

MASTER OF LAWS

1. LL.M. is a full time day course. The duration of the course leading to the LL.M. Degree shall be of two academic years. Each year shall be divided into two semesters i.e. July to November/December and January to April/May. The examination shall ordinarily be held in the month of December and April/May on such dates as may be approved by the Vice-Chancellor.
2. The schedule of dates fixed in accordance with Clause-1 shall be notified by the Controller of Examinations.
3. A person who has passed with at least 50% marks in aggregate in the LL.B. examination of a University established by law in India or an examination recognized as equivalent thereto shall be eligible to join the First Semester of LL.M. Course.
4. A candidate, who has failed in one or more paper(s) or fails to appear in LL.M. examination as the case may be, shall be allowed two additional subsequent chances only to pass the examination.
5. A candidate for LL.M. examination must pass the whole examination (Semester 1 to IV) within four years of his admission to the LL.M. Course, failing which he will be deemed to be unfit for the Postgraduate studies in Law and shall not be further admitted to this University for such course.
6. A candidate who has completed the prescribed course of instructions in the Department of Law for any Semester examination, but has not appeared in it or having appeared fails may be allowed on the recommendation of the Head of the Department to appear in the examination(s)/paper(s), as the case may be, without attending fresh course of instructions. While re-appearing in the examination, the candidate shall be exempted from re-appearing in the dissertation in which he has obtained at least 50% marks. However, a candidate who wants to improve the score may be allowed to re-submit the dissertation with the permission of the Head of the Department.
7. The medium of instructions and examination for LL.M. Course shall be English.
8. Candidates shall be examined according to the Scheme of Examination and Syllabus as approved by the Academic Council from time to time.
9. The candidate shall submit to the Head of the Department an application for approval of topic for the dissertation along with synopsis not later than 31st December of the year of the examination.

10. Every candidate in LL.M. Third Semester shall be required to submit three copies of the dissertation topic alongwith the abstract of the same giving an account of the investigation/research conducted and its main findings. The abstract will not exceed 500 words. The dissertation will be examined by the external examiner appointed by the Board of Studies.
11. The re-evaluation of the dissertation shall not be allowed.
12. The minimum number of marks required to pass shall be 50% in each theory paper, internal assessment and dissertation separately.
13. A successful candidate may, if permitted by the Head of the Department of Law, Publish after the declaration of his result, his dissertation in the book form or as a paper in a journal of repute.
14. Notwithstanding the integrated nature of this course, which is spread over more than one academic year, the ordinance in force at the time a student joins the course shall hold good only for the examination held during or at the end of the academic year and nothing in this ordinance shall be deemed to debar the University from amending the ordinance and the amended ordinance, if any, shall unless specified otherwise, apply to all students whether old or new.

LL.M. PROGRAMME

LL.M. First Semester - Common for All Students

Theory Papers				
S.No.	Title	L	T/P	C
1	Law and Social Transformation in India	4	2	6
2	Constitutionalism	4	2	6
3	Legal Research and Methodology	4	2	6
4	Judicial Process	4	1	5
Practical Papers				
5	Project Work*	-	2	2

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GROUP -1

HUMAN RIGHTS AND HUMANITARIAN LAW

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Human Rights Jurisprudence	4	2	6
2	International Human Rights Law	4	2	6
3	Protection and Enforcement of Human Rights in India	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	International Humanitarian Law and Refugee Law	4	2	6
2	Disadvantaged Groups and Human Rights	4	2	6
3	Human Rights Education	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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GROUP - II

ALTERNATIVE DISPUTE RESOLUTION (ADR)

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Evolution and Concept of ADR	4	2	6
2	Arbitration Law in India	4	2	6
3	International Commercial Arbitration	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Mediation	4	2	6
2	Conciliation and Negotiation	4	2	6
3	Practical Training in ADR Skills	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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GROUP – III

INTELLECTUAL PROPERTY RIGHTS

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Nature, Emergence and Development of IPRs	4	2	6
2	Copyright Law & Neighboring Rights	4	2	6
3	Patents Law	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Law Relating to Trademarks	4	2	6
2	Law Relating to Designs and Geographical Indications	4	2	6
3	Teaching and Research in IPRs	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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**GROUP - IV INTERNATIONAL
TRADE LAW**

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	WTO and International Trade	4	2	6
2	Regulation of International Trade in India	4	2	6
3	Settlement of International Trade Disputes	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	International Sale and Carriage of Goods	4	2	6
2	International Investment Laws	4	2	6
3	International Commercial Arbitration	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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**GROUP - V
CORPORATE LAW**

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Law of Corporate Management and Governance	4	2	6
2	Competition and Consumer Protection Laws	4	2	6
3	Regulation of Capital Market and Foreign Investment	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Corporate Taxation	4	2	6
2	Banking & Insurance Laws	4	2	6
3	The Law of Corporate Finance and Securities Regulations	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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Additional Optional Papers :

S.No.	Title
01.	Law and Society
02.	Environmental law
03.	Juvenile Delinquency
04.	Administrative Discretion and Judicial Review
05.	Marriage and Divorce in Conflict of Laws
06.	Rehabilitative Techniques and Correctional Administration
07.	Religious and Charitable Endowments
08.	Techniques of Judicial Control
09.	Civil Liberties
10.	Social and Economics Offences

LL.M. PROGRAMME

LL.M. First Semester - Common for All Students

Theory Papers				
S.No.	Title	L	T/P	C
1	Law and Social Transformation in India	4	2	6
2	Constitutionalism	4	2	6
3	Legal Research and Methodology	4	2	6
4	Judicial Process	4	1	5
Practical Paper				
5	Project Work*	-	2	2

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LL.M. 1st SEMESTER

Paper: I

L4 T/P2 C6

Subject: Law and Social Transformation in India

Objectives of the Course: this course is designed to study - (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) to examine how law and legal institutions can be used to combat social oppression and inequalities in Indian Society. Limits of law in bringing out social transformation shall also be explored.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Unit-1: Law and Social Change

1. Law as an instrument of social change
2. Law as a product of traditions and culture
3. Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order.
4. Limits of Law in bringing out social change.

Unit -II: Religion, Community and the Law

1. Indian Secularism: Constitutional Provisions and Judicial Responses
2. Constitutional Protections to Religious and Linguistic minorities.
3. Affirmative Action (Reservation)

Unit-III: Women and the Law

1. Gender Injustice and its various forms
2. Empowerment of Women: Constitutional and Statutory Provisions; Women's Commission.
3. Crimes Against Women: legislative and judicial initiatives.

Unit-IV: Children and the Law

1. Child Labour
2. Sexual Exploitation of Children
3. Adoption and Related Problems
4. Children and Education.

Selected Bibliography:

1. Marc Galanter (ed). *Law and Society in Modern India*. (1997). Oxford, New Delhi.
2. Baxi, Upendra,. *The Crisis of Indian Legal System*. (1982). Vikas Publication.
3. Baxi, Upendra (ed). *Law and Poverty: Critical Essays*. (1988). Tripathi, Bombay.
4. Manushi, A Journal About Women and Society.
5. Duncan Derret. *The State, Religion and Law in India*. (1999). Oxford. New Delhi.
6. M.P.Singh, *Constitution of India* (2008). 11th Ed. Eastern Book Co., Lucknow.
7. Sunil Deshta and Kiran Deshta. *Law and Menace of Child Labour*. (2000). Anmol Publications, New Delhi.
8. Savitri Gunasekhare. *Children, Law and Justice* (1997) Sage Publications.
9. Indian Law Institute, *Law and Social Change: Indo-American Reflections*. Tripathi, (1988).
10. M. P.Jain. *Outlines of Indian Legal History*. (1993). Tripathi, Bombay.
11. Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999) Oxford, New Delhi.
12. Ved Kumari, *Offences Against Women in Kamala Sankaran and Ujjwal Kumar Singh* (ed) Towards Legal Literacy An Introduction to Law in India PP.78-94 (2008) Oxford, New Delhi.
13. Virendra Kumar: *Dynamics of Reservation Policy: Towards a More Inclusive Social Order 50*, Journal of the Indian Law Institute PP 478-517 (2007).
14. Virendra Kumar, '*Minorities' Right to Run Educational Institutions: T.M.A Pai Foundation in Perspective 45*, Journal of the Indian Law Institute PP 200-238 (2003)

Subject: Constitutionalism

Objectives of the Course: Constitutionalism implies government in accordance with constitutional procedures and norms. A constitutional regime ensures observance of Rule of Law and promotion of Human rights. Constitutionalism seeks accountability of government to the popular will through a system of independent courts, judicial review and transparency in governance. In this paper the students are required to examine how far a goal of Constitutionalism are being achieved in the Indian Legal System and what are the challenges to Constitutionalism in the Contemporary Indian Society.

This syllabus has been prepared to study the issues indicated above.

Unit -1: The Concept of Constitutionalism

1. Essential Principles of Constitutionalism
2. Constitutionalism and Rule of Law
3. Functions of Rule of Law and Constitutionalism
4. Constitutionalism in the Indian Legal Order

Unit - II: Federalism as an aspect of Constitutionalism

1. The Federal principle : Classical and Modern
2. An overview of the Canadian and American Position
3. Main features of Indian federalism
4. Federalism and Constitutionalism

Unit - III: New challenges to Constitutionalism: some social issues

1. Equality and Affirmative actions (Dalits, and Backward Classes)
2. Human Rights of the Marginalized Groups.
3. An Evaluation of Role of Courts.

Unit - IV: Justice Delivery System In India

1. PIL movement: Promises and Perils
2. Independence of Judiciary.
3. Judicial Reform s.

Selected Bibliography:

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh '*Constitution of India*. 11th Ed. 2008, Eastern Book Co.
5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).

7. Parmanand Singh '*Social Rights and Good Governance* In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh *Hunger Amidst Plenty: Reflections on Law, Poverty and Governance*. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh '*Equality and Compensatory Discrimination: The Indian Experience*, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. '*Judiciary in India: Problems and Prospects*. 50, J.I.L.I. PP 461-467 (2008).

Subject: Legal Research and Methodology

Unit -1: Precepts

1. Nature
2. Objectives
3. Types: Doctrinal and Non-Doctrinal

Unit - II: Necessary Steps

1. Identification and Formulation of Research Problem
2. Hypothesis and Research Design (Characteristics and contents)
3. Processing the Plan of Research: Data Collection, Analysis and use of Internet, Legislative material, Indian & foreign court decision and juristic writings.

Unit - III: Techniques

1. **Methodology:** Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material and use of questionnaire and inter view.
2. Census and Survey
3. Sampling: Types, Merits and Demerits
4. Report Writing

Unit - IV: Conduct of Research

1. Supervision
2. Guidelines for researchers

Selected Bibliography:

1. S.K. Verma and M. Afzal Wani (Eds.) *Legal Research and Methodology*, Indian Law Institute (2001) 2nd Edition.
2. Baxi, Upendra, ' *Socio-Legal Research in India -A Program Schriff* ICSSR, Occasional Monograph, 1975.
3. Cohen, Morris L., '*Legal Research*', Minnesota, West Publishing Co. 1985.
4. Ghosh, B.N., '*Scientific Method and Social Research*', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
5. Goode and Hatt, '*Methods in Social Research*', Singapore, Me. Graw Hill Book Co., 1985 (reprint).
6. Johari J.C. (ed), '*Introduction to the Method of Social Sciences*', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
7. Kothari C.K., '*Research Methodology: Method and Techniques*', New Delhi, Wiley Eastern Ltd., 1980.
8. Stone, Julius, '*Legal System and Lawyer's Reasoning*', Sydney, Maitland Publications, 1968.

Subject: Judicial Process

Objectives of the Course: The objective of this course is to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving political principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

The following syllabus prepared with the above perspective will spread over a period of one semester.

Unit - I: Nature of Judicial process and its role in constitutional adjudication

1. Judicial process as an instrument of social ordering.
2. Judicial process and creativity in law - common law model - legal reasoning and the growth of law - change and stability
3. The tools and techniques of judicial review and judicial creativity.
4. Analysis of the doctrine of Stare Decisis in India.

Unit - II: Special Dimensions of Judicial Process in Constitutional adjudication.

1. Notions of Judicial Review
2. Is Judicial Review the same as Judicial Activism?
3. Judicial Activism and Judicial Self Restraint.
4. Problem of Accountability in judicial law - making.

Unit - III: Judicial Process in India

1. The Indian Debate on the role of the Judges and on the notion of Judicial review
2. The "Independence" of Judiciary and 'Political' nature of Judicial Process.
3. Judicial Activism and Creativity of the Indian Supreme Court; the new dimensions
4. Institutional liability of Courts and Judicial activism - Scope and Limits.

Unit - IV: Judicial Process and Constitutional Amendments

1. Evolution of the Concept of Basic Structure
2. Philosophy of the doctrine of Basic Structure
3. The Recent Developments: The "essence of rights" test and "rights test" to determine Basic structure
4. Basic Structure and Constitutionalism.

Selected Bibliography:

1. Cordozo *'The Nature of Judicial Process* (1995). Universal Law Publishing Co., New Delhi
2. Julius Stone. *The Province and Function of Law* Ch.I, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
3. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth* (1985), Butterworths.
4. J. Stone. *Legal System and Lawyer's Reasoning* (1999), Universal Law Publishing Co., New Delhi
5. Upendra Baxi, *The Indian Supreme Court and Politics*. (1980), Eastern Book Co., Lucknow.
6. Rajeev Dhavan. *The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques* (1977), Tripathi -Bombay.
7. Virendra Kumar, *Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance*, 49 Journal of the Indian Law Institute, PP 365-395, (2007).
8. A. S. Anand, *Judicial Review - Judicial Activism-Need for Caution*, 42 Journal of Indian Law Institute P. 149 (2000).
9. Upendra Baxi, *"On how not to Judge the Judges"* 25 Journal of the Indian Law Institute, P. 211 (1983).
10. Henry J. Abraham, *The Judicial Process* (1998), Oxford.
11. S.P.Sathe, *Judicial Activism in India: Transgressing borders and Enforcing Limits*, Oxford New Delhi. (2002).

LL.M. 1ST SEMESTER

Paper - V

L- T/P2 C2

Subject: Project Work

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP SPECIALIZATIONS

GROUP-I

HUMAN RIGHTS AND HUMANITARIAN LAW

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Human Rights Jurisprudence	4	2	6
2	International Human Rights Law	4	2	6
3	Protection and Enforcement of Human Rights in India	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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GROUP -1 (HR&HL)

LL.M. 2nd SEMESTER

Paper: I

L4 T/P2 C6

Subject: Human Rights Jurisprudence

Unit I: Human Rights Jurisprudence

- (i) Meaning and Concepts
- (ii) Evolution: Pre-Magna Carta Position, Magna Carta and Post Magna Carta Position (French Declaration, American Bill of Rights).

Unit II: Nature and Dimensions of HRs Movement after Second World War

Unit III: (i) Rights and Duties : Relationship

- (ii) Classification of Rights:
 - (a). Individual Rights
 - (b). Natural Rights
 - (c). Group Rights
 - (d). Derogable and Non-Derogable Rights

Unit IV: Universalism and Cultural Relativism

GROUP -1 (HR&HL) LL.M.
2nd SEMESTER

Paper: II

L4 T/P2 C6

Subject: International Human Rights Law

Unit I: (1) Human Rights under UN Charter

(2) Universal Declaration of Human Rights

Unit II: International Covenants

(1) International Covenant on Civil and Political Rights, 1966

(2) International Covenant on Economic, Social & Cultural Rights, 1966

Unit III: Regional Conventions

(1) European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950

(2) American Convention on Human Rights, 1969

(3) African Charter on Human and Peoples' Rights, 1981

Unit IV: International Human Rights Institutions

(4) UN Centre for Human Rights

(5) Economic and Social Council

(6) Various Commissions and Sub-Commissions on Human Rights

GROUP -1 (HR&HL) LL.M.
2nd SEMESTER

Paper: III

L4 T/P2 C6

Subject: Protection and Enforcement of Human Rights in India

Unit I: Development of Human Rights Movement and Law in Indian Tradition

Unit II: Constitutional Guarantees and Legislative Measures

Unit III: Contribution of Judiciary to Human Rights Law.

Unit IV: Role of Human Rights Commissions and NGOs

GROUP -1 (HR&HL)

LL.M. 2nd SEMESTER

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP -1 (HR&HL)

LL.M. 2nd SEMESTER

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP-I

HUMAN RIGHTS AND HUMANITARIAN LAW

LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	International Humanitarian Law and Refugee Law	4	2	6
2	Disadvantaged Groups and Human Rights	4	2	6
3	Human Rights Education	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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GROUP -1 (HR&HL)

LL.M. 3rd Semester

Paper: I

L4 T/P2 C6

Subject: International Humanitarian Law and Refugee Law

Unit I: Origin and Development of Humanitarian Law and Refugee Law

Unit II: The Geneva Conventions and Protocols

Unit III: 1951 Refugee Convention

Unit IV: Role of ICRC and UNHCR

GROUP -1 (HR&HL)

LL.M. 3rd Semester

Paper: II

L4 T/P2 C6

Subject: Disadvantaged Groups and Human Rights

Unit I: Women and Children

Unit II: Persons with Disabilities

Unit III: Rights of Indigenous group

Unit IV: Rights of Prisoners

GROUP -1 (HR&HL)

LL.M. 3rd Semester

Paper: III

L4 T/P2 C6

Subject: Human Rights Education

This will include Case studies and Practice in Human Rights Advocacy.

Unit -1: Human Rights Education: Global Perspective

Unit - II: Human Rights Education: Indian Perspective

Unit - III: Clinical Human Rights Education

Unit - IV: Case Studies: Identification and Techniques

GROUP -1 (HR&HL)

LL.M. 3rd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP -1 (HR&HL)

LL.M. 3rd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP-I

HUMAN RIGHTS AND HUMANITARIAN LAW

LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

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GROUP -1 (HR&HL)

LL.M. 4th Semester

Paper: I

L- T/P- C25

Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP - II

ALTERNATIVE DISPUTE RESOLUTION (APR)

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Evolution and Concept of ADR	4	2	6
2	Arbitration Law in India	4	2	6
3	International Commercial Arbitration	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

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Group - II (ADR)
LL.M. 2nd Semester

Paper: I

L4 T/P2 C6

Subject: Evolution and Concept of ADR

Unit -1:

1. What is a dispute?
2. Steps in the Emergence of disputes

Unit - II:

1. Party Responses to Disputes: Concede or Confront
2. Need for Alternative Dispute Resolution (ADR)

Unit - III:

2. Indian Perspective of ADR
3. International Perspective of ADR

Unit - IV:

1. Current Trends
2. Acceptability
3. Increasing Costs
4. Delay in Proceedings

Paper: II

L4 T/P2 C6

Subject: Arbitration Law in India

Unit -1: Arbitration Law before 1996

Unit - II: Arbitration Law after 1996

Unit III: Enforcement of Foreign Awards; New York Convention; Geneva Convention

Unit - IV: Concept and Law Relating to *Lok Adalat*

Paper: III

L4 T/P2 C6

Subject: International Commercial Arbitration

Unit -1

1. Meaning
2. International Commercial Agreements
3. Application of Indian Law

Unit - II: UNICITRAL MODEL LAW Unit III:

Institutional Arbitration

1. International Court of Arbitration
2. International Centre for ADR
3. The London Court of International Arbitration

Unit - IV: Recognition and Enforcement of International Arbitration Awards

Group - II (APR)
LL.M. 2nd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - II (APR)
LL.M. 2nd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - II

ALTERNATIVE DISPUTE RESOLUTION (ADR)

LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Mediation	4	2	6
2	Conciliation and Negotiation	4	2	6
3	Practical Training in ADR Skills	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

GROUP - II (APR)
LL.M. 3rd Semester

Paper: I

L4 T/P2 C6

Subject: Mediation

Unit -1: Mediation: Meaning and Scope

Unit - II: Techniques of Mediation **Unit III:**

Obligations of Mediators **Unit - IV:**

Mediation System in India

Group - II (APR)
LL.M. 3rd Semester

Paper: II

L4 T/P2 C6

Subject: Conciliation and Negotiation

Unit -1: Conciliation: Nature and Modes of Conciliation

Unit - II: Law Relating to Conciliation

Unit III: Negotiation: Meaning, Significance and Art of Negotiation

Unit - IV: Practice of Conciliation and Negotiation in India

Group - II (ADR)
LL.M. 3rd Semester

Paper: III

L4 T/P2 C6

Subject: Practical Training in ADR Skills

Unit -1: Choosing the Mode of Dispute Resolution

Unit - II: Identification of Ground Realities likely to affect the process

Unit - III: Developing Designers to Process a Case

Unit - IV: Case Studies

Group - II (ADR)
LL.M. 3rd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work/Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - II (ADR)
LL.M. 3rd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - II

ALTERNATIVE DISPUTE RESOLUTION (ADR)

LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

*NUES

Group - II (APR)
LL.M. 4th Semester

Paper: I

L- T/P- C25

Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP - III

INTELLECTUAL PROPERTY RIGHTS

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Nature, Emergence and Development of IPRs	4	2	6
2	Copyright Law & Neighboring Rights	4	2	6
3	Patents Law	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

Paper: I

L4 T/P2 C6

Subject: Nature, Emergence and Development of IPRs

Unit I (a) Nature & Concept

- i. Meaning
- ii. Types of Intellectual Property Rights

(b) Nature of Intellectual Property Rights

- i. Monopolistic Perspective
- ii. Economic Perspective
- iii. Public welfare perspective

(c) Theories

- i. Natural theory
- ii. Lockes'Theory of property
- iii. Hegelian Philosophy
- iv. Utilitarian guidelines
- v. Incentive theory
- vi. Prospect theory
- vii. Schumpeterian theory

Unit II- Origin & Development

- a) Historical Background
- b) Technological Development of IPRs
- c) Intellectual Property Rights: From National to International Character
- d) Sustainable Development
- e) Challenges for IPR system:
 - i. Digital Economy

- ii. E-commerce
- iii. Domain names
- iv. Biotechnology including Human genomes
- v. Nanotechnology
- f) Role of Government in fostering the IPR

Unit III- International regime of Intellectual Property Rights

- a) Background
- b) Pre WTO regime
 - Paris Convention
 - Berne convention
 - Rome convention
 - Patent Cooperation treaty
 - World Intellectual Property Organization (WIPO), etc..
- c) Post WTO regime
 - a) TRIPS

Unit IV- National regime

- a) Background
- b) Pre WTO
- c) Post WTO

Compulsory Suggested Readings:

- > Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep publication Pvt. Ltd. 2004.
- > Phillippe Culet, *Intellectual Property Protection and Sustainable Development*, Lexis Nexis Butterworth, 2004.
- > W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
- > Jayanti Bagachi, *World Trade organization; an Indian Perspective(2000)*.
- > Narayanan, P., Intellectual Property Rights

Further readings

- > **UNCTAD-ICTSD, *Resource book on TRIPs and Development***, Cambridge University Press, 2005
- > Surendra Bhandari, ***World Trade organisation and Developing Countries***, 1998
- > Bleir, F.K., Crespi, R.S. and Straus, J. , ***Biotechnology and Patent Protection- an international review***, OECD
- > Jayashree Watal, ***Intellectual Property rights in the WTO and Developing Countries*** , the Hague kluwer law International, 2001

Paper: II

L4 T/P2 C6

Subject: Copyright Law & Neighboring Rights

Unit -1

1. Introduction to Copyright

- (a) Historical development of the law of copyright
- (b) Nature and Scope of Copyright Law and Neighbouring Rights

2. International Conventions/Treaties on Copyright

- (a) Berne Convention
- (b) Universal Copyright Convention
- (c) Rome Convention, 1961
- (d) Phenogram Convention, 1971
- (e) TRIPs Agreement
- (f) WIPO Copyright Treaty, 1996
- (g) WIPO performance and Phenogram Treaty, 1996

Unit - II

1. Subject matter of copyright works

- (a) Literacy, Computer, Dramatic, Musical, Cinematograph film etc.
- (b) Provisions under Indian Law and International Convention

2. Ownership, duration and assignment of copyright

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

Unit - III

- 1. Performers rights under the Indian Copyright Law and under International Conventions

- (a) Historical development of performers rights: Nature and Scope
- (b) Economic and moral rights of performers and Exception of performers rights
- 2. Broadcast Reproduction Rights and Public Interest
 - (a) Satellite broadcasting and by cable television
 - (b) Exception under Indian law and under international convention

Unit - IV

1. Infringement of copyright

- (a) Mode of infringement of various copyright works
- (b) Infringement of neighbouring rights
- (c) Statutory exception under Indian law and international convention
- 2. Remedies of infringement of copyright under national and international perspective
 - (a) Preventive and compensatory civil remedies
 - (b) Criminal remedies
 - (c) Administrative remedies

Compulsory Readings:

1. Copyright Act, 1957
2. Berne Convention for protection of literary and artistic works
3. Universal Copyright Convention
4. Rome Convention
5. Convention for the protection of producers of phonograms
6. TRIPs Agreement
7. WIPO Copyright Treaty
8. WIPO Performance and Phonograms Treaty

Suggested Readings:

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

Paper: III

L4 T/P2 C6

Subject: Patents Law

Unit I: (A) Evolution and Growth

- (i) History of the patent law in U.K.
 - > Beginning of concept
 - > Coming of Industrialization
- (ii) The International Patent System
- (iii) Foreign Impact upon National system
- (iv) History of Patent law in India

Unit I (B) - Grant and Content

- (i) Variety of Patent
- (ii) National Grant of Patents
 - > Patent specification
 - > General procedure for obtaining a patent
- (iii) International Grant of Patent

Unit II (A)- Validity of claims

- (i) National Scenario
 - > Novelty
 - > Inventive step
 - > Industrial application
 - > Patentable subject matter
 - > Clear and complete disclosure
 - > Requirement for claims
- (ii) International Scenario
 - > Patent Cooperation Treaty
 - > TRIPs

(B) Scope of Exclusivity

- (i) Infringement
 - > Introduction
 - > Infringement during manufacture
 - > Infringement after manufacture
 - > Right of patentee

Unit III: (A) Property Rights and Exploitation

1. Under national Forum
 - > Initial entitlement and property dealing
 - > Licensee of patent and allied rights
 - > Compulsory license
 - > EMR / Mail box System

(B) Infringement of Patent

1. Modes of Infringement
2. National / International Infringement

Unit IV: (A) Remedies and Enforcement

- > Injunction and other equitable remedies
- > Interlocutory injunction
- > Discretion to grant injunction

(B) Emerging Problems Damage and other monetary benefits

- > Cross border patent violation
- > Emerging technologies

Compulsory suggested reading:

- > Elizabeth Verkey, *Law of Patents*, Eastern Book Company, 2005
- > T. Ramappa, *Intellectual Property Rights under WTO: Tasks before India*, Wheeler Publishing, 2000
- > W R Cornish, *Intellectual Property: Patents, copyright, Trademarks and allied rights*, London : Sweet & Maxwell, 1996
- > Mitta, DP, *Indian Patents Law & Procedure*, 1st edition (2002)
- > Robert A. Choate & William H. Francis, *Patent Law*, (1981)
- > Stedman, *Patents*, 1929

Articles to be read:

- > R. Dhavan, Lindasay Haris and Gopal Jain, "whose interest ? Independent India's Patent law and policy", 32 Journal of Indian law Institute, 1990 at p. 429.
- > E. Wyndham Hulme, "The history of the Patent system under the prerogative and at common law," 12LQR, 1986 at p. 141.
- > Rajeev Dhavan and Maya Prabhu, " Patent Monopolies and Free trade Basic Contradiction in Dunkel Draft", 37(2) the Journal of Indian Law Institute, 1995 at pp. 195-208
- > Bartelt, Sandra, " Compulsory licenses Pursuant to TRIPs Art. 31 in the light of Doha deceleration on the TRIPs agreement and Public health", vol.5, the Journal f World Intellectual Property, 283.
- > Haag Thomas A, " TRIPs since Doha: How far will the WTO go towards modifying the terms for compulsory licensing?" vol. 84, no 12, journal of the Patent and Trademark Office Society, 2002.
- > Kabiraj Tarun, " Intellectual Prperty right, TRIPs and Technology Transfer", Economic and Political Weekly, Nov. 19 (1997)
- > Kumar Nagesh, "Intellectual Prperty Right: Asian Experience", Vol XXXVIII, No.3, Economic and Political Weekly, January 18-24, 2003, p. 209
- > Christopher May, "The Venetian Moment: New technologies, Legal Innovation and the Institutional origins of Intellectual Property, Prometheus,20(2)(2002): 159-79
- > Nagest kumar, Intellectual Property rights, Technology and Economic development, experience of Asian countries", Economic Politically Weekly, January 16, 2003.
- > B.S.Chimni, The Philsophy of Patents: strong regime unjustified, Journal for Scientific and Industrial Research, vol. 52, 1993, p 234-39.
- > Patrica A. Rac, " Patentibility of living subject matter", 10 CIPR 41 (1993)
- > V. Manoj, EPW, Jan. 24, 1998, *Patents on life etc.*, p. 152

Further readings:

- > Prof.A.K.Koul& V. K. Ahuja, ***The Law of Intellectual Property Rights: In Prospect & Retrospect***, Faculty of law, University of Delhi, 2001
- > Hiarin wardha, ***WTO and Third World Trade Challenges***, Commenwelth, 2002 edition
- > Graham Dullfield ***Intellectual Property Rights and Life Science Industries : A twentieth century history***, Ashgate London, 2003
- > N.S.Gopalakrishanan, " Impact of patent system on traditional knowledge", CULR at pp 219-25.
- > Watal Jayashreee, " The TRIPs Agreement and developing countries- Strong, Weak or Balanced Protection?" Vol.1, March, The Journal of World Intellectual Property, 1998
- Mashelkar, R.A., " Intellectual Property Rights and the Third World", vol. 7, Journal of Intellectual Property rights, 308, July 2002.

Group - III (IPR)
LL.M.2nd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - III (IPR)
LL.M.2nd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - III

INTELLECTUAL PROPERTY RIGHTS

LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Law Relating to Trademarks	4	2	6
2	Law Relating to Designs and Geographical Indications	4	2	6
3	Teaching and Research in IPRs	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

Subject: Law Relating to Trademarks

Course Purpose and Scope: This course is designed to give an overview / survey of trademarks and trademark law and practice in countries around the world. There will also be some attention given to various international treaties, conventions and agreements. The focus will vary from historical, philosophical, legal and even practical topic.

Unit -1

1. History and Evolution

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

2. Purpose of Trademarks

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

3. Passing Off

- (a) Laws relating to Passing off.
- (b) Passing off action.

Unit-II

1. Registration of Trademarks.

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

2. Licensing of trademarks

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

3. Invalidity

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

Unit-III

1. Infringement

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

2. Remedies And Enforcement

- (a) Types of Relief- Civil, Criminal & Administrative.
- (b) Procedure for Litigation.

Unit-IV

1. New Challenges

- (a) Trademarks in cyberspace- Domain names, Cyber squatting, Meta tagging.
- (b) Review alternative dispute resolution procedure such as the Uniform Domain Resolution Policy (UDRP) and other similar procedures
- (c) Trademarks vs. Patent, Copyrights, Trade secrets & Geographical indication.
- (d) Concept of Well-known Trademarks.

2. Comparative Analysis of European and Indian Trademarks Law

Compulsory Suggested Readings

- > Narayanan P., *Trademarks & Passing off*, Eastern Law House, 6th edition, 2006.
- > Shiv Sahai Singh, *The Law of Intellectual Property Rights*, Deep & Deep Publication Pvt. Ltd. 2004.
- > W. R. Cornish, *Intellectual Property: Patents. Copyrights, Trademarks and allied rights*, London: Sweet & Maxwell, 1996.
- > J. S. Sarkar, *Trademarks- Law and Practice*, 1997.
- > P.S. Sangal & K. Ponnuswamy, *Intellectual Property Law*, 1994.
- > Hilary E. Pearson and Clifford G. Miller, *Commercial Exploitation of Intellectual Property*, Indian Reprint, 1994.
- > *Trademarks in the Marketplace: selection and adoption of trademarks, proper use and protection*, by United State Trademarks Association, 1964, University of Michigan.
- > Dorr. C. Robert, *Protecting Trade Secrets, Patents, Copyrights and Trademarks*, 1990, University of Michigan.

Articles:

- > Davis, Benjamin G. *The New New Thing, Uniform Domain-Name Dispute-Resolution Policy of the Internet Corporation for Assigned Names and Numbers* The Journal of World Intellectual Property, Vol. 3, No. 4, July 2000
- > Curley, Duncan, *Reverse Domain Name Hijacking*, Trademark World, April 2001
- > Dinwoodie, Graeme B. *(National) Trademark Laws and the (Non-National) Domain Name System*, Journal of International Economic Law, Vol. 21, Fall 2000, p. 495
- > Donahey, M. Scott, *Mandatory Resolution of Domain Name Disputes*, Journal of Internet Law, Vol. 3, No. 7, January 2000
- > Zhao, Yun, *A Dispute Resolution Mechanism for Cyber squatting* The Journal of World Intellectual Property, Vol. 3, No. 6, November 2000, pp.849-865
- > Bernstein, David H. / Rabiner, Sheri L., *Litigating by E-Mail with UDRP-Lessons from New Dispute Resolution Procedure for Domain Name Disputes*, New York Law Journal, August 21, 2001

Subject: Law Relating to Designs and Geographical Indications

Part-A

(Industrial Designs)

Unit-I

1. Historical Background.

- (a) Introduction
- (b) Industrial Designs before TRIPs
- (c) Industrial Designs after TRIPs

2. Emerging Issues.

- (a) Protection of Security of India
- (b) International Reciprocal Arrangement.

Unit-II

1. Registration

- (a) Registration of Designs.
- (b) Copyright in Registered Designs.
- (c) Refusal to Register a Designs.

2. Infringement & Remedies

- (a) Piracy of Registered Designs.
- (b) Remedies.
- (c) Power & Duties of Controller.

Part-B

(Geographical Indication)

Unit III

1. Historical Background

- (a) Introduction
- (b) International Evolution of Geographical Indication.
 - i. Indication of Source
 - ii. Appellations of Origin.
- (c) Paris Convention.
- (d) Madrid Agreement
- (e) Lisbon Agreement
- (f) NAFTA
- (g) TRIPs

2. Emerging Issues

- (a) Genericide of Geographical Indication.
- (b) TRIPs Article 23 Controversy

Unit-IV

1. Registration

- (a) Registration of Geographical Indication
- (b) Effect of Registration

2. Infringement & Remedies

- (a) Infringement and Passing off of Geographical Indication.
- (b) Remedies & Procedure.

3. Comparative Analysis

- (a) Comparative Analysis of Geographical Indication Law in India & France

Suggested Reading:

- Narayanan P., Trademarks & Passing off, Eastern Law House, 6th edition, 2006.
- Gravis Daniel, The TRIPS Agreement: Drafting History and Analysis, 2ⁿ edition, Sweet & Maxwell.
- Nair. R. Latha, Geographical Indications: A Search for Identity, Lexis Nexis, Butterworth, 2005
- Guide to the International Registration of Industrial Designs under the Hague Agreement, WIPO.
- R. Basant (1998), "Intellectual Property Rights: A Note", IEVIA, Mimeo.
- R A Mashelkar "Intellectual Property Rights and the Third World".CSIR, New Delhi
- S. Khoury (1998), "Valuing Intellectual Properties", in P.H. Sullivan (1998), Profiting from Intellectual Capital: Extracting value from Innovation, John Wiley & Sons.
- Review of Debate in the inter-governmental Panel on Access to Genetic Resources, Traditional Knowledge, Benefit sharing and Folk lore protection, WIPO, Anil K. Gupta, 2002
- Baker, Cecil. Roger, Flow Measurement Handbook: Industrial Designs, Operating Principles, Performance, and Applications, 2000.

Subject: Teaching and Research in IPRs

Unit - 1: Emerging Trends in Intellectual Property Right

(1) Intellectual Property Protection of Computer Software

- (a) Copyright Protection
- (b) Limitation of Copyright Protection of Software
- (c) Patentability of Software

(2) Intellectual Property Protection in Cyberspace

- (a) Trademark and the Internet: Domain Names, Hyper links, Metatags
- (b) Copyright and the Internet: Computer program, Computer program language, Electronic Signatures, Online works, Online music etc.
- (c) Emerging Patent Trends: Patent protection for Computer programs, Business Methods, biotechnology Patents.

Unit - II:

1. Protection of Plant Varieties: Objective, Protection in India, International Treaties
2. Protection of Traditional Knowledge- Objective, Protection in India, International Treaties
3. The Convention on Biological Diversity- What is biodiversity and its importance, International protocols

Unit - III: Globalisation of IPRs

1. TRIPS Agreement- Its Origin, Negotiation, Content, and its impact on Developing Countries.
2. Copyright and the Dissemination of Information in Higher Education.

Unit - IV: Copyright and Distance Education

1. The United States TEACH ACT and DMCA (The Digital Millennium Copyright Act and the Higher Education.
2. The Copyright Education Programs- Purpose of teaching Copyright, Development of effective copyright program

Selected Bibliography:

1. Cyber Law and E-Commerce- Baumer David and Poindexter J.C. MC Graw- Hill (2002)
2. Protecting your Company's Intellectual Property- A Practical Guide to Trademarks, Copyrights, Patents and Trade Secrets- Bouchouol, Deberah. E AMACOM, American Management Association New York (2001)
3. Cyber Ethics - Morality and Law in Cyberspace- Richard A. Spinillo, Jones and Bartlett Publishers, Sandbury, Massachusetts
4. Biodiversity Conservation - State, Local and Private Protection of Biological Diversity- eds. Robert B. MCKinstry, CoreenRipp and Emily Lisy Environmental Law Institute, Washington, DC (2006)
5. Globalising Intellectual Property rights - The TRIPS Agreement - Duncan Matthews, Routledge London and New York (2002)
6. The Digital Dilemma - Intellectual Property in the Information Age- National Academy Press, Constitution Avenue, New Washington D.C. 20418 (2000)
7. The Center for Intellectual Property Handbook, ed. By Kimberly M. Bonner, Neal - Schumen Publishers, Inc, New York 10038 (2006)
8. Technology and Copyright Law- A guide book for the library, Research and Teaching Professionals- Arlene Biele Field and Lawrence Cheeseman Neal- Schuman Publishers, Inc, New York 10038 (2007)
9. Colleges, Code and Copyright- The Impact of Digital Networks and Technological Controls on Copyright and the dissemination of information in Higher Education - Centre for Intellectual Property and Copyright, University of Maryland and University College (2005)

Group - III (IPR)
LL.M. 3rd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - III (IPR)
LL.M. 3rd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - III
INTELLECTUAL PROPERTY RIGHTS

LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1	Dissertation and Viva*	-	-	25

*NUES

Group - III (IPR)
LL.M. 4th Semester

Paper: I

L- T/P- C25

Subject: Dissertation and Viva

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP - IV

INTERNATIONAL TRADE LAW

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	WTO and International Trade	4	2	6
2	Regulation of International Trade in India	4	2	6
3	Settlement of International Trade Disputes	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

Paper: I

L4 T/P2 C6

Subject: WTO and International Trade Law

Unit I: Multilateral Agreements on Trade in Goods

Unit II: GATS

Unit III: TRIPS Agreement

Unit IV: Doha Round and aftermath

Group - IV (ITL)
LL.M. 2nd Semester

Paper: II

L4 T/P2 C6

Subject: Regulation of International Trade in India

Unit I: Institutional Structure

Unit II: Foreign trade (Development and Regulation) Act, 1992

Unit III: Foreign Trade Policy

Unit IV: Foreign Trade Procedures

Paper: III

L4 T/P2 C6

Subject: Settlement of International Trade Disputes

Unit I: Consultations

Unit II: Panel and appellate reviews

Unit III: Good offices, conciliation and mediation; arbitration

Unit IV: Compliance and enforcement

Group - IV (ITL)
LL.M. 2nd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - IV (ITL)
LL.M. 2nd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - IV

INTERNATIONAL TRADE LAW

LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	International Sale and Carriage of Goods	4	2	6
2	International Investment Laws	4	2	6
3	International Commercial Arbitration	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

Group - IV (ITL)
LL.M. 3rd Semester

Paper: I

L4 T/P2 C6

Subject: International Sale and Carriage of Goods

Unit I: United Nations Convention on Contracts for the International Sale of Goods, 1980

Unit II: Bills of Lading and other Shipping Documents

Unit III: Documentary Credit and other Payment Arrangements

Unit IV: International Contracts Claims before National Courts

Group - IV (ITL)
L.L.M. 3rd Semester

Paper: II

L4 T/P2 C6

Subject: International Investment Laws

Unit I: Bilateral Investment Treaties

Unit II: Multilateral Investment Guarantee Agency

Unit III: Agreement on Trade-Related Investment Measures

Unit IV: Multilateral Agreement on Investment

Group - IV (ITL)
L.L.M. 3rd Semester

Paper: III

L4 T/P2 C6

Subject: International Commercial Arbitration

Unit I: UNCITRAL Arbitration Rules

Unit II: ICC Arbitration Rules

Unit III: ICSID Arbitration Rules

Unit IV: Recognition and Enforcement of Agreements and Awards

Group - IV (ITL)
L.L.M. 3rd Semester

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - IV (ITL) LL.M.
3rd Semester

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP - IV

INTERNATIONAL TRADE LAW

LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1.	Dissertation and Viva*	-	-	25

*NUES

Group -IV (ITL)
LL.M. 4th Semester

Paper: I

L- T/P- C25

Subject: Dissertation and Viva Voce

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP-V

CORPORATE LAW

LL.M. Second Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Law of Corporate Management and Governance	4	2	6
2	Competition and Consumer Protection Laws	4	2	6
3	Regulation of Capital Market and Foreign Investment	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

Group - V (CL)

LL.M. 2nd SEMESTER

Paper: I

L4 T/P2 C6

Subject: Law of Corporate Management and Governance

Unit -1: Corporate Incorporation and Management 1.

- (i) Certificate of Incorporation
- (ii) Memorandum and Articles of Association
- (iii) Doctrine of Ultra Vires
- (iv) Doctrine of Indoor Management

2.

- (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors,
- (ii) Audit Committee: Its Role.
- (iii) Company Secretary: Qualification, Appointment and Duties
- (iv) Officer who is in default: Definition of Officer who is in default
- (v) Liability of independent directors.

3.

- (i) Types of Meetings
- (ii) Procedure of calling meeting
- (iii) Company's resolutions and its kinds

**Unit -2 : Oppression & Mismanagement and Investigation
(Sections 397 to 408; Sections 235 to 251)**

1.

- (i) Rule in Foss v. Harbottle
- (ii) Prevention of Oppression
- (iii) Prevention of Mismanagement
- (iv) Role & Powers of the Company Law Board
- (v) Role & Powers of Central Government

2.

- (i) Company Investigation

Unit - 3: Corporate Liquidation

1.

- (i). Winding up of Companies
- (ii). Mode of winding up of the companies
- (iii). Compulsory Winding up under the Order of the Tribunal
- (iv). Voluntary winding up
- (v). Contributories
- (vi). Payment of liabilities

Unit -4 : Corporate Governance and Social Responsibility 1.

- (i) Importance of Corporate Governance (ii) Different system of Corporate Governance
- (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance
- (iv) Legal Reforms of Corporate Governance in India (v) Reports of the various Committees on Corporate Governance (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

2.

- (i) Corporate Social and Environmental Responsibility

Selected Bibliography:

1. Smith and Keenan' s, *Company Law* (2002)
2. Andrew Li dbetter, *Company Investigations ad Public Law* (1999)
3. Saleem Sheikh & William Rees, *Corporate Governance & Corporate Control* (2002).
4. Avtar Singh, *Company Law*, 2007 Eastern Book Company, Lucknow.
5. Gower' s *Principles of Company Law* 8^l Edition 2008, R. Cambray & Co. Pvt. Ltd.

6. Smith and Keenon' s *Company Law*.
7. S. K. Verma & Suman Gupta, *Corporate Governance and Corporate Law Reform in India*. (2005).
8. Companies Act, 1956
9. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*. (1992)

Paper: II

L4 T/P2 C6

Subject: Competition and Consumer Protection Laws

UNIT -1

1. Competition: An Introduction

Definition of Competition
Definition of Competition Law

- Objectives of Competition Law

2. History of Competition Law

(USA, UK, Europe) Relevant provisions of Sherman's Act

-Indian scenario with an overview of MRTP Act, 1969

-*Raghavan* Committee Report

3. International co-operation for competition

- WTO agreements and the Act

UNIT - II

1. Anti-competitive Agreement

- Appreciable adverse effect
- Horizontal and Vertical agreements
 - Effects doctrine

2. Prohibition of anti-competitive agreements

- Concerted practices and parallel behaviour
- Cartel and Cartelisation
- Bid rigging and collusive bidding
- Tie-in-arrangements
- Exclusive supply agreement
- Resale price maintenance agreement

3. Abuse of Dominant Position

- Relevant market
- Predatory behaviour
- Predatory pricing
 - Discriminatory practices
- Relevant market

UNIT - III

1. Combination

- Value of Assets
- Turnover
- Acquisition
- Conglomeration
- Joint Venture
- Merger and Amalgamation
- Notification

2. Competition Commission of India

- Establishment and composition
- Duties
- Procedure for inquiry
- Powers
- Competition fund

3. Competition Advocacy

- Competition Policy

UNIT - IV

Consumer Protection Act, 1986 and its applicability to Competition Law

- Definition of Consumer
- Definition of Service
- Deficiency in Service Unfair
- Trade Practices Overlapping areas

Selected Bibliography:

1. Mittal D.P., Taxmann' s *Competition Law* (2007)
2. *Universal Guide to Competition Law in India-2003*, Universal Law Publishing Company, New Delhi.
3. Ramappa. T., *Competition Law in India- Policy, Issues and Development* (2006) Oxford University Press.
4. Nahar. S. Mahala, *Law, Practice and Procedure* (2006), Commercial Law Publishers.

5. Dhall .Vinod, *Competition Law Today*, (ed.) 2007, Oxford University Press
6. Bangia R.K., *A Handbook of Consumer Protection Laws and Procedure*, 2004, Allahabad Law Agency.
7. Singh Avtar, *Law of Consumer Protection; Principles and Practice*, 2005, Eastern Book Company.
8. Verma S.K. & M. Afzal Wani, *A Treatise on Consumer Protection Laws*, (ed.) 2004, Indian Law Institute.
9. Anoop K. Kaushal, *Universal's Practical Guide to Consumer Protection Law*, 2006, Universal law Publishing Company, New Delhi.
10. Pavleen, *Consumer Decision-Making*, 2006, Deep & Deep Publication.
11. Aggarwal, Prof. V. K., *Consumer and Protection Law and Practice*, 6^l Ed. (2008).

Group - V (CL)

LL.M. 2nd SEMESTER

Paper: III

L4 T/P2 C6

Subject: Regulation of Capital Market and Foreign Investment

Unit -1: Trends in regulation of capital markets

Unit - II: (1) Corporatization of stock exchanges
(2) Role of SEBI and RBI

Unit - III: Policy framework for regulation of FDI

Unit - IV: Bilateral and multilateral investment agreements

Group - V (CL)

LL.M. 2nd SEMESTER

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Group - V (CL)

LL.M. 2nd SEMESTER

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP-V

CORPORATE LAW

LL.M. Third Semester

Theory Papers				
S.No.	Title	L	T/P	C
1	Corporate Taxation	4	2	6
2	Banking & Insurance Laws	4	2	6
3	The Law of Corporate Finance and Securities Regulations	4	2	6
Practical Papers				
4	Project Work / Practical Training*	4	1	5
5	Comprehensive Viva*	-	2	2

*NUES

GROUP-V

LL.M. 3rd SEMESTER

Paper: I

L4 T/P2 C6

Subject: Corporate Taxation

Unit-I: Income Tax

1. Type of Companies - (a) Indian Company (b) Domestic Company (c) Foreign Company (d) Public Sector Company (e) Companies in which public are substantially interested S 2(18) (f) Infrastructure Capital Company.
2. Special Provision in respect of newly established undertaking in free trade zone SEZ, 100% export oriented unit 10A,10AA, 10B, 10BA.
3. Profit and Gains of business or profession
4. Capital Gains
5. Set off or carry forward of losses
6. Incentive and deductions to Companies under Section 80.
7. Deprecation under Companies Act- Schedule 14 S. 205 & S. 350 and depreciation under Income Tax Act.
8. Minimum Alternate Tax 115 JB, Tonnage Taxation Ch. 12 G.
9. Tax on Distributed Profits under Section 115 (O), Special Provisions relating to tax on income received from Venture Capital Companies and Venture Capital Fund 115-U.
10. Dividend Tax ; International Transaction
11. Penalties and prosecution

Unit - II: Wealth Tax

1. Introduction & Chargeability
2. Valuation date and computation
3. Assets and deemed assets
4. Assets exempt from tax
5. Debt owed
6. Valuation of assets
7. Return of wealth and assessment

Unit - III: Sales Tax & VAT Laws

1. Preliminary
2. Imposition of Tax
3. Registration and Security
4. Returns
5. Assessment, Payment of Tax and Interest
6. Accounts and Records
7. Objections, Appeals and Disputes
8. Penalties and Offences
9. Way to GST (Tax on goods & services)- going to implement w.e.f. 1-4-2010

Unit - IV: Excise, Customs and Service Tax

(1) Excise

- (a) Introduction
- (b) Levy and Collection
- (c) Valuation
- (d) Cenvat Credit
- (e) Search, Seizure and Confiscation
- (f) Appeals and Revision

(2) Custom

- (a) Introduction
- (b) Charge of Custom Duty
- (c) Bill of Entry
- (d) Prohibition of Import and Export
- (e) Goods liable for confiscation
- (f) Baggage exempt from duty
- (g) Offences

(3) Service Tax

- (a) Introduction
- (b) Exemption from service tax
- (c) Abatement
- (d) Penalties
- (e) Service Tax on Government Department and Public Authorities

Selected Bibliography:

1. Singhania V.K. & Singhania Kapil, *Direct Taxes, 2006, Law and Practice*, Taxmann.
2. Ahuja Girish & Gupta Ravi, *Concise Commentary on Income Tax 2008*, Bharat Law House.
3. Garg Rakesh, *Delhi Vat Ready Reckoner, 2007*, Versatile Publishers.
4. Garg Mohan Lai, *Law of Central Sales Tax, 2008*, Jain Book Agency.
5. Kohli D.N., *Central Excise Procedures 2008*, Taxman Publication
6. Jain R.K., *Service Tax Law Guide, 2007-2008*, Centax Publishers
7. Jain R.K., *Customs Law Manuals, 2008* Centax Publishers
8. Gupta Ravi & Ahuja Girish, *Bharat's Systematic Approach to Income Tax & Central Sales Tax, 2006*, Bharat Law House.
9. Chaturvedi K., *Guide to Mastering Vat, 2005*, Wadhwa & Company.
10. Chaturvedi K., *Central Sales Tax Laws, 2002*, Wadhwa & Company.
11. Arvind P. Datar, *Guide to Central Excise Law and Practice, 2002*, Wadhwa & Company.
12. Gururaj B.N., *Guide to the Customs Act, 2005*, Wadhwa & Company.
13. Batra Ashok, *A Guide to Service Tax, 2005*, S. Wadhwa & Company.
14. Gupta S.S., *Service Tax, 2005*, Taxmann.
15. Aggarwal Rohini, *Service Tax Law and Practice, 2005*, Eastern Book Company.

GROUP-V

LL.M. 3rd SEMESTER

Paper : II

L4 T/P2 C6

Subject: Banking and Insurance Laws

This course is designed to acquaint the students with the conceptual and operational parameters of banking law and insurance law, the judicial interpretation and the new and emerging dimensions of both the insurance as well as banking.

UNIT - I The Evaluation of Banking Services and its History in India

1. History of Banking in India.
2. Bank nationalization and social control over banking.
3. Various types of Banks and their functions.
4. Contract between banker and customer: their rights and duties.
5. Role and functions of Banking Institutions

UNIT - II Lending by Banks and Recent Trends of Banking System in India

1. Advances, Loans and Securities.
2. Direct, collateral and miscellaneous Securities.
3. Default and recovery.
4. Bank Debt Recovery Tribunals.
5. The Securitization and Reconstruction of Financial Assets and Enforcements of Security Interest Act, 2002 (Definitions, Section 13 -Enforcement of security interest, Section 17 - Right to appeal.)

UNIT - III General Principles of Law of Insurance

1. Definition, nature and history.
2. Contract of insurance and principles.
3. The Risk - commencement, attachment, assignment.
4. Types of insurances.
5. Policy and its Legal Status.

UNIT - IV Recent Trends in Insurance

1. Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)
2. Liability Insurance.
3. Consumer Protection and Banking and Insurance Services.
4. The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000.
5. Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

Selected Bibliography:

1. Tannan, M.L., *Tannan's Banking Law and Practice in India*, 2008, Wadhwa and Co.
2. Tannan, M.L., *Tannan's Banking Law and Practice in India*, 2004, India Law House.
3. Tannan: *Banking Law and Practice in India* (in 3 vols.), 22ⁿ Ed., R. Cambray & Co. Pvt. Ltd.
4. Gupta, S. N., *The Banking Law in Theory and Practice* (in three volumes), 2006, Universal Law Publishing Co.
5. Sharma, B.R. and Nainta, R.P., *Principles of Banking Law and Negotiable Instruments Act 2004*, Allahabad Law Agency
6. Nainta, R.P., *Baking System, Frauds and Legal Control*, 2005, Deep and Deep Publications.
7. Murthy, K.S.N., and Sarma, K.V.S., *Modern Law of Insurance in India*, 2002, Lexis Nexis Butterworth
8. Birds, John, *Modern Insurance Law*, 2003, Universal Publishing Co.
9. Shah, M. B., *Landmark Judgments on Insurance*, 2004, Universal Publishing Co.
10. Mishra, M.N., *Law of Insurance Principles and Practice*, 2008, Radhakrishan Prakashan
11. Rangarajan, C, *Handbook of Insurance and Allied Laws*.

Paper: III

**Subject: The Law of Corporate Finance and
Securities Regulations**

UNIT -1: Public Issue of Shares

- (1). (i) Prospectus
(ii) Remedies for misrepresentation
(iii) SEBI and Stock Exchange guidelines

(2). **Share Capital**

- (i) Nature and Kind of Shares
(ii) Transfer, Transmission, Surrender and forfeiture of Shares
(iii) Purchase by Company of its own shares
(iv) Issue of shares at premium and discount
(v) SEBI Guidelines

UNIT - II:

- (1). Shareholders' Rights (Various rights of shareholders and variation of shareholders rights.
(2). Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges.

UNIT - III:

- (1). Insider Trading; SEBI's Guidelines on Insider Trading
(2). Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions

UNIT - IV:

- (1). Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines
(2). Auditors:
(i) Appointment, powers, duties and removal of auditors
(ii) Special Audit
(iii) Director Responsibility statement in Board Report

(iv) National Advisory Committee on Accounting Standards

Selected Bibliography:

1. Gower' s *Principles of Company Law*, Sweet & Maxwell Thomson, 2006
2. Smith and Keenon' s *Company Law*, Pearson Education Ltd., 2009
3. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, 1992
4. Companies Act, 1956
5. Verma J.C., *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, 2008

GROUP-V
LL.M. 3rd SEMESTER

Paper: IV

L4 T/PI C5

Subject: Project Work / Practical Training

Project Work will be on some current topic of legal importance or inclusive of other disciplines. Practical training will be in the form of internship, organizing programmes etc.

Evaluation will be made by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

GROUP-V

LL.M. 3rd SEMESTER

Paper: V

L- T/P2 C2

Subject: Comprehensive Viva

Viva voce will be conducted by a Board of Examiner comprising of Dean, Supervisor, senior most faculty member and an External Examiner with the approval of the Hon'ble Vice-Chancellor.

GROUP-V
CORPORATE LAW

LL.M. Fourth Semester

Practical Paper				
S.No.	Title	L	T/P	C
1.	Dissertation and Viva*	-	-	25

*NUES

Group - (Corporate Law) LL.M. 4th Semester

Paper: I

L-T/P- C25

Subject: Dissertation and Viva Voce

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and senior most faculty member and an External Examiner with the approval of the Hon'ble Vice Chancellor.

Law and Society

This course focuses on problems, of Law as an instrument of social change. Some areas from Indian Social setting will be selected and an attempt will be made to study the effectiveness of law and legal measure in bringing about desired attitudinal, structural, behavioral changes in the society.

Not all topics on the course can be discussed in the class despite extra-sessions that may need to be held from time to time. Hence a couple of topics will be by way of self-learning.

Essay: The presentation of the class essays by the students shall be scheduled from October 15, onwards - All students are required to settle the topic of their essay with us latest by the third week of September.

Topic: 1 Law as a means of social change: A theoretical Perspective

What is the relationship of law with social change? Can law change the society? Do you think that legal system is conditioned by the structure of society? What is the relationship between law and material conditions and how do they act on each other? Are the social movements one of the most powerful means of social change? Can you identify various characteristics of social movements?

1. G. Frank and Marten Frentres, Nine thesis on Social Movements, EPW, August 29, 1987 p. 1503-10.
2. D. Balbus "Commodity Form and Legal Form" 11, Law and Society Review 571 (1977)
3. Y. Dror "Law and Social Change" in Aubert (ed) Sociology of Law p. 90.
4. V.K. Dixit, "Personal Liberty and Social Relatives" 15 Marxist Miscellany 85-104 (1979).
5. Allen Essay on Jeremy Bentham, 'Function of the judiciary in modern society, 1971 pp. 181-191.
6. R.D. Yadav, 'Law Social change and communal harmony 1971 pp 11-16.
7. I.C. Sexena, 'Consumer Legislation Law and Social Change 1993 Law Social change and communal harmony pp. 77-80.
8. D.D. Sharma, 'Some Glimpses of Judicial responses to social change legislation in Rajasthan in Law Social change and communal harmony pp. 81-95.
9. Satyendra Tripathi, 'Anomic and Social change in India 1985 pp. 37.
10. Upendra Bakshi the rule of Law in India, International Journal on Human Right No. 6 year for - 2007 pp 7-25.
11. W. Friedmann, Law in a Changing Society (2003) Universal Part-I and Part-VI.

Topic: 2 Non - State Law

Usually we understand that State alone creates Law. We are not prepared to concede any Law creating role to non-state groups of people. We would see that Caste Panchayats and Lok Adalats and caste panchayats. Are the Courts or state sponsored adjudicatory system only forums setting disputes?

1. Marc Galanter, 'Justice in Many Rooms; Courts, Private order in and indigenous Law' 19 Journal of Legal Plural 1-47 (1981).
2. U. Baxi, "Form Takrar to Karar" 10 Journal of Constitutional and Parliamentary Studies 52 (1979).
3. M.M. Fealey "The concept of law in Social Science", 10 Law and Society Review 497 (1976).
4. L.C. Dhingra, 'Constitutional Intrusion into personal Law a critical judicial appraisal in Law Social change and communal harmony pp. 29.
5. Upendra Bakshi, 'The Nyaya Panchayat' towards sociology of Indian Law 1986 pp. 95-108.
6. Aubert (ed.) Sociology of Law pp. 161-170.

Topic: 3 Women and the Law

A. Violence Against Women : What are the social factors responsible for violence against women? How far is law in its normative, institutional and cultural dimensions responsible for this? How and to what extent law can control violence against women with specific reference to offenses of dowry, Sati, Domestic Violence and Female Foeticide.

1. Ram Ahuja 'Crime and Women' (1987) Rawat Publication, Jaipur.
2. Law Commission of India 84th Report on Rape and Allied Offences 1980.
3. Women march towards dignity edited Kusum 1993 Regency New Delhi.
4. Vina Mazumda, 'Towards equality - status of women in India' Women & the Worlds 1978 pp. 17.

5. R.M. Sharma, 'Judicial attitude on the problem of working women' in Law Social change and communal harmony pp. 41-52.
6. S.S. Khara, 'Culpability of Sati - Adequacy of IPC and in adequacy of the commission of Sati Prevention Act in Law Social change and communal harmony pp. 53-58.
7. Priti Mishra, 'Domestic violence against women legal control and judicial response (2007) DEEP & DEEP New Delhi.
8. Towards equality - the unfinished agenda - status of women in India - 2001 NCW 2002.
9. Upendra Bakshi, 'From Human Rights to the right to be a woman' Engendering Law, Essays in honors of Lotika Sarkar (EBC) 1999 pp. 117-138.
10. Kirti Singh, 'Violence against women and the Indian Law' in Violence, Law and Women rights in South Asia (ED) Savitri Goonesekere (2004) sage pp. 77-147.
11. Sex - selective Abortion in India, (ed) Tulsi Patel (2007) Sage.

B. Dowry and Bride Price : What is meant by dowry and bride price? Can you associate these practices with different classes and castes of people? What are the Social causes of these practices? How far can law control these practices?

1. V.K. Dixit - Sociology and Economics of Dowry and Bride Price International Journal of the Sociology of Law 1992 London.
2. V.K. Dixit, "Concept and Function of Dowry and Bride Price", XIV (3) Indian Bar Review 418-427 (1987).
3. Virendra Kr., "An Evaluation of Dowry Prohibition Law", Social Policy and Protection of Weaker Sections, (ed.) D.N. Saraf 325-42 (1987).
4. Shalini Baneia and Leela Visaria 'Sociology of Bride Price and Dowry' EPW Vol. XIX pp. 648 April 15, 1984.

Topic: 4 Law and the Liberation of bonded Labour

Who are the bonded labourers? What are the sociological, historical and structural causes for the bonded labour system? What steps have been taken by the government for eliminating bonded labour systems? How far the law has been effective?

1. Parmanand Singh "Bandhua Mukti, Social Action and the Supreme Court" XII (2) Indian Bar Review 228-41 (1989).
2. Bonded Labour System (Abolition) Act, 1976.
4. Sivaramayya "Bonded Labour" in Law and Poverty (ed.) Upendra Baxi 237-48 (1988).
5. N.D. Kamble, 'Bonded Labour in India 1982.
6. S.S. Prakash, 'Bonded Labour and Social Justice 1990 (DEEP & DEEP)

Topic: 5 Caste System, Untouchability and the Law

What is meant by the Caste System? Who are the SCs? Movements for the emancipation of the untouchables during nationalist movement. Avenues of changes in the post-independence India. Indian Social policy, constitutional commitment and judicial responses. Effectiveness of the device of reservation as a means of change among the SCs. Is reservation a guaranteed fundamental right enforceable in a court of law?

What is meant by Untouchability? What steps have been taken by the government to eradicate the practice of untouchability? How far the anti-untouchability law has been effective? What are the social, structural or institutional causes for atrocities on the weaker sections of the society?

1. Mata Din "Supreme Court on Reservation", (1988).
2. Mata Din "Constitutional Safeguards For SC/ST" Delhi Law Review 42(1974).
3. Upendra Baxi : "Political Justice : Legislative Reservation for SC and ST and Social Change" Ambedkar Memorial Lectures 1978.
4. Parmanand Singh : "Some Crucial Problems of Tension between Equality and Compensatory Discrimination" Comparative Constitutional Law (ed) M.P. Singh 336-52.
5. Ghanshyam Shah et al, 'Untouchability in Rural India (2006) Sage.
6. Joshi, Barbara R., 'Democracy in search of equality: Untouchable politics and Indian Social change (1982).
7. Arvind Sharma, 'The caste system (Varna, Jati) and Human Right in Hinduism & Human Rights. A conceptual approach (2006) Oxford pp. 50-76.
8. B.R. Ambedker, 'Caste in India: Their mechanism, Genesis and development' in Class, Caste Gender (ed) Manoranjan Mohanty (2004) Sage pp. 131-153.
9. Class, Caste, Gender (ed) Manoranjan Mohanty (2004) Sage.
10. Law and Poverty, 'Cases and Material (ed) Dr. L.M. Singhvi (1973) pp. 45-101.
11. Upendra Baxi "Untouchability: Constitutional, Law and Plan" Law and Poverty (ed) Upendra Baxi 165-75 (1988).
12. Upendra Baxi, "The Protection of Civil Rights Act, Pitfalls in Implementation" Law and Poverty (ed) U. Baxi - 175-85 (1988).
13. Protection of Civil Rights Act 1955.
14. M.D. Kamble, Atrocities on Scheduled Castes in post-independence India.

Topic: 6 Social Action Litigation and Social Change

Do you think that SAL/PIL is slowly emerging as an effective medium of struggle against domination and Victimisation? What according to you is the sociology of PIL/SAL? Can this strategy be effectively used as a means of social change? What has been the response of the government to the judicial initiatives? To what extent the victim groups (Bonded Labour, Undertrials, Untouchables, Landless Labourers) have been liberated through SAL/PIL?

1. Upendra Baxi "Taking suffering seriously: Social Action Litigation in the Supreme Court of India" Law and Poverty (ed) U. Baxi 387-415 (1988).
2. Upendra Baxi "Law Struggle and Social Changes: An Agendum for Social Activities" 35 Social Action 118-25 (1985).
3. Parmanand Singh "Access to Justice: Public Interest Litigation and the Indian Supreme Court" 10-11, Delhi Law Review 156-73 (1981-82).
4. Parmanand Singh, "Judicial Socialism and Promises of Liberation", 28, J.I.L.I. 336-47 (1986).
5. Sampat Jain, Public Interest Litigation 2002 (DEEP & DEEP).
6. Mamta Rao, Public Interest Litigation 2004 (EBC).
7. Videh Upadhyay, Public Interest Litigation 2007 (Lexis Nexis).
8. I.P. Massey, Public Interest Litigation or Social Action Litigation Administrative Law pp. 358-375.

NOTICE: The synopsis is not to be treated as exhaustive of the scope of the paper and the students are expected to read other materials covered by the title of the paper.

Environmental Law

1. INTERNATIONAL ENVIRONMENTAL LAW

A. INTERNATIONAL MEASURES TO PROTECT GLOBAL ENVIRONMENT

sic utere tuo ut alienum non laedas

Trail Smelter Arbitration Case, 33 AJIL (1939), 182; 35 AJIL (1941) 684

UN Conference on Human Environment (UNCHE), 1972

- Stockholm Declaration, 1972; Action Plan
- World Charter for Nature, 1982

Montreal Protocol to Prevent the Depletion of Ozone Layer, 1987 as amended;

Multilateral Fund

Rotterdam Convention on Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (1998).

UN Conference on Environment and Development (UNCED), 1992.

- Rio Declaration, 1992
- UN Convention on Biological Diversity, 1992; Cartagena Protocol on Biosafety, 2000 - Biosafely Clearly House

UN Framework Convention on Climate Change, 1992; Kyoto Protocol, 1997 and beyond - Clean Development Mechanism, Emission Trading, Joint Implementation

- Agenda 21

Forest Principles, 1992

Convention on Access to information, Public Participation in Decision-making and Access to Justice in Environmental Matters, 1998 (Aarhus Convention)

B. INTERNATIONAL ENVIRONMENTAL INSTITUTIONS

United Nations Environment Programme (UNEP)

United National Development Programme (UNDP)

Global Environment Facility (GEF)

World Conservation Union (IUCN)

Organization for Economic Co-operation and Development (OECD)

II. SUSTAINABLE DEVELOPMENT

A. CONCEPT AND SCOPE

Report of the World Commission on Environment and Development (WCED), *OUR COMMON FUTURE*, (Brundtland Report), 1987.

Caring for Earth Document

World Summit on Sustainable Development (WSSD), 2002 (Johannesburg Summit)

- Plan of Implementation, Johannesburg Declaration

B ENVIRONMENTAL PRINCIPLES

- Precautionary Principle
- Polluter Pays Principle
- Inter-generational Equity
- Intra-generational Equity
- Common but Differentiated Responsibilities

C IMPLEMENTATION OF SUSTAINABLE DEVELOPMENT International Measures

UN Commission on Sustainable Development, 1992

WTO Committee on Trade and Environment National Measures

- Implementation of Sustainable Development in India

III. ENVIRONMENTAL CONSTITUTIONALISM

A. RIGHT TO ENVIRONMENT

Human Right to Environment v. Right to Development; World Charter for Nature, 1982.

Constitutional operationalisation of Fundamental Right to Pollution Free Environment - Articles 14, 19(1)(g), 21, 48-A and 51-A (g) of the Constitution

Environmental Law Making - Parliamentary power under Article 253 to amend law made under Article 252.

Constitutional Status of Fundamental Environmental Principles: Precautionary Principle, Polluter Pays Principle, Inter-generational Equity, Intra-generational Equity, Public Trust Doctrine.

B. ENVIRONMENTAL JUSTICE

Access to Environmental Justice

Environmental remedies - Administrative, Statutory and Constitutional Remedies
Judicial activism - challenges, legitimacy and limits

IV. ENVIRONMENTAL LEGAL FRAMEWORK

A. LEGAL AND INSTITUTIONAL FRAMEWORK FOR ENVIRONMENTAL PROTECTION

The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981; The Environment (Protection) Act, 1986; The Public Liability Insurance Act, 1991; The National Environmental Tribunal Act, 1995; The National Environmental Appellate Authority Act, 1997; The Wildlife (Protection) Act, 1972 as amended in 2002; The Indian Forest Act, 1927; The Forest (Conservation) Act, 1980; The Biological Diversity Act, 2002 (18 of 2003).

B. TOOLS FOR ENVIRONMENT PROTECTION:

Environmental Impact Assessment, Environmental Audit, Public Hearing

C. ENFORCEMENT AND COMPLIANCE OF ENVIRONMENTAL LAWS

Command and Control regime: Strengths and Weaknesses

V. ENVIRONMENTAL GOVERNANCE

A. Policy Instruments

Environmental Policy Instruments

- The National Forest Policy, 1988
- The National Water Policy, 2002
- The Wildlife Conservation Strategy, 2002
- The National Environment Policy, 2006

B. ENVIRONMENTAL DECISION MAKING

Access to Information, Public participation

C. ENVIRONMENTAL PLANNING FOR SUSTAINABLE URBAN AND RURAL ENVIRONMENT

- Master Plans, Zoing, Health and Sanitation
73rd and 74th Amendments to the Constitution
- Displacement, Resettlement and Rehabilitation

VI. ENVIRONMENTAL LIABILITY

Criminal Liability

Tortious Liability - Vicarious Liability, Absolute Liability, Deep Pocket Theory,

Multinational Corporate Liability

State Liability

Public Liability Insurance Act, 1991

National Environmental Tribunal Act, 1995

1. B.C. Nirmal, "Overview of the Biosafety Protocol", 46 *JILI* 373 (2003)
2. Bharat H. Desai, "UNEP: A Global Environmental Authority?", *Environment Policy and Law*, 36/3-4 137 (2006)
3. Carol Harlow, "**Public Law and Popular Justice**", 65 *Modern Law Review* 1 (2002)
4. Christopher D. Stone, "Common but Differentiated Responsibilities in International Law", Vol. 98, No. 2 *The American Journal of International Law* 276-301 (2004)
5. Daniel C. Esty, "Bridging the Trade-Environment Divide", *Journal of Economic*

Perspectives, Vol, 15, No. 3, pp. 113-130

6. Dinah Shelton, **The Links between International Human Rights Guarantees and Environmental Protection**, University of Chicago, Center for International Studies, (2004)
7. Elisa Morgera, "An Update on the Aarhus Convention and its Continued Global Relevance", 14 *Review of European Community & International Environmental Law* 138 (2005)
8. Elisa Morgera, "From Stockholm to Johannesburg: From Corporate Responsibility to Corporate Accountability for the Global Protection of the Environment?" 13 *Review of European Community & International Environmental Law* 214 (2004)
9. Elizabeth Fisher, "Is the Precautionary Principle Sustainable?", 13 *Journal of Environmental Law* 315 (2001)
10. Francesco Sindco and Joyeeta Gupta, "Moving the Climate Change Regime Further through a Hydrogen Protocol", 13 *Review of European Community and International Environmental Law* 175 (2004).
11. Gianluca Rubagotti, "The Clean Development Mechanism: Establishing A Regulatory Framework to favour Climate Friendly Investments", 46 *Indian Journal of International Law* 212 (2006)
12. Gurdip Singh, "Human Rights to Sustainable Development: An Indian Perspective", 3 (2) *Soochow Law Journal* 53-89 (2006)
13. Gurdip Singh, "The Role of Equity in Sustainable Development: A Conceptual Enquiry", X-XINCLJ 17 (2005-2006)
14. James Cameron, *The Precautionary Principle*, in Gary P. Sampson, W. Bradnee Chambers (ed.), *Trade, Environment and the Millennium*, United Nations University Press (2002)
15. Javaid Talib, "Constitutionalising the Problem of Environment", 47 *JILI* 522 (2005).
16. Joy Hyvarinen, "The 2005 World Summit: UN Reform, Security, Environment and Development", 15 *Review of European Community & International Environmental Law* 1 (2006)
17. Jutta Brunnee, "Of Sense and Sensibility: Reflections on International Liability Regimes as Tools for Environmental Protection", 53 *International Comparative Law Quarterly* 351 (2004)
18. Laurence Boisson de Chazournes, "The Global Environment Facility (GEF): A Unique and Crucial Institution", 14 *Review of European Community & International Environmental Law* 193 (2005)

21. Lavanya Rajamani, "From Stockholm to Johannesburg: The Anatomy of Dissonance in the International Environmental Dialogue", 12 *Review of European Community & International Environmental Law* 23 (2003)
22. Lord Justice Carnwath, "Judicial Protection of the Environment: At Home and Abroad", 16 *Journal of Environmental Law* 315 (2001)
23. M Lee and C. Abbot, "The Usual Suspects? Public Participation Under the Aarhus Convention", 66 *Modern Law Review* 80 (2003)
24. M. Pallemarts, "International Law and Sustainable Development: Any Progress in Johannesburg?", 12 *Review of European Community and International Environment Law* 1 (2003)
25. Mark Geistfeld, "Implementing the Precautionary Principle", 31 *Environmental Law Reporter* 11326 (2001).
26. Mike Fentuck, Precautionary Maybe, but What's the Principle? The Precautionary Principle, The Regulation of Risk, and the Public Domain *Journal of Law and Society* 371 (2005).
27. N.S. Khamboj, Hazardous Industries: Policy and the Law, 46 *Indian Journal of International Law* 449 (2004).
28. Nils Meyer-Ohlendorf, Would a United Nations Environment Organization Help to Achieve the Millennium Development Goals? 15 *Review of European Community & International Environmental Law* 23 (2006).
29. Richard J. Ferris Jr., et al. *International Environmental Law*, 38 *International Lawyer* 477-492 (2004).
30. Sanford E. Gaines, *International Trade, Environmental Protection and development as a Sustainable development Triangle* 11 *Review of European Community & International Environmental Law* 259 (2002).

REPORTS/DOCUMENTS/DECLARATIONS

1. *Law Commission 186th Report* on Proposal to Constitute Environment Courts (2003).
2. *Stockholm Declaration*, available at <http://www.unep.org/Documents.Multilingual/Default.asp? Document ID=97 & Article ID = 1503>
3. *Rio Declaration on Environment and Development*, available at <http://www.un.org/esa/sustdev/documents/agenda21/index.htm>
4. *Agenda 21*, available at <http://www.un.org/esa/sustdev/documents/agenda21/index.htm>
5. *Johannesburg Declaration*, available at <http://www.un.org/esa/sustdev/index.html>
6. *Johannesburg Plan of Implementation*, available at http://www.un.org/esa/sustdev/documents/WSSD_POI_PD/English/POIToc.htm
7. *Transnational Enforcement of Environmental Law*, First Report, International Law Association, New Delhi Conference (2002).
8. *Transnational Enforcement of Environmental Law*, Second Report, International Law Association, Berlin Conference (2004).
9. *Caring for Climate: A Guide to Climate Change Convention and Kyoto Protocol*,

- Climate Change Secretariat (UNFCCC) Bonn, Germany (2005).
10. *Manual on Compliance with an Enforcement of Multilateral Environmental Agreements*, UNEP, (2006)

JUVENILE DELINQUENCY

Children constitute about 40% of India's population and India has a National Policy for Children declaring children to be a national asset. Even so majority of India's children continue to be in difficult circumstances. India has signed the UN Convention on the Rights of the Child and obligated itself to work towards ensuring all the rights enshrined therein to all its children. This paper focuses on children and the state and non-state responses to them when they are found to have committed an offence or are found to be in a state of want, victimization, exploitation and need of care and protection. It undertakes a critical scrutiny of the concept of juvenile delinquency, the legal provisions and judicial pronouncements and the operation of juvenile justice in India in the light of international developments in the field. Objectives of the Course:

- To provide theoretical background and conceptual understanding of juvenile delinquency and a deep understanding of state's response to juvenile delinquency in India
- To familiarize students with pertinent issues in the operations of juvenile justice in India
- To develop critical thinking on the Juvenile Justice (Care and Protection of Children) Act 2000 and the rules framed under it.

The synopsis is not to be treated as exhaustive of the scope of the paper and the students are advised to read other materials falling under the title of the paper.

Topic 1 : (i) Children and childhood

(ii) The Child in India: Realities and Issues

(iii) Identification of categories of children in difficult circumstances: Child Labour, Abused Children, Street Children, Girl Child, Abandoned and Illiterate Children, Inadequately socialized affluent family Children, Children in Armed Conflict, Refugee Children, Children with HIV/AIDS, Trafficked Children

Prescribed Readings:

1. *The State of the World's Children 2008*, UNICEF, <http://www.unicef.org/sowc08/docs/sowc08.pdf>
2. *Working Group on Development of Child XI Five Year Plan (2007-2012)* Ministry of Women and Child Development, Govt of India, <http://www.wcd.nic.in/>
3. AN OUTSIDE CHANCE: STREET CHILDREN AND JUVENILE JUSTICE - AN INTERNATIONAL PERSPECTIVE, Part 1 and 2, Report by Consortium for Street Children (2004) Available at http://www.juvenilejusticepanel.org/resources/?act=res&cat=&nod=_root_&id=OutsideChanceStreetChildrenJJ&start=1

Suggested Readings:

1. India's Second Report to the UN Committee under the CRC 2001
2. Concluding Observations of the Committee on the Rights of the Child on India Reports in its 23rd and 35th Sessions

3. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/c1f60870f4bba946c1256967004744cf?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/c1f60870f4bba946c1256967004744cf?OpenDocument) (2000)
4. [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CRC.C.93.Add.5.En?OpenDocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CRC.C.93.Add.5.En?OpenDocument) (2004)
5. Usha Razdan, "Child Paedophilia and International Travel and Tourism: An Unholy Nexus", 48 (4) JILI 540 (Oct-Dec 2006)
6. Usha Razdan, 'Children in Armed Conflict: A Situational Analysis' in Raina and Razdan (Eds) *Law and Development* Regency Publication, 217 (2003).

**Topic 2: (i) Nature and Definition of Juvenile Delinquency (ii)
Juvenile Delinquency in India**

Prescribed Readings

1. Sol Rubin, *Crime and Juvenile Delinquency* Chs. 2&4
2. Reed and Bali, *Faces of Delinquency*, Ch. 1
3. *Crime in India 2006*, National Crime Records Bureau, Ministry of Home Affairs, Govt. of India, New Delhi. Chapter 10 and Tables relating to Juvenile Delinquency at <http://ncrb.nic.in/cii2006/cii-2006/CHAP10.pdf> and <http://ncrb.nic.in/cii2006/cii-2006/Table%20Contents.htm>

Suggested Readings

1. Thorsten Sellin "The Legal Basis of Delinquency" Wolfgang et al (ed.), *Sociology of Crime and Delinquency*.
2. Paul N. Tappan, "Who is a Criminal" in Dressler (ed.), *Readings in Criminology and Penology*.

Topic 3: Causes of Juvenile Delinquency

Prescribed Readings

1. Trozanowicz, *Juvenile Delinquency: Concepts and Control*, Chs. 2 & 3.
2. Don C. Gibbons and Marvin D. Krohn, *Delinquent Behaviour*, pp. 106-193.
3. Meda Chesney Lind et al. *Girls, Delinquency and Juvenile Justice*, (2nd edition 1997) Int. Thompson Pub. Pp 73-100.
4. "Juvenile Social Maladjustment and Human Rights in the Context of Urban Development", *Case Study No.4 Bombay, India, UNSDR Institute Publication No.22*. (1984)
5. Clayton A. Hartjen et al, *Delinquency in India - A Comparative Analysis* (1984), pp 74-81, 116-121.

Suggested Readings

6. Jeffrey. Fagan et al. "Blind Justice? The Impact of the Race on the Juvenile Process" *Crime and Delinquency*, (April 1987) pp 224-239.
7. Suman Kakar "Child Abuse and Juvenile Delinquency: A Prospective Study", 29

- Australian and New Zealand Journal of Criminology*, (1996) pp 47-57.
8. Usha Razdan, "Street Children: Etiology and Futurology: An Empirical Study in the City of Jammu" 38 (4) *JLL* Oct-Dec (1996).

Topic 4: From Welfare to Rights: UN Declarations, Conventions, Rules, Protocols and Other Instruments

- i. U.N. Standard Minimum Rules for the Administration of Juvenile Justice, 1985 (the Beijing Rules) http://www.unhchr.ch/html/menu3/b/h_comp48.htm.
- ii. The U.N. Convention on the Rights of the Child, 1989 (CRC), <http://www.ohchr.org/english/law/crc.htm>
- iii. UN Guidelines for the Prevention of Juvenile Delinquency, 1990 (The Riyadh Guidelines) http://www.unhchr.ch/html/menu3/b/h_comp47.htm
- iv. Rules for Protection of Juveniles Deprived of Their Liberty 1990. <http://www1.umn.edu/humanrts/instreet/j1unrjdl.htm>
- v. United Nations Standard Minimum Rules for Non-custodial Measures 1990 (The Tokyo Rules) http://www.unhchr.ch/html/menu3/b/h_comp46.htm
- vi. Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, <http://www.unhchr.ch/html/menu2/6/crc/treaties/opsc.htm>
- vii. Optional Protocol on Children in Armed Conflict, <http://www.unhchr.ch/html/menu2/6/crc/treaties/opac.htm>
- viii. SAARC Convention on Trafficking of Women and Children, <http://www.saarc-sec.org/old/freepubs/conv-traffiking.pdf>
- ix. UN Millennium Development Goals, <http://www.un.org/millenniumgoals/>

Prescribed Readings

1. B.B. Pande, "The Indian Juvenile Justice Jurisprudence and the Convention on the Rights of the Child", <http://www.workingchild.org/htm//jj.htm>
2. John Ekkelaar, "The Importance of Thinking that Children have Rights" in Philip Alston *et al* (ed) *Children, Rights and the Law* (1992) Clarendon Press pp 221-235
3. Jane Fortin, "Children's Rights: Are the Courts Now Taking Them More Seriously" 15 *KCLJ* 253-272 (2004)
4. Alexander W. Pisceotta "The Promise and Practice of *Parrens Patriae*; 1838-98", 28 (3) *Crime and Delinquency* (1982) pp 410-425.
5. D. Venkateswara Rao, *Child Rights: A Perspective on International and National Law* (2004) Manak Publications.
6. Asha Bajpai, *Child Rights in India: Law Policy and Practice* (2nd ed 2006) OUP.
7. *Ajay Goswami*, Writ Petition (civil) 384 of 2005, DoJ 12/12/2006.

Suggested Readings

1. Frances Olsen, "Children's Rights: Some Feminist Approaches to the UN

- Convention on the Rights of the Child" 192 - 220 in Philip Alston *et al (ed) Children, Rights and the Law* (1992) Clarendon Press
2. *Building a World Fit for Children*, UNICEF (2002)
http://www.unicef.org/specialsession/docs_new/
 3. Michael D.A. Freeman, "Beyond Conventions - Towards Empowerment" in Fortuyn *et al (ed) Towards Realisation of Human Rights of Children* pp. 19-39 (1992)
 4. Savitri Goonesekere, *Children, Law and Justice: A South Asian Perspective* (1998) UNICEF.
 5. L. Gelsthorpe and A. Morris, "Juvenile Justice 1945-1992" in Mike Maguire *et al (ed) The Oxford Handbook of Criminology* (1994) OUP

Topic 5: Legal Framework of Juvenile Justice in India

- i. History and evolution of Juvenile Justice in India
- ii. Constitutional Provisions
- iii. The Juvenile Justice (Care and Protection of Children) Act, 2000 as amended by the JJ (C&PC) Amendment Act 2006
- iv. Model Rules 2007, available at Ministry of Women and Child Development website
- v. The Commissions for Protection of Child Rights Act 2005
- vi. National Charter for Children 2003

Prescribed Readings

1. Ved Kumari, *Juvenile Justice System in India: From Welfare to Rights* (2004) OUP
2. Ved Kumari, "Appraisal of Juvenile Justice (Care and Protection of Children) Act, 2000", 1 (1) *NALSAR Law Review*, 73-95 (Sept. 2003)
3. "The Right Not to Loose Hope: Children in Conflict with Law - A Policy Analyses and Examples of Good Practice:, A Contribution to the UN Study on Violence Against Children from the International Save the Children Alliance available at <http://www.rb.se/NR/rdonlyres/F6E94ABB-559E-40A4-8EEE-B258B8DB553A/0/TheRightnottoLoseHope.pdf>
4. B.B. Pande, "Setting the Juvenile Justice Course Right: A Critique of *Pratap Singh v. State of Jharkhand*", Mimeo (2006)

Cases:

1. *Balu @ Bakthvatchalu*, DoJ 12/02/2008
2. *Jyoti Prasad v. State*, Appeal (crl.) 440 of 2008, DoJ 04/03/2008
3. *Jameel v. State*, AIR 2007 SC 971
4. *Sampurna Bahrua v. Union of India*, (Supreme Court D/- 3-1-2005)
5. *Pratap Singh v. State of Jharkhand and Another*, (2005) 3 SCC 551
6. *Rajinder Chandra v. State of Chhatisgarh*, (2002) 2 SCC 287
7. *Arnit Das v. State* (2000) 5 SCC 488 and 2001 (6) Supreme 461
8. *Ram Deo Chauhan @ Rajnath Chauhan v. State of Assam*, (2001) 5 SCC 714 and 2000 II AD (Cr) SC 801
9. *Bhola Bhagat v. State of Bihar*, 1998 Cri LJ 390
10. *Santenu Mitra v. State of West Bengal*, (1998) 5 SCC 697
11. *Mohd. Lias v. State*, 1994 Cri LJ 1436 (Del)

12. *Bhoop Ram v. State of U.P.*, 1989 (1) SCALE 799

13. *Sheela Barse v. Union of India and others*, AIR 1986 SC 1773

14. *Gopinath Ghosh v. State of WB*, 1984 Cri LJ 168 (SC)

15. *Umesh Chandra v. State of Rajasthan*, AIR 1982 SC 1057

16. *Jayendra v. State of Uttar Pradesh*, 1982 Cri LJ 1000

Suggested Readings

1. Usha Razdan, "Apex Court Towards Humanizing the Administration of Juvenile Justice" JILI Vol. 33 No. 3 (1991)
2. Usha Razdan, "Legal Aid to Juveniles: A *Sine Qua Non* of Correctional Jurisprudence, *Social Defence* No.99, 27 (1990)
3. The Children's Code Bill 2000, Special Expert Committee chaired by Justice Krishna Iyer (2000) UNICEF
4. Pande, B. B., "Rethinking Juvenile Justice: Arnit Das Style" (2000) 6 SCC (Jour) 1
5. Ved Kumari "Relevant Date for applying the JJ Act" (2000) 6 SCC (Jour)
6. Ian Tweedie, "Police Cautioning of Juveniles: Two Styles Compared" Crim LR 168-174 (March 1982)

Topic 6: Juvenile Justice Board (Juvenile Court)

- i. History and evolution
- ii. Structure, Composition and Qualification
- iii. Nature of adjudicatory function
- iv. Jurisdiction of juvenile courts

Prescribed Readings

1. Robert Caldwell "Juvenile Court", 51, *Journal of Crime, Criminology and Police Science*, (1960-61)
2. Barry C. Feld "Juvenile (In) Justice and the Juvenile Court Alternative", 39(4) *Crime and Delinquency* 403 (Oct. 1993)

Cases:

1. *Raj Singh v. State of Haryana*, (2000) 6 SCC 759
2. *In re Session Judge, Kalpetta*, 1995 Cri LJ 330 (Ker)
3. *Ramchandran v. Inspector of Police*, 1993 Cri LJ 3722 (Mad)
4. *Raghubir Singh v. State* AIR 1981 SC 2037
5. *Kario alias Man Singh Malu and others v. State of Gujarat*, 1969 Guj LR 66
6. *In re Gault*, 1967 US 1

Suggested Readings

1. B. B. Pande, "Ruling for Juvenile's Right to Exclusive Treatment" (1982) 1 SCC 49 Charles W. Thomas et al. "Prosecuting Juveniles in Criminal Courts: A Legal and Empirical Analysis" *Jour of Criminal Law and Criminology*, Vol 76 (1985) pp. 459-479.
2. S. V. Kaldate, *Society, Delinquent and Juvenile Court* (1982)

Topic 7 Child Welfare Committee

- i. History and evolution
- ii. Rationale for a distinct adjudicatory institution
- iii. Constitution and composition of Child Welfare Committee

Prescribed Reading

1. B. L. Kantroo "Role of Juvenile Welfare Board in Juvenile Justice Act" in Amod Kant et al. (Eds.) *Neglected Child* pp. 200-204
2. O. Nyquist, *Juvenile Justice, A Comparative Study with Special Reference to the Swedish Child Welfare Board and the California Juvenile Court System*, Part two (1960)
3. Dil Se: Campaign for Rights of Homeless Children of Delhi - A Joint Initiative of the Government of India and Citizens of Delhi 2007

Cases:

1. *St. Theresa's Tender Loving Care Home & Ors*, DoJ 24/10/2005
2. *Amrita Ahluwalia v. Union of India*, 1992 Cri LJ 1906 (Del)
3. *Vishaljeet v. Union of India*, (1990) 3 SCC 318
4. *Gaurav Jain v. Union of India & others*, AIR 1990 SC 292
5. *Sunil Kumar v. State*, 1983 Cri LJ 99 (Ker)

Suggested Readings

1. Amod Kant "Rescue operations for the Neglected Children in Red Light Area of G. B. Road, Delhi : The Unanswered Questions", *Neglected Child* pp. 210-214
2. Report of the Working Group on Children in Especially Difficult Circumstances, submitted to Department of Women and Child Development Ministry of HRD, Govt of India

Topic 8: Measures for Protection, Treatment and Rehabilitation of Children

- i. Custodial Measures (Observation Homes, Juvenile Homes, Special Homes, After Care Institutions, Place of safety, Protective custody)
- ii. Non-Custodial Measures (Release after due admonition and counselling, group counselling, community service, fine, probation, fit person, fit institution, adoption, foster care, shelter homes, sponsorship) iii. Restorative Justice

Prescribed Readings

1. A Last Resort: The Growing Concern about Children in Residential Care, Save the Children (2003) http://www.savethechildren.org.uk/temp/scuk/cache/cmsattach/1110_lastresort.pdf
2. S. P. Srivastava, *Juvenile Justice in India* (1989) pp. 72-119
3. Allison Morris and Gabrielle Maxwell, "Restorative Justice in New Zealand: Family Group Conferences as a Case Study." *Western Criminology Review* 1 (1998). Available at <http://wcr.sonoma.edu/v1n1/morris.html>
4. Gordon Bazemore, "Crime Victims and Restorative Justice in Juvenile Courts: Judges as Obstacle or Leader?" *Western Criminology Review* 1(1998) [Online]. Available: <http://wcr.sonoma.edu/v1n1/bazemore.html>.

Suggested Readings

1. "Functioning of Institutions" and G. Pinto "Community Involvement and Monitoring" in *A Report of the National Consultation of Juvenile Justice, Centre for Child and the Law, NLSUI, Bangalore* (1999) pp.40-46 and 55-57
2. "A Report on National Consultation on Juvenile Homes: Status and Strategies", Institute for Juvenile Justice (Memio 1999)
3. *Sanjai Suri v. Delhi Admn*, AIR 1988 SC 1232
4. *Sanat Kumar Sinha v. State Patna High Court Cr. Writ No. 182 of 1988*

Topic 9: Community Involvement for Prevention and Control of Juvenile Delinquency

Prescribed Readings

1. Draft Integrated Child Protection Scheme, <http://www.wcd.nic.in/drafticps.pdf>
2. National Plan of Action 2005, <http://wcd.nic.in/NAPAug16A.pdf>
3. Summary Report - Violence Against Children in Conflict with the Law: A Thematic Consultation for the UN Secretary General's Study on Violence Against Children, 4-5 April 2005. available at <http://www.juvenilejusticepanel.org/resource/items/V/i/ViolenceAgainstCICLThematicReportUNStudyApril05.pdf>
4. *Creative Child Advocacy: Global Perspectives*, Ved Kuamri and Susan L. Brooks (Ed.) 2004 (Sage Publications)
5. Dean G. Rojek and Maynard L. Ericson, "Reforming the Juvenile Justice System: The Diversion of Status Offenders" 16 (2) *Law and Society Review* 2 (1981-82)

Suggested Readings

1. R. M. Verma "Eliciting people participation to promote Welfare Programmes for Neglected Children", in *Neglected Child* op. Cit. 137-145
2. Sita Ram Singh, "The Role of Family School and Community in Controlling Juvenile Delinquency", 86 *Social Defence* 23 (1986).
3. Andal Damodran, "Community Managed Child Development Programmes and Summit Goals", in *Neglected Child* pp. 243-253
4. "Partnerships : Corporate Initiative" *Centre for Child and the Law Report* (1999)

Administrative Discretion and Judicial Review

Required Readings:

- D.J. Galligan, Discretionary Powers; A legal Study of Official Discretion (1986)
- D.J. Galligan, Discretion Powers (1990)
- K.C. Davis, Discretionary Justice (1969)
- S.A. De Smith, Judicial Review of Administrative Action (5th ed. 1997).
- S.P. Sathe, Administrative Law (7th ed. 2004).
- H.W.R. Wade and C. Forsyth Administrative Law (9th ed. 2005)
- M.P. Jain and S.N. Jain, Principles of Administrative Law (6th ed. 2007)
- I.L.I. Cases and Materials on Administrative Law
- Peter Cane, An Introduction to Administrative Law (1987)
- P.P. Craig, Administrative Law (5th ed. 2003)
- S.H. Bailey, Cases, Materials and Commentary on Administrative Law (4th ed. 2005)
- B.L. Jones, Garner's Administrative Law 7th ed. 1989)
- David Foulkes, Administrative Law (8th ed. 1995)
- David Pollard, Neil Parpworth and David Hughes Constitutional and Administrative Law (4th ed. 2007).
- Ian Loveland, Constitutional Law, Administrative Law, and Human Rights (4th ed. 2006)

- Neil Parpworth, Pollard David, Constitutional and Administrative Law (4th ed. 2006).
- Peter Leyland & Gordon Anthong, Textbook on Administrative Law (5th ed. 2005)
- Durga Das Basu, Administrative Law (6th ed., 2006).
- Beatson, Mathews and Elliott's. Administrative Law Text and Materials (3rd ed. 2005)
- Paul Jackson, O. Hood Phillips' Leading Cases in Constitutional and Administrative Law (6th ed. 1988).
- Bernard Schwartz, Roberto L. Corrada, J. Robert Broun, Administrative Law : A Case Book (6th ed. 2006)
- H.F. Rawlings, Judicial Review and Control of Government, 64 Public Administration (1986) 135-145.
- S.N. Jain, Administrative Law Aspects of Maneka Gandhi, 21, Journal of Indian

Law Institute (1979) 382-96.

- K. Ganguli, Principles of Estoppel and Ultra vires in their application to the discharge of public duty by public authorities 41, Journal of the Indian Law Institute (1999) 335.
- V. Rameshan, Promissory Estoppel and State Liability, 31 Journal of Indian Law Institute (1989) 482.
- M.P. Singh. The Constitutional Principles of Reasonableness (1987) 3 SCC (Jour) 31.
- Law Commission of India Report in Promissory Estoppel (108th)
- Great Britain Committee on Minister's Powers Report (1932) (London HMSO, 1939).

Topic I

JURISPRUDENTIAL ASPECTS OF ADMINISTRATIVE DISCRETION

This topic will cover meaning of discretion and its variables, Administrative discretion and judicial discretion, unauthorized or assumed discretion, discretion and administration of justice with approach of instrumentalism, Model of rules and discretionary authority, social content of discretionary powers.

Topic II

LEGISLATIVE CONFERMENT AND EXERCISE OF DISCRETION

Legislative conferment of discretion on administrative authorities, limitations on conferment of discretion arising from constitutional provisions with special reference to the concept of Non-arbitrariness, reasonableness (Wednesbury unreasonableness) and fairness under Articles 14, 19 and 21, and the parent Act. Constraints on the exercise of discretion - practical and value based, right balance of discretion, fundamental rights and discretionary power, discretionary power and liberty, right to information of individuals.

Topic III

LEGAL NATURE OF POWER AND DUTIES OF ADMINISTRATORS AND

JUDICIAL REVIEW

This topic will cover general principles of judicial review, distinction between judicial review, revision and appeal; Constitutional and other foundations of judicial review, sources of power and jurisdiction, jurisdiction cover facts and laws, errors of jurisdictional facts and doctrine of 'no-evidence rule', Jurisdictional error and error apparent on the face of record, power or duty, estoppel, waiver, doctrine of legitimate expectation.

Topic IV

GROUNDINGS OF JUDICIAL REVIEW OF DISCRETION: EXCESS OR ABUSE OF

DISCRETION

This topic will cover various grounds on which the courts review exercise of discretion or non exercise of discretionary power in an unreasonable manner. It will cover the following:

- Unreasonable exercise of discretion or violation of Wednesbury principle
- Mixed motives/colourable exercise of power
- Bad faith / malafides
- Subjective satisfaction
- Relevant / Irrelevant considerations
- Arbitrary exercise of discretion

Topic V

GROUNDINGS OF JUDICIAL REVIEW : FAILURE TO EXERCISE DISCRETION

- Surrender, abdication or dictation of discretion
- Fettering of discretion
- Delegation of discretion

Topic VI

JUDICIAL REVIEW AND POLICY DECISIONS

- This topic will cover various decisions to show that the court cannot determine whether the particular policy is fair or reasonable. For example policy of reservation, disinvestment, privatization etc.

Topic VII

PRINCIPLES OF NATURAL JUSTICE AND JUDICIAL REVIEW

This topic will include a general introduction on the nature, scope and importance of the principles of natural justice, the authorities who are required to follow the principles of natural justice and a detailed discussion on the following.

- The Rule against Bias : Components and Tests, Types of bias, exceptions to rule against bias.
- Audi Alterum Partum Rule : Oral and written hearing, pre-decisional and Post decisional hearing, subsidiary rules like right to counsel, right to cross examine etc.,
- The duty to give reasons : Rationale, reasons by original and appellate authorities, is giving of reasons a burden on the administration.

Topic VIII

PRINCIPLES OF NATURAL JUSTICE : EXCEPTIONS AND FAILURE TO COMPLY

1. Exceptions will cover exclusion by Constitution, statutory provisions in public interest, emergency, fraud etc.
2. Failure to apply the principles will include the effect on the order i.e. whether void or voidable, test of prejudice or useless formality, test of substantial compliance, legality or illegality of the order.
3. Explain the principle of 'legitimate', 'lawful' and 'reasonable' expectation with the help of some of the leading decided case laws in India.
4. "Duty to record reason would arise out of need of public accountability of executive action and enables administrative and judicial review and further lends credibility to such administrative action."
5. Discuss the principles of judicial review of exercise of discretionary power with the help of some of the important decided cases.

LLM PROGRAMME

NOTE:

1. The total number of Credits of the LL.M. programme is 100 (One hundred).
2. Each student shall be required to appear for examination in all the papers of the course and there will be no credit relaxation.