - v) Tools of Data collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

B. Socio-Legal Research shall have the following structure:

- Cover
- Cover page
- Certificate

- Acknowledgement
- List of Case Laws.
- List of Tables
- List of Maps
- Abbreviations
- Contents

Chapter I Theoretical Background

Chapter II Research Methodology (As given in A)

Chapter III Analysis and Interpretation of Data

Chapter IV Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

1. Interview Schedules / Questionnaires
2. Master Charts
3. Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Socio-Legal Research:

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem
- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study

- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing
- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases
- 18) Abbreviation

### **LAW TEACHING (1 credit)**

For Law Teaching, topics will be assigned to students in advance and they will be required to take a Lecture (class) for 30 minutes for LL.B or LL.M. Courses. They can select any one of the methods of teaching and the practical examination will be held in the Third Semester.

### **GROUP A: INTERNATIONAL LAW**

#### **OPTIONAL CORE COURSE (OCC- A- 05)**

#### **PRIVATE INTERNATIONAL LAW**

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

The objective of the Course is to provide an all-encompassing knowledge of the subject and various important concepts associated with it to make the students understand intricacies of Private International Law.

#### **Learning Outcomes:**

After successful completion of this course students will be able to to gain thorough and contextual knowledge of the Genesis of Private International Law and comity of nations as Foundation of Private International Law. Critically examine the Consecutive stages in conflicts and law proceedings.

Determine the jurisdiction of Courts and understand the concept of Domicile and Nationality. Appraise the relevance of Family Law with respect to Marriages, Adoption, Guardianship and Custody. Demonstrate the ability to apply Law of Property, Insolvency, Succession and Law of Contractual Obligations and tortious liability.

#### **Unit I - Scope and Nature of Private International Law:**

- Genesis: Theories of Private International Law
- Comity of Nations as Foundation of Private International Law

#### **Unit II- Consecutive stages in conflicts, law proceedings, characterization, Renvoi and Choice of Law**

#### **Unit III - Jurisdiction:**

- Jurisdiction of Courts
- Domicile and Nationality
- Transnational Disclosures
- Stay of suits and forum convenience clauses

#### **Unit IV - Exclusion of Foreign Law and Sovereign Immunity:**

- Recognition and Enforcement of Foreign Judgment and Decrees
- Foreign Arbitral Awards
- International Treaties and Foreign Court Judgments

#### **Unit V - Family Law:**

- Marriages
- Matrimonial Causes
- Legitimacy and Legitimization
- Adoption
- Guardianship and Custody

#### **Unit VI - Law of Property:**

- Movable and Immovable Property
- Transfer of Tangible Movables
- Assignment of Intangible Movables

- Insolvency
- Succession

### **Unit VII - Law of Obligations:**

- Contracts
- Non-Contractual Obligations
- Torts

### **Suggested Reading:**

- 1) Dicey - Conflict of Laws
- 2) Cheshire - Private International Law
- 3) Paras Diwan - Private International Law, Indian & English
- 4) Dr.F.E.Noronha - Private International Law in India,Universal Law Publishing Co.
- 5) Ruth Hayward - Conflict of Laws,Cavendish Publishing

## **OPTIONAL CORE COURSE (OCC- A-06)**

### **INTERNATIONAL CRIMINAL LAW - I**

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

The objective of the Course is to make the students aware about the meaning, development and fundamentals of International Criminal Law and as well to make them understand the enforcement mechanism associated with Criminal Law at the International Level.

#### **Learning Outcomes:**

After successful completion of this course students will be able to a reflective understanding of the historical Development of the Concept of International Criminal Law. Analyse the Individual Criminal Responsibility and Attain in depth knowledge of Sources of International Criminal Law. Critically examine the Relationship of ICC with United Nations and the role of India in availing the jurisdiction of ICC. Appraise the Nature of War Crimes and its relationship between between the Offence and Armed conflict and assess the Constitutive Elements of the Crime against Humanity.

#### **Unit I - Introduction:**



- Definition and Meaning of International Criminal Law.
- Historical Development of the Concept of International Criminal Law

## **Unit II - Fundamentals of International Criminal Law:**

- Notion of International Crimes.
- Individual Criminal Responsibility and Sources of International Criminal Law

## **Unit III - Enforcement of International Criminal Law:**

- Nuremberg and Tokyo Trials
- Ad hoc Tribunals: Yugoslavia and Rwanda Tribunals
- Contribution Ad hoc Tribunals in developing Individual Criminal Responsibility

## **Unit IV - International Criminal Court:**

- Evolution of International Criminal Court
- Rome Statute of International Criminal Court, 1998: Structure, Jurisdiction and Working of ICC
- Relationship of ICC with United Nations
- Indian Perspective on ICC

## **Unit V - War Crimes:**

- Nature of War Crimes, Link between the Offence and Armed conflict
- War Crimes in Internal Armed Conflicts.

## **Unit VI - Crimes against Humanity:**

- Evolutionary Growth of the Concept of Crimes against Humanity
- Constitutive Elements of the Crime against Humanity

## **Suggested Readings:**

1. Cassese, Antonio - International Criminal Law, Oxford University Press, London
2. Schabas, William A. - An Introduction to the International Criminal Court, Cambridge University Press, Cambridge
3. Ilias Bantekas - International Criminal Law, Hart Publishing

4. Antonio Cassese - International Criminal Law: Cases and Commentary, OUP

5. William A. Schabas and Nadia Bernaz, Routledge - Handbook of International Criminal Law, Routledge,

## **GROUP B: CONSTITUTIONAL AND ADMINISTRATIVE LAW**

### **OPTIONAL CORE COURSE (OCC- B-05)**

#### **JUDICIAL CONTROL OF ADMINISTRATIVE POWERS**

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

The objective of the course is to make the students understand the necessity of control mechanism over the administrative powers and as well to study in detail the various modes of control by the judiciary which are routinely dealt with like writs, SLP, PIL, etc. The course also provides a comprehensive understanding of the principles of natural Justice, as cardinal principles of limitation to induce fairness in decision making.

##### **Learning Outcomes:**

The students will get an insight on the Principles of Natural Justice, the manner in which judiciary limits and controls the administrative and discretionary powers. The students will get a clarity on the distinction between ordinary and constitutional remedies.

**N.B: Students are expected to be familiar with relevant principles of Administrative Law of-UK, USA and France.**

##### **Unit I - Judicial Control of Administrative Powers through Writs:**

- Court as the Primary instrument of control of administrative action
- Writ Jurisdiction of the High Courts and the Supreme Court
- Conditions necessary for the exercise of writ jurisdiction
- Public policy restraints on the exercise of power of judicial review under Arts 32 and 226, exhaustion of remedies, Laches
- Public Interest Litigation, Doctrine of Locus Standi and Compensatory Justice

- Special Leave to Appeal to the Supreme Court and High Court & its Power of Superintendence.

## **Unit II - Natural justice:**

- Historical Development of the Concept of Natural Justice
- Principles of Natural Justice
- Essentials of Fair Hearing
- Bias and Personal Interest
- Failure of Natural Justice
- Legitimate Expectation - Good Faith doctrine etc.

## **Unit III - Ordinary Remedies:**

- Distinction between ordinary remedies and remedies under Arts 32 and 226
- Declaratory Judgments and Injunctions
- Specific Performance and Civil Suits for Compensation against Government and public authorities

## **Unit IV - Exclusion of Judicial Review and Ouster Clause:**

- Formula of Exclusion clause or ouster clause
- Scope of ouster clause
- Non-compliance with statutory provisions

## **Unit V - Judicial Control of Discretionary Powers:**

- Scope and Extent of Judicial Review in Discretionary Powers
- Grounds for control of administrative discretion, Duty to give reasons
- Surrender or abdication of discretionary power
- Non-compliance with Procedural Requirements
- Administrative Discrimination
- Limiting and Structuring Discretion

## **Suggested Readings:**

- 1) M.P. Jain and S.M. Jain - Principles of Administrative Law
- 2) M.P. Jain - Cases and Material on Administrative Law in India, Wadhwa

- 3) H.W.R. Wade - Administrative Law
- 4) S.P. Sathe - Administrative Law in India
- 5) I.P. Massey - Administrative Law
- 6) B.L. Hansaria - Writ Jurisdiction under the Constitution
- 7) S.P. Sathe - Right to Know (1991) Tripathi
- 8) Basu D.D. - Administrative Law
- 9) Harra- Public Interest Litigation
- 10) M.P. Jain - Treatise on Administrative law

### **OPTIONAL CORE COURSE (OCC- B-06)**

#### **DISCRIMINATION, SUBSTANTIVE EQUALITY AND AFFIRMATIVE ACTION**

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

The objective of the course is to provide an all-round knowledge of the cardinal concepts of Discrimination, Equality and Affirmative Action. The course provides for the intricate study of each of the concept by understanding its development in the Indian Scenario. The Course also highlights the study and importance of the concept of Transformative Constitution.

##### **Learning Outcomes:**

The course will provide an in-depth understanding to the students about important concepts like Discrimination, Equality and Affirmative Action and also develop a comprehensive understanding of these concepts vis-à-vis Indian Constitution. The students will also understand the importance of the transformative nature of The Indian Constitution.

##### **Unit I – Discrimination:**

- Meaning and concept of Discrimination
- Types of Discrimination
- Discrimination and Exclusion in India:
  - i) Caste

- ii) Gender
- iii) Sex
- iv) Disability

## **Unit II - Equality:**

- Equality Code under the Constitution (Art.14 to 18)
- Doctrine of Reasonable Classification
- Equality and Non- Arbitrariness
- Non -Discrimination and Anti-Discrimination Provisions under the Constitution of India

## **Unit III - Substantive Equality:**

- Meaning and Concept of Substantive Equality
- From Formal Equality to Substantive Equality
- Substantive Equality and Courts in India

## **Unit IV - Affirmative Action:**

- Meaning and Concept of Affirmative Action
- Indian Constitution and Affirmative Action:
  - i) Caste
  - ii) Gender
- Judicial Stance and Affirmative Action
- Relation between Affirmative Action and Substantive Equality
- Affirmative Action and Reverse Discrimination in India

## **Unit V - Transformative Constitutionalism:**

- Origin and Concept of Transformative Constitutionalism
- Approaches to Constitutional Interpretation:
  - Conservative Approach
  - Transformative Approach
- Indian Judiciary and Transformative Constitution
- Challenges to Transformative Constitutionalism in India

## **Suggested Readings:**

- 1) Ashwini Deshpande - Affirmative Action in India, Oxford University Press
- 2) Arvind Sharma - Reservation and Affirmative Action: Models on Social Integration in India and the United States, Sage Publications
- 3) D. D. Basu- Introduction to the Constitution of India, Lexis-Nexis, New Delhi
- 4) Gautam Bhatia - The Transformative Constitution: A Radical Biography in Nine Acts, Harper Collins
- 5) M.P. Jain- Indian Constitutional Law, Lexis Nexis
- 6) Sandra Freidman- Substantive Equality Revisited, International Journal of Constitutional Law

## **GROUP C: INTELLECTUAL PROPERTY LAWS**

### **OPTIONAL CORE COURSE (OCC- C-05)**

#### **INTELLECTUAL PROPERTY RIGHTS – CONTEMPORARY TRENDS IN INDIA**

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

The scope of intellectual property is expanding very fast and attempts are being made by persons who create ideas to seek protection under the umbrella of intellectual property rights. The course aims to analyze the emerging issues involved in technology, culture, environment and corporate world using Intellectual Property Rights in a structured way.

##### **Learning Outcomes:**

On successful completion of this course the student will be able know the contemporary trends of IPR in India. This will help to distinguish and explain the IPR trends in Technology. It will help in understanding IPR and environment its co-relation. It will further enable in making connection of IPR with corporate aspect and cultural rights.

##### **Unit I- IPR And Technology:**

- Software Patents
- Software Licensing
- Biotechnology and IPR
- Plagiarism and copyright Issues

- Domain Name Protection
- Open-Source Technologies and IPR

#### **Unit II- IPR and Environment:**

- Biological Diversity and IPR
- Protection of Plant varieties and Farmers Rights
- IPR and Indian Agricultural Issues
- GMO and IPR

#### **Unit III - IPR and Corporate Aspect:**

- Undisclosed Information and Trade Secrets
- Corporation's Right to Privacy
- IPR and electronic Commerce
- Non-Disclosure Agreement

#### **Unit IV- IPR and Cultural Rights:**

- IPR and Socio, Economic and Cultural Rights – Conflicts and Convergences
- IPR and Cultural Relativism with reference to Traditional Knowledge
- Right to Privacy and Confidentiality

#### **Suggested Readings:**

1. Cornish, W.R.- Intellectual Property Second Indian Reprint, Universal Book Traders, Delhi.
2. Vashishtha - Law and Practice of Intellectual Property in India
3. P. Narayanan- Intellectual Property

### **OPTIONAL CORE COURSE (OCC- C-06)**

#### **NEW FORMS OF IPR IN CONTEMPORARY ERA**

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

This course is aimed at familiarizing students about the new trends in IPR such as Non-Conventional Trademarks, Celebrity Rights, Traditional Knowledge and emerging forms of domain names.

### **Learning Outcomes:**

On successful completion of this course the student will be able know the new forms of Intellectual properties in contemporary. This will help in explaining and distinguishing how and under which head sound mark, taste mark, smell mark will get protection under relevant provision of Trademark Law. It makes student familiarized with the concept of celebrity rights and its legal recognition. This will help in understanding current and emerging issues relating to the intellectual property protection, including those relating to indigenous knowledge or culture, information technology especially the distribution of material on the internet, biotechnology and international trade.

### **Unit I- Non-Conventional Trademarks in contemporary era:**

- Meaning of non-conventional Trademark
- Difference between conventional and Non-conventional Trademark
- Forms of Non- Conventional Trademarks- Color, sound, shape of goods, smell, motion, taste, touch/ texture and hologram marks
- Relevant provision of Trademark law for the protection of non-conventional Trademark
- Relevant cases on Nonconventional Trademarks

### **Unit II- Celebrity rights/ Publicity rights in contemporary world: Protection under IPR:**

- The meaning and concept of celebrity rights
- Legal recognition of publicity rights in other countries
- Relevant cases on Celebrity rights/ Publicity rights
- Celebrity rights in India: Issues and challenges

### **Unit III- Traditional Knowledge and Traditional Cultural Expressions:**

- Meaning of TK and TCE's as an IP
- Rationale for protection
- Issues and challenges
- Relevant cases

### **Unit IV- Emerging trend of Domain names as a form of Intellectual Property:**

- Domain name as an IP



- Law protecting domain names
- Domain name disputes
- Issues and challenges

**Suggested Readings: -**

1. W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell
2. Anastasia Drntrieva - Legal bounds for non-conventional trademarks, Lambers Academic Publication
3. Ramesh Chandra- Issues of intellectual property rights, Gyan book pvt ltd
4. Intellectual Property and Genetic Resources Traditional Knowledge and Traditional Cultural Expressions Prepared for publication by Wipo, World Intellectual Property Organization
5. Paul Kuruk - Intellectual Property and Genetic Resources, Customary Laws and Intellectual Property, Edward Elgar Publication
6. Anoop Kumar, An Insight into Law on Domain Name Dispute, Notion Press
7. Anoop Kumar - Domain Name Dispute Regulation: a Comparative Analysis, Lambert Academic publication

**GROUP D: BUSINESS LAWS**

**OPTIONAL CORE COURSE (OCC- D-05)**

**INTERNATIONAL TRADE LAW**

**Objective of the Course:**

The trade and commerce is increasingly globalizing. The knowledge of law relating to international trade is essential for corporate attorneys. This course introduces the students to the International Trade Laws and Regulations, the ways in which WTO has been shaping the International Trading world, India’s role and relevance in the multilateral trading represented by the WTO. The course also elaborates on the rules and conventions governing International Sale of Goods and exhaustively deals with finance and payment in International trade.

## **Learning Outcomes:**

On the completion of the course the students will be able to analyze the principles of WTO and its Dispute Settlement Mechanism. The students will also be equipped with an understanding of various agreements entered into under the auspices of the World Trade Organization and their importance in International trade relations, International Sale of goods transaction and allied matters thereto.

### **Unit I- Introduction to WTO:**

- World Trade Organisation – Origin, functions, Principles of WTO – MFN and National Treatment
- Special Trade Agreements –
  - i) Rules of origin: definition, where are rules of origin used, preferential rules of origin & non-preferential rules of origin
  - ii) TBT- need & objectives of the agreement & principles
  - iii) GATS – purpose, principles, modes of providing service
- WTO Dispute settlement mechanism

### **Unit II - Transnational Commercial Law:**

- Meaning and scope of Transnational Commercial Law
- Movement towards unification of international commercial laws
  - i) UNCTAD (trade agreements)
  - ii) UNCITRAL (meaning and applicability in international trade)
  - iii) International Chamber of Commerce Publications

### **Unit III – International Sale of Goods:**

- United Nations Convention on Contracts for the International Sale of Goods, 1980:
  - i) Formation of contract
  - ii) Performance of contract
  - iii) Acceptance and rejection of goods
  - iv) Frustration of contract
  - v) Vienna Convention on Contract for International Sale of Goods
- INCOTERMS – EXW, FCA, FAS, FOB, CIF, DPP
- Bills of Lading and other Shipping Documents, Documentary Credit and other Payment Arrangements, International Contracts Claims before National Courts

#### **Unit IV- Financing and Payment in International Trade:**

- Bill of Exchange –
  - i) Meaning of bills of exchange
  - ii) Nature of bills of exchange
  - iii) Foreign bills
  - iv) The UN Convention 1988 on International Bills of Exchange and Promissory Notes
- Letters of Credit –
  - i) Characteristics of Letters of Credit
  - ii) Kinds of Letters of Credit
  - iii) Frauds affecting letters of credit
- Bank guarantees and international factoring

#### **Unit V - Law and Policy on Trade - Indian Perspective:**

- Foreign Trade (Development and Regulation) Act, 1992 & FTP
- Special Economic Zones

#### **Suggested Readings:**

1. Francis Cherunilam - International Trade and Export Management, Himalaya publishing House
2. K Awasthappa, - International Business, Mc Graw Hill
3. Carole Murray, David Holloway, Schmitthoff's export trade: The Law & Practice of International Trade.
4. Raj Bhalla- International Trade Law: Theory and Practice, Lexis Publishing
5. Clive M. Schmitthoff, Schmitthoff & Export Trade
6. Stevens and Sons, London. Arun Goyal (ed.) - WTO in the New Millennium , Academy of Business Studies, New Delhi
7. Jayanta Bagchi- World Trade Organization: An Indian Perspective, Eastern Law House, Calcutta
8. A.K.Kaul -Guide to the WTO and GATT: Economics, Law and Politics, Kluwer Law International
9. B.C. Mitra - Law Relating to Bills of Lading and Charter party (Air, Land and Sea)

10. Debra P. Steger & Peter van den bossche, WTO dispute settlement, emerging practice and procedure

11. Harold J. Berman, Law of International Trade: Contract, Custom and Codification, Harvard International Review, Vol.6, No.3 (December1983), pp.44-46

12. P. M. Roth, Passing of Risk, The American Journal of Comparative Law, Vol. 27, No. 2/3, Unification of International Trade Law: UNCITRAL & First Decade (Spring - Summer, 1979), pp. 291-310

13. B. S. Chimni, “WTO Dispute Settlement and Sustainable Development”, World Wide Fund for Nature-India, Discussion Paper, May 1999

14. Nick Covelli, “Public International Law and Third Party Participation in WTO Panel Proceedings”, JWT, vol. 33, no. 2 (1999), p.125

**Websites:**

1. [www.wto.org](http://www.wto.org)

2. [www.iccwbo.org](http://www.iccwbo.org)

3. [www.unctad.org](http://www.unctad.org)

4. [www.uncitral.un.org](http://www.uncitral.un.org)

**OPTIONAL CORE COURSE (OCC- D-06)**

**INTERNATIONAL ECONOMIC LAW**

**Objective of the Course:**

This course is designed to provide the students with a knowledge and understanding of the institutions, rules and principles that underpin the contemporary international economic order. It will help the students to analyze the roles that multilateral institutions play in regulating crucial international economic relations concerned with foreign investment and finance.

**Learning Outcomes:**

During this course, the students will be introduced to the most significant bodies of rules and institutions involved in constructing and shaping the contemporary international economic order. The students will be able to explore the significant policy issues that arise in the development and implementation of international economic legal framework, the manner in which International Investment Disputes are settled and the interplay of Law and Investment in India.

### **Unit I- Introduction:**

- Meaning and Nature of International Economic Law
- Sources of International Economic Law.
- Changing Dimensions of International Economic Law

### **Unit II - International Economic Agencies:**

- International Monetary fund (IMF) –
  - i) Role and objectives
  - ii) Structure
  - iii) Resources
  - iv) Special Drawing Rights
  - v) Conditionality Clause
- International Bank for Reconstruction and Development (IBRD) -
  - i) Role and objectives
  - ii) Structure
  - iii) Resources
- World Bank –
  - i) Role and objectives
  - ii) Structure
  - iii) Resources
- IFC & IDA

### **Unit III - International Investment & settlement of Disputes:**

- Introduction to the trends of bilateral & multilateral Investment agreements
- Nature and scope of substantive rights of foreign investors under:
  - i) Bilateral Investor Promotion Agreement (BIPA)
  - ii) Multilateral Investment Guarantee Agency (MIGA)
- Dispute settlement mechanism under BITs- Investment arbitration under UNCITRAL & ICSID

#### **Unit IV - Law and policy on Investment: Indian Perspective:**

- Foreign Investment in India
- Foreign Exchange Management Act, 1999.
- Role of RBI and FIPB
- Current issues relating to FDI in India

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

1. Asif. H. Qureshi, M.J. Trebilcock and R. Howse -International Economic Law, Routledge
2. C.Raja Gopal -International Law from Below
3. R.A. Cases Economic Perspective in International Economic Law
4. Journal of International Economic Law
5. R.K.Jain- Foreign Trade Policy and Handbook of Procedures, CENTAX Law Publications Pvt. Ltd
6. Arun Goyal (ed.) - WTO in the New Millennium, Academy of Business Studies, New Delhi

#### **Websites:**

1. [www.wto.org](http://www.wto.org)
2. [www.imf.org](http://www.imf.org)
3. [www.unctad.org](http://www.unctad.org)
4. [www.worldbank.org](http://www.worldbank.org)
5. [www.finmin.nic.in](http://www.finmin.nic.in)

### **GROUP E – ENVIRONMENT LAWS**

#### **OPTIONAL CORE COURSE (OCC- E-05)**

#### **INTERNATIONAL ENVIRONMENT LAW AND GLOBAL ISSUES**

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

The objective of the Course is to provide an in depth understanding about the International Environmental Campaigns, Global Environmental Issues and their Impact. The Course will also help students to get a clear understanding about the Coastal Zone and Marine Environment.

### **Learning Outcomes:**

The students will be able to understand the reason behind the growth of international environmental law in international legal practice and will be able to reflect upon the wide arrays of treaties and the impact of global environmental issues.

### **Unit I - International Environmental Campaigns:**

- The United Nations Conference on Human Environment, 1972 (Stockholm Conference)
  - i) Framework of the Conference
  - ii) Aims and Objectives
  - iii) Concept of Sustainable Development:
    - Polluters Pay's Principle
    - Precautionary Principle
    - Concept of Equity: Inter-Generational Equity, Intra-Generational Equity
  
- The United Nations Conference on Environment and Development, (UNCED) (Earth Summit 1992)
  - i) Framework of the Conference
  - ii) Aims and Objectives
  - iii) Earth Charter or Rio Declaration
  - iv) Agenda 21: Blue Print for action in 21st Century
  - v) Earth Summit Plus Five
  
- The Johannesburg Declaration on Sustainable Development, 2002
  - i) Framework of the Declaration
  - ii) Aims and Objectives
  - iii) From Stockholm to Rio De Janeiro to Johannesburg
  
- World Charter for Nature 1982
  
- UN Conference on Sustainable Development 2012

### **Unit II - Other Major International Environmental Arrangements:**

- Kyoto Conference and Pact on Global Warming, 1997, and onwards
- Noordwijk Declaration on Climate change, 1989
- Helsinki Declaration on the Protection of Ozone Layer, 1989
- Basel Convention, 1989
- Nairobi Declaration, 1982

### **Unit III - Environmental Obligations:**

- International Financing Policy – The Role of World Bank
  - i) Global Environment Facility
  - ii) World Environment Fund
- United Nations Organisation and Environment
- Millennium Development Goals 2000

### **Unit IV - Global Environmental Issues and their Impact:**

- Global Warming
- Oil Pollution
- Ozone Layer Depletion
- Green House Effect
- Acid Rain

### **Unit V - Coastal Zone and Marine Environment:**

- CRZ Notifications
- Classification of Zones
- Coastal Zone Management Plans and Implementation
- Marine Resources – Conservation and Exploitation
- Marine Pollutants : Sources and Impacts

### **Suggested Readings: -**

1. R. Rajagopalan - Environment and Ecology: A complete Guide, Lexis Nexis
2. Michael Silverstein - The Environmental Economic Revolution, Universal Law Publishing Co. Pvt. Ltd.
3. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
4. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.



5. Dr. SC Tripathi- Environmental Law, Central Law Publications
6. P. Leela Krishnan - Environmental Case Book, Lexis Nexis

### **OPTIONAL CORE COURSE (OCC- E-06)**

### **BIOLOGICAL DIVERSITY AND LEGAL ORDER**

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

The objective of the Course is to provide an in depth understanding about Biodiversity and its necessity, Laws, Policies and Measures for Biodiversity, Biodiversity and Ethical Issues and Conservation of Biodiversity.

#### **Learning Outcomes:**

The students will get well equipped with the concept of biodiversity, its conservation, sustainable use of its components and fair and equitable sharing of the benefits arising out of the use of biological resources.

#### **Unit I - Biodiversity and its necessity:**

- Definitions
- Meaning and Importance
- Role of Flora and Fauna in maintaining Biodiversity
- Threats to Biodiversity
- Need for protection of Biodiversity
- Biodiversity and Economic Valuation

#### **Unit II- Laws, Policies and Measures for Biodiversity:**

- Convention on Biological Diversity, 1992
- The Biological Diversity Act, 2002
- Protection of Plant Varieties and Farmers Right Act, 2001(relevant provisions only)
- The Geographical Indications (Regulation and Protection) Act, 1999 (relevant provisions only)

#### **Unit III - Biodiversity and Ethical Issues:**

- Utilization of flora for Bio-Medical purposes

- i) Cosmetic Plants
- ii) Medicinal Plants
  - Utilization of fauna/animals for Bio-Medical purposes
  - Genetic Mutation of Seeds
  - Experimentation on Animals
  - Genetically Modified Organisms
  - Genetic Engineering
  - Biodiversity and Intellectual Property Rights

#### **Unit IV - Biodiversity and Priority Sectors:**

- Sanctuaries
- Zoo and Parks
- Biosphere Reserves
- Protected Forest and Reserved Forests

#### **Unit V - Conservation of Biodiversity:**

- Role of NGO
- Role of Indigenous People
- Role of Media and Publications

#### **Suggested Readings:**

1. R. Rajagopalan - Environment and Ecology: A complete Guide, Lexis Nexis
2. Michael Silverstein - The Environmental Economic Revolution, Universal Law Publishing Co. Pvt. Ltd.
3. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
4. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.
5. Dr. SC Tripathi- Environmental Law, Central Law Publications
6. P. Leela Krishnan - Environmental Case Book, Lexis Nexis
7. Biological diversity Dr.Balvanth S. Kalaskar “ Role of International Forum in Protecting Traditional Knowledge”, 2012 PL May 41
8. Ashish Rana, Biotechnology and Trade Laws, 2004, PLWEBJOUR 1.

**GROUP F – LABOUR LAWS**  
**OPTIONAL CORE COURSE (OCC- F-05)**  
**SOCIAL SECURITY LEGISLATION - I**

**Objective of the Course:**

The objective of the Course is to provide an in depth understanding about the meaning and concept of social security, its Constitutional perspective and the Legislative framework for the same.

**Learning Outcomes:**

Students will know the development and judicial setup of labour laws. They will learn the salient features of welfare and Wage legislation and also to integrate the knowledge of labour law in general. Students will learn the laws relating to industrial relation, social security and working conditions and will learn the enquiry procedure and industrial discipline

**Unit I - Introduction:**

- Meaning and concept of social security
- Modality – social prescription, social assistance and social insurance
- Distinction with labour welfare.
- Theories of social security (labour welfare):
  - i. The paternalistic theory
  - ii. The placating theory
  - iii. The public relation theory
  - iv. The functional theory
  - v. The social theory

**Unit II - Constitutional perspectives:**

- Fundamental rights – realization of rights through meaningful social security measures
- Right to life - the wider dimensions
- Right to adequate means of livelihood, free legal aid, public assistance in cases of unemployment, old age, sickness and disablement

- Maternity relief benefits.
- Directive principles of state policy - instrumental in achieving social security

### **Unit III - The Employees Compensation Act 1923:**

- Employers' liability for compensation.
- Types of injuries covered.
- Amount of compensation in case of various injuries
- Payment of compensation
- Commissioner of workmen's compensation - his duties powers and procedure.

### **Unit IV - The Factories Act, 1948:**

- Applicability of the Act
- Powers of inspectors
- Health, safety and welfare measures
- Responsibility of the occupier in relation to hazardous processes
- Prohibition of employment of children
- Offences by workers
- Penalties, Procedure and Exemptions

### **Unit V - Employees Provident Fund Act, 1952:**

- Applicability of the Act.
- Authorities, their powers and functions
- Contribution to the fund
- Insurance scheme
- Pension scheme

### **Unit VI - Payment of Gratuity Act, 1972:**

- Concept of Gratuity
- Eligibility for Gratuity and amount payable under the Act.
- Nomination facility
- Duties of employer
- Procedure for settlement of disputes as to amounts
- Exemptions and penalties

- Enforcement machinery under this Act - powers and functions.

**Suggested Readings: -**

1. Dr.Vivek Bhattacharya- Social Security Measures in India.
- 2 Bakshi and Mitra- Workmen's Compensation Act and other Social Insurance Legislation.
3. K.D. Shrivastava- Commentaries on Employees State Insurance Act.
4. Larson- Workmen's Compensation Law.
5. Dr. C. B. Mamoria- Principles of Social Security.
6. V.R. Bhattacharya - Some Aspects of Social Security Measures in India
7. S.C.Shrivastava - Social Security and Labour Laws
8. R.N. Choudhary - Commentary on the Workmen's Compensation Act 1923, Orient.
9. Munkman - Employer's Liability, Chp. 1,2,3,22 and 23.
10. Harry Calver - Social Security Laws

**OPTIONAL CORE COURSE (OCC- F-06)**

**SOCIAL SECURITY LEGISLATION - II**

**THE OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020:**

**Objective of the Course:**

The objective of the Course is to provide an in depth understanding about the Occupational Safety And Health, Adequate safety of employment of women in dangerous operation, Approval and licensing of factories etc.

**Learning Outcomes:**

After the completion of the course the student will be able to understand what are employers responsibilities related to health and safety at workplace and also employee's responsibility for the same .Will understand the mechanism of enforcement of health and safety legislations in India and how the actual enforcement of the act takes place. Will acquire comprehensive knowledge about

measures to be taken for safety, health and welfare of the labourers. Will gain knowledge of the terms and condition exclusive for women under the Maternity Benefit Act 1961.

### **Unit I – Introduction:**

- Registration Of Factories
- Duties Of Employer And Employees, Etc.
  - i) Duties of employer
  - ii) Duties and responsibilities of owner, agent and manager in relation to mines.
  - iii) Duties of designers, manufacturers, importers or suppliers
  - iv) Duties of architect, Project engineer and Designer
  - v) Notice of certain accident
  - vi) Notice of certain dangerous occurrences.
  - vii) Notice of certain diseases
  - viii) Duty not to interfere with or misuse things.

### **Unit II - The Occupational Safety, Health And Working Conditions Code, 2020: Special Provision Relating To Employment Of Women:**

- Employment of women.
- Adequate safety of employment of women in dangerous operation

### **Unit III- Factories:**

- Approval and licensing of factories.
- Liability of owner of premises in certain circumstances.
- Power to apply Code to certain premises
- Dangerous operations.
- Compulsory disclosure of information by occupier
- Specific responsibility of the occupier in relation to hazardous processes.
- National Board to inquire into certain situations.
- Emergency standards
- Permissible limits of exposure of chemicals and toxic substances.
- Right of workers to warn about imminent danger.
- Appeal against the order of Inspector cum Facilitator in case of factory

### **Unit IV - Occupational Safety And Health:**

- National Occupational Safety and Health Advisory Board
- State Occupational Safety and Health Advisory Board
- Occupational safety and health standards
- Safety and occupational health surveys
- Responsibility of employer for maintaining health, safety and working conditions
- Welfare facilities in the establishment, etc.

### **Suggested Readings:**

1. S.N. Misra - Labour & Industrial Laws (With Latest Amendments) by Part 9 Chapter III – IV – V
2. Occupational Health & Safety vs Union Of India & Ors on 31 January, 2014. WRIT PETITION (CIVIL) NO.79 OF 2005
3. K.Vittala Rao, - Labour Reforms and Labour Codes in India, Niruta Publication
4. S.N. Misra -CLP's Labour & Industrial Laws (With Latest Amendments), Chapter 1 part 14
5. Air India v Nargesh Meerza (AIR 1981 SC 1829)
6. Vishaka & Ors vs State Of Rajasthan & Ors on 13 August, 1997
7. Dr Pooja Jignesh Doshi v. The State of Maharashtra and Another [Writ Petition No. 1665 of 2015, decided on 3 July 2019
8. Ardeshir vs. State of Bombay, AIR 1962, S.C.29,
9. New Taj Mahal Cafe Ltd. Mangalore vs. Inspector of Factories, Mangalore, (1950) I.LLJ,273
10. D.C. & G. Mills Co. V. Chief Commr. Delhi – AIR 1971 SC 344

## **GROUP G – CRIMINAL LAWS**

### **OPTIONAL CORE COURSE (OCC- G-05)**

#### **CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS**

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

The objective of the Course is to provide an in depth understanding about the concept of Human rights, the efficacy of the Legal framework in India in protecting the rights of marginalized and

vulnerable groups of the society. The students will be able to identify the key role of various Commissions, NGO's and other Institutions in upholding the Human Rights of an accused.

### **Learning Outcomes:**

After studying the subject, the students will be able to understand the meaning and nature of Human Rights, role of Courts in Dispensing Criminal Justice, Role of different Commissions, NGOs in protecting the Human rights. This subject will help the students to form an informed opinion about the efficacy of existing legal framework in protecting the Human rights of marginalized people. Students will be able to critically evaluate the Criminal Justice System from Human Rights perspective.

### **Unit I - Introduction:**

- Meaning and Nature of Human Rights
- Human Rights and the United Nations Charter
- Primary Aims of Criminal Justice System
- Objects of Criminal Trial
- Cardinal Principle in Administration of Criminal Justice
- Human Rights in the Criminal Justice System
- Human Rights and Administration of Criminal Justice

### **Unit II - Human Rights and Role of Criminal Courts:**

- Role of Courts in Dispensing Criminal Justice
- Delay in Trial of Criminal Cases- Remedial Measures
- Stay of Criminal case pending Civil Case
- High Courts Jurisdiction to direct impleadment of a person as accused
- Victim and Criminal Justice System
- Award of Compensation by Criminal Courts

### **Unit III - Criminal Liability and Human Rights of Vulnerable Group:**

- Violence against Women and Human Rights
- Violence against Children: Criminal Justice Norms and Strategies
- Police atrocities and Human Rights
- Custodial Torture and Human Rights

### **Unit IV - Contemporary Issue and Criminal Justice System:**



- Dispensation of Justice and rights of persons with Disabilities
- Corruption in Public life and Its Criminological Implications
- Role of Criminal Law in Protecting the Environment

#### **Unit V - Protection of Human Rights in Criminal Justice:**

- Protection from double jeopardy
- Self- incrimination
- Production before magistrate from police custody
- Fair trial
- Speedy trial
- Representation
- Appeal
- Protection from ex- post facto laws
- Legal aid
- Compensation and Rehabilitation.

#### **Unit VI - Administration of criminal Justice System:**

- Ordinary Courts, Special Courts
- District & State Human Rights Courts
- International Criminal Court

#### **Unit VII - Role of various Protection Agencies/Institutions:**

- National Human Rights Commission
- State Human Rights Commissions.
- Human Rights Courts
- Other Commissions.

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

1. K.D.Gaur - Criminal Law and Criminology, Deep and Deep Publications,
2. Justice Palok Basu - Law Relating to Protection of Human Rights, Modern Law Publications, New Delhi,

3. Agarwal - H.O. Implementation of Human Rights Covenants with Special Reference to India (New Delhi: D.K. Publishers
4. Aroras, Nirman - "Custodial torture in Police Stations in India: A Radical Assessment", Journal of Indian Law Institute, vol.41, nos.3, and 4, 1999
5. Bajwa, G.S. and D.K. Bajwa -Human Rights in India: Implementation and Violations, New Delhi: D.K. Publishers,
6. Baxi, Upendra - "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998
7. Bhargava, G.S. - "National Human Rights Commission: An Assessment of Its Functioning", in K.P. Saksena, Human Rights: Fifty Years of India's Independence, New Delhi: Gyan Publishing House,
8. Amnesty International, "Campaign for the Abolition of Torture", Philosophy and Science Action, vol.5, nos. 3-4 1984
9. Aroras, Nirman - "Custodial Torture in Police Station in India: A Radical Assessment", Journal of Indian Law Institute, vol. 41,nos.3 and 4, 1999
10. Bag, R.K.- "Domestic Violence and Crime Against Women:  
11. Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997
12. Batra, Manjula - Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System, New Delhi: Deep and Deep,
13. Bava, Noorjahan - Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House,
14. Bhagwati, P.N. - " Human Rights in the Criminal Justice System ", Journal of the Indian Law Institute, vol. 27, no.1, 1985
15. Blackshield, A.R. - "Capital Punishment in India ", Journal of Indian Law Institute vol. 21 no.2, 1979
16. Burgers, J.H.- "The Fights against Torture ", International Commission of Jurists, no.32, 1984
17. Jaswal, P.S. and N. Jaswal - "Right to Personal Liberty and Handcuffing: Some Observations", Journal of the Indian Law Institute, vol.33, no.2, April- June 1991

18. Sharma, S.C., Police and Human Rights

19. Upadhyay, C.M.- Human Rights in Pre-trial Detention

### **OPTIONAL CORE COURSE (OCC- G-06)**

#### **CRIMINAL LAW – INTERNATIONAL PERSPECTIVE**

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

The objective of the Course is to provide an in depth understanding about the Aims of International Criminal Justice, Objectives of International Criminal law, Sources of International Criminal law, Elements of International Crimes, General Principles of International Criminal Law, International Criminal Tribunals and its working.

##### **Learning Outcomes:**

After studying the subject, the students will be able to understand the sources and development of International Criminal Law. Students will also study different International crimes and the elements of these International crimes, different Principles of International Criminal Law, role of International Criminal Law in delivering justice in the case of International crimes . This subject will also give the students an in depth knowledge about different International Criminal Tribunals and their working.

##### **Unit I - Introduction to International Criminal Law:**

- Aims of International Criminal Justice
- Objectives of International Criminal law
- Sources of International Criminal law
- Individual Criminal responsibility -
  - i) Evolution of the concept
  - ii) Treaty of Versailles
  - iii) International Military Tribunals
  - iv) Genocide Convention
  - v) Geneva Convention
  - vi) ICTY, ICTR and ICC

## **Unit II- Core Elements of International Crimes:**

- Genocide
- Crimes against Humanity
- War Crimes
- Crime of Aggression
- Transnational Crimes
- Terrorism and Torture

## **Unit III - General Principles of International Criminal Law:**

- State Sovereignty
- Principle of Legality
- Principle of Ne-bis-in-idem
- Modes of Criminal Responsibility
- Principle of Aut dedere aut judicare
- Defenses before International Criminal Tribunal

## **Unit IV- International Criminal Tribunals:**

- Ad hoc Tribunals
- Hybrid Tribunals
- International Criminal Court:
  - i) Rome Statute
  - ii) Study of structure
  - iii) Composition
  - iv) Procedure and Jurisdiction of ICC
  - v) Principle of complementarity

## **Unit V - International Criminal law and International Criminal Justice: Challenges and Future possibilities:**

- Rights of Witnesses
- Reparations to Victims
- State co-operation
- India and International Criminal Law

### **Suggested Readings: -**

- Antonio Cassese - International Criminal Law (Oxford University Press: New York)
- M. Cherif Bassiouni - Introduction to International Criminal Law, Martinus Nijhoff Publishers
- William A. Schabas -The International Criminal Court – A Commentary on the Rome Statute, Oxford University Press
- William A. Schabas - An Introduction to International Criminal Court, Cambridge University Press
- An Introduction to International Criminal Law and Procedure by Robert Cryer (Author), Darryl Robinson (Author), Sergey Vasiliev (Author), Cambridge University Press

## **ELECTIVES**

### **ELECTIVE CORE COURSE (ECC- 01)**

#### **LAW, SCIENCE AND TECHNOLOGY**

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

The Course will develop an understanding of various innovations, inventions and development in Law, Science, Technology and its impact on Human Life. It will also give an in-depth knowledge of various developments in Medical Science And Information Technology and its inter-relation with law.

#### **Learning Outcomes:**

On successfully completing the module students will be able to demonstrate an understanding of literature related to science and technology and its applicability to legal studies and Critically analyze the making of scientific and legal facts in specific contexts.

#### **Unit I – Introduction:**

- Development and Growth of Science and Technology and its impact on human life
- Nexus between Law, Science and Technology
- Role and Functions of Law towards the protection and growth of technology

#### **Unit II - Information Technology and Law:**

- Concept and meaning of cyber Law, Cyber Space, Cyber Matrix
- Development of Cyber Law in India
- Information Technology Act, 2000
- Allied Legislations related to Information Technology
- Future Challenges

**Unit III- Law related to Medical Technology:**

- Assisted Reproductive Technology and Issues related to Surrogacy
- Cyber Forensic and Law
- Technology and Health Issues (Human Rights Issues and Intellectual Property Rights)

**Unit IV - Law related to Nuclear Technology:**

- Concept and meaning of Nuclear Technology
- Liability Issues and Nuclear Technology
- Regulation of International Trade in Nuclear material
- Legal Regime on Nuclear Technology in India

**Suggested Readings:**

- 1) Siddharth Mehta and Ashish Saraswat- Law and Technology, Singhal Law Publications
- 2) B.C. Nirmal and Ajendra Srivastava - Science, Technology and Law Reform, Satyam Law International
- 3) Dr. Lily Srivastava - Law Relating to Science and Technology, Thomson Reuters
- 4) Emilie Cloatre and Martyn Pickersgill - Knowledge, Technology and Law, Routledge Publication
- 5) Nishesh Sharma- Cyber Forensics in India: A Legal Perspective, Universal Law Publishing
- 6) N Sarma and B Banerjee- Nuclear Power in India, Rupa and Co.

**ELECTIVES**

**ELECTIVE CORE COURSE (ECC- 02)**

**WOMEN AND LAW**

## **Objective of the Course:**

The Course will help the students in understanding the status of Women in India and various legal provisions adopted by the legislature to improve the status of women. The students will also study various beneficial legislations in India for upliftment of social status of Women in India.

## **Learning Outcomes:**

On successfully completing the module students will be able to define and evaluate gender as a social construct. They will also be able to identify the ways gender, power, privilege, and oppression play out across a range of cultures and human experiences.

### **Unit I – Status of women – An overview:**

- Historical background and status of women in ancient India
- Constitutional Provisions and gender justice
- Relevant provisions relating to women in Directive Principles of State Policy and Fundamental Duties under the Indian Constitution

### **UNIT II - Women's rights – An International Perspective:**

- Position of Women under International instruments
- Salient features of Convention for Elimination of all forms of Discrimination Against Women (CEDAW)
- Convention on the Political Rights of Women, 1954

### **UNIT III - Women and Personal laws in India:**

- Laws relating to marriage, divorce, succession and maintenance under the relevant personal laws with special emphasis on discrimination against women
- Special Marriage Act, 1954
- Maintenance under Cr. P.C.

### **UNIT IV - Legislations to protect Women:**

- Indian Penal Code (Relevant provisions)
- Dowry Prohibition Act, 1961
- Immoral Traffic (Prevention) Act, 1956 (with recent amendments)
- Protection of Women from Domestic Violence Act, 2005

- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Criminal Law Amendment Act, 2013
- Criminal Law Amendment Act, 2018

#### **UNIT V - Women and Health:**

- Medical Termination of Pregnancy Act, 1971 (Amendment Act, 2022)
- Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex selection) Act, 1994
- Relevant provisions relating to Women under the Maternity Benefit Act, 1961 (with recent amendments)

#### **Unit VI - Enforcement mechanism to protect Women's rights:**

- NCW Cells
- Mahila Courts
- Bharosa cells
- All Women Police Station
- Legal cells

#### **Suggested Readings:**

1. S.P. Sathe: Towards Gender Justice.
2. Dr. Vijay Sharma: Protection to woman in Matrimonial home
3. Dr. Sarojini Saxena: Femijuris (Law relating to Women in India)
4. Dr. Archana Parsher: Women and Social Reform
5. Dr. Paras Diwan: Dowry and protection to married women
6. Mary Wollstonecraft: A Vindication of the rights of women
7. Dr. G.B.Reddy: Women and Law, Gogia Law Agency, Hyderabad
8. Dr. Anjali Hastak, Empowerment of women through Property Rights in Hindu Law, SPARC publication, Chandrapur
9. "In the Name of Justice: Women and Law in Society", Swapna Mukhopadhyay, Manohar, New Delhi



## **FOURTH SEMESTER**

### **COMPULSORY COURSE (CC – 09)**

#### **JUDICIAL PROCESS AND RULE OF LAW**

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

The objective of the Course is to provide an understanding about the role of judiciary in protecting the fundamental rights and constitutional values and also the importance of independence of judiciary and how it is protected by various constitutional and statutory provisions. It will also help in understanding the intricate balance between the competing values of Independence and Accountability of Judiciary and the concepts like Rule of Law, Separation of powers and their importance in the Constitution of India.

##### **Learning Outcomes:**

The students will get an insight on the importance and the role of judiciary in protecting the fundamental rights and constitutional values. The students will also learn about the concepts like Rule of Law, Separation of Powers and their importance in The Constitution of India.

The following syllabus will be spread over a period of one semester.

##### **Unit I - The Institution of the Judiciary:**

- Origins of the Institution of the judiciary
- Judiciary as guardian of Fundamental Rights and of Constitutional values
- Doctrine of separation of powers and concept of independence of the judiciary;  
Concept of Judicial accountability
- Appointment of Judges: Constitutional Provisions – Aspect of procedural fairness in the selection and appointment of Judges

##### **Unit II - Judicial Review:**

- Origin of the concept of Judicial Review: Marbury vs. Madison
- Nature and Scope of the power of Judicial review – Constitutional Provisions: Part III and Part IV; Original and Appellate jurisdictions of the Supreme Court and High Court; Similarities and differences between Articles 32 & 226/227
- Doctrines of Mootness, Ripeness and Political Question

### **Unit III - Doctrine of Precedent:**

- Nature of Precedent – Stare decisis, Ratio Decidendi and Obiter dicta
- Nature and scope of Judicial law making – Prudential and Democratic objections
- The Concept of Complete Justice under Article 142 of the Constitution as an exception to the Doctrine of Precedent
- Law declaratory role vs. Law constitutive role of the Judiciary

### **Unit IV - Rule of Law:**

- Nature, meaning and scope
- Formal concept of Rule of Law - Dicean Concept
- Dynamic application of Rule of law by the Courts in India
- Rule of law as a political and legal ideal

### **Suggested Readings: -**

1. A V Dicey: Introduction to the Law of the Constitution
2. HWR Wade: Administrative Law
3. Jain and Jain: Principles of Administrative Law
4. S P Sathe: Judicial Activism in India
5. Lloyd's Introduction to Jurisprudence, edited by MDA Freeman
6. Benjamin Cardozo: The Nature of Judicial Process
7. D D Basu: Constitutional Law
8. M P Jain: Indian Constitution
9. V N Shukla: Constitutional Law

**COMPULSORY COURSE: - CC - 10**

**DISSERTATION (04 CREDITS)**

Candidates are required to submit a dissertation of ATLEAST in the Range of 130-150 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The candidates will be examined at an oral examination (viva) on the strength of the Dissertation (written work.) The dissertation will carry 100 marks and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The viva exam will be held at the end of the semester. The Supervisor for Dissertation shall be the teaching member of the Dept. of Law and affiliated colleges where LL.M. courses are taught. The students will be assigned the topic for dissertation by their Supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation and original contribution of the candidate.

Written Work -75 Marks

Viva Voce - 25 Marks

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Total= 100 Marks

The students have to write their dissertations as per the guidelines of Research Methodology given below.

## GUIDELINES FOR DOCTRINAL RESEARCH

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
  - i) Nature/ Type of the study
  - ii) Method of Data Collection
  - iii) Sources of Data Collection
9. Limitations of Study
10. Time Schedule
11. Possible contribution of the study
12. Chapterisation

B. Doctrinal Research shall have the following structure:

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws

List of Tables

Abbreviations

Contents

INTRODUCTION

A. Theoretical Background

B. Research Methodology (As given in A)

Chapter I

Chapter II

Chapter III

Chapter IV

Major Findings, Conclusions and Suggestion.

Bibliography

(Books, Journals (Articles), Newspapers, Websites, Research Reports, Magazines. etc.)

Annexures:

Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Doctrinal Research:

1) Approval of the title

2) Collection of material

3) Review of literature

4) Problem

5) Objectives

- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Collection of Data
- 10) Analysis and Interpretation of data
- 11) Report Writing
- 12) Preparation of Bibliography
- 13) Preparation of List of cases
- 14) Abbreviation

## **GROUP A: INTERNATIONAL LAW**

### **OPTIONAL CORE COURSE –OCC A-07**

#### **INTERNATIONAL CRIMINAL LAW- II**

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

The objective of this Course is to provide in-depth understanding of various important concepts of International Criminal Law like Genocide, Crime against aggression etc. It also provides an understanding on various types of international crimes, the relation of status of crime in changing scenario of International Law with the state and as well the role of State in the enforcement of International Criminal Law.

#### **Learning Outcomes:**

After studying the subject, the students will be able to understand the sources and development of International Criminal Law. Students will also study different International crimes and the elements of these International crimes, different Principles of International Criminal Law, role of International Criminal Law in delivering justice in the case of International crimes . This subject will also give the students an in depth knowledge about different International Criminal

Tribunals and their working.

**Unit I - Genocide:**

- Notion of Genocide
- The 1948 Convention on Genocide

**Unit II- Crime against Peace/ Crime of Aggression:**

- Evolution of the Concept of Crime against Peace
- Contemporary Status of Crime of Aggression

**Unit III - Other International Crimes:**

- Meaning of the Concept of Other International Crimes such as Torture
- Transnational Organised Crimes and Terrorism

**Unit IV - Status of other International Crimes in the changing scenario and State:**

- Responsibility towards them

**Unit V - Modes of Criminal Liability:**

- Different Modes of Criminal Liability.
- Defences available against such criminal responsibility

**Unit VI - Jurisdiction:**

- Universal Jurisdiction
- International Jurisdiction
- National Jurisdiction

**Unit VII - State Co-operation, Enforcement of Sentences:**

- Role of State Co-operation in enforcement of International Criminal Law
- Future of International Criminal Law

**Suggested Readings:**

1. Cassese, Antonio - International Criminal Law, Oxford University Press, London
2. Schabas, William A. - An Introduction to the International Criminal Court, Cambridge University Press, Cambridge

3. Ilias Bantekas - International Criminal Law, Hart Publishing
4. Antonio Cassese - International Criminal Law: Cases and Commentary, OUP
5. William A. Schabas and Nadia Bernaz, Routledge Handbook of International Criminal Law, Routledge,

### **OPTIONAL CORE COURSE (OCC- A-08)**

#### **LAW OF COMMON HERITAGE OF MANKIND AND WARFARE**

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

The objective of this Course is to provide an understanding of the origin and development of Law related to Common Heritage of Mankind and Warfare by tracing its relation to concepts like Aerial Law, Law associated with Outer Space, Law associated with sea and warfare.

##### **Learning Outcomes:**

On successful completion of the course students will be able to demonstrate the Origin of the Principle and the relationship between the right to the Common Heritage of Mankind and Other Human Rights especially Third generation rights, establish the understanding of Right to the Common Heritage of Mankind versus Economy and Sustainable development.

##### **Unit I - Common Heritage of Mankind:**

- Origin of the Principle
- The Right to the Common Heritage of Mankind
- The Relationship Between the Right to the Common Heritage of Mankind and Other Human Rights
- The Common Heritage of Mankind, Humanitarian Intervention and Third generation rights
- Common Heritage of Mankind versus Economy
- Sustainable development and The Right to the Common Heritage of Mankind

##### **Unit II - Aerial Law:**

- Five freedoms of Air
- Conventions relating to Air space
- International Civil Aviation organization
- Air Piracy or Hijacking



- Drone laws in India

### **Unit III - International Outer Space Law:**

- Outer Space Treaty and Problem of Space Debris
- Moon Treaty; Unispace.
- Agreement on Rescue and Return of Astronauts
- Liability Convention
- Agreement on Registration of Space objects,
- Dispute settlement in outer space.

### **Unit IV - Laws of Sea:**

- The Legal Regime of the Seas
- Development of the Law of the Sea
- United Nations Convention on the Law of the Seas
- India's position on territorial waters
- Maritime Belt, Contiguous Zone, Continental Shelf, Exclusive Economic Zone
- The High Seas
- Land Locked States
- International Tribunal for the Law of the Sea

### **Unit V - Laws of Warfare:**

- Laws of Land warfare
- Laws of Naval warfare: Traditional principles of naval warfare, The Law of Neutrality in naval warfare.
- Laws of Air warfare
- Nuclear Warfare

### **Suggested Readings: -**

1. Kemal Baslar, "The Concept of the Common Heritage of Mankind in International Law". Dordrecht, The Netherlands: Martinus Nijhoff,
2. Poyoyo, Peter Bautista. Cries of the Sea: World Inequality, Sustainable Development and the Common Heritage of Humanity. Dordrecht, The Netherlands: Martinus Nijhoff,

3. Dupuy, Rene Jean, and Daniel Vignes, eds. A Handbook on the New Law of the Sea. Vol. 1. Dordrecht, The Netherlands: Martinus Nijhoff,
4. Woodhouse, Henry, "Textbook Of Aerial Laws and Regulations For Aerial Navigation, International, National and Municipal, Civil and Military"
5. Paul Stephen Dempsey; Ram S. Jakhu, "Routledge Handbook of Public Aviation Law" Publisher: Routledge,
6. Jerry Eichenberger, "General Aviation Law", Publisher: McGraw-Hill,
7. Dr Raja Mogili Amirisetty, "The Drone Law In India"
8. Francis Lyall and Paul B. Larsen, 'Space Law- A Treatise' Published by Routledge,
9. Fabio Tronchetti, "Fundamentals of Space Law and Policy", Published by Springer New York.
10. Mateusz Piątkowski, "A Brief History of the Law of Aerial Warfare"
11. Natalino Ronzitti, Gabriella Venturini, "The Law of Air Warfare: Contemporary Issues" Eleven International Publishing,
12. Morris Greenspan, "The Modern Law of Land Warfare" Published by University of California Press.
13. Matthew Stubbs, Dale Stephens, "The Law of Naval Warfare" Lexis Nexis Butterworths publication,
14. Geoffrey Darnton, "Nuclear Weapons and International Law"

## **GROUP B: CONSTITUTIONAL AND ADMINISTRATIVE LAW**

### **OPTIONAL CORE COURSE: - ( OCC- B - 07)**

#### **PUBLIC AUTHORITIES AND LIABILITY: CONTROLS ON MALADMINISTRATION**

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

The objective of the Course to make the students aware about the importance of informed citizenry and an open and transparent government. It also highlights the role played by the Internal control mechanisms like Ombudsman and CVC to control maladministration. The course as well provides for a comparative understanding of Right to Information between USA, UK and India and also helps in understanding the functioning of the Public Undertakings and Corporations and various controls exercised over them.

### **Learning Outcomes:**

The students will develop an understanding on important topics such as liability of the government, various privileges of the government in legal proceedings and nature and characteristics of Tribunals. The students will also develop a comparative understanding of Right to Information of India, USA and UK.

### **Unit I - Liability of Government:**

- Liability of Government and Public Authorities in Torts and Contract; Promissory Estoppel
- Government Privileges in Legal Proceedings.

### **Unit II - Right to Know and Information:**

- Jurisprudential and Constitutional Perspectives
- American Freedom of Information Act, 1966 and English Official Secrets Act, 1911 and Right to Know
- Indian Official Secrets Act, 1923, Right to Information Act, 2005 and Right to know
- Judicial Decisions

### **Unit III - Ombudsman:**

- The concept.
- Comparative perspectives
- Evolving Indian models - Lokpal, Lokayukta Institutions.

### **Unit IV- Fact Finding Commission and Inquiry:**

- Commission of Inquiry
- Vigilance Commission
- Investigation Agencies: the CBI
- Inquiries by Legislative Committees.

- Legislative Control
- Financial Control - Comptroller and Auditor General
- Judicial Inquiries.

#### **Unit V - Administrative Adjudication:**

- Need for devolution of Adjudicatory power on Administration.
- Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
- Nature and Character of Tribunals - CAT and SAT

#### **Unit VI - Public Undertaking and Corporation:**

- Reasons for Autonomous Bodies.
- Government Control, Parliamentary Control, Judicial Control

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

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law
- 2) D.D.Basu - Comparative Administrative Law
- 3) H.W.R. Wade - Administrative Law.
- 4) De'Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu \_ Administrative Law
- 6) M.P. Jain - Treaties in Administrative Law Vol. I

### **OPTIONAL CORE COURSE (OCC- B-08)**

### **COMPARATIVE CONSTITUTIONAL LAW**

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

The objective of this Course is to Identify, analyse and explain theoretical knowledge and understanding of the range of constitutional models throughout the world and as well to investigate, synthesise and critically evaluate the role and relevance of constitutional comparison. The course

provides for an in-depth understanding of various important concepts like Forms of Government, Judicial Review, Amending Process etc.

### **Learning Outcomes:**

The students will develop an understanding about the meaning, nature and importance of comparative constitutional law and relevant literature associated with it. The students will study various topics associated with constitutional law like the concept of judicial review, amendment procedure, the role of judiciary, forms of Government etc. from a comparative prospective.

3.The course will also make the students aware about different forms of constitutions, different forms of Government prevalent in countries like India, USA, UK.

4.The course will also provide an insight to the students about the relationship of Religion and State in various countries like India, USA, and UK.

### **Unit I - Nature, scope and Need of Comparative Constitutional Law:**

- Comparative Constitutional Law: Need, Scope and Importance of Comparative Constitutional Law
- Functions & Aims of Comparative Constitutional Law
- Sources of the Comparative Constitutional Law
- Types of Constitutions: Written Constitutions-U.S.A, Canada, Australia and India; Unwritten Constitution -England

### **Unit II - Judiciary, Judicial Review and Amending Procedure:**

- Organisation of the Judiciary in India, UK, USA
- Concept of Judicial Review in UK, USA, India and its implementation
- Study of Amending Processes of the Constitutions in the USA, Canada and India

### **Unit III - Forms of Government:**

- Nature of Government in USA, Canada, UK, France and India
- Comparative and differentiating features of governance in India, UK, USA and France

### **Unit IV - Nature and Role of Fundamental Rights:**

- Evolution of Fundamental Rights in UK, USA, India

- Scope of Fundamental rights in USA
- Scope of Fundamental Rights in UK
- Scope of Fundamental Rights in India

#### **Unit V - Religion and State:**

- Religion and State in USA
- Religion and State in UK
- Religion and State in India

#### **Suggested Readings:**

- 1) D. D. Basu: Comparative Constitution Law, Lexis-Nexis India, Gurgaon; 2nd Edition
- 2) D. D. Basu: Introduction to the Constitution of India, Lexis-Nexis, New Delhi; 25<sup>th</sup> Edition
- 3) Granville Austin, The Indian Constitution: Cornerstone of a Nation.
- 4) M.P. Singh, Comparative Constitutional Law, Eastern Book Company
- 5) Vishnoo Bhagwan, Vidya Bhushan, Vandana Mohla, World Constitutions : A Comparative Study;

### **GROUP C - INTELLECTUAL PROPERTY LAW**

#### **OPTIONAL CORE COURSE (OCC- C-07)**

#### **GLOBAL LAW ON INTELLECTUAL PROPERTY RIGHTS**

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

The course will help the students recognize the importance of IP, the understand the significance of the conventions for the development of IPR the different global institutions established for the protection of different forms of IPR.

#### **Learning Outcomes:**

On successful completion of this course the student will be able to understand the global laws on Intellectual property rights. This enables the students to know the various conventions which are established by the member nation for providing protection to various forms of IP. It further helps

student in acquainting with role and contribution of administrative bodies namely WIPO and WTO in providing protection to IPR.

### **Unit I – Introduction:**

- International Law and Intellectual Property Rights- Significance of Legal Protection towards performers and broadcasting organization.
- IPR and International Institutions–WIPO,WTO, TRIPS, UNESCO

### **Unit II - International Protection of Copyright:**

- WTO/TRIPS Agreement, The Berne Convention,
- Universal Copyright Convention, The Rome Convention
- WIPO's Copyright Convention and Phonogram Treaty, 1996

### **Unit III- International Protection of Patents:**

- Patent Cooperation Treaty
- Paris Convention
- WTO/TRIPS obligation
- European Patent Convention

### **Unit IV- International Protection of Trademark, Designs and GI's:**

- Paris Convention, Madrid Agreement
- Nice Agreement and TRIPS Agreement
- Trademark and Consumer Protection (Study of UNCTAD Report)
- International Conventions and Agreements for Protection of Trade Design
- Lisbon Agreement

### **Suggested Readings: -**

1. Intellectual Property and International Trade, Kluwer Patent Cooperation treaty Handbook, Sweet and Maxwell Christopher Wadlow: The Law of Passing Off. Sweet and Maxwell.
2. W.R. Cornish: Intellectual Property Law, Sweet and Maxwell.
3. Elizabeth Verke: Law of Patents Eastern Book Company, Lucknow.
4. S.K. Verma and Raman Mittal (Ed.) - Intellectual Property Right: A Global Vision (2006)
5. Indian Law Destitution publication, New Delhi.

6. Shiv Sahai Singh (Ed.)- The Law of Intellectual Property Right, Deep and Deep Publication, New Delhi.
7. Shahid Khan and Ragunath Mashelkar:  
Intellectual Property and Competitive Strategies in the 21st Century, (2006), Kluwer Law International.
8. P.S. Narayan: Intellectual Property Law in India (2006) Gogia Law Agency, Hyderabad.

### **OPTIONAL CORE COURSE (OCC- C-08)**

#### **INTERFACE OF IPR WITH OTHER DISCIPLINES**

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

The aim of this course is to make the students understand the paradigm of interface between the IPR and Human Rights, IPR and Competition Law, IPR and Entertainment Industry, IPR and Cyber Law.

##### **Learning Outcomes:**

On successful completion of this course the student will be able to distinguish and explain the interface between IPR with other disciplines. It helps in knowing the overlap of IPR with Human Rights, competition law, entertainment industry and cyber law. It further enables be able to anticipate and subject to critical analysis arguments relating to the development and reform of intellectual property right institutions and their likely impact on creativity and innovation.

##### **Unit I- Interface between IPR and Human Right:**

- The Overlap of The Intellectual Property Rights and The Human Rights Law
- UDHR (Universal Declaration of Human Rights) And the Intellectual Property Rights
- Agreement on Trade Related Aspects of Intellectual Property Rights and The Human Rights
- Intellectual Property Rights and Realization of Human Rights (Patent Rights Vs. Right To Health and Right to Food)

##### **Unit II - Interface between IPR and Competition Law:**

- The overlap of Intellectual Property Rights and Competition Law
- TRIPS regarding IPR policy and Competition Law
- Comparison between IPR and Competition Law
- Indian Competition Act about Competition and IPR policy



### **Unit III - IPR in Media and Entertainment industry:**

- Meaning and concept of Intellectual Property in Media Industry
- Copyrights in Media Industry and its benefits
- Trademarks in Media Industry and its benefits
- Patents in Media Industry and its benefits
- Online platforms and Intermediaries
- IPR Dispute in media and Entertainment industry

### **Unit IV - Interface of IPR and Cyber law:**

- Introduction to Intellectual Property and relation with Cyber law
- International law governing intellectual property in cyberspace
- Copyright and Cyber Law- Definition, Online violation of copyright, Protection of Computer software
- Trademark and Cyber Law
- IP issues in cyberspace

### **Suggested Readings: -**

1. Cyber Laws and Intellectual Property Rights, Ramandeep Kaur Nagra, Kalyani Publishers
2. Intellectual Property and Competition Law, Adam Walker
3. IPR AND CYBER WORLD, Yashwanth A S, Notion Press publisher
4. A Complete Manual on Intellectual Property Rights & Cyber Laws in India, Dr. Anusuya Yadav, Notion Press publisher
5. The interface between Competition law and IPR, Steven Anderman , Cambridge University Press,
6. Intellectual Property and Competition Law: The Innovation Nexus, Gustavo Ghidini, Edward Elgar Publisher
7. Intellectual Property Rights in media and entertainment: Issues and challenges Dr. Sumit Narula
8. Intellectual Property Rights In The Creative Industry, Twinkle Maheshwary Thomson Reuters
9. Intellectual Property Rights And Human Development In India, Talwar Sabanna, Serials Publications

10. Intellectual Property And Human Right Enhanced Edition, Kulwar Law International Paul, L.C. Torremans,

11. Human Rights And Intellectual Property by Manoj Kumar Pattanaik, SBS Publishers and Distributors Pvt Ltd.

## **GROUP D: BUSINESS LAWS**

### **OPTIONAL CORE COURSE (OCC- D-07)**

#### **INTERNATIONAL COMMERCIAL ARBITRATION**

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

Commercial arbitration is the preferred method of resolving commercial disputes both globally as well as within India. Disputes relating to international trade and investments are generally being resolved by arbitration. This course entails a thorough examination of international commercial arbitration, that is, international arbitration based on commercial contract. It will help the students understand the rationales behind the current appeal of arbitration as a mode of international dispute resolution and the issues associated with every phase in the life cycle of an international arbitral proceeding.

##### **Learning Outcomes:**

At the end of the course, the students will be able to appreciate the interplay between the plethora of different laws that apply to international commercial arbitration proceedings and understand the basic principles and the context in which international commercial arbitration operates.

##### **Unit I - Introduction:**

- Importance of ADR
- Concept and nature of international commercial arbitration
- Important terms used in commercial arbitration
- Types of International Commercial Arbitration
  - i) Ad-hoc Arbitration
  - ii) Institutional Arbitration
  - iii) International Arbitral Institutions

iv) Indian Arbitral Institutions

**Unit II - Arbitration Agreement:**

- Significance of arbitration agreement
- Foreign arbitration agreement
- Jurisdiction of arbitral tribunal
- Theory of Kompetenz – Kompetenz

**Unit III - Governing law of arbitration:**

- Choice of Law
- Lex Loci Arbitri-- Lex Loci Contractus - Lex Loci Solutionis
- Curial law/Seat Theory- Governing Law of arbitration
- The sovereignty of the parties to the contract
- Synchronized Laws
- Combined Laws
- International development law - Lex Mercatoria - Codified terms, Trade Usages and Customs - Conflict Rules

**Unit IV - International Commercial Arbitration:**

- UNCITRAL model law on arbitration (chapter III to VIII)
- ICC arbitration rules
- Conflict rules

**Unit V- Enforcement Of International Arbitral Awards:**

- Appointment of arbitrators -Choice of law (Seat Theory)
- Jurisdiction of arbitral tribunal -Independence and impartiality of the tribunal
- Arbitral process -Party autonomy and arbitral award
- Grounds for setting aside arbitral award
- Recognition and enforcement of foreign arbitral awards

**Suggested Readings: -**

1. A.K. Bansal - Law of International Commercial Arbitration, Universal, Delhi

2. Nigel Blackaby et. al., Redlam and Hunter - International Arbitration, Thomson Reuters
3. Avtar Singh - 'Arbitration and Conciliation Act', EBC, Lucknow
4. Gary B Born - International Commercial Arbitration, WolterKluwer
5. Reports on International Commercial Arbitration including Bachawat on Law of Arbitration
6. Bijoylaxmi Das and Harsimran Singh -Commercial Arbitration In India - An Update 2013
7. Lavin Hirani-The Legal Regimes Affecting International Commercial Arbitration In India & Singapore- A Comparative Study
8. William W. Park - Arbitrators and Accuracy - Journal of International Dispute Settlement, Vol. 1, No. 1 (2010), pp. 25–53
9. Prof. A.V.V. Giorgio Bernini-International Arbitration: A Contemporary Perspective
10. Ajay Kr. Sharma -Judicial Intervention In International Commercial Arbitration: Critiquing the Indian Supreme Court's Interpretation of The Arbitration And Conciliation Act, 1996

**Websites:**

1. [www.uncitral.un.org](http://www.uncitral.un.org)
2. [www.iccwbo.org](http://www.iccwbo.org)

**OPTIONAL CORE COURSE (OCC- D-08)**

**RESOLUTION OF CORPORATE DISPUTES**

**Objective of the Course:**

The corporate disputes involve the board's powers and actions or its failure or refusal to act. This course is designed with the aim to equip the students with the required knowledge in dealing with such disputes, provide expert assistance in prevention, resolution, reduction of the negative impact of corporate disputes and consequently contribute to improving companies performance, strengthening investor confidence, and supporting business continuity.

**Learning Outcomes:**

On successful completion of the course, the students will acquire knowledge of various kinds of corporate disputes and non-compliances under various laws and their resolution and management.

### **Unit I- Shareholders Democracy:**

- The Companies Act 2013 and the Rights of Shareholders
- Shareholders' Activism
- Majority Powers and Minority Rights
- The Principle of Non-interference, Justification and Advantages
- Exceptions to the Principle

### **Unit II- Corporate Disputes:**

- Oppression & Mismanagement, Class Action Suits
- Application to tribunal for relief
- Power of the tribunal
- Punishment for contravention –
  - i) Agreements
  - ii) Transfer & Transmission (section 56 & 72)
  - iii) Refusal of registration and appeal (section 58)
  - iv) Punishment for wrongful withholding of property (section 452)

### **Unit III- Fraud under Companies Act, 2013 & IPC, 1860:**

- Meaning and definition under Companies Act and IPC
- Fraud under SEBI:
  - i) Prohibition of Fraudulent and Unfair Trade Practices relating to Securities Market) Regulations, 2003
  - ii) Companies Act, 2013
  - iii) IPC 1860
- Corporate Governance Mechanisms to Prevent fraud from Sprouting
- Whistle Blowing

### **Unit IV - Regulatory Action:**

- Inspection, Inquiry and Investigation (sec. 210 – 229)
- Investigation by SFIO

- RBI – power of inspection, duty of directors & officers
- FEMA, 1999 – Directorate of Enforcement, Power of Search, Seizure, etc
- FCRA, 2010 - Inspection of accounts or records, Seizure of accounts, records, article, currency in contravention of the Act, Disposal of the seized Article, Currency or security, Confiscation of the article, current or security, Adjudication, Appeal and Penalty
- The Central Bureau of Investigation, Economic Offence Wing - Professional and Modern Methods of investigation

### **Unit V – Relief and Remedies:**

- Compounding of offence – Companies Act 2013, Foreign Exchange Management Act, 1999, Foreign Exchange (Compounding Proceedings) Rules 2000, RBI, ED
- Procedure for compounding, factors to be considered
- Settlement proceedings under SEBI
- Mediation & Conciliation – key aspects, sec. 442 of Companies Act 2013, Companies (Mediation And Conciliation) Rules, 2016
- Appeal against order - Companies Act, 2013, NCLT, NCLAT, Adjudicating officer, SAT, FEMA, Competition Act, 2002

### **Suggested Readings: -**

1. The Companies Act, 2013
2. The Companies Rules
3. Regulations/Rules/Guidelines/Circulars issued by SEBI, RBI, MCA etc. from time to time

### **Websites:**

1. [www.mca.gov.in](http://www.mca.gov.in)
2. [www.sebi.gov.in](http://www.sebi.gov.in)
3. [www.rbi.org.in](http://www.rbi.org.in)
4. [www.nclt.gov.in](http://www.nclt.gov.in)
5. [www.nclat.nic.in](http://www.nclat.nic.in)

## **GROUP E – ENVIRONMENT LAWS**

### **OPTIONAL CORE COURSE (OCC- E-07)**

#### **CONSERVATION OF RESOURCES AND MANAGEMENT OF ENVIRONMENT**

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

The objective of the Course is to provide an in depth understanding about Natural Resources Management, Environment Impact Assessment and Auditing, Guidelines of Environment Impact Assessment etc. The Course will also give the students clear idea about the Utilization of Renewable Energy Sources, Development of Eco-Friendly Techniques, Role of NGO in protection of Environment, Role of Media in protection of Environment.

##### **Learning Outcomes:**

The students will gain knowledge and they will investigate the causes, consequences, and solutions to environmental problems created by human action.

##### **Unit I - Natural Resources Management:**

- Definition
- Classification of Natural Resources
  - i) Renewable Resources
  - ii) Non - Renewable Resources
- Concept of Resource Conservation
- Factors affecting resources
- Conservation of Important Natural Resources
  - i) Methods of Forest Conservation
  - ii) Methods of Soil Conservation
  - iii) Methods of Water Conservation
  - iv) Methods of Wildlife Conservation
- Natural Resource Accounting and its Necessity

##### **Unit II - Environment Impact Assessment and Auditing:**

- Definition, Nature and Importance

- Guidelines of Environment Impact Assessment
- Economic Assessment of Resources
- Environmental Status Evaluation
- Cost – Benefit Analysis
- Concept of Capacity Building

### **Unit III - Environment and Emerging Concepts:**

- Eco-Mark
- Eco-Audit
  - i) Pre-Audit Activities
  - ii) Post-Audit Activities
  - iii) Benefits of Environmental Audits
  - iv) Risk Assessment and Disaster Management Plan
- Management System Certification: IS / ISO 14001: 1996

### **Unit IV - Utilization of Renewable Energy Sources:**

- Solar Energy
- Hydro-Power Energy
- Ocean Energy
- Geo-Thermal Energy
- Bio-Energy

### **Unit V - Environment and Future Perspectives:**

- Development of Eco-Friendly Techniques
- Public Participation and Decision Making
- Globalization and its impact on Environment
- Role of NGO in protection of Environment
- Role of Media in protection of Environment

### **Suggested Readings:**

1. Environmental Law and Policy in India, Divan Rosencranz, Oxford India Paper backs
2. Environmental Law, Susan Wolf and Anan White, Caeondish Publishing Ltd.
3. Dr. SC Tripathi- Environmental Law, Central



4. R. Rajagopalan - Environment and Ecology: A complete Guide, Lexis Nexis
5. Michael Silverstein - The Environmental Economic Revolution, Universal Law Publishing Co. Pvt. Ltd.
6. Law Publications
7. P. Leela Krishnan - Environmental Case Book, Lexis Nexis
8. Dr. Shabnam Mahlawat and Amrita Bahri “ Legal protection of the Ozone Layer – An Inquiry”  
1 RMLNLUJ 2008 122.

### **OPTIONAL CORE COURSE (OCC- E-08)**

#### **SUSTAINABLE DEVELOPMENT, HUMAN RIGHTS AND GOVERNANCE**

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

The objective of the Course is to provide an in depth understanding about the concept of Sustainable Development, Right to Pure, Safe & Decent Environment as a Human Right, the concept of Collective rights and the relation between Sustainable Development and CSR.

##### **Learning Outcomes:**

The students will get better perspective on the creation of conditions essential for sustainable development, participative economies, and societies in which government is accountable to achieve better outcomes for all people.

##### **Unit I - Sustainable Development:**

- The Concept
- Inter generational Equity and Intra Generational Equity
- Polluter Pays Principle
- Precautionary Principle

##### **Unit II - Common Concern, Common Challenges and Common Endeavours:**

- The World Commission on Environment and Development
- The Brundtland Report – ‘Our Common Future’
- UN Conference on Sustainable Development
- UN Commission on Sustainable Development

- The High Level Political Forum on Sustainable Development

### **Unit III - Right to Pure, Safe & Decent Environment – A Human Right:**

- Collective rights – The concept
- Right to Healthy Environment - Right to Life
- Right to Mental, Physical and Social Health
- Right to Safe and Healthy Working Conditions
- Right to adequate standard of living

### **Unit IV– Governance:**

- Sustainable Development and CSR – the inseparable twins
- CSR – a commitment to meet social obligations
- Education
- Sanitation
- Environment
- Infrastructure
- Community Development
- Social Development

### **Suggested Readings:**

1. Dr. SC Tripathi- Environmental Law, Central
2. R. Rajagopalan - Environment and Ecology: A complete Guide, Lexis Nexis
3. Michael Silverstein - The Environmental Economic Revolution, Universal Law Publishing Co. Pvt. Ltd. Law Publications
4. P. Leela Krishnan - Environmental Case Book, Lexis Nexis
5. Justice S. Rajendra Babu “Environment and Development” (2002) no.3 LW (JS) 22.
6. Devanshu Bhudauria and Rachi Singh “ Development vs. Environment with special reference to Indian constitutions” (2014) PL July, 79.

## **GROUP F: LABOUR LAW**

### **OPTIONAL CORE COURSE (OCC- F-07)**

### **LAWS RELATING TO EMPLOYMENT/SERVICES**

## **Objective of the Course:**

The objective of the Course is to provide an in depth understanding about the Civil servants' Rights and Liability, Doctrine of Pleasure, Service Rules and Indian Constitution, Code of Discipline etc.

## **Learning Outcomes:**

Understand the administrative process and the role it plays in resolving dispute that frequently arose in employment. Will understand the structure and modus operandi of Administrative laws and its application. Principles responsible for adjudication of trial of matters connected with recruitment and conditions of service of personals in public service in India.

## **Unit I – Civil servants Rights and Liability:**

- Civil Servants and Fundamental Rights
- Doctrine of Pleasure
- Opportunity of being heard and its exceptions
- Service Regulations
- Kinds of leave and conditions of eligibility
- Central and State Agencies for recruitment
- Constitution of Public Service Commission
- Judicial Review of Service matters
- Jurisdiction of Supreme Court and High Courts.

## **Unit II – Service Rules and Indian Constitution**

- Article 309-Art 311 recruitment and condition of service of person serving the Union and the state
- The central civil services rules 1965- salient features.

## **Unit III-Code of Discipline:**

- Disciplinary proceedings
  - i) Department enquiry
  - ii) Procedure for imposition of major penalties minor penalties
  - iii) Authority competent to initiate disciplinary proceedings
  - iv) Statutory restrictions
  - v) Legal assistance

- vi) Rule of evidence for departmental Enquiry
- vii) Findings in departmental enquiry
- viii) Final order in disciplinary proceedings
- ix) Appeal
- x) Revision
- xi) Departmental enquiry and criminal trial
- xii) Disciplinary proceeding after retirement
- xiii) Principles of natural justice

#### **Unit IV – Administrative tribunal in India**

- Central Administrative Tribunal
  - i) CAT-Art.323A
  - ii) CAT Jurisdiction
  - iii) Composition
  - iv) Functioning
- State Administrative Tribunal
  - i) Powers
  - ii) Functions
  - iii) Appeal Provision and
  - iv) Writs

#### **Unit V- Other Service Rules**

- The Indian Legal Services Rules, 1957- Salient features
- The working Journalist and other newspaper Employees (Conditions of services) & miscellaneous- Salient features

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

1. Departmental proceedings “Preponderance of probabilities in departmental proceeding” Dr. Harish and Saxena
2. Compilation on Central Administrative Tribunal (Act, Rules, & Orders) Muthaswamy, Brinda, Sanjeev.
3. M.P.Jain by Lexis Nexis

## **OPTIONAL CORE COURSE (OCC- F-08)**

### **INTERNATIONAL PERSPECTIVE OF LABOUR LAW**

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

The objective of the Course is to provide an in depth understanding about the Origin and Historical Background of ILO, Aims and Objectives of ILO, International Labour Standards, Mission and Impact of ILO etc.

#### **Learning Outcomes:**

Students will learn to determine legal nature of International Labour standards. How rights and legal interest of employees are protected using knowledge about international law, labour standards. Will get exposure to activities carried out by International Labour Organization. Students will be in a better position to understand International dimension

#### **Unit I – Introduction to ILO:**

- Origin and Historical Background of ILO
- i) Aims and Objectives of ILO
- ii) Structure and Functions of various agencies of the ILO
- India and ILO.

#### **Unit II – International Labour Standards:**

- Introduction to International Labour Standards
- Freedom of Association
- Abolition of forced labour
- Equality of opportunity and Treatment
- Empowerment of Women
- Children and Young Persons
- Conditions of Employment-Industrial Relations
- Wages, Salary, Health and Welfare

#### **Unit III - ILO –Contemporary initiatives in the world of work:**

- Collective bargaining for an inclusive, sustainable and resilient recovery

- The new world of work: Challenges and opportunities
- Care at work: Investing in care leave and services for a more gender equal world of work
- ILO Declaration on fundamental principles and Rights at Work (1998)

#### **Unit IV – Mission and Impact of ILO**

- ILO new guide lines on biological hazards
- Corporate Social Responsibility and Sustainable Development functions - impact on the workplace
- ILO Declaration on Social Justice for a Fair Globalization (2008)
- International Programme on the Elimination of Child Labour (IPEC)

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

1. ILO Monitor on the world of work.
2. Social Dialogue Report 2022: Collective bargaining for an inclusive, sustainable and resilient recovery  
Care at work: Investing in care leave and services for a more gender equal world of work  
World Employment and Social Outlook: Trends 2022 – ILO Flagship Report
3. The new world of work: Challenges and opportunities for social partners and labour institutions.
4. Child Labour: Global estimates 2020, trends and the road forward – ILO Report

### **GROUP G- CRIMINAL LAWS**

#### **OPTIONAL CORE COURSE (CC-G-07)**

#### **ORGANIZED CRIME, TERRORISM AND INTERNATIONAL CRIME: NEW CHALLENGES**

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

The objective of the Course is to provide an in depth understanding about the concept, nature and causes of Organized crimes, the Legal framework in India dealing with the Organized Crimes and at the International front for the Transnational Organized Crimes. The students will be able to assess and examine the role of International Criminal Court and identify possible challenges and issues pertaining to the prevention of Organized crimes and International crimes.

## **Learning Outcomes:**

After studying the subject, the students will be able to understand the concept and characteristics of organized crime. Students will come to know about the Legal framework in India regarding organized crimes and its efficacy to combat the problem of organized crimes. Students will also acquire knowledge about the structure and working of International Criminal Court.

## **Unit I - Organized Crime:**

- Definition and Scope
- Characteristics of organized crime
- Types of organized crime
- Causes of organized crime

## **Unit II - Classification of Organized Crimes:**

- International Perspective
  - i) Transnational organized crime
  - ii) Illicit Firearms trafficking
  - iii) Drug trafficking
  - iv) Money laundering scams and frauds
- Indian Perspective
  - i) Smuggling, Money Laundering and Hawala
  - ii) Terrorism
  - iii) Counterfeiting of Currency
  - iv) Drug trafficking: NDPS Act, 1985(penal provisions)
  - v) Cyber Crimes and penal provisions in Information Technology Act, 2000 (Sec.65, 66& 67)
  - vi) Trafficking of women and children
  - vii) Trafficking of Human Organs (penal provisions)

## **Unit III - Profiles of Criminal Gang / Investigation and Prosecution:**

- Criminal Intent and Mens Rea in such crimes
- Modus operandi of organized crime
- Role of Police in Investigation of organized crime
- Role of Judiciary, Trial and Sentencing in organized crime

#### **Unit IV- Legislative Provisions in India:**

- Maharashtra Control of Organized Crime Act, 1999
- Relevant Provisions under IPC and Indian Evidence Act, 1872
- Prevention, control and correctional strategies

#### **Unit V - Laws relating to Transnational Organized Crime:**

- Organized crime and United Nations
- Naples Declaration and Global Action Plan 24<sup>th</sup> Dec. 1994 (Salient features)
- United Nations Convention Against Organized Crime 15<sup>th</sup> Dec. 2000 (Salient features)
- Extradition Treaty: Extradition Act, 1962 (Relevant Provisions)

#### **Unit VI - International Crimes:**

- Emerging Crimes of International Nature
- Objectives of International Criminal Law
- Salient features of International Criminal Court

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

1. Mathur K.M., Crime, Human Rights and National Securities, Gian Publishing House, New Delhi - 02
2. Nadan Kamat, Computer and Information Technology Law
3. Attra Chand, Terrorism Political Violence Security of Nation, Gian Publishing House, New Delhi - 02.
4. William A Schabas, International Criminal Court, 1st Edition 2001, Cambridge University Press
5. Narcotic Drugs and Psychotropic Substances Amendment (Act) 2001
6. Immoral Traffic (Prevention) Act, 1956
7. Maharashtra Control of Organized Crimes Act 1999
8. Naples Declaration and Global Action Plan, 1994
9. Extradition Treaty & Extradition Act, 1962



## **OPTIONAL CORE COURSE (OCC- G-08)**

### **OFFENCES RELATING TO CORPORATE GAINS**

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

The objective of the Course is to provide an in depth understanding about the Definition & Types of Economic offences, Corporate Crimes, Nature and Forms of Corporate Crimes, Doctrines to establish Corporate Criminal Liability and the Regulatory framework to curb Corporate Crimes in India.

#### **Learning Outcomes:**

After studying the subject, the students will be able to have a clear understanding about different types of Economic offences, Corporate crimes. This subject will also help them develop a clear understanding about the Doctrines of Corporate Criminal Liability. Students will also study in detail different laws to deal with the Economic offences and Corporate crimes in India.

#### **Unit I - Economic offences - I (Relevant Penal Provisions):**

- Definition & Types
- Legal Metrology Act, 2009
- Essential Commodities Act, 1955 (with recent amendments)
- The Prevention of Food Adulteration Act, 1954
- The Consumer Protection Act, 2019

#### **Unit II - Economic offences II (Relevant Penal Provisions):**

- Public Liability Insurance Act, 1991
- Maharashtra Protection of Investors Depository Act, 1999
- Offences pertaining to Negotiable Instruments Act, 1881
- The Fugitive Economic Offenders Act, 2018

#### **Unit III - Corporate Crimes – An overview:**

- Definition
- Nature and Forms of Corporate Crimes

- Characteristics of Corporate Crimes
- Doctrines to establish Corporate Criminal Liability
- Effects of Corporate Crimes

#### **Unit IV - Corporate Crimes and Regulatory framework in India:**

- The Companies Act, 2013
- Foreign Exchange Regulations (FEMA, 1999)
- Indian Penal Code, 1860 (Relevant provisions)
- Labour Legislations in India (Relevant provisions)
- Challenges to combat Corporate Crimes

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

1. Goodwin Robert, Corporation, Crime and Accountability, Cambridge University Press.
2. Henry Glasback, Wealth By Stealth, Corporate Law, Corporate Crimes and Prevention of Democracy, Langman.
3. Bhashyam & Adigas, Negotiable Instruments Act 1881, Bharat Law House, New Delhi-34.
4. Dr. V.K. Agrawal, Consumer Protection Law and Practise, B.L.H., Publishers, Distributors Pvt. Limited, New Delhi -34

### **ELECTIVES**

#### **ELECTIVE CORE COURSE (ECC -03)**

#### **LAW OF PERSONS WITH DISABILITIES**

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

The Course will develop an understanding of the concept, nature of disability and legal provisions for the protection of persons with disabilities and various protective mechanisms undertaken by Government and Non - Governmental Organizations for the persons with disabilities.

### **Learning Outcomes:**

After studying the subject, the students will be able to understand the meaning and nature of disability, Models of Disability. Students will have an in depth knowledge about the Legal Provisions for Persons with Disabilities, International Law relating to persons with disability. Students will also be able to appreciate the role of NGOs in advocacy, protection and enforcement of Human rights of Persons with Disability.

### **Unit I –Introduction:**

- Meaning and nature of disability
- Models of Disability: Medical, social, Human Rights

### **Unit II- International Perspective:**

- International Law relating to persons with disability
- Role of United Nations and its agency in the protection of Human Rights of persons with disability.
- The UN convention on Rights of Persons with Disability
- The UN standard Rules for equal opportunities for Persons with Disability

### **Unit III – Legal Provisions for Persons with Disabilities:**

- History of law's engagement with disability
- Salient features of Rights of Persons with Disabilities Act, 2016
- Principle of Reasonable Accommodation
- Central and State Advisory Boards on Disability and District Level Committee
- Chief Commissioner and State Commissioner for Persons with Disabilities
- Rights of persons with disability in employment, education
- Reservation of persons with disability in employment and education
- Relevant cases

### **Unit IV – Special Provisions for Persons with Disabilities:**

- Social security of persons with disability

- Special provisions for persons with severe disability

### **Unit V - Role of NGOs:**

Role of NGOs in advocacy, protection and enforcement of human rights of Persons with Disability

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

1. Manual of Disability Law published by NHRC India.
2. Human Rights and Disability: The current views and the future potential of United Nations Human Rights Instruments in the Context of Disability by Gerard Quin & Trhesia Degeler & Ana Bruce, 2002
3. Rights of Persons with Disabilities Act, 2016 (Bare Act)
4. Critical Essays on Disability rights Jurisprudence – Combating Exclusion, embracing Inclusion, Bloomsbury Publication

## **ELECTIVE CORE COURSE (ECC-04)**

### **MEDIA LAW**

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

This Course will help the students in understanding the importance and role of media and the importance of Right of Freedom of Speech and reasonable restrictions applicable. It will also help in developing an understanding of media regulation in India and nature of ethics and morality in journalism.

### **Learning Outcomes:**

After studying the subject, the students will be able to understand the concept of Media, its history and evolution, types of media. Students will also be able to know about Media's ethical problems. Students will be in a better position to understand the meaning and significance of Human Rights Education, Role of press, media and lawyers in protecting Human Rights.

### **Unit I - Introduction:**

- Concept of Media – History and Evolution of Media, Mass Media
- Types of media
- Ownership pattern-Press-Private-Public
- Difference between Visual and non-Visual Media-impact on People's minds.

### **Unit II - Constitution and Media:**

- Freedom of Speech and Expression-Article 19 (1) (a), reasonable restrictions –
- Freedom of Press – Right to Information, Constitutional position of Media under Freedom of Speech and Expression, Difference between films and Press-why pre-censorship is valid for films but not for the press/Social media?

### **Unit III - Media and Ethics:**

- Media's ethical problems including privacy, Right to Reply
- Sensational and yellow journalism
- Bias, Coloured reports
- Role of Press Council of India and its broad guidelines for the Press
- Codes suggested for the Press by Press Council and Press Commissions
- Accountability and Independence of media
- Trial by media

### **Unit IV - Media and Human rights:**

- Meaning and significance of Human Rights Education

- Role of press, media and lawyers in protecting Human Rights
- Social media - Utility of social media - Crimes committed on social media
- Digital media and Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

#### **Unit V - Legal Dimensions of Media:**

- Media and defamation, obscenity, Negligence,
- Media and Official Secrets Act, 1923
- Freedom of Expression and Sedition
- Press Council Act, 1978 (Relevant provisions)
- Advertising and Standard Council, 1985 – Advertisement and Ethics
- Consumer Protection and Advertisement- Misleading Advertisement, Information Technology Act, 2000 (Relevant provisions)

#### **Suggested Readings:**

- 1) Kiran Prasad, Media Law and India, Kluwer Law International.
- 2) Akash Kamal Mishra, Media Laws in India: A brief Observation, Notion Press.
- 3) Dr. Sukanta Nanda, Media Law, Central Law Publications.
- 4) Dr. Nandan Sharma, Fundamentals on Media Law, Shreeram Law House.
- 5) M Neelamalar, Media Law and Ethics, PHI Learning.