PANJAB UNIVERSITY, CHANDIGARH-160014 (INDIA)
(Estd. under the Panjab University Act VII of 1947-enacted by the Govt. of India)

FACULTY OF LAW

OUTLINES OF TESTS SYLLABI AND COURSES OF READING

FOR

LLM-One Year Course at UILS

For the Session 2019-2020
# ONE YEAR LL.M. COURSE
LIST OF PAPERS (2019-20)

## 1ST SEMESTER

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<th>S.No</th>
<th>Law, Science &amp; Technology</th>
<th>Commercial and Corporate Laws</th>
<th>Constitutional And Administrative Law</th>
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<td>Law &amp; Justice in Globalising World, P-I</td>
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<td>2.</td>
<td>Legal Education and Research Methodology, P-II</td>
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<td><strong>Optional Subjects</strong></td>
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<td>3.</td>
<td>Law Health &amp; Technology P-III</td>
<td>Corporate Governance and Corporate Social Responsibility, P-VI</td>
<td>Centre-State Relations and Constitutional Governance, P-XVI</td>
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<td>General Principles of Criminal Law and Forensic Studies, P-V</td>
<td>Commercial Arbitration, P-VIII</td>
<td>Police and Security Administration, P-XVIII</td>
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## 2ND SEMESTER

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<td>Law relating to Cyber Space and E-commerce, P-X</td>
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<td>Legal Pedagogy, Language and Education, P-XI</td>
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<td>Environmental Law and Policy, P-XII</td>
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<td>5</td>
<td>Dissertation &amp; Viva-Voce</td>
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SCHEME OF EXAMINATIONS:

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

Maximum 100 marks will be allotted for each paper (except term paper and dissertation). These marks will be further divided into two parts i.e. theory examination (75 marks) and Seminar (25 marks).

THEORY EXAMINATION (75 MARKS):

For the theory examination the whole syllabus shall be divided into IV Units. Question paper will be divided into five units. Unit I will have one compulsory question of 25 marks, from Unit-I, II, III & IV of the syllabus, consisting of 5 parts (at least one part from each Unit ) of 5 marks each. Unit II, III, IV and V of the question paper corresponding to the Unit-I to IV of the syllabus will have two questions each and the students will be required to attempt one question of 12 ½ marks each from each unit. The focus of the papers shall be to critically examine the academic/research aptitude of the LL.M. students.

INTERNAL ASSESSMENT:

SEMINAR (18 MARKS):

The Seminar will include a research paper of 2000 words excluding footnotes, (Font size 12- Times New Roman-Spacing 1 ½) and its presentation. The topic of the Seminar will be given by the concerned teacher in the class. The seminar and its presentation shall be evaluated by a Committee consisting of One Professor or Associate Professor and two concerned teachers

Research paper 09 marks
Presentation 09 marks
Mid Semester Test 07 marks

TERM PAPER: 50 (MARKS):

There will be Term Paper of 35-50 pages (font-12-Times New roman and spacing 1 ½ ) to be assigned by the concerned teacher/s in the class on the relevant subject. The term paper shall be evaluated by an external examiner. Three names of external examiners will be proposed by the concerned teacher/s and out of which one name will be recommended by the committee of all Professors of the Department to be approved by the DUI.
SUBJECT: LAW AND JUSTICE IN GLOBALIZING WORLD

PAPER-I

Objective: In this age of Globalisation, the international community of States is emerging as global community of Individuals. This transformation has initiated many changes in the concept of Law and Justice along with their ancillary institutions. The aim of this paper is to introduce the students to the shifting paradigms of state sovereignty, human rights, global justice and legal profession, in the contemporary context.

Unit-I
Globalisation: Concept and Social, Political and Economic Dimensions
Globalisation and State Sovereignty

Unit-II
Theories of Global Justice: John Rawls Theory of Justice; Gandhian Theory of Justice; Amartya Sen’s Capability Approach
Cosmopolitanism and Global Justice

Unit-III
Globalisation and Human Rights
Emergence of Transnational Law in a Globalizing World

Unit-IV
Globalisation and Administration of Justice
Globalisation and Legal Profession

Suggested Readings:

Books

- Amit Bhandari, Development with Dignity, National Book Trust of India, New Delhi, 2005.
- Brijesh Babu “Human Rights and Social Justice” Global Publications, New Delhi-2010
- World Commission on Social Dimension of Globalisation, “ A Fair Globalisation: Creating Opportunities for All”, 2004
Articles


Subject: Legal Education and Research Methodology
Paper-II

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

Unit-I

Unit-II
Hypothesis.
Sampling techniques in research
Primary and Secondary Data; Data collection techniques: Case Study, Observation, Interview, Questionnaire and Schedule, Survey, Historical

Unit-III
Data Processing: Editing, Coding and Classification.
Techniques of Data Presentation in Research: Tabulation, Diagrammatic and Graphic. Analysis and Interpretation of Data

Unit-IV
Legal Research Report
Research Proposal
Dissertation/ Thesis Writing
Foot Notes and Bibliographic Techniques.
Role of Library
Computer and Internet in Research and Legal Data bases in research
Issues of Copy Right and Plagiarism in Research
Research Funding: Role of Government and other Agencies; Practical
difficulties involved in allocation and utilization of Funds. Ethics in Legal Research

**Suggested Readings:**

- Fitzgerald, J. and Jerry Fitzgerald, Statistics for Criminal Justice and Criminology in Practice and Research-An Introduction, 2014
- Yaqin, A., Legal Research and Writing Methods, LexisNexis Butterworths Wadhwa, Nagpur. First Reprint, 2011
ONE YEAR LL.M. COURSE
SESSION 2019-20
SEMESTER-I

SUBJECT: LAW HEALTH AND TECHNOLOGY
PAPER-III
Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: The law is an important determinant of how health of an individual is regulated and maintained. Health has not received due attention in legal studies. The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various ethical and legal health issues and challenges posed by new scientific and technological developments and to equip them to face the recent challenges raised by the modern issues in contemporary era.

Unit-I
Right to health and impact of scientific development: Sex Determination Test with reference to Pre – Conception and Pre-Natal Diagnostic Techniques Act, 1994
Artificial Reproductive Technologies with reference to surrogacy and its impact on the women health as well as on society
E-Waste and Health Hazard
Abortion , Induced abortion and VI Medical Termination of Pregnancy Act, 1971

Unit-II
Law and Health: World Health Organization, its objectives and role
Constitutional provisions relating to health
Various legislations in India and right to health: The Child and Adolescent Labour (Prohibition and Regulation) Act 2016
Right to health and The Factories Act, 1948 with reference to Amendment Bill, 2016
Right to health of working women with reference to Maternity Benefit Act, 1961

Unit-III
The Food Safety and Standards Act, 2006

Unit-IV
The Cigarettes and other Tobacco Products (Prohibition of Advertisement and Regulation of Trade and Commerce Supply and Distribution) Act, 2003,
Impact of drug abuse on health
Suggested Readings:

- Dr. Gupta and Dr. Aggarwal, Medical Jurisprudence and Toxicology (Practice and Procedure), (Premier Publication Company, 2011).
- Dr. Seema Rathi, Reproductive Technology and Human Rights, Deep & Deep Publications, 2012
- Modi Medical Jurisprudence And Toxicology, Lexis Nexis Publication 2011
- Human Cloning Prohibition Act of 2001 (USA)
ONE YEAR LL.M. COURSE
SESSION 2019-20
SEMESTER-I

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

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: The paper is designed to highlight the developments in intellectual property rights and to make students conscious of various issues in protecting intellectual property rights in twenty first century. The objective is to identify the changes needed in the present laws to achieve the sustainable development.

Unit - I
Introduction to Intellectual Property
Concept of Intellectual Property
Economic importance of Intellectual Property

Unit-II
Ethical, Moral and Human Rights Perspectives of Intellectual Property Rights
Right to Health as Basic Human Rights and IPR
Right to Food as Basic Human Rights and IPR

Unit-III
Transfer of Technology, Sustainable Development and IPR
Transfer of Technology and Economic Development
Issues and Concerns of Developing Countries
Protection of Traditional Knowledge and IPR
Concept of Traditional Knowledge
Protection of Traditional Knowledge and Indigenous Knowledge
Bio-Piracy
Need for A Sui Generis Regime, Sui generis protection of plant varieties under the TRIPS and the International Union for the Protection of New Varieties of Plants (UPOV) Convention.
Unit-IV

Environmental Implications of Intellectual Property, Implications of Patent protection for plant, animal and biotechnological inventions-

Biotechnology and Bioethical Implication of IPR, Legal Issues in Patenting Biotechnological Inventions and Human Genomes

The Relationship between TRIPS Agreement and the UN Convention on Biological Diversity; Issues relating to Patent provisions under Article 27.3 of TRIPS

Suggested Readings:


Articles:

- Anil K Gupta, Environmental Implications of Intellectual Property Protection (IPP): Can individual and community conservation ethic and creativity be rewarded through IPP
- Michael A. Gollin, Volume 4, Spring Issue, 1991 USING INTELLECTUAL PROPERTY TO IMPROVE ENVIRONMENTAL PROTECTION
- Richard Tarasofsky, Report on Trade, Environment, and Intellectual Property Rights,
- Kothari, A. and R.V. Anuradha 1997: "Biodiversity, intellectual property rights, and the GATT agreement: how to address the conflicts?” Biopolicy, Vol. 2, No. 4
- Review of the provisions of Article 27.3(B) of CBD, IP/C/W/369/Rev.1, 2006
ONE YEAR L.L.M DEGREE PROGRAMME
SESSION 2019-20
SEMESTER-I

SUBJECT:  GENERAL PRINCIPLES OF CRIMINAL LAW AND FORENSIC STUDIES

PAPER-V
Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

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

Unit-I

Constituents of Crime
- Actus reus
- Mens rea

General Principles of Criminal Liability
- Principle of Legality
- Corporate Criminal Liability
- Vicarious Liability with special reference to Section 34 and 149 IPC

Unit-II

Inchoate Crimes
- Abetment
- Criminal Conspiracy
- Attempt

General Defenses
- Mistake
- Accident
- Necessity
- Insanity
- Intoxication
- Private Defense

Unit-III

Definition, nature and scope of Forensic Science
History and Development of Forensic Science
Crime scene investigation: understanding and purpose of Crime scene examination and investigation, physical evidence, its collection, packing and transportation, chain of custody
Evidentiary value of Forensic Report
Unit-IV

Difference between Suicidal, Homicidal and Accidental Wounds
Recent advances in Forensic Science: Narco Analysis, Brain Mapping, DNA Finger Printing and their Admissibility in the Court, Polygraph Test and NHRC guidelines of administration of Polygraph test.

**Suggested Readings:**

- Krishan Vij, Forensic Medicine and Toxicology, Principles and Practice, Elsevier India Private Limited, 2014
- Modis, Medical Jurisprudence and Toxicology, Lexis Nexis, New Delhi, 2006
Objective: Governance choices affect managerial behaviour and the performance of the business entities. Corporate governance is maximizing the shareholder value in a corporation while ensuring fairness to all stakeholders, customers, employees, investors, vendors, the government and the society-at-large. In a more globalised, interdependent and ever-changing world, corporate governance reform has emerged as a critical business issue, thrust on the world stage by the financial crisis and a number of high profile corporate failures. The purpose of this paper is to develop a sound understanding of corporate arena and to make the student a more informed, critic-equipped and analyst of the corporate governance and corporate social responsibility law. After going through the syllabus the student is expected to have appreciated the need to practice good corporate governance and corporate social responsibility in the corporate arena.

Unit-I
Business Ethics: Meaning, Importance and theories; Tynelol Crisis
Corporate Governance: Origin, Theories and Models of Corporate Governance, Models of Corporate Governance in India
Corporate Governance Committees in India,

Unit-II
Corporate Governance in India: Constitution of BOD. Sub-Committees of Board, Role and responsibilities and Duties of Board/ its Sub-Committees
Independent Directors: Global and Indian Perspective.
Corporate Governance and Insolvency Bankruptcy Code, 2016
Legislative framework for Corporate Governance: under the Companies Act, 2013, the Securities and Exchange Board of India Act, 1992,
Case Study: Enron and Satyam.

Unit-III
Unit-IV

Suggested Readings:


Statutory Material

- The Companies Act, 2103
- The Securities and Exchange Board of India Act, 1992

Suggested Articles

ONE YEAR LL.M. COURSE
SESSION 2019-20
SEMESTER-I

SUBJECT: BANKING AND INSURANCE LAWS
PAPER-VII
Duration: 3 hours

Objective: 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
Nature and development of Banking
Bank nationalization and social control over banking
Banking: Definition, Different kinds of Banks and Functions
Recovery of debt by banks
Banker and Customer- Relationship between Banker and Customer,
Termination of Banker and Customer Relationship

Unit-II
Special Features of Relationship between Banker and Customer- Banker’s Obligations, Banker’s right, Obligation and right of customers to his banker,
Negotiable Instruments- Definition
Essential Features of Negotiable Instruments
Promissory Note, Bill of exchange and Cheque
Dishonor of Cheques: statutory provisions with cases

Unit-III
Meaning and Nature of Insurance
Principles of Insurance
Types of Contact of Insurance
The Risk – commencement, attachment, assignment

Unit-IV
Insurance against 3rd party (relevant provisions from Motor Vehicle Act 1988)
Liability Insurance
Consumer protection for Banking and Insurance services
Insurance Regulatory and Development Authority Act, 2000:- Establishment, Composition, Duties, Powers and Functions
Suggested Readings:

Legislations

- Banking and Regulation Act, 1949
- Reserve Bank of India Act, 1934
- Recovery of Debt due to Banks and Financial Institutions Act, 1993
- Securitization and Reconstruction of Financial Assets and enforcements of security interest Act, 2002
- Enforcement of security interest and Recovery of Debts Laws and Miscellaneous provisions (Amendment) Act 2016
- Insurance Regulatory and Development Authority Act, 2000
- Motor Vehicle Act 1988
- Consumer Protection Act 1986

Books


M.L. Tannan, Tannan's Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes

K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi


Peter Mac Donald Eggers and Patric Foss: Good faith and Insurance Contracts (1998) LLP Asia, Hongkong

Birds: Modern Insurance (1997), Sweet & Maxwell

M.N. Sreenivasan: Law and the Life Insurance Contract (1914)
Objective: The traditional justice delivery system through adjudication by courts had already given way to a large extent to many alternative modes of dispute resolution in the common law countries. The study of ADR is highly significant in moulding the students of law to act as soldiers of justice in the ever changing socio-economic scenario. The course aims to give the students an insight into the processes of arbitration, conciliation and mediation in areas where the traditional judicial system is unsuccessful.

Unit I
Introduction: concept and nature of arbitration; types of arbitration; hybrid clauses in arbitration
Arbitration agreement: Validity, enforceability, arbitrability
Autonomy of arbitration agreement, Indian position on autonomy of arbitration agreement

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

Unit III
International Arbitration Awards: Meaning and types
International Conventions on enforcement of foreign awards: Geneva Convention 1927, New York Convention 1958, UNCITRAL Model Law

Unit IV
Institutional Arbitration, Ad Hoc Arbitration, Comparison
International Institutions of Arbitration

Suggested Readings:
- Alan Redfern, Law and Practice of International Commercial Arbitration (2004), Sweet & Maxwell
- B.P.Saraf and M.Jhunjhunuwala, Law of Arbitration and Conciliation (2000), Snow White, Mumbai
- P.C. Rao & William Sheffield, Alternative Disputes Resolution- What it is and how it works? (1997), Universal, Delhi
Objective: The Constitution of India provides for a federal system. The Union and the State Governments derive their authority from the Constitution. The relations between the centre and the States have been mentioned in parts XI and XII of the Constitution under the heads, legislative, administrative and financial relations. The objective of this course is to provide a greater understanding of the division of powers between the center and stages in India and the existing relationship between the two.

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

Unit II
Legislative Relations
Doctrine of territorial nexus
Delegated Legislation – permissible limits
Subject-wise distribution of powers
Residuary Powers
Parliament’s Power to legislate on matters in the State List
Doctrine of Repugnancy

Unit III
Administrative Relations
Distribution of Executive Powers
Inter-governmental delegation of powers
Centre’s directives to the State- Constitutional and other statutory provisions
All India Services
Public Service Commissions: Membership and Functions
Unit IV
Financial Relations
Distribution of Fiscal Power
Inter-Government Tax Immunities, Difference between Tax and Fee
Factors responsible for sub-ordination of States
Tax-Sharing under the Constitution, Finance Commission - Specific Purpose Grants (Article 282)
Impact of GST on Financial Relations

Suggested Readings:
- A.G. Noorani (ed.), Centre State Relations in India, 1972
- Ashok Chandra, Federalism in India
- Justice D.A. Desai, Centre and State Powers under the Indian Federalism
- Dr. Subhash Kashyap, Constitution of India: Review and Reassessment
- Dr. Subhash Kashyap, Indian Constitution: Conflicts and Controversies
SUBJECT: MEDIA LAW
PAPER- P-XVII
Duration: 3 hours  
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: To have an exhaustive understanding of the conceptual dimensions of issues pertaining to media, its expanding horizons, the constitutional and legal framework and judiciary response.

Unit I
Media under the Constitutional Framework
Freedom of Expression and Media
Reasonable Restrictions on Freedom of Press etc
Media and Ethics
Media and Accountability
Media and Human Rights

Unit II
History of Media Legislation in India
Role of Mass Media in Democratic Countries
Right to Advertisement
Media Trial
Issues of Privacy

Unit III
Media and Criminal Law – Defamation/Obscenity/Sedition
Media and Tort Law – Defamation/Negligence
Media and Legislature – Privileges of the Legislature
Media and Executive – Official Secrets Act
Media and Judiciary – Contempt of Court

Unit IV
Media Censorship and Cinematography Act, 1953
Print Media and Press Council Act, 1978 (composition, role, power, guidelines and functions of the Press Council of India)
Online Media and Information Technology Act, 2002
Satellite Communication and Cable Television Networks (Regulation) Act, 1995
**Suggested Readings:**

- Vikram Raghavan, *Communications Law in India (Legal Aspects Of Telecom, Broadcasting And Cable Services)*, Lexis Nexis, (2007).

**Bare Acts**

- Right to Information Act, 2005
- The Cable Television Network (Regulation) Act, 1995
- Cinematograph Act, 1952
Objective: National security is of paramount importance for the defence of the country. The Constitution provides the basic framework for the same. The objective of this paper is to study the structure of the different authorities engaged in security and police administration and understand their working and functioning under the law.

Unit I
Meaning of ‘Security of State’ and ‘Public Order’
Preventive Detention under Article 22: Significance and Safeguards
Emergency: Suspension of Article 19 and the right to move the court
Non-suspendability of Article 21

Unit II
Police Organisation- Significance, Evolution and Practice in India
Central Institutional Mechanism- CBI, BPR&D, CRPF, RPF, CISF, NPA, NICFS, NCRB, NIA, SSB, Assam Rifles, SSB, CDTS
State Institutional Mechanism- State Level, Range Level, Division Level, District Level, Local Police Stations, Intelligence Branch, Enforcement Branch, Traffic Police and Telecommunication

Unit III
Prosecution Agency and Court Duties
Forensic Laboratories, Finger Print Bureau, Cyber Cell
Railway Police, Armed Police, Home Guards and Civil defence, Women Police, Special Police Officers, Vigilance, Fire Services

Unit IV
Administrative set-up of Police in India- Central Level, State Level, Local Self-Government Level
Police Academies, Ranks and Badges, Flags and Stars, Capacity Building Programmes
Internal Problems of Policing
Police and Armed Forces- Interface
Relationship of Police with Judiciary, Civil Society, NGOs
**Suggested Readings:**

- Sen, Shankar: *Indian Policy Today*, Ashish Publishing House, New Delhi, 1994
- Dempsey, John S. and: *An Introduction to Policing*, Thomson-Linda S. Forest Wadsworth, CA, 2005
OBJECTIVE: The subject will deal with the conceptual and theoretical foundations of public constitutional law from a comparative perspective. The dimensions covered i.e. theoretical, methodological and case studies will help reach a better understanding of the subject. It will cover comparative aspects pertaining to the essentials of federalism, constitutional judicial review, the amending power and public safety under the constitution.

UNIT-I
Concept of Public Law and Constitution
Meaning and Scope of Public Law
Significance of Comparative Public Law - Constitutional Law, Administrative Law and Criminal Law
Public Law and Private Law Divide
Written and Unwritten Constitutions
Constitution, Constitutionalisation & Constitutionality

UNIT-II
Constitutional Federalism, Judicial Review & Rule of Law
General features of a federal system as opposed to a unitary system
Models of Federalism
USA
India
Concept & Origin of Judicial Review
Constitutional Judicial Review
From Marbury to Keshavnanda
Rule of Law: A Comparative Study
USA
UK
India

UNIT-III
Constitutional Amending Powers; Originalism & Constitutionalism
Methods of Amendment
Theory of Constituent Power
Limitations on Amending Power: Comparative Perspective USA & India
Theory of Basic Structure: Origin & Development
Originalism
Living Constitution
Constitutionalism: Concept, Features and Relation between Constitution and Constitutionalism

Unit-IV
Separation of Powers: US, India
Montesquieu’s Theory
The relations between organs of the State: A Comparative Study
Public Interest Litigation: US, India
Locus Standi
Judicial Activism
Judicial Accountability

Suggested Readings:
- DD. Basu, Comparative Constitutional Law (2nd ed., Wadhwa, Nagpur)
- M.V. Pylee, Constitutions of the World (Universal, 2006)
- Sudhir Krishna Swamy, Democracy and Constitutionalism in India-A Study of the Basic Structure Doctrine (Oxford University Press, 2009)
- S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution (1968)
- Anirudh Prasad, Judicial Power and Judicial Review (Eastern Book Company, Lucknow)
- John F. McEldowney, Public Law (Sweet & Maxwell, London)
- De Smith’s, Judicial Review (Sweet & Maxwell, London)
- K.C. Wheare, Federal Government (Oxford University Press)
- Wade & Philips, Constitutional Law (Longmans, Green)
- Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law (Oxford University Press, 2009)
ONE YEAR LL.M. COURSE  
SESSION 2019-20  
SEMESTER-II  

SUBJECT: LAW RELATING TO CYBER SPACE AND E-COMMERCE  
PAPER-X  
Duration: 3 hours  
Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25  

Objective: This course is designed to acquaint the students with the conceptual understanding and knowledge of the technologies in cyberspace and to prepare students to deal with emerging issues in e-commerce.

Unit-I  
Concept of Cyber Space  
Evolution of Cyber Law  
Jurisdiction in Cyber Space  
Concept of Net Neutrality  

Unit-II  
Concept of Cybercrimes  
Data Protection  
Cyber Security and Privacy issues in Cyberspace  
Liability of Intermediary  
Legal recognition of Electronic Evidence  

Unit-III  
Concept of Electronic Data Interchange (EDI)  
E-Commerce – Concept and features of E-Commerce, Law Relating to Bitcoins  
Taxation Issues in Cyber Space  
Legal Implications of Cloud Computing  

Unit-IV  
Understanding Electronic Contracts: Types of Electronic Contracts  
Legal Recognition of Electronic Signatures  
Legal Recognition of e- Records  
Concept of e-Governance  
Copyright Issues in Cyber Space  
Trademarks and Domain names Issues in Cyber Space
Suggested Readings:

- Stephen Mason Philip Argy Derek Begg Electronic Evidence, Butterworths Law; 2nd Revised edition 2010
- Garima Tiwari, Understanding Laws: A legal Quotient Primer, LexisNexis, India
- Diane Rowland, Elizabeth Macdonald, Information Technology Law, Cavendish, 2000
- Dr Subhajit Basu, Global Perspectives on E-Commerce Taxation Law, Ashgate Publishing, Ltd., 2013
- Karnika Seth, Cyber Laws in the Information Technology Age, LexisNexis, Butterworths Wadhwa, Nagpur, 2009
- Garima Tiwari, Understanding Laws Cyber Laws and Cyber Crimes, LexisNexis, India
- Anirudh Rastogi, Cyber Law Law of Information Technology and Internet, LexisNexis, India, 2014
- S.J. Joseph P.T., E-commerce: An Indian Prespective, Paperback, PHI, 2012
OBJECTIVES:

- To enable the students to comprehend the significance of scientific teaching and learning methods, in and beyond the customary learning spaces.
- To build up the cognitive capacity of the students to synthesize information from various resources.
- To raise awareness among students about ethical responsibilities in field of research and publication.

Unit-I
Legal Education in India
Curriculum: Meaning and Planning
Pedagogy: Meaning and Concept, Methods of Teaching Law, Developing Teaching Plans, Utility of Technology and Artificial Intelligence in Legal Education
Assessment: Meaning, Types, Principles, Examination System, Problems in Evaluation

Unit-II
Clinical Legal Education: Meaning, Rationale, Evolution, Dimensions, Issues in Implementation
Need for a Shift from Legal Education to Justice Education
Extended Spaces: Out of School Time and Online Learning

Unit-III
Educational Psychology: Meaning, Nature, Scope and Methods
Theories of Intelligence: Meaning, Classification, Application of Theories of Multiple Intelligences in Legal Learning

Unit-IV
Transfer of Learning
Theory of Motivation and Classroom Learning
Problem Solving: Meaning and Definition, Steps, Factors and Strategies
Teaching of Reading Skills
Writing and Publication: What to Write and How to Publish
Suggested Readings:

Books

Articles:
- Mihaela Papa1 and David B. Wilkins, “Globalization, Lawyers, and India:Toward a Theoretical Synthesis of Globalization, 18 int’ J.Legal Prof. 175, 2012

- Publish Be Found or Perish: Writing Scientific Manuscripts for the Digital Age” pubs.acs.org/bio/ACS-Guide
• Ross Hyams, “Nurturing Multiple Intelligences Through Clinical Legal Education” University of Western Sydney Review Volume 15 (2011) 80
• Steven I. Friedland “How We Teach: A Survey of Teaching Techniques In American Law Schools” Seattle University Law Review,20 1996: (1-44)
ONE YEAR LL.M. COURSE
SESSION 2019-20
SEMESTER-II

SUBJECT: ENVIRONMENTAL LAW AND POLICY
PAPER-XII
Duration: 3 hours
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

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

Unit-I
Environmental Justice Meaning and Scope
Environment and Human Rights Issues
Sustainable Development
Right to Information and Public Participation

Unit-II
Climate Change: Meaning, Magnitude and Challenges
United Nations Framework Convention on Climate Change
Kyoto Protocol
India’s National Action Plan on Climate Change
Paris Agreement and beyond

Unit-III
Hazardous Waste Management: Hazardous wastes dumping and disposal and their impact on environment
The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

Unit-IV
Loss of Biological Diversity and Environmental Concerns
United Nations Convention on Biological Diversity 1992
Biological Diversity Act, 2002 and 2010 Nagoya Protocol on Access and Benefit Sharing 2010
Suggested Readings:

- P. Leelakrishnan, Environmental Law in India, Lexis Nexis, Butterworths, Nagpur, 2016
- Dr. Vidya Bhagat, Environmental Laws Issues and Concerns, Regal Publication, New Delhi, 2011
- Aruna Venkat, Environmental Law and Policy, Publisher New Arrivals, New Delhi, 2011
- Daniel Bodansky, Jutta Brunnee, and Lavanya Rajamani, International Climate Change Law, Oxford University Press, United Kingdom, 2017
Objective: International trade laws are the collection of national and public international laws which apply to transactions of goods and services across the globe. It is primarily based on the principle of {text} and lexmaritimai.e, "the law for merchants on land" and "the law for merchants on sea" and has gradually developed from a bilateral treaty to the multilateral treaty regime under the WTO. This paper is offered to understand the provisions of International Trade under the UNCITRAL and WTO dealing with trade liberalization, abolition of trade barriers, unfair trade practices, dispute resolution mechanism, anti-dumping provisions, countervailing duties and Convention of International Sales of Goods.

Unit-I

Unit-II
International Commercial Trade Terms- INCOTERMS 1990
Carriage of Goods by Sea— Bill of Lading or Charter Party; International Convention on the Unification of Certain Rules relating to Bills of Lading (Hague Rules) and Rotterdam Rules
Carriage of Goods by Air; Convention for the Unification of Certain Rules Relating to International Carriage by Air (WARSAW CONVENTION) WARSAW, 1929;
Financing Exports: Letters of Credit: Forms and Types Documentary Credit; The Principle of Autonomy of the Letter of Credit

Unit-III
Public Law of International Trade: Historical Background of the GATT, 1947; Evolution of the WTO, 1994- Structure, Principles and Functions; Non-discrimination Provisions in WTO; Voluntary Export Restraint and WTO; Agreement on Safeguards; Agreement on Anti-Dumping; Custom Valuation and WTO; Special and Differential Treatment under the WTO;
Unit-IV
Agreement on Subsidies and Countervailing Measures; Trade in Agriculture; Agreement on the Application of Sanitary and Phytosanitary Measures; Agreement on Technical Barriers of Trade; TRIPS; TRIMS; Trade in Services; Dispute Settlement Body (DSB) in WTO

Suggested Readings:

- INTERNATIONAL TRADE AND BUSINESS: LAW, POLICY AND ETHICS, Professor Peter Gillies, Professor Gabriel Moens, Cavendish Publishing (Australia)
- Gupta, R. K., World Trade Organization- Text (2Vols)
Objective: This paper is designed to enable students to form a conceptual understanding of the various approaches towards the study of human rights with special reference to the concept of development as well as the human rights standards in international trade. In this backdrop, special emphasis would be laid on creating an awareness regarding the socio-legal issues pertaining to transnational corporations and human rights violations.

Unit-I

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

Unit-II

International Trade and Human Rights: Legal and doctrinal aspects of international trade and human rights linkages; Codes of Conduct and TNCs, UN Global Compact and Human Rights

Unit-III


Unit-IV

Multinational and Transnational Corporations and Human Rights Violation: TNCs Functioning: Development, Environment, Industrialisation; Debate on the Social Issues: Tribal Rights, Dalit Rights, Farmer Rights; Sanction imposed by developed Countries to Third World.
Suggested Readings:

• Menon, N.R. Madhava, (1999), State of Economic and Social Rights, in K.P. Saksena, (ed.) *Human Rights; Fifty Years of India’s Independence*, Gyan Publishing House New Delhi
• O’Byrne, Darren J, (2003), *Human Rights; An Introduction*; Pearson, New Delhi

**Research Articles:**


Objective: The labour laws derive their origin, authority and strength from the provisions of the Constitution of India. The relevance of the dignity of human labour and the need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter-III (Articles 16, 19, 23 & 24) and Chapter IV (Articles 39, 41, 42,43, 43A & 54) of the Constitution of India keeping in line with Fundamental Rights and Directive Principles of State Policy. Labour law reforms are an ongoing and continuous process and the Government has been introducing new laws and amending the existing ones in response to the emerging needs of the workers in a constantly dynamic economic environment.

Unit-I
Law and Industrial Relations: Concept, meaning, and role of judiciary to develop the Industrial relation

Industrial Disputes Act, 1947 with reference to as strikes and lockouts, lay off and retrenchment.

Unit-II
Constitutional provisions in respect of wages and remuneration
Payment of Wages Act, 1936
Minimum Wages Act, 1948

Unit-III
Equal Remuneration Act, 1976,
The Contract Labour (Regulation & Abolition) Act 1970

Unit-IV
Workmen’s Compensation Act, 1923.
Industrial Employment (standing orders) Act, 1948
**Suggested Readings:**

- Khan Ahmeddullah: Commentary on Labour and Industrial Laws
  Saharay, H.K : Labour and Industrial Laws
  Pillai, K. Madhvan : Labour and Industrial Laws

- Kumar H.L : Labour Laws
  Shrivastva M.P : Child Labour Laws in India
ONE YEAR LL.M. COURSE
SESSION 2019-20
SEMESTER-II

SUBJECT: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

PAPER-XIX
Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

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

Unit-I
Evolution of Fundamental Rights; Impact of Universal Declaration of Rights and other Rights
Fundamental Rights, Bill of Rights, Human Rights: Concept and Nature
Definition of State under Article 12 and Implications
Scope of Definition of Law under Article 13: Difference between pre and post Constitution laws, Doctrine of Eclipse, Doctrine of Severability, Doctrine of Waiver and Test for infringement of Fundamental Rights
Concept of Basic Structure from Shankari Prasad to I.R. Coehlo

Unit -II
Doctrine of Classification, Doctrine of Arbitrariness, Doctrine of Legitimate Expectation and Wednesbury Principle
Relationship between Article 14, 15, 16, 17 & 18.
Protective grounds for Discrimination (Art. 15); Special Provisions for women; Protective Discrimination in favour of Backward Classes, Scheduled Castes and Scheduled Tribes
Equality of opportunity in matters of public employment (Art. 16); reservation and residence in public employment
Prohibition of Untouchability- Protection of Civil Rights Act, 1995
Abolition of Titles
Unit-III
Fundamental Freedoms under Art. 19 and reasonable restrictions under Art 19 (2) to (6); reasonableness of restriction; concepts of deprivation and prohibition
Doctrine of ex-post -fакto law; Doctrine of Double Jeopardy; privilege against self-incrimination; Rights of Accused
Protection of life and personal liberty; Right to education; Safeguards against ordinary arrest and preventive detention; Right against exploitation
Scope of Freedom of Religion; Cultural and Educational Rights; Minority Rights
Right to Constitutional Remedies
Rights viv-a-vis Armed Forces; Martial Law

Unit-IV
Relative Significance of Directive Principles of State Policy (DPSP) and Fundamental Rights
Social security and welfare provisions under Directive Principles of State Policy; economic rights
Directive Principles of State Policy viz-a-v into Fundamental Rights
Fundamental Duties – evolution, relationship between Fundamental Rights and Duties

Suggested Readings:
- V.N.Shukla , Constitution of India
- Subhash C Jain, The Constitution of India
- M. Hidayatullah (Ed.), Constitution of India.
- M.P.Jain, Indian Constitutional Law.
- Subba Rao G C V Indian Constitutional Law
- Pande G S Constitutional law of India
- Saharay H K Constitution of India
- Pylee M.V Our constitution government & politics
Objective: To examine the conceptual dimensions of Administrative Law, the legal means for making the Government accountable, review of governmental action including judicial review and freedom of information legislation.

Unit-I
Meaning, Nature and Scope of Administrative Law
Evolution and Development of Administrative Law and its relationship with Constitutional Law
Separation of Powers – from Rigidity to Flexibility
Rule of Law – Changing Dimensions

Unit-II
Delegated Legislation – Permissible Limits and Controls
Principles of Natural Justice
Liability of State - Tortious and Contractual Liability
Promissory Estoppel – Constitutional Dimensions

Unit-III
Privilege against Disclosure
Right to Information – official Secrecy
Executive Privilege – Security of State and control on information
Judicial Review

Unit-IV
Ombudsman – Lokpal and Lokayukta institutions
Inquiry Commission – Vigilance Commission
Judicial Inquiries
Public Interest Litigation and its Emerging Dimensions

Suggested Readings:
- Cann, Steven J, Administrative Law 3rd Ed., 2002
• Massey, I.P., Administrative Law, 5th Ed. 2003, Eastern Book Company, Lucknow
• Takwani, Thakker, C.K Lectures on Administrative Law, 3rd Ed. 2003, Eastern Book Company, Lucknow
• Jain, M.P. and Jain, S.N. Principles of Administrative Law, 5th Ed. 2007 Wadhwa and Co. Delhi
Objective: The objective of the course is to create an understanding of environmental laws and policies, with a focus on the challenges posed by current environmental issues. Keeping in view the UNEP -Environmental Rule of Law: First Global Report (2019), the first ever global assessment of environmental rule of law, the course focuses on the persistent environmental challenges facing lawmakers and enforcers such as management and sharing of natural resources and water resources, liability and compensation for environmental damage and environmental protection.

Unit-I

The Indian Constitution and Environmental Justice

Environmental Justice: Concept and Scope
Environmental Rule of Law
Environmental Protection and Fundamental Rights, Article 48A and Article 51-A (g)
Constitutional Remedies and Procedures for Environmental Protection:

i) The Writ Jurisdiction: Expansion of the Scope of writ jurisdiction by the courts and its Limitations;

ii) Public Interest Litigation : Expansion of the Scope of writ jurisdiction by the courts and its Limitations;

iii) Class Actions

Unit-II

Forests Rights and Conservation of Forests and Biodiversity:

I) Forest Conservation and Biodiversity Conservation under the Forest Rights Act, 2006, Rights of the Forest Dwellers and Scheduled Tribes, Role of the judiciary in recognizing the Rights and the role of scheduled tribes and other forest dwellers in forest conservation

II) Forest governance and Role of the local authorities/communities under

i) The Gram Sabhas under the Forests Rights Act, 2006,
ii) the Panchayats under the Panchayats (Extension to Scheduled Areas) Act, 1996 and

iii) The Biodiversity Management Committees under the Biological Diversity Act, 2002 in conservation of forests and biodiversity

III) The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries UN-REDD Programme and REDD+

IV) Judicial decisions on issues relating to Mining, Forest Rights and Forest Conservation

Unit-III
Liability and Compensation for Environmental Damage:

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

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

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

Unit-IV
Environment Impact Assessment and Sustainable Development


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

Suggested Readings:

David Freestone, Sustainable Development and International Environmental Law, Edward Elgar, 2018

Environmental Justice: Comparative Experiences in Legal Empowerment; UNDP, 2014


Daniel Bodansky, Jutta Brunnée, and Ellen Hey, The Oxford Handbook of International Environmental Law, OUP


Alan E. Boyle, David Freestone; International Law and Sustainable Development: Past Achievements and Future Challenges, Oxford University Press


Marie-Claire Cordonier Segger, C. G. Weeramantry, Sustainable Justice: Reconciling Economic, Social and Environmental Law, Martinus Nijhoff, Boston, 2005