

CHOTANAGPUR LAW COLLEGE

(A B++ NAAC Accredited Institution)
Nyay Vihar Campus, Namkum, Ranchi
Established - 1954

Permanent Affiliation by : Ranchi University, Ranchi & The Bar Council of India, New Delhi



धर्मो विश्वस्य जगतः प्रतिष्ठा।
लोके धर्मिष्ठं प्रजा उपसर्पन्ति।
धर्मेण पापमपनुदति।
धर्मे सर्वं प्रतिष्ठितम्।
तस्माद्धर्मं परमं वदन्ति।

REGULATIONS CUM SYLLABUS

FOR TWO YEARS LL.M. DEGREE PROGRAM
(CHOICE BASED CREDIT SYSTEM)

The Oldest and Prime Institute
Imparting Legal Education in the State of Jharkhand Since 1954



Academic Block



Justice S B Sinha Centre for Legal Research & Excellence
(Central Excellence Wing)



Introduction

Chotanagpur Law College, Ranchi was established in the year 1954. It is in the heart of Ranchi, and is one of the oldest college imparting legal education in Eastern India. At present, it is located in Jharkhand and considered a pioneer institution of the Chotanagpur region. The college was started with the collective effort of great legal luminaries of Ranchi city under the able leadership of Late Barrister S. K. Sahay, Bar-at-Law. He was also the founder Principal of the College. The college was affiliated to Bihar University and thereafter to Ranchi University, Ranchi. The college shifted to the current premises in the year 2008 and is aptly named Nyay Vihar Campus. It is located at a very convenient location, on NH 33 (Ranchi – Tata Road) which is just 10 k.m. from the city headquarter.

The college epitomizes excellence in legal education. The college boasts plethora of alumni, who have occupied the post of Justices of Hon'ble Supreme Court, Hon'ble High Courts, District Judges and Judicial Officers in District Courts. The College imbibes the principles of morality, justice, equality and fraternity. The teaching standard of the College is at par with the best legal institutions in the country.

Ranchi University LL.M. Degree Courses of Regulations and Study

While Ranchi University instituted two year LL. M. programme, it also runs a three year LL.B. degree course, comprising of six semesters, in legal education to be in tandem with the prescribed format by Bar Council of India, New Delhi encompassing the UGC curriculum to provide adequate instructions as well as practical training in law for diverse careers options to law graduates.

With a view to further the process of reorientation of legal education and to provide sufficient opportunity for specialization in selected field of study as well as to develop research facilities, Ranchi University, Ranchi started its LL.M. two years (four semesters) Post-Graduate Degree Course at Chotanagpur Law College, Ranchi.

1. The Post-Graduate Degree of Master of Laws:

The Ranchi University, Ranchi may confer Post-Graduate degree of Law i.e., Master of Law (LL.M.), on the candidates who are eligible for admission to the LL.M. Degree Course, have received regular instructions in the prescribed courses of study, passed the relevant examinations, are otherwise suitable by virtue of their character and have fulfilled such other conditions as may be laid down from time to time by the appropriate authorities.

2. The Curriculum and Duration of Studies:

- i) The curriculum of the LL.M. degree shall comprise of the courses set out in schedule "A".
- ii) The Board of Course of Studies in Law shall prescribe the contents of various courses of study from time to time and notify the Academic Council, Ranchi University, Ranchi, for its consideration.
- iii) The curriculum of study for the LL.M. Degree shall be spread over to two academic years divided in four semesters.
- iv) The academic year shall commence from the day of the reopening of the University after the summer vacation to the last working day of the concerned academic year.



3. Admission:

- i) Candidates for the LL.M. Degree shall be allowed to take admission in the first semester. The admission will be entirely based on the performance in the LL.M. Entrance Test (LL.M.E.T) conducted by the college under the direction of Ranchi University, Ranchi.
- ii) A candidate possessing 3 years LL.B. degree from UGC recognised institution after graduation under 10+2+3 pattern or 5 years Integrated LL.B. degree under 10+2+5 pattern, recognized by the Bar Council of India and / or U.G.C., with a minimum of 50% marks in aggregate or equivalent shall be eligible to appear in the LL.M. Entrance Test organized once every academic year.
- iii) The candidate shall be allowed to register for pursuing the course of study of LL.M. degree in the third semester only after they have passed, with at-least 50% in aggregate, in the papers of LL.M. I and II semester examination taken together.
- iv) Out of total seats available for LL.M. degree course, 10% of the seats shall be paid, which shall be over and above the total allotted seats

4. Reservation :

Institutional preference may be given to students enrolled in Ranchi University. However, it shall not exceed 25% of the available seats in totality.

Reservation for the ST/SC/OBC and others, shall be as per the rules laid down in Ranchi University statute /Jharkhand Govt. Reservation guidelines.

5. Regular Course of Study:

The enrolled students for the Degree of Master of Laws shall be required to:

- i) Study four compulsory papers in LL.M. first semester. Four optional papers of one of the groups in LL.M. Second semester, four optional papers of one of the groups in LL.M. Third Semester other than papers offered in LL.M. Second Semester as per schedule "A". The students are also required to attend lectures, tutorials and seminars.
- ii) The Dean, Faculty of Law, Ranchi University, Ranchi shall be authorized to take decision in consultation with the members of the Faculty with regard to the running of the optional Group/ Groups and the students of LL.M. second and third semester shall have the choice to opt from such Group (Specialization) only.
- iii) In fourth semester the students have to attempt one compulsory paper alongwith a dissertation on a topic approved by the Dean, Faculty of Law, Ranchi University in consultation with the supervisor who necessarily, shall be a faculty member. However, the Dean may permit for a co-supervisor, who shall be eligible under 11 (g) of this regulation followed by Viva-Voce examination on the said dissertation.

6. Attendance:

A student has to attend not less than 75% of the lectures, tutorials and seminars, collectively, in each of the first three semesters will be eligible to appear in the final



examination of relevant semesters. However, in the fourth semester their attendance shall be considered on the basis of the report generated by their respective dissertation supervisor regarding his attendance and 75% attendance in paper I of Semester IV.

7. **Examination:**

There shall be an University Examination for first and third semester regular students by the end of May every year and for second semester by the end of December every year. The candidate for the degree of Master of Laws shall be required to pass in all the prescribed examinations.

The provision of supplementary/ special examination in extraordinary circumstances shall be subject to decision of Academic Council/ Examination Board from time to time and the decision shall be final.

A student shall be examined in twelve papers. All papers shall carry 100 marks each and will have three hours duration. The Examination covering prescribed course of study except Legal & Social Science Research Method which shall be evaluated on the basis of project work submitted by the student.

The paper on Legal and Social Science Research Method shall carry 100 marks and the evaluation shall be made/done on the basis of Project Work and oral examination.

8. **Registration:**

A candidate shall apply for Registration on the prescribed form along with the fee, as prescribed by the Ranchi University, Ranchi from time to time. (only for students who are not registered in Ranchi University).

9. **Admit Card:**

- i) Candidates will be admitted in the LL M degree Examination Hall only after they produce valid Admit Card to the officer in charge of Examination Hall. In case of non availability of Admit Card, the Examination Incharge of the hall shall allow the candidate to appear for exam only after the satisfactory procurement of government approved identity cards and eligibility to appear in the examination. Such students will also have to submit a self signed undertaking stating that they will produce the valid admit card in the next exam of the continuing semester.
- ii) The Controller of Examination may, if satisfied that an Admit Card has been lost or destroyed, issue a duplicate Admit Card on the payment of prescribed fee for the same.

10. **LL.M. Examination:**

- i) **Eligibility** : The LL.M. Degree Examination shall be open to a student who, having been admitted to the LL.M. course of study has pursued a regular course of study for the said examination.
- ii) **Written Paper** : A student for the LL.M. Degree examination shall be examined in twelve papers and one Dissertation divided in four semesters as mentioned in Schedule-A.
- iii) **Dissertation:**



- a) Student shall be required to submit the dissertation within a period of six months after the completion of IIIrd semester.
- b) The student shall be required to secure atleast 50% marks in the Dissertation to pass the examination.
- c) The Examiner shall either:
 - i) Award atleast 50% marks. or
 - ii) return the submitted Dissertation for revision, or
 - iii) reject the Dissertation.
- d) The student whose Dissertation is returned for revision may revise the Dissertation and resubmit it within a period of two months.
- e) In case the student fails to resubmit within two months he/she shall have to write a Dissertation on a new topic assigned by the Dean, Faculty of Law. In no case this relaxation shall exceed the maximum prescribed period for completion of LL.M. Degree Course.
- f) A student, whose Dissertation has been rejected, may with the approval of the Dean, Faculty of Law, write a Dissertation on a new topic and submit within a period of six months. If he/she fails again, another topic may be assigned to him by the Dean, Faculty of Law. In no case this relaxation shall exceed the maximum prescribed period for completion of LL.M. degree course.
- g) A Dissertation shall be examined by a Board of two Examiners of whom atleast one shall be an external examiner having experience of LL.M. teaching or a person of high repute in the field of Law.
- h) The evaluation of the two examiners shall be coordinated as here under.
 - i) Each examiner shall award marks out of 100;
 - ii) If the marks awarded by the two examiners vary by 20 marks or more the Dissertation shall be examined by a third examiner, whose decision shall be final.
 - iii) If any one of examiners returns the dissertation, it shall be examined by another examiner whose decision shall be final.
 - iv) If one of the examiners has rejected a Dissertation and another examiner has returned it for revision, the Dissertation shall be processed for revision.

11. Viva-Voce Examination:

- i) The Viva-Voce Examination shall be conducted by a Board of examiners consisting of Dean, Faculty of Law, one senior member of the Faculty and atleast one External Examiner having experience of LL.M. teaching or eligible as per II(g).
- ii) The Viva-Voce Examination shall carry 100 marks and the student shall be required to obtain a minimum of 50 marks to pass the Viva-Voce examination.



12. Registration for Examination:

- i) A student shall not be registered for examination without undergoing a regular course of study in that semester. Those pursuing a regular course of study, fail to appear in the written examination of any semester shall also be registered for the examination.
- ii) For those students who having appeared fail to secure minimum pass marks in any paper or does not appear in any paper of that semester may appear in relevant upcoming semester.

Note A student admitted to the LL.M. Degree course shall have to complete all the prescribed requirements within a maximum period of four years (double duration) from and including the year of admission in order to be eligible for the award of the degree.

13. Scale & Marks, Division and Distribution:

Maximum Marks in each paper – 100 Minimum pass marks in

- i Written Papers: 50% of the maximum marks in each paper.
- ii Dissertation: 50% marks in the aggregate.
- iii Viva-Voce: 50% marks.

Division:

First Class: 65% marks and above of the aggregate of marks.

Second Class: 50% marks and above of the aggregate of marks.

Distinction:

A student who secures 75% or more in the aggregate shall be declared to have obtained distinction.

Merit:

The Order of Merit shall be determined on the basis of aggregate marks obtained in the prescribed courses of study for the LL.M. Degree Examination by the candidates, irrespective of their optional papers who passed in the first attempt, within a period of two years from the year of their admission in the LL.M. for consideration.

**Schedule - A**

LL.M. Two years (Four Semesters) Degree course shall be divided into two parts comprising of Four Semesters.

SEMESTER-I : Compulsory Papers

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	Legal Philosophy	70	30	100
Paper-II	Comparative Constitutional Law	70	30	100
Paper-III	Legal and Social Science Research Methodology	-	-	100
Paper-IV	Law & Justice in Globalizing World	70	30	100

SEMESTER-II

Specialized / Optional Subject Group
(Any one of the following Optional Groups)

Group - 1 : Constitutional Law

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper I:	Constitutional History of India and United Kingdom	70	30	100
Paper II:	Comparative Federalism	70	30	100
Paper II :	Judicial Process	70	30	100
Paper IV :	Law related to women, child and indigenous people	70	30	100

Group –II: Contract and Insurance

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	General Principles of Contract	70	30	100
Paper-II	Specific Contract	70	30	100
Paper-III	Insurance	70	30	100
Paper-IV	Trade Law	70	30	100

**Group –III: Environmental Law**

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	International Environmental Law in India	70	30	100
Paper-II	Environmental Law in India	70	30	100
Paper-III	Environmental and Current Social Problems.	70	30	100
Paper-IV	Intellectual Property Rights	70	30	100

SEMESTER-III

Specialized / Optional Subject Group
(Any one of the following Optional Groups)

Group –I: Criminal Law

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	Criminology and Penology	70	30	100
Paper-II	Law of Crimes in India	70	30	100
Paper-III	Crimes against social and economic Security and problems of their Control	70	30	100
Paper-IV	Cyber Crimes	70	30	100

Group –II: Business Organization

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	Business Organization (Company Law Excluding Management)	70	30	100
Paper-II	Business Organization (Company Management and Administration)	70	30	100
Paper-III	Regulation of Labour Management Relations.	70	30	100
Paper-IV	Competition Law	70	30	100

**Group –III: Human Rights**

Paper No.	Name of Paper	Exam.	Mid Term/Internal Assessment Marks	Total
Paper-I	Human Rights Jurisprudence	70	30	100
Paper-II	Human Rights Law in India	70	30	100
Paper-III	International Law of Human Rights	70	30	100
Paper-IV	Law of Refugees and Internally displaced persons (IDP)	70	30	100

SEMESTER-IV

Paper No.	Name of Paper	Exam. Marks	Mid Term/Internal Assessment Marks	Total
Paper-I	Interpretation of Statute	70	30	100
Paper-II	Dissertation –I	-	-	100
Paper-III	Dissertation - II	-	-	100
Paper-IV	Viva-Voce	-	-	100

IMPORTANT NOTE:

1. The topics, cases and suggested readings given below are not exhaustive. The Committee of teachers teaching the Course shall be at liberty to revise the topics/cases/suggested readings.
2. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books.



**Syllabus of LL.M.
Two Years Degree Program**



COMPULSORY PAPERS LL.M (SEMESTER – I)

PAPER – I: LEGAL PHILOSOPHY

INTRODUCTION

This course explores the philosophical foundations of law through various schools of jurisprudence, theories of justice, and the relationship between law and morality. It examines contributions from major legal philosophers, the influence of social sciences on legal thought, and contemporary critiques of legal systems.

A. COURSE OBJECTIVES

1. To analyze the fundamental concepts of jurisprudence.
2. To examine different schools of legal thought.
3. To study the contributions of leading legal philosophers.
4. To explore the relationship between law, morality, and justice.
5. To critically engage with contemporary issues in legal theory.

B. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand core jurisprudential concepts and theories.
2. Compare and contrast different legal philosophies.
3. Evaluate the historical development of legal ideas.
4. Apply theoretical perspectives to contemporary legal issues.
5. Develop critical legal reasoning skills.

C. COURSE STRUCTURE AND RECOMMENDED READINGS

I. Concepts of Jurisprudence

- Legal Theory and Philosophy
- Scope of Legal Philosophy
- Schools of Jurisprudence
- Relevance of Social Sciences and Their Relations with Law

References/Recommended Readings

- Julius Stone, *Social Dimensions of Law and Justice*, Stanford University Press, 1966.
- Roscoe Pound, *Interpretations of Legal History*, Cambridge University Press, 1923.
- Dworkin, Ronald. *Hard Cases*, 88 Harv. L. Rev. 1057 (1975).



II. Law and Morals

- Concept of Dharma and legal system in Ancient India.
- Relationship Between Law and Morality
- Legal Positivism vs. Natural Law Debates

References/Recommended Readings

- P.V. Kane, *History of Dharmaśāstra (Ancient and Mediaeval Religious and Civil Law in India)* (Bhandarkar Oriental Research Institute 1962).
- Kautilya (Chanakya), *Arthashastra* (Translated by R. Shamasastry, Penguin Classics 1992).
- Manu, *Manusmriti: The Laws of Manu* (Translated by Patrick Olivelle, Oxford University Press 2005).
- B.K. Ghosh, *Hindu Jurisprudence* (Calcutta University Press 1952).
- Hart, H.L.A. *Law, Liberty, and Morality*, Stanford University Press, 1963.
- Fuller, Lon L. *The Morality of Law*, Yale University Press, 1969.
- Dworkin, Ronald. *Taking Rights Seriously*, Harvard University Press, 1977.

III. Sources of Law

- Role of Dharma as a source of law in Personal law and Public law.
- Legislation as a Source of Law
- Custom as a Source of Law
- Precedent as a Source of Law

References/Recommended Readings

- Dharma and the Concept of Justice in Indian Jurisprudence, Harvard Law Review, Vol. 34 (2008).
- Marc Galanter, *Hindu Law and the Development of the Modern Indian Legal System*, Comparative Studies in Society and History, Vol. 3, No. 2 (1961).
- J. Duncan M. Derrett, *Hindu Law: Past and Present*, International and Comparative Law Quarterly, Vol. 4 (1955).
- Friedmann, W. *Legal Theory*, Columbia University Press, 1967.
- Raz, Joseph. *The Authority of Law*, Oxford University Press, 1979.

Case Laws:

- *State of Bombay v. Narasu Appa Mali*, AIR 1952 SC 84 (on the application of Dharma in modern personal law).
- *Shayara Bano v. Union of India*, AIR 2017 SC 4609 (on the role of personal law in Indian constitutionalism).
- *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (on the constitutional recognition of Dharma in Indian jurisprudence).
- *Indira Sawhney v. Union of India*, AIR 1993 SC 477 (on social justice and the principle of Dharma in public law).



IV. Philosophical School

- Friedrich Hegel
- Immanuel Kant

References/Recommended Readings

- Hegel, G.W.F. *Elements of the Philosophy of Right*, Cambridge University Press, 1991.
- Kant, Immanuel. *The Metaphysics of Morals*, Cambridge University Press, 1996.
- Weinrib, Ernest J. *Law as a Kantian Idea of Reason*, 87 Colum. L. Rev. 472 (1987).

V. Analytical Legal Positivism

- Ideological Basis of the Rise of Positivism
- Austinian Theory of Law
- H.L.A. Hart and Hans Kelsen's Theories of Legal Positivism

References/Recommended Readings

- Austin, John. *The Province of Jurisprudence Determined*, Cambridge University Press, 1832.
- Hart, H.L.A. *The Concept of Law*, Oxford University Press, 1961.
- Kelsen, Hans. *Pure Theory of Law*, University of California Press, 1967.
- Green, Leslie. *The Concept of Law Revisited*, 94 Mich. L. Rev. 1687 (1996).

VI. Functional School

- Sociological Realist Theory
- American Realist Theory

References/Recommended Readings

- Pound, Roscoe. *Jurisprudence*, Vol. 3, West Publishing Co., 1959.
- Holmes, Oliver Wendell. *The Common Law*, Little, Brown and Co., 1881.
- Llewellyn, Karl. *Some Realism about Realism: Responding to Dean Pound*, 44 Harv. L. Rev. 1222 (1931).

VII. Historical Jurisprudence

- Friedrich Savigny
- Sir Henry Maine

References/Recommended Readings

- Savigny, Friedrich Carl von. *On the Vocation of Our Age for Legislation and Jurisprudence*, 1831.
- Maine, Henry Sumner. *Ancient Law*, Oxford University Press, 1861.



- Watson, Alan. *Legal Transplants and European Private Law*, 4 Elec. J. Comp. L. (2000).

VIII. Natural Law

- Characteristics of Natural Law
- History of Natural Law
- Classical Natural Law Theories
- Decline and Revival of Natural Law

References/Recommended Readings

- Aquinas, Thomas. *Summa Theologica*, 1274.
- Fuller, Lon. *The Morality of Law*, Yale University Press, 1969.
- Finnis, John. *Natural Law and Natural Rights*, Oxford University Press, 1980.
- George, Robert P. *Natural Law and Positive Law*, 12 Fordham L. Rev. 55 (1993).

IX. Marxist Theory of Law

- Key Features of Marxist Legal Theory
- Critique of Capitalist Legal Systems

References/Recommended Readings

- Marx, Karl. *Critique of Hegel's Philosophy of Right*, 1843.
- Pashukanis, Evgeny. *The General Theory of Law and Marxism*, 1924.
- Hay, Douglas. *Property, Authority and the Criminal Law*, in Albion's Fatal Tree, 1975.

X. Critical Legal Theory

- Post-Structuralism
- Post-Modernism

References/Recommended Readings

- Foucault, Michel. *Discipline and Punish*, Vintage, 1975.
- Kennedy, Duncan. *The Structure of Blackstone's Commentaries*, 28 Buff. L. Rev. 209 (1979).

XI. Feminist Legal Theory

- Key Themes in Feminist Legal Thought
- Intersectionality and Law

References/Recommended Readings

- MacKinnon, Catharine. *Feminism Unmodified*, Harvard University Press, 1987.



- Smart, Carol. *Feminism and the Power of Law*, Routledge, 1989.
- Crenshaw, Kimberlé. *Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color*, 43 Stan. L. Rev. 1241 (1991).

XII. Hohfeldian Analysis of Legal Rights

- Understanding Rights and Duties in Law
- Jural Correlations and Opposites

References/Recommended Readings

- Hohfeld, Wesley. *Fundamental Legal Conceptions as Applied in Judicial Reasoning*, 26 Yale L.J. 710 (1917).

XIII. Concepts and Theories of Property & Legal Personality

- Concept and Theories of Property
- Concept of Legal Personality

References/Recommended Readings

- Bentham, Jeremy. *Theory of Legislation*, 1840.
- Singer, Joseph. *The Legal Rights Debate in Analytical Jurisprudence from Bentham to Hohfeld*, 84 Colum. L. Rev. 1165 (1984).





PAPER - II: COMPARATIVE CONSTITUTION (INDIA, UNITED STATES OF AMERICA, AND UNITED KINGDOM)

A. INTRODUCTION

This course explores the constitutional principles of India, the United States, and the United Kingdom, focusing on individual rights, judicial interpretation, separation of powers, and rule of law. It aims to provide a comparative understanding of constitutional frameworks, their adaptability, and the balance between individual freedoms and social interests.

B. COURSE OBJECTIVES

1. To analyze the constitutional foundations for individual rights.
2. To compare constitutional provisions and judicial interpretations in India, the USA, and the UK.
3. To explore the doctrines of equality, liberty, and due process across jurisdictions.
4. To examine the separation of powers and rule of law in different constitutional frameworks.
5. To study the adaptability of constitutional rights in evolving societies.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Compare constitutional protections of individual rights across India, the USA, and the UK.
2. Understand judicial interpretations of fundamental rights and freedoms.
3. Critically analyze the interplay between liberty and social control.
4. Examine the mechanisms for constitutional amendments in different jurisdictions.
5. Evaluate the concept of the rule of law and separation of powers.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Constitutional Basis for Protection of Individual Rights

- Balance between Individual Liberty and Social Needs
- To Whom and Against Whom Rights are Available
- Suspension of Rights

References/Recommended Readings

- D.D. Basu, *Comparative Constitutional Law*, 3rd ed., LexisNexis, 2013.
- Ronald Dworkin, *Taking Rights Seriously*, Harvard University Press, 1977.
- Aharon Barak, *Proportionality: Constitutional Rights and Their Limitations*, Cambridge University Press, 2012.



Case Laws:

- *A.D.M. Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207 (Suspension of Fundamental Rights during Emergency in India).
- *Ex Parte Milligan*, 71 U.S. 2 (1866) (Suspension of Habeas Corpus in the USA).
- *R v. Home Secretary, ex parte Fire Brigades Union*, [1995] 2 AC 513 (UK case on individual liberty).

II. Right to Equality

General Principles

- Protective Discrimination with Special Reference to Emerging Judicial Responses to Group Inequalities
- Comparative Study of Decisions of the Indian and American Courts

References/Recommended Readings

- Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*, Oxford University Press, 1984.
- Tushnet, Mark. *The Constitution of the United States of America: A Contextual Analysis*, Hart Publishing, 2015.
- Cass R. Sunstein, *The Partial Constitution*, Harvard University Press, 1993.

Case Laws:

- *Indira Sawhney v. Union of India*, AIR 1993 SC 477 (Reservation and Equality).
- *M. Nagaraj v. Union of India*, AIR 2006 SC 71 (Reservation and Backward Classes).
- *Brown v. Board of Education*, 347 U.S. 483 (1954) (Segregation and Equal Protection Clause in the USA).
- *Plessy v. Ferguson*, 163 U.S. 537 (1896) (Separate but Equal Doctrine).
- *Action Committee v. Union of India*, (2019) 10 SCC 1 (Economic Reservation in India).

III. Freedom of Speech and Expression

- Special Attention to the Liberty of Press as Interpreted by the Indian Supreme Court
- Interpretation of Freedom Guaranteed by the First Amendment of the American Constitution

References/Recommended Readings

- Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution*, Oxford University Press, 2016.
- Alexander Meiklejohn, *Political Freedom: The Constitutional Powers of the People*, Oxford University Press, 1960.

**Case Laws:**

- *New York Times v. Sullivan*, 376 U.S. 254 (1964).
- *Romesh Thapar v. State of Madras*, AIR 1950 SC 124 (Freedom of Press in India).
- *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106 (Newspaper Control and Press Freedom).
- *Brandenburg v. Ohio*, 395 U.S. 444 (1969) (Incitement and Freedom of Speech).
- *Shreya Singhal v. Union of India*, AIR 2015 SC 1523 (Striking Down Section 66A of IT Act, Internet Freedom in India).

IV. Right to Life and Personal Liberty

- Judicial Determination of the Scope of the Terms "Personal Liberty" and "Procedure Established by Law"
- American Expressions "Liberty" and "Due Process"
- Radical Changes in Judicial Thinking in This Area

References/Recommended Readings

- Aharon Barak, *Human Dignity: The Constitutional Value and the Constitutional Right*, Cambridge University Press, 2015.

Case Laws:

- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27 (Personal Liberty under Article 21).
- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597 (Expansion of Right to Life and Personal Liberty).
- *Palko v. Connecticut*, 302 U.S. 319 (1937) (Due Process in American Constitution).
- *K.S. Puttaswamy v. Union of India*, AIR 2017 SC 4161 (Right to Privacy in India).
- *Roe v. Wade*, 410 U.S. 113 (1973) (Abortion Rights and Personal Liberty in the USA).

V. Freedom of Religion

- Judicial Interpretation of Religious Freedom in the Constitutions of India and the USA

References/Recommended Readings

- Donald E. Smith, *India as a Secular State*, Princeton University Press, 1963.
- First Amendment to the U.S. Constitution and key rulings such as *Engel v. Vitale*, 370 U.S. 421 (1962).
- M.P. Jain, *Indian Constitutional Law*, LexisNexis, 2013.



Case laws

- *Shirur Mutt Case*, AIR 1954 SC 282 (Freedom of Religion in India).
- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918 (Secularism and Religion in India).
- *Engel v. Vitale*, 370 U.S. 421 (1962) (Prayer in Public Schools and First Amendment).
- *Shayara Bano v. Union of India*, AIR 2017 SC 4609 (Triple Talaq Case in India).

VI. Amendment of Rights

- Adaptability of Constitutional Law to Changing Needs of Society
- Power and Procedure for Amendments of These Rights Under the American and Indian Constitution

References/Recommended Readings

- Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, Oxford University Press, 1966.
- Bruce Ackerman, *We the People: Transformations*, Harvard University Press, 1998.

Case laws:

- *Kesavananda Bharati v. State of Kerala*, AIR 1973 SC 1461 (Basic Structure Doctrine).
- *Minerva Mills v. Union of India*, AIR 1980 SC 1789 (Limits on Constitutional Amendments).
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) (Judicial Review in the USA).

VII. Rule of Law and Separation of Powers

- Concept and New Horizons of the Rule of Law
- Separation of Powers: Concept and Its Applicability in India and England

References/Recommended Readings

- A.V. Dicey, *Introduction to the Study of the Law of the Constitution*, Macmillan, 1885.
- Montesquieu, *The Spirit of the Laws*, 1748.

Case laws

- *Indira Nehru Gandhi v. Raj Narain*, AIR 1975 SC 2299 (Separation of Powers and Judicial Review).
- *Union of India v. R. Gandhi*, (2010) 11 SCC 1 (Separation of Powers in India).



PAPER-III: LEGAL AND SOCIAL SCIENCE RESEARCH METHODOLOGY

A. INTRODUCTION

This course provides an in-depth understanding of research methodologies in legal and social sciences. It covers various research models, designs, sampling techniques, and research tools essential for conducting high-quality academic research.

B. COURSE OBJECTIVES

1. To introduce the fundamental concepts of research methodology.
2. To familiarize students with different research designs and hypothesis formulation.
3. To explore quantitative and qualitative research methods.
4. To develop skills in data collection, sampling, and analysis.
5. To critically evaluate research methodologies in legal and social sciences.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand different approaches to legal and social science research.
2. Develop skills to formulate hypotheses and research questions.
3. Apply appropriate sampling and data collection techniques.
4. Critically assess the reliability and validity of research findings.
5. Conduct doctrinal and empirical research in the legal domain.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Research

- Scope and Aims of Research
- Steps and Methods of Research
- Research Models
- Limitations of Research

References/Recommended Readings

- A.K. Phophalia, *Modern Research Methodology*, Paradise Publishers, 2010.
- Anwarul Yaqin, *Legal Research and Writing Methods*, LexisNexis Butterworths, Wadhwa Nagpur, 2008.
- Jain, S.N., "Legal Research and Methodology", *JILI*, 14: 487 (1972).

II. Research Design

- Meaning and Functions of Research Design
- Characteristics and Phases of Research Design



- Quantitative and Qualitative Research
- Research Proposal and Pilot Study
- Trends
- Cohort and Panel Studies

References/Recommended Readings

- C.R. Kothari, *Research Methodology: Methods & Techniques*, New Age International Publishers, 2006.
- Earl Babbie, *The Practice of Social Research*, Cengage Learning, 14th ed., 2016.
- Gerald D. Berreman, "Ethnography: Method and Product" in V.K. Srivastava, *Methodology and Fieldwork*, Oxford University Press, 2004.

III. Hypothesis

- Nature and Definition of Hypothesis
- Types of Hypotheses
- Characteristics of a Good Hypothesis
- Criticism and Challenges in Hypothesis Testing

References/Recommended Readings

- Goode & Hatt, *Methods in Social Research*, McGraw-Hill, 1981.
- Ernest M. Jones, "Some Current Trends in Legal Research," *Journal of Legal Education*, 15: 21 (1962-63).
- Baxi, U., *Towards Sociology of Indian Law*, Satvahan Publications, 1986.

IV. Sampling

- Meaning and Purpose of Sampling
- Advantages and Principles of Sampling
- Types of Sampling (Probability and Non-Probability Sampling)
- Determining Sample Size

References/Recommended Readings

- Bailey, *Methods of Social Research*, Maxwell McMillan Publication, 1978.
- Lindsay Prior, *Using Documents in Social Research*, Sage Publications, 2003.
- Jain, S.N., "Doctrinal and Non-Doctrinal Research" in *Legal Research and Methodology*, JILI, 167 (1983).

V. Research Tools

- Questionnaire: Structure, Design, and Implementation
- Interview Schedule: Types and Uses



- Pre-Testing in Research
- Advantages and Limitations of Research Tools
- Interview as a Research Method
- Role of the Interviewer in Research
- Merits of Limitations

References/Recommended Readings

- Alan Brayman, *Social Research Methods*, Oxford University Press, 2001.
- P.M. Bakshi, "Legal Research of Law Reform" in *Legal Research and Methodology*, 121, 217 (1983).
- Baxi, U., *Socio-Legal Research in India: A Program Schrift*, Occasional Monograph, 1975.





PAPER-IV: LAW AND JUSTICE IN A GLOBALIZING WORLD

A. INTRODUCTION

This course examines the relationship between law and justice in the context of globalization and its impact on state sovereignty, social justice, economic development, and emerging concepts of justice. It explores global institutions, transnational legal frameworks, and contemporary challenges to governance, trade, and human rights.

B. COURSE OBJECTIVES

1. To analyze the interrelationship between law and justice in a globalized world.
2. To understand the role of globalization in shaping social, economic, and political justice.
3. To study the impact of globalization on natural resources, human rights, and trade laws.
4. To explore emerging legal and justice frameworks, including environmental jurisprudence, sustainable development, and governance transparency.

C. COURSE OUTCOMES

Upon completion, students will be able to:

1. Explain the function and purpose of law in ensuring justice in a globalized world.
2. Analyze the impact of globalization on sovereignty, social justice, and economic policies.
3. Critically evaluate international institutions' roles in addressing armed conflicts, environmental pollution, and terrorism.
4. Assess the legal challenges in free-market policies, human rights protection, and intellectual property regimes.
5. Understand new dimensions of justice, including Amartya Sen's Idea of Justice, sustainable development, and governance reforms.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction

- Relationship Between Law and Justice
- Justice as the function and purpose of law
- Globalization: Social, Political, and Economic Dimensions
- Emergence of Transnational Law in a Globalizing World
- Impact of Globalization on State Sovereignty

References/Recommended Readings

- Anghie, A. (2007). *Imperialism, Sovereignty and the Making of International Law*, Cambridge University Press. Ch. 1, 5 & 6.



- Baxi, U. (2002). *The Future of Human Rights*, Oxford University Press. Ch. 1 & 7.
- Fraser, N. (2010). *Scales of Justice: Reimagining Political Space in a Globalizing World*, Cambridge University Press. Ch. 2 & 6.
- Rajagopal, B. (2003). *International Law from Below: Development, Social Movements, and Third World Resistance*, Cambridge University Press. Ch. 5 & 7.
- Singh, A. P. (2008). "Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions." *Journal of Constitutional and Parliamentary Studies*, 42 (1-2), 62-78.

II. Globalization and Justice

- Concept of Global Justice
- Global Poverty and Economic Disparities
- Globalization and Social Justice
 - ♦ Global Distributive Justice
 - ♦ Displacement for Development
- Role of International Institutions in Addressing Global Issues:
 - ♦ Control of Armed Conflicts
 - ♦ Environmental Pollution
 - ♦ Terrorism

References/Recommended Readings

- Pogge, T. (2002). *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms*, Polity. Ch. 4 & 7.
- Sen, A. (2009). *The Idea of Justice*, Harvard University Press. Ch. 18.
- Buchanan, A. (2004). *Justice, Legitimacy, and Self-Determination: Moral Foundations for International Law*, Oxford University Press. Ch. 10 & 11.
- Chimni, B. S. (2007). "A Just World under Law: A View from South." *American University International Law Review*, 22 (2), 199-220.
- Chimni, B. S. (2004). "International Institutions Today: An Imperial Global State in the Making." *European Journal of International Law*, 15(1), 1-37.

III. Impact of Globalization and Free Market

- Impact on the Welfare State
- Impact on Natural Resources and the Environment
- Impact on Human Rights Protections
- Impact on Trade and Investment Laws
- Impact on Intellectual Property Rights (IPR)



References/Recommended Readings

- Kenendy, D. M. (2003). "Two Globalizations of Law and Legal Thought: 1850-1968." *Suffolk University Law Review*, 36(3), 631-679.
- Kenendy, D. M. (2006). "Three Globalizations of Law and Legal Thought: 1850-2000." In Trubek, D. M., *The New Law and Economic Development*, Cambridge University Press. pp. 19-73.
- Santos, B. S. (2006). "Globalizations." *Theory, Culture & Society*, 23, 393-399.
- Adam, S. (2011). "Distributing Justice." *New York University Law Review*, 86 (2), 500-572.
- Sinha, A. K. (2010). "Human Rights in the Era of Globalization." *Madras Law Journal*, 245 (6), 124-136.

IV. Emerging Concepts of Justice in Globalization

- Amartya Sen's Idea of Justice
- Relevance in the context of globalization and justice
- Special Economic Zones (SEZ): Legal Framework and Challenges
- Environmental Jurisprudence
- From Millennium Development Goals (MDGs) to Sustainable Development Goals (SDGs)
- Accountability and Transparency in Governance

References/Recommended Readings

- Developments (2016). "The Double Life of International Law: Indigenous Peoples and Extractive Industries." *Harvard Law Review*, 119, 1755-1778.
- Stiglitz, J.E. (2002). *Globalization and Its Discontents*, W.W. Norton & Company.
- Hardin, G. (1968). "The Tragedy of the Commons." *Science*.
- United Nations (2015). *Transforming Our World: The 2030 Agenda for Sustainable Development*.
- Sachs, J.D. (2006). *The End of Poverty: Economic Possibilities for Our Time*, Penguin Books.

Case Laws :

- *Indian Supreme Court Cases on SEZs and Land Acquisition:*
- *Keshavananda Bharati v. State of Kerala (1973)*
- *Olga Tellis v. Bombay Municipal Corporation (1985)*
- *M.C. Mehta v. Union of India (1986)*
- *ICJ Cases on Global Justice and Sovereignty:*
- *Nicaragua v. United States (1986)*
- *Pulp Mills on the River Uruguay Case (Argentina v. Uruguay, 2010)*



LLM (SEMESTER-II)
CONSTITUTIONAL LAW GROUP

PAPER - I: CONSTITUTIONAL HISTORY OF INDIA AND THE U.K.

A. INTRODUCTION

The study of constitutional history is crucial for understanding the evolution of governance, legal systems, and democratic principles. This course offers a comprehensive analysis of constitutional developments in India and the United Kingdom, examining their historical trajectories and institutional frameworks. While the U.K.'s constitution is rooted in unwritten traditions shaped by customs and conventions, India's codified constitution reflects its colonial legacy and aspirations for self-governance. Key principles such as the Rule of Law, Separation of Powers, Parliamentary Sovereignty, and Judicial Review will be explored, along with landmark judicial decisions, parliamentary practices, and the evolution of legal doctrines that continue to shape modern constitutionalism. By comparing the constitutional frameworks of both nations, students will gain a nuanced understanding of how legal principles and political systems influence governance. Designed for postgraduate law students, this course provides an advanced exploration of constitutional development, equipping them with critical analytical tools to assess and apply constitutional principles to contemporary legal and political challenges.

B. COURSE OBJECTIVES

1. To provide an in-depth understanding of the constitutional history of India and the United Kingdom.
2. To analyze the key constitutional principles such as Rule of Law, Separation of Powers, Parliamentary Sovereignty, and Judicial Review.
3. To compare the governance structures, functions, and prerogatives of institutions in both nations.
4. To examine the evolution of constitutional government in India and the U.K.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Demonstrate an understanding of constitutional evolution in India and the U.K.
2. Analyze key constitutional principles and their application in both jurisdictions.
3. Compare the role of different constitutional institutions in India and England.
4. Evaluate the impact of judicial decisions on constitutional law in both nations.
5. Apply constitutional doctrines to contemporary legal issues.



D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Constitutional Law and Constitutionalism

- Definition and Nature of Constitution
- Constitutional Law and Constitutionalism
- Concept of Limited Government and Limitations on Government Power
- Conventions of Constitutionalism: Law and Conventions
- Historical Evolution of Constitutional Government in India and England

References/Recommended Readings:

- A.V. Dicey, *Introduction to the Study of the Law of the Constitution* (10th ed. Macmillan 1959).
- Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966).
- M.P. Jain, *Indian Constitutional Law* (LexisNexis 2021).
- Colin Turpin & Adam Tomkins, *British Government and the Constitution: Text and Materials* (Cambridge University Press 2007).

Case-Laws

- *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.
- *A.G. for New South Wales v. Trethowan*, [1932] AC 526 (PC).
- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248.

II. The Rule of Law and Separation of Powers

- Concept and Dimensions of the Rule of Law
- The Modern Interpretation of the Rule of Law
- Separation of Powers: Theory and Applicability in India and England
- Case Studies on Separation of Powers

References/Recommended Readings:

- Paul Craig, *The Rule of Law: Perspectives from the UK* (Oxford Journal of Legal Studies, Vol. 33, Issue 1, 2013, pp. 1-24).
- H.M. Seervai, *Constitutional Law of India* (4th ed. Universal Law Publishing 2013).
- A.V. Dicey, *Law of the Constitution* (Macmillan 1959).
- Mark Elliott & Robert Thomas, *Public Law* (Oxford University Press 2021).

Case-Laws

- *R. v. Secretary of State for the Home Department, ex parte Pierson*, [1998] AC 539.
- *Indira Nehru Gandhi v. Raj Narain*, (1975) Supp SCC 1.



- *Liversidge v. Anderson*, [1942] AC 206.
- *State of Bihar v. Sonawati Kumari*, AIR 1961 SC 221.

III. Sovereignty of the British Parliament and Legislative Powers

- Concept of Parliamentary Sovereignty in England
- Privileges and Functions of the British Parliament
- Parliamentary Privileges in India: Constitutional and Judicial Interpretation
- Comparative Study of the Role of Courts in India and the U.K.

References/Recommended Readings:

- Jeffrey Goldsworthy, *The Sovereignty of Parliament: History and Philosophy* (Oxford University Press 1999).
- D.D. Basu, *Comparative Constitutional Law* (LexisNexis 2021).
- V.N. Shukla, *Constitution of India* (12th ed. Eastern Book Company 2022).

Case-Laws

- *R. v. Factortame Ltd. (No. 2)*, [1991] 1 AC 603.
- *Union of India v. Lok Shikshana Trust*, (1976) 1 SCC 254.
- *Madras Bar Association v. Union of India*, (2014) 10 SCC 1.

IV. The Monarchy and the Cabinet System

- The King of England: Evolution and Present Status
- Prerogatives of the Crown
- Cabinet System of Government in India and England
- Role of the Prime Minister and the Executive

References/Recommended Readings:

- Rodney Brazier, *Constitutional Reform: Reshaping the British Political System* (Oxford University Press 2008).
- Vernon Bogdanor, *The Monarchy and the Constitution* (Oxford University Press 1995).
- Wade & Forsyth, *Administrative Law* (Oxford University Press 2014).
- Richard Ekins, *The Crown and the Constitution* (Cambridge Law Journal, Vol. 80, Issue 2, 2021, pp. 215-240).

Case-Laws

- *The Zamora*, [1916] 2 AC 77.
- *Entick v. Carrington*, [1765] EWHC KB J98.
- *Council of Civil Service Unions v. Minister for the Civil Service* (GCHQ case), [1985] AC 374.



V. The Judicial System and Constitutional Remedies

- Judicial System in England and the Role of Common Law
- The Crown Proceedings Act, 1947
- Judicial Review in India: Scope and Limitations
- Prerogative Writs and Constitutionalism in India

References/Recommended Readings:

- William Wade & Christopher Forsyth, *Administrative Law* (Oxford University Press 2014).
- P. Craig, *Administrative Law* (7th ed. Sweet & Maxwell 2012).
- Anurag K. Agarwal, *Judicial Review and the Indian Supreme Court* (Economic & Political Weekly, Vol. 48, Issue 5, 2013, pp. 44-50).
- *R. v. Secretary of State for the Home Department, ex p. Fire Brigades Union* [1995] 2 AC 513.

Case-Laws:

- *R. v. Secretary of State for the Home Department, ex parte Fire Brigades Union*, [1995] 2 AC 513.
- *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.
- *Golak Nath v. State of Punjab*, (1967) 2 SCR 762.
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).



PAPER - II: COMPARATIVE FEDERALISM

A. INTRODUCTION

Federalism is a governance system that balances power between a central authority and subnational units, ensuring a division of responsibilities while maintaining national unity. This course examines the evolution, structures, and contemporary trends in federalism across different jurisdictions, with a comparative analysis of India, the United States, Canada, and Australia. It explores how judicial interpretation, constitutional provisions, and political realities shape federal structures worldwide.

The study of comparative federalism enables students to critically analyze different federal models, their advantages, limitations, and the unique challenges they present. Special emphasis is placed on India's federal structure, its transformation over time, and the role of constitutional amendments and judicial review in shaping Indian federalism.

B. COURSE OBJETIVES:

1. To understand the concept, principles, and requisites of federalism.
2. To analyze different federal structures, with a focus on India, the U.S.A., Canada, and Australia.
3. To evaluate the distribution of legislative powers and its impact on governance.
4. To examine the role of judiciary in maintaining federal balance through judicial review.
5. To assess the effects of emergency provisions on federal structures.

C. COURSE OUTCOMES:

Upon successful completion of this course, students will be able to:

1. Explain the fundamental concepts and principles of federalism.
2. Compare different federal models and their applicability to governance.
3. Evaluate the federal structure of India in relation to other federal systems.
4. Analyze judicial interpretations and their role in shaping federalism.
5. Assess the impact of emergency provisions and judicial review in federal governance.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Concepts of Federalism

- Definition and Nature of Federalism
- Essential Conditions for Federalism
- Patterns of Federal Government in the U.S.A. and Australia
- Federal Control vs. State Autonomy



References/Recommended Readings:

- K.C. Wheare, *Federal Government* (Oxford University Press 1963).
- M.P. Jain, *Indian Constitutional Law* (LexisNexis 2021).
- John Kincaid, *Comparative Federalism: Theory and Practice* (Oxford University Press 2011).
- R. Watts, *Comparing Federal Systems* (McGill-Queen's University Press 2008).

Case Laws:

- *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819).
- *State of West Bengal v. Union of India*, AIR 1963 SC 1241.

II. Indian Federalism: Structure and Interpretation

- The Federal Constitution of India
- Nature of Indian Federalism
- Judicial Interpretation and its Role in Indian Federalism

References/Recommended Readings:

- Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966).
- H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing 2013).
- Sudhir Krishnaswamy, *Democracy and Constitutionalism in India* (Oxford University Press 2009).
- D.D. Basu, *Comparative Constitutional Law* (LexisNexis 2021).

Case Laws:

- *Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.
- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918.

III. Changing Dimensions of Federalism

- Evolution of Modern Federal Constitutions
- New Trends in Federalism
- National Supremacy
- Cooperative Federalism

References/Recommended Readings:

- Robert Schütze, *From Dual to Cooperative Federalism* (Oxford University Press 2009).
- M.C. Jain Kagzi, *The Constitution of India* (India Law House 2006).
- Daniel J. Elazar, *Exploring Federalism* (University of Alabama Press 1987).

**Case Laws:**

- *United States v. Lopez*, 514 U.S. 549 (1995).
- *State of Karnataka v. Union of India*, AIR 1978 SC 68.

IV. Distribution of Legislative Powers

- Legislative Power Distribution in India
 - Comparative Study: U.S.A., Canada, and Australia
 - Special Legislative Powers: Defense & External Affairs
- Reading Materials:

References/Recommended Readings:

- V.N. Shukla, *Constitution of India* (Eastern Book Company 2022).
- Mark Tushnet, *Advanced Introduction to Comparative Constitutional Law* (Edward Elgar Publishing 2014).
- H. P. Lee & George Winterton, *Australian Constitutional Landmarks* (Cambridge University Press 2003).

Case Laws:

- *A.L.S.P.L. Subrahmanyam Chettiar v. Muttuswami Goundan*, AIR 1941 FC 47.
- *R. v. Crown Zellerbach Canada Ltd.*, [1988] 1 SCR 401.

V. Emergency Provisions and Their Impact on Federalism

- Emergency Provisions under the Indian Constitution
- Effect of Emergency on Federal Structure
- Judicial Approach
- Indian and American Experiences

References/Recommended Readings:

- Ivor Jennings, *Cabinet Government* (Cambridge University Press 1959).
- Vikram Raghavan, *Emergency Powers in Asia* (Cambridge University Press 2010).
- Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company 1980).

Case Laws:

- *ADM Jabalpur v. Shivkant Shukla*, AIR 1976 SC 1207.
- *Ex parte Milligan*, 71 U.S. (4 Wall.) 2 (1866).

VI. Judicial Review and Federalism

- Role of Judiciary in Federal Umpiring
- Scope of Judicial Review in Federal Constitutions



- Indian and American Judicial Approaches
- The Scope of Constituent Power
- The Amendment Process and its Implementation
- Judicial Response to Constitutional Amendments

References/Recommended Readings:

- Laurence H. Tribe, *American Constitutional Law* (Foundation Press 2000).
- Vikram David Amar, *Processes of Constitutional Decision-Making* (Aspen Publishers 2013).
- Arun K. Thiruvengadam, *The Constitution of India: A Contextual Analysis* (Hart Publishing 2017).

Case Laws:

- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803).
- *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.





PAPER - III: JUDICIAL PROCESS

A. INTRODUCTION

The judicial process is a fundamental pillar of any legal system, shaping the administration of justice and the development of legal principles. This course explores the intricate relationship between law and justice, examining judicial reasoning, the role of judges, and the impact of judicial decisions on society. It provides an in-depth study of judicial creativity, judicial review, and the evolving nature of judicial activism in India. The course also focuses on the decision-making process in the Supreme Court, analyzing dissenting and concurring opinions and their influence on legal jurisprudence.

B. COURSE OBJECTIVES

1. To understand the relationship between law and justice and the concept of 'Dharma' in Indian legal thought.
2. To analyze various theories of justice and the nature of the judicial process.
3. To examine judicial creativity, the role of precedents, and judicial review in India.
4. To assess the independence of the judiciary and its interaction with the legislature and executive.
5. To evaluate the evolution of judicial activism and its implications for constitutional governance.
6. To study decision-making patterns in the Supreme Court and the significance of dissenting opinions.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the fundamental principles of justice and their relation to legal systems.
2. Analyze the role of judicial creativity and the importance of precedents in law-making.
3. Evaluate the impact of judicial review and activism on governance and constitutionalism.
4. Assess the mechanisms ensuring judicial independence in India.
5. Critically examine Supreme Court decision-making processes and dissenting judgments.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. The Concept of Justice and the Relationship Between Law and Justice

- The concept of Dharma in Indian thought
- 'Dharma' as the Foundation of Legal Ordering
- Western Theories of Justice



References/Recommended Readings:

- Amartya Sen, *The Idea of Justice* (Harvard University Press 2009).
- Julius Stone, *Social Dimensions of Law and Justice* (Universal Law Publishing 1999).
- Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company 1980).

Case Laws:

- *Keshavananda Bharati v. State of Kerala*, AIR 1973 SC 1461.
- *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

II. The Nature of Judicial Process

- Judicial Process as an Instrument of Social Order
- Judicial Creativity in Law & its tools, techniques & precedents

References/Recommended Readings:

- Benjamin Cardozo, *The Nature of the Judicial Process* (Yale University Press 1921).
- H.L.A. Hart, *The Concept of Law* (Oxford University Press 1961).
- Ronald Dworkin, *Law's Empire* (Harvard University Press 1986).

Case Laws:

- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.
- *Golaknath v. State of Punjab*, AIR 1967 SC 1643.

III. Judicial Process in India

- Indian Debate on the Role of Judges
- The Notion of Judicial Review
- Contemporary Challenges Before the Judiciary

References/Recommended Readings:

- Granville Austin, *Working a Democratic Constitution: The Indian Experience* (Oxford University Press 1999).
- M.P. Jain, *Indian Constitutional Law* (LexisNexis 2021).

Case Laws:

- *Indira Gandhi v. Raj Narain*, AIR 1975 SC 2299.
- *S.P. Gupta v. Union of India*, AIR 1982 SC 149.

IV. Independence of Judiciary and Judicial Process

- Constitutional Provisions Ensuring Judicial Independence
- Judiciary vs. Legislature & Executive
- Appointments & Transfer of Judges & effects on Independence of Justice.



References/Recommended Readings:

- H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing 2013).
- Upendra Baxi, *Courage, Craft, and Content: The Indian Supreme Court in the Eighties* (Eastern Book Company 1985).

Case Laws:

- *Supreme Court Advocates-on-Record Association v. Union of India*, AIR 1994 SC 268.
- *K. Veeraswami v. Union of India*, AIR 1991 SC 1983.

V. Judicial Activism and Constitutional Obligations

- Evolution and Justification of Judicial Activism
- Judicial Activism in India: Tools and Techniques
- Role of the Supreme Court in Judicial Activism
Need for care and Caution

References/Recommended Readings:

- S.P. Sathe, *Judicial Activism in India: Transgressing Borders and Enforcing Limits* (Oxford University Press 2002).
- P.N. Bhagwati, *Judicial Activism and Public Interest Litigation* (NM Tripathi 1985).

Case Laws:

- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.
- *People's Union for Democratic Rights v. Union of India*, AIR 1982 SC 1473.

VI. Decision-Making in the Supreme Court of India

- Nature of Participation: Dissent, Concurrence, and Unanimity
- Majority Opinions and Their Impact

References/Recommended Readings:

- Laurence H. Tribe, *American Constitutional Law* (Foundation Press 2000).
- B.N. Kirpal et al., *Supreme But Not Infallible: Essays in Honour of the Supreme Court of India* (Oxford University Press 2000).

Case Laws:

- *Justice K.S. Puttaswamy (Retd.) v. Union of India*, AIR 2017 SC 4161.
- *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.



PAPER - IV: LAW RELATED TO WOMEN, CHILD AND INDIGENOUS PEOPLE

A. INTRODUCTION

This course examines the legal framework related to the protection and promotion of the rights of women, children, and indigenous people at both national and international levels. It aims to provide a comprehensive understanding of gender justice, political rights, special legal provisions, and international conventions aimed at safeguarding vulnerable groups. The course also highlights contemporary challenges and the evolving role of legal mechanisms in ensuring social justice.

B. COURSE OBJECTIVES

1. To understand the status of women in contemporary Indian society and analyze gender justice issues.
2. To study international conventions for the protection of women and their legal implications.
3. To examine the political rights of women and their participation in governance.
4. To analyze the constitutional and legal framework for the protection of women and children.
5. To explore national and international legal provisions relating to the rights of children and indigenous people.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Critically analyze gender justice issues and the socio-legal status of women in India.
2. Evaluate international legal instruments for the protection of women's rights.
3. Understand the constitutional provisions and special laws for women and children in India.
4. Examine the rights of indigenous people in the international and municipal legal framework.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Status of Women in Contemporary Indian Society

- Poverty, illiteracy, lack of independence, oppression, social customs, and gender justice.
- Violence against and abuse of women in public and private domains.
- Domestic violence and sexual harassment.

References/Recommended Readings:

- Flavia Agnes, *Law and Gender Inequality: The Politics of Women's Rights in India* (Oxford University Press 1999).



- Indira Jaising, *Handbook on Law of Domestic Violence* (LexisNexis 2016).
- National Crime Records Bureau, *Crime in India Report* (Latest Edition).

Case Laws:

- *Vishaka v. State of Rajasthan*, AIR 1997 SC 3011.
- *Lillu v. State of Haryana*, AIR 2013 SC 1784.

II. International Norms for Protection of Women

- UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW).
- Convention on the Nationality of Married Women.

References/Recommended Readings:

- Rebecca Cook, *Human Rights of Women: National and International Perspectives* (University of Pennsylvania Press 1994).
- United Nations, *Convention on the Elimination of All Forms of Discrimination Against Women* (1979).

III. Political Rights of Women

- Universal Suffrage
- Equal Right to Vote
- Equal Right to be Elected
- Equal Right to Hold Public Office

References/Recommended Readings:

- Usha Thakkar & Githa Ramaswamy, *Women in Indian Politics: Empowerment through Participation* (Routledge 2016).
- UN General Assembly, *Convention on the Political Rights of Women* (1953).

Case Laws:

- *People's Union for Civil Liberties v. Union of India*, AIR 2003 SC 2363.

IV. Constitution of India and the Status of Women

- Equality provisions in Fundamental Rights and Directive Principles.
- Special provisions for the protection of women: Articles 15(3), 39(d) & (e), 42, 243-D & 243-T.

References/Recommended Readings:

- M.P. Jain, *Indian Constitutional Law* (LexisNexis 2021).
- H.M. Seervai, *Constitutional Law of India* (Universal Law Publishing 2013).

Case Laws:

- *Air India v. Nargesh Meerza*, AIR 1981 SC 1829.



V. Special Laws for Protection of Women

- Prevention of Immoral Traffic Act, 1956.
- Indecent Representation of Women (Prohibition) Act, 1986.
- Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

References/Recommended Readings:

- Law Commission of India, *Reports on Women and Law* (Latest Edition).
- Indira Jaising, *Sexual Harassment at Workplace: Law and Practice* (LexisNexis 2018).

Case Laws:

- *Suchita Srivastava v. Chandigarh Administration*, AIR 2009 SC 2437.

VI. Status of Child in National and International Law

- Legal framework for child rights in India.
- International conventions regarding child rights.

References/Recommended Readings:

- UNICEF, *The State of the World's Children Report* (Latest Edition).
- S.K. Verma, *Law Relating to Child Labour* (Central Law Publications 2015).

Case Laws:

- *Gaurav Jain v. Union of India*, AIR 1997 SC 3021.

VII. Rights of Indigenous People in International and Municipal Law

References/Recommended Readings:

- James Anaya, *Indigenous Peoples in International Law* (Oxford University Press 2004).
- P. K. Tripathi, *Tribal Rights and Laws in India* (Deep & Deep Publications 2008).

Case Laws:

- *Samatha v. State of Andhra Pradesh*, AIR 1997 SC 3297.



LL.M (SEMESTER-II)
CONTRACT AND INSURANCE GROUP

PAPER - I: GENERAL PRINCIPLES OF CONTRACT

A. INTRODUCTION

Contracts form the foundation of commercial and personal transactions, ensuring predictability and legal enforceability in agreements. This course provides an in-depth study of the fundamental principles of contract law, including the formation, execution, and termination of contracts, as well as the legal consequences of their breach. A comparative approach is adopted to understand contract law in India and other jurisdictions.

This course provides a robust understanding of the general principles of contract law, equipping students with analytical skills to interpret contractual rights, obligations, and remedies within both national and international frameworks.

B. COURSE OBJECTIVES

1. To examine the essential elements and legal principles governing contract formation.
2. To analyze the importance of consent, consideration, and privity of contract.
3. To understand the legal implications of contractual capacity and public policy.
4. To study the termination and discharge of contracts, including the doctrine of frustration.
5. To evaluate the remedies available for breach of contract, with special reference to damages.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the legal principles underlying contract formation and enforceability.
2. Analyze contractual rights and obligations with reference to judicial precedents.
3. Evaluate the role of public policy in shaping contract law.
4. Assess legal remedies and damages in cases of contract breach.
5. Critically examine the evolution of contract law and its contemporary relevance.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Formation of Contract

- Essential elements of a valid contract: Offer and Acceptance
- Communication, acceptance, and revocation of the terms of offer & Acceptance
- Standard form contracts and their legal implications



References/Recommended Readings:

- Avtar Singh, *Law of Contract* (Eastern Book Company, 2022).
- M.P. Furmston, *Cheshire, Fifoot & Furmston's Law of Contract* (Oxford University Press, 2017).
- Richard Stone, *The Modern Law of Contract* (Routledge, 2019).

Case Laws:

- *Carlill v. Carbolic Smoke Ball Co.* [1893] 1 QB 256.
- *Balfour v. Balfour* [1919] 2 KB 571.

II. Consideration and Privity of Contract

- Doctrine of Consideration and its necessity
- Privity of Contract: Rights of third parties
- Controversy regarding the abolition of consideration

References/Recommended Readings:

- P.S. Atiyah, *Consideration in Contracts: A Fundamental Restatement* (Oxford University Press, 2018).
- G.H. Treitel, *The Law of Contract* (Sweet & Maxwell, 2021).

Case Laws:

- *Dunlop Pneumatic Tyre Co Ltd v. Selfridge & Co Ltd* [1915] AC 847.
- *Chinnaya v. Ramayya* (1882) ILR 4 Mad 137.

III. Capacity to Contract

- Nature of minor's agreements
- Doctrine of restitution

References/Recommended Readings:

- Anson, *Anson's Law of Contract* (Oxford University Press, 2020).
- Pollock & Mulla, *Indian Contract and Specific Relief Acts* (LexisNexis, 2019).

Case Laws:

- *Mohori Bibee v. Dharmodas Ghose* (1903) 30 Cal 539.
- *Nash v. Inman* [1908] 2 KB 1.

IV. Consent and Public Policy in Contracts

- Importance of free consent: Coercion, undue influence, fraud, misrepresentation, and mistake
- Agreements against public policy
- Restraint of trade and wagering agreements

**References/Recommended Readings:**

- Ewan McKendrick, *Contract Law: Text, Cases, and Materials* (Oxford University Press, 2022).
- A.G. Guest, *Chitty on Contracts* (Sweet & Maxwell, 2020).

Case Laws:

- *Ranganayakamma v. Alwar Setti* (1889) ILR 13 Mad 214.
- *Central Inland Water Transport Corporation v. Brojo Nath Ganguly* AIR 1986 SC 1571.

V. Discharge of Contract

- Modes of discharge: Performance, agreement, breach, impossibility, frustration
- Doctrine of frustration: Scope and limitations
- Implied contracts

References/Recommended Readings:

- E. Allan Farnsworth, *Farnsworth on Contracts* (Aspen Publishers, 2019).
- Andrew Burrows, *The Law of Restitution* (Oxford University Press, 2019).

Case Laws:

- *Taylor v. Caldwell* [1863] EWHC QB J1.
- *Satyabrata Ghose v. Mugneeram Bangur & Co* AIR 1954 SC 44.

VI. Breach of Contract and Remedies

- Types of breach: Anticipatory and actual
- Remedies for breach: Damages, specific performance, injunction
- Principles governing the assessment of damages

References/Recommended Readings:

- Neil Andrews, *Contract Law* (Cambridge University Press, 2015).
- G.H. Treitel, *Remedies for Breach of Contract* (Sweet & Maxwell, 2017).

Case Laws:

- *Hadley v. Baxendale* [1854] EWHC Exch J70.
- *Fateh Chand v. Balkishan Dass* AIR 1963 SC 1405.



PAPER - II: SPECIFIC CONTRACTS

A. INTRODUCTION

This course explores specific contracts under Indian contract law, focusing on their formation, rights, obligations, and liabilities. It provides an in-depth analysis of the contracts of agency, indemnity, guarantee, bailment, and pledge, emphasizing judicial interpretations and legislative developments.

B. COURSE OBJECTIVES

1. To understand the fundamental principles governing specific contracts.
2. To analyze the legal framework and judicial interpretations of agency, indemnity, guarantee, bailment, and pledge.
3. To examine the rights, duties, and liabilities of parties involved in these contracts.
4. To study case laws and their impact on the development of contract law.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the legal provisions governing specific contracts.
2. Differentiate between contracts of indemnity, guarantee, bailment, and pledge.
3. Analyze judicial decisions and their implications on contractual obligations.
4. Assess the practical implications of specific contracts in commercial transactions.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Contract of Agency

- Definition and Nature
- Creation and Ratification
- Rights and Duties of Agent and Principal
- Termination of Agency
- Liability of Principal for Misrepresentation and Fraud by Agent
- Agent's Personal Liability

References/Recommended Readings:

- Chitty, Contracts (Sweet & Maxwell 2021)
- Mulla, *Indian Contract Act* (LexisNexis 2019).

**Case Laws:**

- *Syed Abdul Khader v. Rami Reddy*, AIR 1979 SC 553.
- *Pannalal Jankidas v. Mohanlal*, AIR 1951 SC 144.

II. Contract of Indemnity

- Definition and Characteristics
- Control of Insurance as a Contract of Indemnity

References/Recommended Readings:

- Pollock & Mulla, *Indian Contract and Specific Relief Acts* (LexisNexis 2021).
- G.C. Cheshire, *Law of Contract* (Butterworths 2001).

Case Laws:

- *Gajanan Moreshwar Parelkar v. Moreshwar Madan Mantri*, AIR 1942 Bom 302.
- *Adamson v. Jarvis* (1827) 4 Bing 66.

III. Contract of Guarantee

- Definition and Characteristics
- Difference between Indemnity and Guarantee
- Surety – Rights & Liabilities
- Discharge of Surety

References/Recommended Readings:

- Anson, *Law of Contract* (Oxford University Press 2016).
- Chitty, *Contracts* (Sweet & Maxwell 2021).

Case Laws:

- *State Bank of India v. Premco Saw Mill*, AIR 1984 SC 626.
- *Bank of Bihar v. Damodar Prasad*, AIR 1969 SC 297.

IV. Contract of Bailment

- Definition and Essentials
- Rights and Liabilities of Bailor and Bailee
- Lien – General and Particular

References/Recommended Readings:

- Mulla, *Indian Contract Act* (LexisNexis 2019).
- Avtar Singh, *Contract and Specific Relief* (Eastern Book Company 2022).

Case Laws:

- *Ultzen v. Nicols* (1894) 1 QB 92.
- *L.M. Chitale v. Commissioner of Income Tax*, AIR 1970 SC 2319.



V. Contract of Pledge

- Definition and Nature
- Difference between Bailment and Pledge
- Rights and Liabilities of Pledger and Pledgee

References/Recommended Readings:

- Anson, *Law of Contract* (Oxford University Press 2016).

Case Laws:

- *Lallan Prasad v. Rahmat Ali*, AIR 1967 SC 1322.
- *Morvi Mercantile Bank Ltd. v. Union of India*, AIR 1965 SC 1954.





PAPER - III: INSURANCE

A. INTRODUCTION

This course provides an in-depth understanding of the principles governing insurance contracts, their nature, types, and legal implications. It explores the doctrines of utmost good faith, indemnity, subrogation, and warranties while analyzing relevant judicial decisions and legislative frameworks.

This course provides a comprehensive understanding of insurance law, equipping students with knowledge of its foundational principles, judicial interpretations, and regulatory framework.

B. COURSE OBJECTIVES

1. To understand the fundamental principles of insurance contracts.
2. To analyze different types of insurance contracts, including life, fire, and marine insurance.
3. To examine the legal doctrines governing insurance, including indemnity, subrogation, and utmost good faith.
4. To evaluate the nationalization and regulation of the insurance sector in India.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the essential elements of an insurance contract.
2. Differentiate between various types of insurance and their legal implications.
3. Analyze the role of indemnity, subrogation, and warranties in insurance law.
4. Assess the regulatory framework governing insurance in India.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Nature and Definition of Insurance Contracts

- Definition and Nature of Insurance Contracts
- Distinction between Life, Fire, and Marine Insurance Contracts

References/Recommended Readings:

- M.N. Srinivasan, *Principles of Insurance Law* (LexisNexis 2020).
- K.S.N. Murthy & Dr. K.V.S. Sarma, *Modern Law of Insurance* (LexisNexis 2019).

Case Laws:

- *LIC of India v. Rajiv Kumar Bhasker*, AIR 2005 SC 3087.
- *General Assurance Society Ltd. v. Chandmull Jain*, AIR 1966 SC 1644.



II. Insurance and Wagering Contracts

- Concept of Wagering Contracts
- Difference between Insurance and Wagering Contracts

References/Recommended Readings:

- Avtar Singh, *Law of Insurance* (Eastern Book Company 2022).

Case Laws:

- *Gherulal Parekh v. Mahadeo Das*, AIR 1959 SC 781.

III. Insurance Interest and Indemnity

- Essentials of Insurance Interest
- Indemnity as the Controlling Principle of Insurance Law

References/Recommended Readings:

- R.K. Nagarajan, *Law of Insurance* (LexisNexis 2018).

Case Laws:

- *Castellain v. Preston* (1883) 11 QBD 380.
- *Digby v. General Accident Fire and Life Assurance Corporation Ltd.* (1943) KB 216.

IV. Doctrine of Utmost Good Faith and Subrogation

- Meaning and Importance of Uberrima Fidei (Utmost Good Faith)
- Doctrine of Subrogation and Its Essentials
- Subrogation as a necessary corollary of the principle of indemnity

References/Recommended Readings:

- B.C. Mitra, *Law Relating to Marine Insurance* (LexisNexis 2017).

Case Laws:

- *Carter v. Boehm* (1766) 3 Burr 1905.
- *New India Assurance Co. Ltd. v. Kamla*, AIR 2001 SC 1419.

V. Risk, Proximate Cause, and Re-Insurance

- Meaning, Scope, and Elements of Risk
- Proximate Cause under Insurance and Re-Insurance Contracts
- Double Insurance and Re-Insurance

References/Recommended Readings:

- Mark R. Greene, *Principles of Risk Management and Insurance* (Pearson 2014).

**Case Laws:**

- *Leyland Shipping Co. Ltd. v. Norwich Union Fire Insurance Society Ltd. (1918) AC 350.*

VI. Warranties in Insurance Contracts

- Meaning, Form, Characters, and Kinds of Warranties
- Effect of Breach of Warranty
- Difference between Warranty and Representation

References/Recommended Readings:

- John Lowry & Philip Rawlings, *Insurance Law: Doctrines and Principles* (Hart Publishing 2020).

Case Laws:

- *De Hahn v. Hartley (1786) 1 TR 343.*

VII. Nationalization and Regulation of Insurance Business

- Nationalization of Insurance in India
- Regulatory Framework of Insurance Business in India

Reference/Recommended readings :

- M.N. Mishra & S.B. Mishra, *Insurance Principles and Practice* (S. Chand Publishing 2021).

Case Laws:

- *LIC v. Consumer Education and Research Centre, AIR 1995 SC 1811.*



PAPER - IV: TRADE LAW

A. INTRODUCTION

This course provides an understanding of international trade law, covering its evolution, principles, and regulatory framework. It explores trade agreements, dispute resolution mechanisms, and contemporary issues such as trade and labor, trade and environment, and trade-related human rights concerns.

This course equips students with a deep understanding of international trade law, WTO regulations, dispute resolution mechanisms, and contemporary challenges in global trade governance.

B. COURSE OBJECTIVES

1. To examine the historical evolution and nature of international trade law.
2. To analyze the principles and policies governing trade regulations.
3. To understand WTO mechanisms and their impact on international trade.
4. To assess the legal framework for dispute resolution in international trade.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the fundamental principles of international trade law.
2. Differentiate between multilateral, regional, and domestic trade regulations.
3. Analyze the role of WTO and dispute settlement mechanisms in trade.
4. Assess the legal challenges related to trade, labor, and environmental concerns.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Trade Law

- Trade History, Nature of International Trade (Origin, Evolution, and Characteristics)
- Transition from GATT to WTO
- Inter-relation between Multilateral Rules, Regional Agreements, and Domestic Legislation
- Economics of International Trade
- Institutional Overview of WTO
- Free Trade Theory and Protection

References/Recommended Readings:

- John H. Jackson, *The World Trading System: Law and Policy of International Economic Relations* (MIT Press 1997).
- Michael J. Trebilcock & Robert Howse, *The Regulation of International Trade* (Routledge 2013).

**Case Laws:**

- *United States – Import Prohibition of Certain Shrimp and Shrimp Products, WT/DS58/AB/R (1998).*
- *Brazil – Measures Affecting Imports of Retreaded Tyres, WT/DS332/AB/R (2007).*

II. Trade Policies and Regulation of International Trade

- Pillars of Multilateral Trading System (MFN, National Treatment, Tariff Bindings, Customs Law, Non-Tariff Barriers)
- Quantitative Restrictions
- Subsidies and Safeguards

III. Subsidies Safeguards

- Nature of Safeguard Measures
- Preconditions and Procedures for Taking Safeguards Measures
- Developing Countries and Safeguards
- Limitations and General Discipline
- Grey Area Measures
- Anti-dumping and countervailing duty measures.

References/Recommended Readings:

- Bernard Hoekman & Michel Kosteki, *The Political Economy of the World Trading System* (Oxford University Press 2009).

Case Laws:

- *Canada – Dairy (WT/DS103/AB/R, WT/DS113/AB/R).*
- *European Communities – Measures Concerning Meat and Meat Products (Hormones), WT/DS26/AB/R, WT/DS48/AB/R.*
- *Anti-dumping and Countervailing Duty Measures.*

IV. Sectoral Problems and Their Resolutions

- Trade in Agriculture
- Trade in Services
- TRIPS
- Trade in Investment

References/Recommended Readings:

- Peter Van den Bossche, *The Law and Policy of the World Trade Organization* (Cambridge University Press 2013).



Case Laws:

- *India – Patent Protection for Pharmaceutical and Agricultural Chemical Products, WT/DS50/AB/R.*
- *China – Measures Affecting Trading Rights and Distribution Services for Certain Publications and Audiovisual Entertainment Products, WT/DS363/AB/R.*

V. Trade Relations and Dispute Resolution

- Competing Interests of Trading Partners
- Problems of Market Access
- Institutions and Principles of Dispute Settlement
- The First World – Third World Divide

References/Recommended Readings:

- Mitsuo Matsushita, Thomas J. Schoenbaum & Petros C. Mavroidis, *The World Trade Organization: Law, Practice, and Policy* (Oxford University Press 2015).

Case Laws:

- *United States – Certain Country of Origin Labelling (COOL) Requirements, WT/DS384/AB/R, WT/DS386/AB/R.*

VI. Trade and Social Issues

- Trade and Labor
- Trade and Environment
- Trade and Human Rights Issues

References/Recommended Readings:

- Kevin R. Gray, Richard Tarasofsky & Cinnamon Carlarne, *The Oxford Handbook of International Climate Change Law* (Oxford University Press 2016).
- Steve Charnovitz, *The WTO and Environment: The Shrimp-Turtle Case* (Cambridge University Press 2002).

Case Laws:

- *United States – Restrictions on Imports of Tuna, WT/DS381/AB/R.*
- *European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, WT/DS135/AB/R.*



LL.M (SEMESTER-II) **ENVIRONMENTAL LAW & IPR LAW GROUP**

PAPER - I: INTERNATIONAL ENVIRONMENTAL LAW IN INDIA

A. INTRODUCTION

This course provides an extensive overview of International Environmental Law, focusing on its historical evolution, key principles, transboundary pollution, global commons, species protection, and compliance mechanisms. Special emphasis is placed on India's legislative measures and its role in international environmental governance.

This course equips students with an understanding of international environmental frameworks and their implications for Indian law and governance.

B. COURSE OBJECTIVES

1. To examine the historical evolution and principles of International Environmental Law.
2. To analyze the sources of International Environmental Law, including treaties and customary law.
3. To explore transboundary pollution and state liability issues.
4. To understand the legal framework governing global commons and species protection.
5. To assess compliance mechanisms and India's role in international environmental governance.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the historical evolution and sources of International Environmental Law.
2. Analyze transboundary pollution issues and their legal implications.
3. Examine the legal regimes governing global commons and biodiversity protection.
4. Assess the effectiveness of compliance mechanisms and governance institutions.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to International Environmental Law

- Historical Evolution
- Developed and Developing Countries Perspectives
- Stockholm, Rio, and Johannesburg Conferences



References/Recommended Readings:

- Patricia Birnie, Alan Boyle & Catherine Redgwell, *International Law and the Environment* (Oxford University Press, 3rd ed., 2009).
- Philippe Sands, *Principles of International Environmental Law* (Cambridge University Press, 2018).
- Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press, 2010).

Case Laws:

- *Trail Smelter Arbitration (United States v. Canada) (1938 and 1941).*
- *Pulp Mills on the River Uruguay (Argentina v. Uruguay), ICJ (2010).*
- *Stockholm Declaration (1972).*

II. Sources and Principles of International Environmental Law

- Treaties, Custom, and General Principles of Law & Other sources
- Sovereignty over Natural Resources and Obligation Not to Cause Damage
- Principles of Preventive Action and Precaution
- Polluter Pays Principle and Equitable Sharing of Cost
- Sustainable Development
- Equitable Utilization
- Common but Differentiated Responsibilities
- The Link Between Environment and Development

References/Recommended Readings

- Alexandre Kiss & Dinah Shelton, *International Environmental Law* (Transnational Publishers, 2007).
- Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017).
- Pierre-Marie Dupuy & Jorge E. Viñuales, *International Environmental Law* (Cambridge University Press, 2015).

Case Laws:

- *Corfu Channel Case (United Kingdom v. Albania), ICJ (1949).*
- *Gabcíkovo-Nagymaros Project (Hungary v. Slovakia), ICJ (1997).*
- *Case Concerning Pulp Mills on the River Uruguay (Argentina v. Uruguay), ICJ (2010).*

III. Transboundary/Transnational Pollution: State Liability and Responsibility

- Desertification as a Transnational Problem; Tropical Deforestation;
- The 1994 Desertification Convention Transboundary River Pollution;
- Transboundary Groundwater Pollution Transboundary Shipments of Hazardous Wastes;



- The Basel Convention Regime
- Transfrontier Air Pollution and Convention on Transboundary Air Pollution Environmental Warfare State Liability:
- Theoretical Issues Victim State Sovereignty Threshold of Cognizable Injury
- The Legacy of the Trail Smelter Arbitration
- Standard of Liability Strict Liability and Ultra-Hazardous Activities
- Viability of a Liability Regime

References/Recommended Readings:

- Edith Brown Weiss, *International Environmental Law and Policy* (Aspen Publishers, 2007).
- David Hunter, James Salzman & Durwood Zaelke, *International Environmental Law and Policy* (Foundation Press, 5th ed., 2015).
- Stuart Bell, Donald McGillivray & Ole Pedersen, *Environmental Law* (Oxford University Press, 9th ed., 2017).

Case Laws:

- *Trail Smelter Case (Canada v. United States)*, (1941).
- *Nuclear Tests Case (Australia v. France)*, ICJ (1974).
- *Costa Rica v. Nicaragua*, ICJ (2015).

IV. Global Commons

- Oceans, Marine Pollution, and Fishery Conservation
- Atmosphere: Ozone Layer Depletion; The Ozone Protection Regime;
- The Climate Change Convention.
- Antarctic Treaty Regime

References/Recommended Readings:

- Rosalind Reeve, *Policing International Trade in Endangered Species* (Earthscan, 2002).
- Malgosia Fitzmaurice, *Contemporary Issues in International Environmental Law* (Edward Elgar, 2009).
- Jeffrey A. McNeely, *Conserving the World's Biological Diversity* (IUCN, 1990).

Case Laws:

- *Whaling in the Antarctic (Australia v. Japan)*, ICJ (2014).
- *MOX Plant Case (Ireland v. UK)*, ITLOS (2001).
- *United States v. Alaska*, Supreme Court (1997).



V. Protection of Species and Ecosystems

- Protection of Species, Migratory Species, Whales & Seals and Genetic Variety
- Causes of Biodiversity Loss and Ecosystem Protection

References/Recommended Readings:

- Lyster's International Wildlife Law (Cambridge University Press, 2010).
- Michael Bowman, *International Law and the Conservation of Biological Diversity* (Kluwer Law, 1996).
- Richard H. Gimblett, *Oceans Governance: Regimes and the Law of the Sea* (Ashgate, 2000).

Case Laws:

- *Convention on Biological Diversity* (1992).
- *Japan Whaling Association v. American Cetacean Society*, US Supreme Court (1986).
- *CITES Cases in WTO (US-Shrimp, EC-Seals)*.

III. Compliance and Governance Mechanisms

- State Obligations and Role of Judiciary
- International Environmental Institutions and Reforms
- Expanding Role of NGOs
- Policy and legislative measures in India for environmental protection
- International Environmental Institutions including UNEP and other specialized agencies and their Reforms

References/Recommended Readings:

- Peter H. Sand, *The Effectiveness of International Environmental Agreements* (Cambridge University Press, 1992).
- Duncan French, *International Law and Policy of Sustainable Development* (Manchester University Press, 2005).
- Jonathan Verschuuren, *Environmental Law Principles in Practice* (Edward Elgar, 2013).

Case Laws:

- *ICJ Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons* (1996).
- *Indian Council for Enviro-Legal Action v. Union of India* (1996) 3 SCC 212.
- *Vellore Citizens Welfare Forum v. Union of India* (1996) 5 SCC 647.



PAPER - II: ENVIRONMENTAL LAW IN INDIA

A. INTRODUCTION

This course examines the intersection of environmental law and human rights in India. It provides an understanding of the legal and institutional framework governing environmental protection, emphasizing procedural and substantive environmental obligations, indigenous rights, and biodiversity conservation.

This course provides a detailed exploration of environmental law in India with a focus on human rights, judicial interventions, and policy measures for sustainable development.

B. COURSE OBJECTIVES

1. To explore the relationship between human rights and environmental protection.
2. To analyze international and regional legal frameworks for environmental governance.
3. To understand the role of the judiciary in environmental protection.
4. To assess legal measures related to biodiversity and indigenous rights in India.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the linkage between human rights and environmental law.
2. Examine procedural and substantive obligations for environmental protection.
3. Analyze judicial decisions concerning environmental rights and governance.
4. Assess the legal framework governing biodiversity conservation in India.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. The Relationship Between Human Rights and the Environment

- Human Rights Approach to Environmental Protection
- Legal and Institutional Framework: Human Rights and the Environment - The UN Human Rights System and Other International Recognition of Human Rights and Environment Linkages
- Legal and Institutional Framework: Human Rights and the Environment - The Regional Human Rights System and Institutional Framework "

References/Recommended Readings

- Dinah Shelton, *Human Rights and the Environment* (Edward Elgar, 2012).
- Sumudu Atapattu, *Human Rights Approaches to Environmental Protection* (Ashgate, 2002).
- Philippe Sands, *Principles of International Environmental Law* (Cambridge University Press, 2018).



Case Laws:

- *Subhash Kumar v. State of Bihar*, AIR 1991 SC 420.
- *M.C. Mehta v. Union of India*, AIR 1987 SC 965.
- *Kinkri Devi v. State of Himachal Pradesh*, AIR 1988 HP 4.

II. Procedural and Substantive Environmental Obligations & Human Rights

- Procedural Obligations: Access to Information, Public Participation, and Justice
- Substantive Environmental Obligations

References/Recommended Readings

- David Hunter, James Salzman & Durwood Zaelke, *International Environmental Law and Policy* (Foundation Press, 5th ed., 2015).
- Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017).
- A. Boyle & M. Anderson, *Human Rights Approaches to Environmental Protection* (Clarendon Press, 1996).

Case Laws:

- *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.
- *Indian Council for Enviro-Legal Action v. Union of India*, (1996) 3 SCC 212.
- *A.P. Pollution Control Board v. Prof. M.V. Nayudu*, AIR 1999 SC 812.

III. Obligations Relating to Marginalized and Vulnerable Groups

References/Recommended Readings

- Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press, 3rd ed., 2021).
- P. Sands & J. Peel, *Principles of Environmental Law* (Cambridge University Press, 2020).
- Usha Ramanathan, *Displacement and the Law* (EPW, 2005).

Case Laws:

- *Samatha v. State of Andhra Pradesh*, (1997) 8 SCC 191.
- *Orissa Mining Corporation v. Ministry of Environment and Forests*, (2013) 6 SCC 476.
- *Narmada Bachao Andolan v. Union of India*, (2000) 10 SCC 664.

IV. Implementation of a Human Rights Approach to Environmental Protection

- Constitutional Rights to a Healthy Environment in India
- Good Practices in Procedural and Substantive Environmental Protection
- Good Practices in the Protection of those Vulnerable to Environmental Harm

**References/Recommended Readings**

- M.P. Jain, *Indian Constitutional Law* (LexisNexis, 8th ed., 2018).
- Leelakrishnan, *Environmental Law in India* (LexisNexis, 2021).
- P. Bhalla, *Environmental Justice in India* (Oxford University Press, 2019).

Case Laws:

- *Rural Litigation and Entitlement Kendra v. State of U.P.*, AIR 1985 SC 652.
- *T.N. Godavarman Thirumulpad v. Union of India*, (2006) 5 SCC 28.
- *Bombay Dyeing & Mfg. Co. Ltd. v. Bombay Environmental Action Group*, (2006) 3 SCC 434.

V. Indigenous Rights and Biodiversity Protection

- Conceptualizing Indigenous Peoples' Environmental Interactions
- Biological Diversity Convention 1992 and Biological Diversity Act 2002
- Interface of Traditional Knowledge and Intellectual Property Rights

Access and Benefit Sharing**References/Recommended Readings**

- Michael Bowman, *International Law and the Conservation of Biological Diversity* (Kluwer Law, 1996).
- Rosalind Reeve, *Policing International Trade in Endangered Species* (Earthscan, 2002).
- S. Sinha, *Biodiversity and Intellectual Property Rights* (Cambridge University Press, 2015).

Case Laws

- *Divya Pharmacy v. Union of India*, (2018) Uttarakhand HC.
- *Novartis AG v. Union of India*, (2013) 6 SCC 1.
- *Monsanto Technology LLC v. Nuziveedu Seeds Ltd.*, (2019) 3 SCC 381.



PAPER - III: ENVIRONMENTAL AND CURRENT SOCIAL PROBLEMS

A. INTRODUCTION

This course examines contemporary environmental challenges, particularly climate change and its socio-legal implications. It explores international frameworks, national regulations, and key judicial decisions that shape environmental governance.

This course provides students with a strong foundation in contemporary environmental challenges, particularly climate change, and equips them with the legal tools to address these pressing global issues.

B. COURSE OBJECTIVES

1. To understand the science of climate change and its impact on society.
2. To analyze mitigation and adaptation strategies under international law.
3. To study the role of international agreements in addressing climate change.
4. To examine air pollution laws and energy policies.
5. To explore the intersection of tort law and environmental accountability.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Grasp the scientific and legal dimensions of climate change.
2. Evaluate international environmental agreements and their impact.
3. Assess India's air pollution regulatory framework.
4. Understand the role of tort law in environmental protection.

D. COURSE STRUCTURE & RECOMMENDED READINGS:

I. Science of Climate Change and Its Effects

- General Approach to Climate Change
- Mitigation and Adaptation Strategies

References/ Recommended Readings:

- Intergovernmental Panel on Climate Change (IPCC), *Climate Change Reports* (Various Editions).
- Naomi Oreskes & Erik M. Conway, *Merchants of Doubt* (Bloomsbury Press, 2010).
- John Houghton, *Global Warming: The Complete Briefing* (Cambridge University Press, 5th ed., 2015)

Case Laws:

- *Massachusetts v. EPA*, 549 U.S. 497 (2007).
- *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020).
- *Leghari v. Federation of Pakistan*, Lahore High Court (2015).



II. UNFCCC and International Law

- Gro Brundtland Report and Rio Earth Summit
- Common but Differentiated Responsibilities

References/ Recommended Readings:

- Daniel Bodansky, *The Art and Craft of International Environmental Law* (Harvard University Press, 2010).
- Philippe Sands, *Principles of International Environmental Law* (Cambridge University Press, 2018).
- Lavanya Rajamani, *International Climate Change Law* (Oxford University Press, 2017).

Case Laws:

- *Urgenda Foundation v. State of Netherlands* (2015).
- *Greenpeace Nordic v. Norway* (2021).
- *European Court of Human Rights Climate Cases* (2023).

III. Kyoto Protocol and Paris Accord

- Kyoto Protocol Overview
- Implementing Kyoto: The Flexibility Mechanisms
- Post-Kyoto Strategies: Intensity Targets, Action Targets, Policies, and Measures
- Paris Accord

References/ Recommended Readings:

- David Freestone & Charlotte Streck, *Legal Aspects of Carbon Trading: Kyoto, Copenhagen, and Beyond* (Oxford University Press, 2009).
- Farhana Yamin & Joanna Depledge, *The International Climate Change Regime: A Guide to Rules, Institutions, and Procedures* (Cambridge University Press, 2004).
- William Boyd, *The Environmental Rights Revolution* (UBC Press, 2012).

Case Laws:

- *Friends of the Irish Environment v. Government of Ireland* (2020).
- *Neubauer et al. v. Germany* (2021).
- *Sakhalin Energy Investment Company Case* (2022).

IV. Air Act and Energy Policies

- Overview of the Air Act, CPCB & SPCB
- Vehicle Emissions Standards and Preemption
- Coal-Fired Power Plants and Future Regulations under the EPA



- Energy Policies: Traditional Model and Reforms
- India's Intended Nationally Determined Contributions (INDC)

References/ Recommended Readings:

- P. Leelakrishnan, *Environmental Law in India* (LexisNexis, 4th ed., 2016).
- Richard Revesz, *Environmental Law and Policy* (Foundation Press, 2007).
- UNEP, *Global Environmental Outlook Reports* (Various Editions).

Case Laws:

- *M.C. Mehta v. Union of India (Vehicular Pollution Case)* (1998).
- *R. v. Secretary of State for Transport, Heathrow Expansion Case* (2020).
- *Massachusetts v. EPA* (2007).

V. Torts Cases and Causes of Action

- Political Questions in Environmental Litigation
- Future Implications of Climate Torts

References/ Recommended Readings:

- Joseph F.C. DiMento & Pamela Doughman, *Climate Change: What It Means for Us, Our Children, and Our Grandchildren* (MIT Press, 2nd ed., 2014).
- Douglas Kysar, *Regulating from Nowhere: Environmental Law and the Search for Objectivity* (Yale University Press, 2010).
- Hari Osofsky & Jacqueline Peel, *Climate Change Litigation: Regulatory Pathways and Legal Mobilization* (Cambridge University Press, 2015).

Case Laws:

- *Kivalina v. ExxonMobil Corp.*, 663 F. Supp. 2d 863 (N.D. Cal. 2009).
- *American Electric Power Co. v. Connecticut*, 564 U.S. 410 (2011).
- *M.C. Mehta v. Kamal Nath*, (1997) 1 SCC 388.



PAPER - IV: INTELLECTUAL PROPERTY RIGHTS

A. INTRODUCTION

This course provides an in-depth understanding of Intellectual Property Rights (IPR), including its fundamental concepts, different categories, and contemporary issues. The course covers key international conventions, national frameworks, and recent developments in IPR law.

This course aims to equip students with a robust understanding of intellectual property laws and their implications for various industries and legal systems.

B. COURSE OBJECTIVES

1. To understand the fundamental principles and nature of IPR.
2. To analyze various forms of IPR including Copyright, Trademark, and Patents.
3. To examine the role of international treaties and agreements in shaping IPR laws.
4. To explore contemporary issues related to IPR, including digital protection and human rights concerns.

C. COURSE OUTCOMES

Upon completion of this course, students will be able to:

1. Comprehend the principles, theories, and rationale behind IPR.
2. Analyze the key international and national legal frameworks governing IPR.
3. Evaluate the impact of IPR on different industries, including pharmaceuticals and technology.
4. Assess contemporary legal challenges and evolving jurisprudence in IPR.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Intellectual Property Rights

- Concept and Meaning of IPR
- Nature and Characteristics of IPR
- Theories of IPR
- Growth of IPR and International Conventions (Berne Convention, Paris Convention, TRIPS Agreement)
- Role of WTO in the IPR Regime
- Private Monopoly Rights in IPR vs. Interest of the General Public

References/ Recommended Readings:

- W.R. Cornish, *Intellectual Property: Patents, Copyrights, Trademarks & Allied Rights* (Oxford University Press, 8th ed., 2013).



- P. Narayanan, *Intellectual Property Law* (Eastern Law House, 2017).
- Lionel Bently & Brad Sherman, *Intellectual Property Law* (Oxford University Press, 2018).

Case Laws:

- *Diamond v. Chakrabarty*, 447 U.S. 303 (1980).
- *Eastern Book Company v. D.B. Modak*, (2008) 1 SCC 1.
- *Novartis AG v. Union of India*, (2013) 6 SCC 1.

II. Copyright Law

- Concept and Meaning of Copyright
- Subject Matter and Term of Copyright
- Authors and Owners of Copyright
- Moral Rights, Economic Rights, and Neighboring Rights
- Performers and Broadcasters Rights
- Assignment and Licensing of Copyright
- Infringement of Copyright
- Fair Use and Fair Dealing Concept
- Copyright in the Digital Era

References/ Recommended Readings:

- Paul Goldstein, *International Copyright: Principles, Law, and Practice* (Oxford University Press, 2019).
- Sterling, J.A.L., *World Copyright Law* (Sweet & Maxwell, 2011).
- David Vaver, *Intellectual Property Theory and Practice* (Oxford University Press, 2016).

Case Laws:

- *R.G. Anand v. Deluxe Films*, (1978) 4 SCC 118.
- *Sony Corp. of America v. Universal City Studios*, 464 U.S. 417 (1984).
- *Harper & Row Publishers v. Nation Enterprises*, 471 U.S. 539 (1985).

III. Trademark Law

- Concept and Meaning of Mark and Trademark
- Categories of Trademark: Certification Mark, Collective Mark, Well-Known Marks, and Non-Conventional Marks
- Absolute and Relative Grounds for Refusal
- Doctrine of Honest Concurrent Use
- Procedure for Registration and Term of Protection



- Assignment and Licensing of Marks
- Infringement and Passing Off
- Trademark Protection in Domain Names and Online Marketing
- Trademark in Merchandise

References/ Recommended Readings:

- B.L. Wadehra, *Law Relating to Intellectual Property* (Universal Law Publishing, 2016).
- Christopher Wadlow, *The Law of Passing-Off* (Sweet & Maxwell, 2011).
- K.C. Kailasam & Ramu Vedaraman, *Law of Trademarks including International Registration* (LexisNexis, 2018).

Case Laws:

- *Cadila Healthcare Ltd. v. Cadila Pharmaceuticals Ltd.*, (2001) 5 SCC 73.
- *Yahoo! Inc. v. Akash Arora*, 78 (1999) DLT 285.
- *ITC Limited v. Britannia Industries*, (2016) 65 PTC 479 (Del).

IV. Patent Law

- Meaning and Criteria for Obtaining Patents
- Novelty, Inventive Step, and Industrial Application
- Patentable and Non-Patentable Subject Matter
- Procedure for Registration and Term of Patents
- Rights of Patentee
- Compulsory Licensing and Government Use of Patents
- Infringement of Patents and Remedies
- Patent in Pharmaceutical Drugs
- Gene Patenting

References/ Recommended Readings:

- Rajkumar Adukia, *Patent Law and Practice* (Bharat Law House, 2020).
- Merges, Menell & Lemley, *Intellectual Property in the New Technological Age* (Aspen Publishers, 2018).
- Donald S. Chisum, *Chisum on Patents* (LexisNexis, 2019).

Case Laws:

- *Novartis AG v. Union of India*, (2013) 6 SCC 1.
- *Myriad Genetics Case*, 569 U.S. 576 (2013).
- *Bajaj Auto Ltd. v. TVS Motor Company*, (2010) 43 PTC 361 (SC).



V. Other Forms of IPR and Contemporary Issues

- Designs, Geographical Indications, Trade Secrets, Plant Variety Protection, and Farmers' Rights
- Interface between IPR and Human Rights
- Interface between IPR and Competition Law
- Impact of IPR on Traditional Knowledge and Biodiversity

References/ Recommended Readings:

- Graham Dutfield & Uma Suthersanen, *Global Intellectual Property Law* (Edward Elgar, 2008).
- Anil K. Gupta, *Grassroots Innovation: Minds on the Margin are not Marginal Minds* (Random House, 2016).
- Thomas Cottier & Shaheeza Lalani, *Trade, Intellectual Property, and the Knowledge Assets* (Cambridge University Press, 2019).

Case Laws

- *PepsiCo Inc. v. Hindustan Coca-Cola Ltd.*, (2001) 21 PTC 699 (Del).
- *Monsanto Technology LLC v. Nuziveedu Seeds Ltd.*, (2019) 3 SCC 381.
- *F. Hoffmann-La Roche Ltd. v. Cipla Ltd.*, (2009) 40 PTC 125 (Del).

आज़ादी

अमृत महोत्सव



LL.M (SEMESTER-III) CRIMINAL LAW GROUP

PAPER - I: CRIMINOLOGY & PENOLOGY

A. INTRODUCTION

This course explores the fundamental concepts of criminology and penology, focusing on the causes of crime, theories of punishment, and the role of rehabilitation in the criminal justice system. Special emphasis is given to victimology and contemporary correctional methods like probation and parole.

B. COURSE OBJECTIVES

1. To understand the definition, nature, and scope of criminology.
2. To analyze various methods of criminological studies.
3. To examine different schools of criminology and theories explaining criminal behavior.
4. To explore theories of punishment and the concept of victimology.
5. To evaluate various correctional methods, including prison reforms, probation, and parole.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Explain the scope and importance of criminology in modern society.
2. Analyze the various causes and theories of crime.
3. Assess different approaches to punishment and their effectiveness.
4. Evaluate correctional measures and their impact on crime prevention.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Criminology

- Definition, Nature, Scope, and Importance of Criminology
- Methods of Criminological Studies:
 - ♦ Statistical Method
 - ♦ Case Study Method
 - ♦ Study of the Criminal "in the Open"
 - ♦ Experimental Method

References/Recommended Readings:

- Sutherland, Cressey & Luckenbill, *Principles of Criminology* (11th ed., AltaMira Press, 1992).



- Vold, Bernard & Snipes, *Theoretical Criminology* (Oxford University Press, 2017).
- G.P. Pandey, *Criminology & Penology* (Central Law Publications, 2020).

Case Laws:

- *R v. Dudley and Stephens* (1884) – (1884) 14 QBD 273 (QB) – Necessity as a defense.
- *State of Maharashtra v. Mohd. Yakub* (1980) – (1980) 3 SCC 57 – Organized crime and criminal behavior.
- *Om Prakash v. State of U.P.* (2004) – (2004) 3 SCC 402 – Juvenile delinquency.

II. Schools of Criminology

- Classical School
- Typological School
- Cartographical School
- Socialist School
- Feminist Approach
- Multiple Factor Approach

References/Recommended Readings:

- Vold, Bernard & Snipes, *Theoretical Criminology* (Oxford University Press, 2017).
- Siegel, Larry J., *Criminology: The Core* (Cengage Learning, 2018).
- Jeffery C.R., *Crime Prevention through Environmental Design* (Sage Publications, 1971).

Case Laws:

- *McCleskey v. Kemp* (1987) – 481 U.S. 279 (1987) – Racial bias in criminology.
- *Bachan Singh v. State of Punjab* (1980) – (1980) 2 SCC 684 – Capital punishment and penological theories.
- *K.M. Nanavati v. State of Maharashtra* (1962) – AIR 1962 SC 605 – The role of social factors in crime.

III. Causes of Crimes and Theories of Criminal Behavior

- Lombrosian Theory
- Psycho-Analytical Theory
- Social Disorganization and Anomie
- Differential Association Theory
- Delinquent Sub-Culture Theory
- Juvenile Delinquency: Causes, Prevention, and Treatment



References/Recommended Readings:

- Edwin H. Sutherland, *Criminology* (Lippincott, 1947).
- Merton, Robert K., *Social Structure and Anomie* (American Sociological Review, 1938).
- Cohen, Albert K., *Delinquent Boys: The Culture of the Gang* (Free Press, 1955).

Case Laws:

- *Roper v. Simmons* (2005) – 543 U.S. 551 (2005) – Juvenile delinquency and capital punishment.
- *Miller v. Alabama* (2012) – 567 U.S. 460 (2012) – Juvenile sentencing.
- *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) – AIR 1985 SC 945 – Social factors and crime.

IV. Penology and Theories of Punishment

- Theories of Punishment
- Capital Punishment
- Victimology and Compensation to Victims of Crime

References/Recommended Readings:

- Andrew Ashworth, *Sentencing and Criminal Justice* (Cambridge University Press, 2015).
- Nigel Walker, *Why Punish?* (Oxford University Press, 1991).
- N.V. Paranjape, *Criminology and Penology* (Central Law Publications, 2017).

Case Laws:

- *Furman v. Georgia* (1972) – 408 U.S. 238 (1972) – Death penalty and its arbitrary nature.
- *Mukesh & Anr. v. State for NCT of Delhi* (2017) – (2017) 6 SCC 1 – Nirbhaya case and capital punishment.
- *Vishaka v. State of Rajasthan* (1997) – AIR 1997 SC 3011 – Victim compensation and justice.

V. Correctional Measures and Rehabilitation

- Concept of Treatment with Reference to:
 - ♦ Prisons
 - ♦ Probation
 - ♦ Parole

References/Recommended Readings:

- Barnett & Hagel, *Alternatives to Prisons: Options for an Insecure Society* (Willan Publishing, 2006).



- David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Oxford University Press, 2001).
- N.V. Paranjape, *Penology & Victimology* (Central Law Publications, 2021).

Case Laws:

- *Sunil Batra v. Delhi Administration* (1978) – AIR 1978 SC 1675 – Prison reforms.
- *Hussainara Khatoon v. State of Bihar* (1979) – AIR 1979 SC 1369 – Right to speedy trial and prison conditions.
- *State of Haryana v. Mahender Singh* (2007) – (2007) 13 SCC 606 – Parole and rehabilitation of criminals.
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PAPER - II: LAW OF CRIMES IN INDIA

A. INTRODUCTION

This course provides an in-depth analysis of substantive criminal law in India, focusing on the definition and elements of crime, general defenses, inchoate offenses, and specific offenses against individuals, property, public order, and the state. Emphasis is placed on understanding the principles of criminal liability and their practical application.

B. COURSE OBJECTIVES

1. To understand the concept, definition, and essential elements of crime.
2. To analyze general defenses available under criminal law.
3. To examine inchoate offenses, including abetment, conspiracy, and attempt.
4. To study specific offenses against the human body, property, public morals, and the security of the state.
5. To explore the concept of joint liability in criminal law.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Define crime and identify its essential elements.
2. Analyze various general defenses and their applicability in criminal cases.
3. Examine inchoate offenses and their significance in criminal liability.
4. Understand specific offenses and their legal implications.
5. Assess the concept of joint liability and its impact on criminal responsibility.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Criminal Law

- Definition of Crime
- Elements of Crime
- Crimes of Strict Liability

References/Recommended Readings:

- K.D. Gaur, Textbook on Bhartiya Nyaya Sanhita (Universal Law Publishing, 2023).
- Glanville Williams, Textbook of Criminal Law (Sweet & Maxwell, 2012).

Case Laws:

- *R v. Prince* (1875) – (1875) LR 2 CCR 154 – Strict liability and criminal intent.
- *Sherras v. De Rutzen* (1895) – [1895] 1 QB 918 – Elements of strict liability.
- *State of Maharashtra v. Mayer Hans George* (1965) – AIR 1965 SC 722 – Mens rea and strict liability.



II. General Defenses

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

References/Recommended Readings:

- N.V. Paranjape, Criminology and Penology (Central Law Publications, 2021).
- J.W. Cecil Turner, Kenny's Outlines of Criminal Law (Cambridge University Press, 19th ed., 1966).
- Andrew Ashworth, Principles of Criminal Law (Oxford University Press, 2015).

Case Laws:

- *Mac'Naghten Case (1843)* – (1843) 10 Cl & Fin 200 – Insanity defense.
- *R v. Dudley & Stephens (1884)* – (1884) 14 QBD 273 (QB) – Necessity as a defense.
- *Basdev v. State of Pepsu (1956)* – AIR 1956 SC 488 – Intoxication and criminal liability.

III. Inchoate Offenses

- Abetment
- Conspiracy
- Attempt

References/Recommended Readings:

- K.D. Gaur, Criminal Law: Cases and Materials (LexisNexis, 2015).
- Wayne LaFave, Criminal Law (West Academic Publishing, 2017).
- R.C. Nigam, Law of Crimes in India (Asia Publishing House, 1965).

Case Laws:

- *State of Maharashtra v. Mohd. Yakub (1980)* – (1980) 3 SCC 57 – Abetment of crime.
- *Kehar Singh v. State (1988)* – AIR 1988 SC 1883 – Conspiracy in criminal law.
- *Koppula Venkata Rao v. State of Andhra Pradesh (2004)* – (2004) 3 SCC 602 – Attempt to commit an offense.

IV. Specific Offenses

A. Offenses Against Human Body

- Culpable Homicide & Murder
- Wrongful Restraint and Wrongful Confinement
- Kidnapping & Abduction

**References/Recommended Readings:**

- Ratanlal & Dhirajlal, Law of Crimes (LexisNexis, 2023).
- P.S.A. Pillai, Criminal Law (LexisNexis, 2022).

Case Laws:

- *K.M. Nanavati v. State of Maharashtra* (1962) – AIR 1962 SC 605 – Murder and culpable homicide.
- *Queen Empress v. K.D. Ghose* (1892) – ILR 19 Cal 422 – Kidnapping.
- *State of U.P. v. Ram Sagar Yadav* (1985) – AIR 1985 SC 416 – Wrongful confinement.

B. Offences Against Property

- Theft
- Extortion
- Robbery

References/Recommended Readings:

- R.C. Nigam, Law of Crimes in India (Asia Publishing House, 1965).
- John C. Smith, Smith & Hogan's Criminal Law (Oxford University Press, 14th ed., 2015).

Case Laws:

- *Pyare Lal Bhargava v. State of Rajasthan* (1963) – AIR 1963 SC 1094 – Theft.
- *R.S. Nayak v. A.R. Antulay* (1984) – (1984) 2 SCC 183 – Extortion.
- *Shyam Behari v. State of Uttar Pradesh* (1957) – AIR 1957 SC 320 – Robbery.

C. Offences against Public Morals:

- Bigamy
- Obscenity

V. Offences Against Public Order & State Security

- Sedition
- Unlawful Assembly, Riot & Affray

References/Recommended Readings:

- K.I. Vibhute, Criminal Law (LexisNexis, 2023).
- Jeremy Horder, Ashworth's Principles of Criminal Law (Oxford University Press, 2023).
- Walter Harrison, Sedition and the Law (Cambridge University Press, 2013).

Case Laws:

- *Kedar Nath Singh v. State of Bihar* (1962) – AIR 1962 SC 955 – Sedition and free speech.
- *Barendra Kumar Ghosh v. King Emperor* (1925) – AIR 1925 PC 1 – Joint liability.
- *State of Punjab v. Kashmira Singh* (1990) – (1990) 4 SCC 178 – Doctrine of common intention.



PAPER - III: CRIMES AGAINST SOCIAL & ECONOMIC SECURITY & PROBLEMS OF THEIR CONTROL

A. INTRODUCTION

This course examines crimes affecting social and economic security, including white-collar crimes, socio-economic offenses, and legal frameworks for their prevention and control. It focuses on legislative measures such as the *Dowry Prohibition Act, 1961*, and the *Prevention of Food Adulteration Act, 1954*, analyzing their provisions, implementation mechanisms, and judicial interpretations.

B. COURSE OBJECTIVES

1. To understand the concept and nature of socio-economic offenses.
2. To differentiate between traditional and socio-economic crimes.
3. To study white-collar crimes and their impact on society.
4. To analyze legal provisions for controlling crimes related to dowry and food adulteration.
5. To evaluate enforcement mechanisms and challenges in curbing socio-economic crimes.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Define and identify socio-economic offenses and distinguish them from traditional crimes.
2. Explain the concept of white-collar crime and its implications.
3. Analyze the *Dowry Prohibition Act, 1961*, and its amendments.
4. Examine the *Prevention of Food Adulteration Act, 1954*, and its enforcement mechanisms.
5. Assess the effectiveness of legal and policy measures in controlling socio-economic crimes.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Concept of Socio-Economic Offenses

- Definition and Scope of Socio-Economic Offenses
- Distinction between Traditional and Socio-Economic Crimes
- White Collar Crime

References/Recommended Readings:

- Edwin Sutherland, *White Collar Crime* (Yale University Press, 1949).
- S.K. Bansal, *Socio-Economic Crimes in India* (Deep & Deep Publications, 2011).
- J.S. Pande, *Crimes and Criminals of the New Age* (Satyam Law International, 2017).

**Case Laws:**

- *State of Gujarat v. Mohanlal Jitmalji Porwal (1987)* – White-collar crime and economic offenses.
- *Ram Narayan Popli v. CBI (2003)* – Banking fraud and corporate misconduct.
- *S.P. Gupta v. Union of India (1981)* – Judicial corruption and socio-economic offenses.

II. The Dowry Prohibition Act, 1961 (As Amended in 1984 & 1986)

- Definition of Dowry
- Offense of Taking/Giving Dowry and Penalties
- Offense of Demanding Dowry and Penalties
- Ban on Advertisement Related to Dowry
- Dowry to Be for the Benefit of the Bride & Penalties for Non-Transfer of Dowry
- Agreement for Giving and Taking Dowry to Be Void
- Cognizance of the Offenses under the Act
- Nature of Offenses: Cognizable for certain purposes, Non-Bailable, and Non-Compoundable
- Powers of the Central and State Governments to Make Rules

References/Recommended Readings:

- P.S.A. Pillai, *Criminal Law* (LexisNexis, 2019).
- Mamta Rao, *Law Relating to Women and Children* (Eastern Book Company, 2018).
- P.K. Das, *Protection of Women from Domestic Violence Act* (Universal Law Publishing, 2017).

Case Laws:

- *Rajeev v. State of Bihar (1998)* – Definition and scope of dowry.
- *Satbir Singh v. State of Haryana (2021)* – Cruelty related to dowry demand.
- *Shanti v. State of Haryana (1991)* – Interpretation of dowry death under IPC and DP Act.

III. Prevention of Food Adulteration Act, 1954

- Definitions and Key Concepts
- Machinery for Implementation and Enforcement Authorities
- Penalties for Violations
- Defenses Available on Prosecution
- Cognizance and Trial of Offenses



- Application of the *Probation of Offenders Act, 1958*, and Section 401 of the *Bhartiya Nagrika Suraksha Sanhita 2023*
- Power of the Central Government to Give Directions
- Rule-Making Powers of Central and State Governments

References/Recommended Readings:

- R.K. Bangia, *Law of Torts* (Allahabad Law Agency, 2019).
- P. Leelakrishnan, *Environmental Law in India* (LexisNexis, 2018).
- Avtar Singh, *Consumer Protection Law and Practice* (Eastern Book Company, 2017).

Case Laws:

- *Municipal Corporation of Delhi v. Kacheroo Mal* (1976) – Food adulteration and strict liability.
- *State of Maharashtra v. Sayyed Hassan* (2012) – Food safety and penalties.
- *State of Gujarat v. Acharya Dhirajbhai* (2007) – Adulteration and public health.





PAPER-IV: CYBER CRIMES

A. INTRODUCTION

This course explores the legal framework and challenges related to cyber crimes, jurisdictional issues, the role of intermediaries, and privacy laws. It examines key legislation such as the Information Technology (IT) Act, 2000, the Indian Penal Code (IPC), and data protection laws, with a focus on legal principles, enforcement mechanisms, and policy debates in the digital age.

B. COURSE OBJECTIVES

1. To understand the concept and legal framework of cyber crimes.
2. To analyze jurisdictional challenges in cyberspace.
3. To examine the role and responsibilities of intermediaries in cyber regulation.
4. To study major cyber offenses under Indian and international law.
5. To explore privacy laws and data protection mechanisms.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Define cyber crimes and analyze jurisdictional issues under IT laws.
2. Examine the responsibilities of intermediaries in cyberspace.
3. Interpret key provisions of the IT Act and other related legislation.
4. Assess the impact of privacy laws and data protection regulations.
5. Understand contemporary challenges in cyber law enforcement.

D. COURSE STRUCTURE & RECOMMENDED READINGS:

I. Cyber Jurisdiction

- Jurisdiction of the IT Act and IPC
- Relation between Jurisdiction and Sovereignty
- First Principles of International Jurisdiction
- Investigative Jurisdiction in Cyber Crimes
- Mutual Legal Assistance Treaties (MLATs)
- Essentials for Jurisdiction in Cyber Crimes
- Tests for Personal Jurisdiction

References/Recommended Readings:

- Pavan Duggal, *Cyber Law* (Universal Law Publishing, 2020).
- Justice Srikrishna Committee Report on Data Protection (2018).
- Vakul Sharma, *Information Technology Law and Practice* (Universal Law Publishing, 2019).



Case Laws:

- *Yahoo Inc. v. Akash Arora (Jurisdiction in cyberspace).*
- *Google India Pvt. Ltd. v. Visaka Industries Ltd. (Intermediary liability).*
- *Shreya Singhal v. Union of India (2015) (Online free speech and Section 66A of the IT Act).*

II. Role of Intermediaries in Cyber Regulation

- Definition of Intermediaries
- Responsibilities of Intermediaries under the IT Act
- Blocking of Websites: Legal Provisions & Challenges
- Safe Harbour Provisions and its Limitations
- Proposed Guidelines for Intermediaries
- Due Diligence Requirements for Intermediaries

References/Recommended Readings:

- K.S. Puttaswamy v. Union of India (2017) (Right to Privacy).
- The Intermediary Guidelines and Digital Media Ethics Code, 2021.
- Usha Ramanathan, *Surveillance, Privacy, and Indian Law* (2019).

III. Cyber Crimes and Offenses

- Definitions of Cyber Crimes
- Sections 43 and 66 of the IT Act, 2000
- Legal Framework for Cyber Notices
- Intermediary Guidelines Rules, 2011
- Copyright Act and Digital Copyright Protection Rules

References/Recommended Readings:

- T. Ramakrishna, *Law of Intellectual Property* (LexisNexis, 2019).
- Information Technology (Intermediaries Guidelines) Rules, 2011.
- Harish Narasappa, *Technology Law in India* (2021).

Case Laws:

- *Ramesh v. Union of India (Cyber defamation case).*
- *State of Tamil Nadu v. Suhas Katti (First conviction under IT Act).*
- *Viacom 18 Media Pvt. Ltd. v. YouTube (Copyright and digital platforms).*

IV. Privacy and Data Protection

- Concept of Data Theft and Cybersecurity
- IT Reasonable Technology and Security Practices



- Reasonable Security Practices & Procedures and Sensitive Information Rules, 2011
- Overview of the Data Protection Bill, 2018

References/Recommended Readings:

- The Personal Data Protection Bill, 2019.
- Justice B.N. Srikrishna Committee Report on Data Protection.
- P.K. Basu, *Cybersecurity and Privacy Law* (2020).

Case Laws:

- *K.S. Puttaswamy v. Union of India* (2017) (*Right to Privacy*).
- *Google Spain v. AEPD & Mario Costeja González* (*Right to be forgotten*).
- *Facebook v. Union of India* (*Intermediary liability and privacy*).





LLM (SEMESTER-III)
BUSINESS ORGANIZATION GROUP
PAPER-I: BUSINESS ORGANIZATION
(COMPANY LAW EXCLUDING MANAGEMENT)

A. INTRODUCTION

This course provides an in-depth understanding of the legal framework governing business organizations, specifically company law. It covers key aspects such as corporate personality, the role of promoters, the legal significance of company documents (prospectus, memorandum, and articles of association), share capital, and corporate charges. The course will help students analyze legal provisions, interpret judicial decisions, and understand practical applications in corporate law, with a specific focus on both Indian and English case laws.

B. COURSE OBJECTIVES

1. Understand the legal status of a company as a separate entity and the exceptions to this principle.
2. Analyze the role and responsibilities of promoters, including their liabilities.
3. Examine the legal requirements and implications of a company's prospectus.
4. Interpret the importance of the Memorandum and Articles of Association.
5. Explore the concept of share capital, its types, and procedures for alteration.
6. Understand corporate charges and the legal circumstances under which a floating charge becomes fixed.

C. COURSE OUTCOMES

Upon successful completion of the course, students will be able to:

1. Explain the concept of corporate personality and its legal implications.
2. Identify the legal position of promoters and evaluate the enforceability of pre-incorporation contracts.
3. Assess the legal requirements for drafting a prospectus and the liabilities arising from misrepresentation.
4. Interpret the significance of the Memorandum and Articles of Association and their legal effects.
5. Differentiate between types of share capital and the legal procedures for increasing or reducing share capital.
6. Analyze the concept of corporate charges and distinguish between floating and fixed charges.



D. COURSE STRUCTURE & REFERENCES/RECOMMENDED READINGS:

I. Introduction to Company Law

- Company as a Legal Person
- Concept of Corporate Personality
- Lifting the Corporate Veil (Circumstances and Case Laws)

References/Recommended Readings

- L.C.B. Gower, Principles of Modern Company Law (Paul L. Davies ed., 10th ed. 2016).
- David Kershaw, Company Law in Context: Text and Materials (3d ed. 2018).

Case Laws

- *Salomon v. Salomon & Co. Ltd.*, (1897) AC 22 – Established the separate legal entity principle.
- *Lee v. Lee's Air Farming Ltd.*, (1961) AC 12 – Reinforced corporate personality.
- *Gilford Motor Co. Ltd. v. Horne*, (1933) Ch 935 – Example of lifting the corporate veil.
- *Delhi Development Authority v. Skipper Construction Co.*, (1996) 4 SCC 622 – Indian case on lifting the corporate veil.

II. Formation and Role of Promoters

- Legal Position of Promoters
- Rights, Duties, and Liabilities of Promoters
- Pre-incorporation Contracts and Their Legal Implications

References/Recommended Readings

- R.R. Pennington, Pennington's Company Law (9th ed. 2020).
- Mayson, French & Ryan, Company Law (38th ed. 2021).

Case Laws:

- *Twycross v. Grant*, (1877) 2 CPD 469 – Defined the role of a promoter.
- *Kelner v. Baxter*, (1866) LR 2 CP 174 – Liability of promoters in pre-incorporation contracts.
- *Erlanger v. New Sombrero Phosphate Co.*, (1878) 3 App Cas 1218 – Duty of disclosure by promoters.
- *S. Pratap Singh v. State of Punjab*, AIR 1964 SC 72 – Indian case on promoters' fiduciary duties.



III. Prospectus and Public Offerings

- Definition and Purpose of a Prospectus
- Contents of a Prospectus
- Legal Liabilities in Case of False Representations

References/Recommended Readings

- A. Ramaiya, Guide to the Companies Act (20th ed. 2022).
- Paul L. Davies & Sarah Worthington, Gower & Davies: Principles of Modern Company Law (11th ed. 2021).

IV. Memorandum and Articles of Association

- Memorandum of Association (Definition, Purpose, and Contents)
- The Objects Clause and Doctrine of Ultra Vires
- Articles of Association (Legal Significance and Relationship with MOA)
- Procedure for Alteration of MOA and AOA

References/Recommended Readings

- J.H. Hicks & Goo, Cases and Materials on Company Law (8th ed. 2011).
- Palmer, Palmer's Company Law (Geoffrey Morse ed., 26th ed. 2021).

Case Laws:

- *Ashbury Railway Carriage and Iron Co. Ltd. v. Riche*, (1875) LR 7 HL 653 – Doctrine of ultra vires.
- *Eley v. Positive Government Security Life Assurance Co.*, (1876) 1 ExD 88 – Rights under articles of association.
- *Lakshmanaswami Mudaliar v. LIC*, AIR 1963 SC 1185 – Indian case on the doctrine of ultra vires.

V. Share Capital and Its Management

- Kinds of Share Capital
- Procedures for Increase and Reduction of Share Capital

References/Recommended Readings:

- Ewan McGaughey, Sealy & Worthington's Cases and Materials in Company Law (12th ed. 2022).
- L.S. Sealy, Cases and Materials in Company Law (11th ed. 2022).

Case Laws:

- *Trevor v. Whitworth*, (1887) 12 App Cas 409 – Restrictions on share buyback.
- *Re: National Telephone Co.*, (1899) 2 Ch 57 – Legal restrictions on alteration of share capital.
- *Bajaj Auto Ltd. v. N.K. Firodia*, AIR 1971 SC 321 – Indian case on share transfer and director's discretion.



VI. Corporate Charges and Financial Security

- Types of Corporate Charges: Floating Charge vs. Fixed Charge
- Circumstances when floating charge crystallizes to fixed charged

References/Recommended Readings:

- Derek French, Stephen Mayson & Christopher Ryan, Mayson, French & Ryan on Company Law (38th ed. 2021).
- K.R. Chandratre, Guide to the Companies Act (19th ed. 2021).

Case Laws:

- *Re: Yorkshire Woolcombers Association Ltd.*, (1903) 2 Ch 284 – Definition of floating charge.
- *Re: Spectrum Plus Ltd.*, (2005) UKHL 41 – Distinction between fixed and floating charges.
- *ICICI Bank v. Sidco Leathers Ltd.*, (2006) 10 SCC 452 – Indian case on floating charge priority.





PAPER-II: BUSINESS MANAGEMENT (COMPANY MANAGEMENT & ADMINISTRATION)

A. INTRODUCTION

This course provides an in-depth study of company management and administration in India, with a comparative perspective on England and Continental European countries. It explores the division of powers between the general meeting and the board of directors, the legal responsibilities of directors and company officers, and judicial and administrative remedies available in cases of mismanagement. Additionally, the course covers corporate governance structures, director appointments, borrowing powers, and the role of regulatory bodies such as the National Company Law Tribunal (NCLT) and National Company Law Appellate Tribunal (NCLAT).

B. COURSE OBJECTIVES

1. Understand the corporate management structure in India and compare it with the UK and European systems.
2. Analyze the division of powers between shareholders and directors in company decision-making.
3. Evaluate the legal position of directors, their liabilities, and potential criminal liability.
4. Examine the legal framework for director and company secretary appointments, removal, and remuneration.
5. Understand the procedures for investigation, special audit, and cost audit in company administration.
6. Analyze the borrowing powers of companies and directors, including the effects of the doctrine of Constructive Notice and Indoor Management.
7. Understand the composition and powers of NCLT and NCLAT in company dispute resolution.

C. COURSE OUTCOMES

Upon successful completion of the course, students will be able to:

1. Explain the structure of corporate management in India and compare it with global systems.
2. Differentiate between the powers of shareholders in general meetings and the board of directors.
3. Assess the legal position and liabilities of directors and company officers.
4. Interpret laws related to director appointments, removal, and remuneration.
5. Explain the process and significance of company investigations and audits.
6. Apply legal principles related to borrowing powers and corporate governance doctrines.
7. Analyze the functioning and jurisdiction of NCLT and NCLAT.



D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Corporate Management Structure – Comparative Analysis

- Structure of Corporate Management in India
- Comparative Study with England and Continental Europe

References/Recommended Readings:

- L.C.B. Gower, Principles of Modern Company Law (Paul L. Davies ed., 10th ed. 2016).
- Avtar Singh, Company Law (18th ed. 2022).
- David Kershaw, Company Law in Context: Text and Materials (3d ed. 2018).

Case Laws:

- *Howard Smith Ltd. v. Ampol Petroleum Ltd.*, (1974) AC 821 – Powers of directors vs. shareholders.
- *Needle Industries (India) Ltd. v. Needle Industries Newey (India) Holdings Ltd.*, (1981) 3 SCC 333 – Corporate governance in India.

II. Division of Powers Between General Meeting & Board of Directors

- Powers of Shareholders in General Meeting
- Powers of the Board of Directors

References/Recommended Readings:

- Mayson, French & Ryan, Company Law (38th ed. 2021).
- J.H. Hicks & Goo, Cases and Materials on Company Law (8th ed. 2011).

Case Laws:

- *Automatic Self-Cleansing Filter Syndicate Co. Ltd. v. Cunningham*, (1906) 2 Ch 34 – Distinction between powers of shareholders and directors.
- *Gramophone & Typewriter Ltd. v. Stanley*, (1908) 2 KB 89 – Limitation of shareholder power over directors.

III. Legal Position and Liabilities of Directors & Officers

- Legal Status of Directors
- Duties and Liabilities
- Criminal Liability of Officers
- Judicial and Administrative remedies in the case of Management.

References/Recommended Readings:

- Palmer, Palmer's Company Law (Geoffrey Morse ed., 26th ed. 2021).
- Ewan McGaughey, Sealy & Worthington's Cases and Materials in Company Law (12th ed. 2022).



Case Laws:

- *Percival v. Wright, (1902) 2 Ch 421 – Directors do not owe duties to individual shareholders.*
- *Sunil Bharti Mittal v. Central Bureau of Investigation, (2015) 4 SCC 609 – Corporate criminal liability in India.*

IV. Director & Company Secretary Appointments & Removals

- Appointment, Removal & Remuneration of Directors, Managing Directors & Managers
- Appointment, Duties & Qualification of Company Secretary

References/Recommended Readings:

- A. Ramaiya, Guide to the Companies Act (20th ed. 2022).
- K.R. Chandratre, Guide to the Companies Act (19th ed. 2021).

Case Laws:

- *Shanti Prasad Jain v. Kalinga Tubes Ltd., AIR 1965 SC 1535 – Director removal procedures.*
- *Ram Chand & Sons Sugar Mills v. Kanhayalal Bhargava, (1966) 3 SCR 856 – Powers of managing directors.*

V. Investigation and Audits in Company Management

- Investigation Procedures
- Special Audit & Cost Audit

References/Recommended Readings:

- L.S. Sealy, Cases and Materials in Company Law (11th ed. 2022).

Case Laws:

- *Barium Chemicals Ltd. v. Company Law Board, AIR 1967 SC 295 – Investigation powers of the government.*

VI. Borrowing Powers & Doctrines of Corporate Governance

- Borrowing Powers of Companies & Directors
- Doctrine of Constructive Notice & Indoor Management

References/Recommended Readings:

- Derek French, Stephen Mayson & Christopher Ryan, Mayson, French & Ryan on Company Law (38th ed. 2021).

Case Laws:

- *Royal British Bank v. Turquand, (1856) 6 E & B 327 – Doctrine of Indoor Management.*



- *Kotla Venkataswamy v. Rammurthy*, AIR 1934 Mad 579 – Indian application of Indoor Management.

VII. National Company Law Tribunal (NCLT) & National Company Law Appellate Tribunal (NCLAT)

- Composition & Jurisdiction of NCLT & NCLAT
- Powers & Functions

References/Recommended Readings:

- David Kershaw, *Company Law in Context* (3d ed. 2018).
- Paul L. Davies & Sarah Worthington, *Gower & Davies: Principles of Modern Company Law* (11th ed. 2021).

Case Laws:

- *Union of India v. R. Gandhi*, (2010) 11 SCC 1 – Constitutional validity of NCLT & NCLAT.





PAPER-III: LABOUR MANAGEMENT RELATIONS

A. INTRODUCTION

This course provides a comprehensive understanding of labour-management relations by examining the Industrial Disputes Act, 1947, the Trade Union Act, 1926, and the Industrial Employment (Standing Orders) Act, 1946. It covers industrial dispute resolution mechanisms, collective bargaining, adjudication, and labour rights.

B. COURSE OBJECTIVES

1. To understand the legal framework governing labour-management relations in India.
2. To analyze the Industrial Disputes Act, 1947, with special focus on industrial disputes, adjudication machinery, and collective bargaining.
3. To examine the concepts of strike and lockout, their legal implications, and regulatory mechanisms.
4. To study the role of trade unions, their registration, and rights under The Trade Union Act, 1926.
5. To explore the significance of standing orders and employment regulations under The Industrial Employment (Standing Orders) Act, 1946.

C. COURSE OUTCOMES

Upon completion, students will be able to:

1. Define and explain key industrial relations concepts under the Industrial Disputes Act, 1947.
2. Understand dispute resolution mechanisms, including conciliation, arbitration, and adjudication.
3. Analyze the legal provisions governing strikes, lockouts, and collective bargaining.
4. Evaluate the functioning of trade unions, their rights, and responsibilities.
5. Assess the importance of standing orders in industrial employment regulations.

D. COURSE STRUCTURE & REFERENCES/RECOMMENDED READINGS:

I. Introduction to Industrial Relations

- Industrial Concepts under the Industrial Disputes Act, 1947: Definitions of Industry, Workman, Industrial Dispute, and Award.
- Reference Mechanism of Dispute under the Industrial Disputes Act, 1947.
- Industrial Adjudication under the Industrial Disputes Act and Collective Bargaining.



References/Recommended Readings

- Karl Marx & Friedrich Engels, *The Communist Manifesto* (Penguin Classics 2002).
- Sidney Webb & Beatrice Webb, *Industrial Democracy* (Longmans 1897).
- Richard Hyman, *Industrial Relations: A Marxist Introduction* (Macmillan 1975).
- Hugh Collins, *Employment Law* (2nd ed., Oxford University Press 2019).
- Simon Deakin & Gillian S. Morris, *Labour Law* (7th ed., Hart Publishing 2021).

Case Laws

- *Bangalore Water Supply & Sewerage Board v. A. Rajappa*, (1978) 2 SCC 213 (India) – Definition of “Industry”.
- *D.N. Banerjee v. P.R. Mukherjee*, AIR 1953 SC 58 (India) – Concept of Industrial Dispute.

II. Dispute Resolution Mechanism under Industrial Disputes Act, 1947

- Regulation of Management's Prerogatives during and outside dispute pendency.
- Constitution and Functions of Industrial Tribunal, Labour Court, and Conciliation Officer.

References/Recommended Readings

- Paul Davies & Mark Freedland, *Kahn-Freund's Labour and the Law* (3rd ed., Stevens & Sons 1983).
- Thomas C. Kohler & Julius G. Getman, *The Oxford Handbook of American Labor Law* (Oxford University Press 2019).
- G.B.J. Shaw & N. Demetriou, *International Employment Relations: Globalisation and Change* (Routledge 2020).

Case Laws

- *State of Bombay v. Hospital Mazdoor Sabha*, AIR 1960 SC 610 (India) – Definition of Industry under ID Act, 1947.
- *Workmen of Dimakuchi Tea Estate v. Dimakuchi Tea Estate*, AIR 1958 SC 353 (India) – Definition of Workmen.

III. Strikes and Lockouts

- Concept, Nature & Statutory Regulation of Strikes and Lockouts.
- Right to Strike & its Nature.

References/Recommended Readings

- Charles Craver, *Labor Relations Law: Cases and Materials* (West Academic 2019).
- William B. Gould IV, *A Primer on American Labor Law* (6th ed., Cambridge



University Press 2019).

- David Metcalf & Simon Milner, *New Perspectives on Industrial Disputes* (Macmillan 1993).

Case Laws

- *All India Bank Employees' Association v. National Industrial Tribunal*, AIR 1962 SC 171 (India) – Right to Strike.
- *T.K. Rangarajan v. Government of Tamil Nadu*, AIR 2003 SC 3032 (India) – Government Employees' Right to Strike.

IV. Voluntary Arbitration (Under ID Act, 1947)

- Arbitration Process and its Importance.

References/Recommended Readings

- Paul Fenn, Rick Saundry & William E. Kersley, *Workplace Dispute Resolution* (Palgrave Macmillan 2013).
- J.K. Budd & Alexander J.S. Colvin, *Employment with a Human Face: Balancing Efficiency, Equity, and Voice* (Cornell University Press 2005).
- James A. Gross, *Workers' Rights as Human Rights* (Cornell University Press 2003).

Case Laws

- *Gujarat Steel Tubes Ltd. v. Its Mazdoor Sabha*, AIR 1980 SC 1896 (India) – Scope of Industrial Arbitration.
- *Sundaram Finance Ltd. v. NEPC India Ltd.*, AIR 1999 SC 565 (India) – Arbitration in Labour Disputes.

V. The Trade Union Act, 1926

- Registration of Trade Unions and its Cancellation.
- Rights & Liabilities of Trade Unions.

References/Recommended Readings

- Michael Goldfield, *The Decline of Organized Labor in the United States* (University of Chicago Press 1987).
- Greg J. Bamber et al., *International & Comparative Employment Relations: Global Crises and Institutional Responses* (7th ed., Sage Publications 2021).
- Ruth Dukes, *The Labour Constitution: The Enduring Idea of Labour Law* (Oxford University Press 2014).

Case Laws

- *T.K. Gopal v. Konkan Railway Corporation Ltd.*, (2007) 1 SCC 732 (India) – Right to Form Unions.



- *Karolinska Institute v. K.P. Lal & Others*, (1995) 6 SCC 397 (India) – Rights of Trade Unions.

VI. The Industrial Employment (Standing Orders) Act, 1946

- Standing Orders and Certification.
- Modification and Nature of Standing Orders Certified under the Act.

References/Recommended Readings

- Manfred Weiss & Markus Löhning, *Labour Law and Industrial Relations in Germany* (Kluwer Law International 2022).
- G. Davidov & B. Langille, *The Idea of Labour Law* (Oxford University Press 2013).
- Niklas Bruun, Klaus Lörcher & Isabelle Schömann, *The Economic and Financial Crisis and Collective Labour Law in Europe* (Hart Publishing 2014).

Case Laws

- *Western India Match Co. Ltd. v. Workmen*, AIR 1973 SC 2650 (India) – Standing Orders & Workers' Rights.
- *Bharat Forge Co. Ltd. v. Uttam Manohar Nakate*, (2005) 2 SCC 489 (India) – Misconduct & Disciplinary Action under Standing Orders.





PAPER-IV: COMPETITION LAW

A. INTRODUCTION

Competition law is a vital area of legal regulation aimed at ensuring fair market competition, preventing anti-competitive practices, and safeguarding consumer interests. This course provides an in-depth understanding of the Competition Act, 2002, its legislative evolution, key provisions, and judicial interpretations. It also includes a comparative analysis of competition laws in developed jurisdictions such as the EU and the US, along with the role of economic evidence in competition law enforcement.

B. COURSE OBJECTIVES

1. To understand the historical evolution and development of competition law in India and internationally.
2. To analyze the provisions of the Competition Act, 2002, with a focus on anti-competitive agreements, abuse of dominance, and regulation of combinations.
3. To study the inquiry, investigation, and adjudicatory processes under competition law.
4. To compare Indian competition law with other matured jurisdictions like the EU and the US.
5. To explore the role of economic evidence in assessing market dominance and anti-competitive practices.

C. COURSE OUTCOMES

After completing this course, students will be able to:

1. Comprehend the principles and objectives of competition law in India.
2. Analyze legal provisions, case laws, and enforcement mechanisms under the Competition Act, 2002.
3. Evaluate anti-competitive agreements, abuse of dominance, and merger regulations with real-world examples.
4. Compare Indian competition law with global competition law frameworks and apply international legal principles.
5. Apply economic analysis and evidence-based arguments in competition law cases.

D. COURSE STRUCTURE & REFERENCES/RECOMMENDED READINGS:

I. Legislative History of Competition Law in India

- Monopolies Inquiry Commission, 1964
- Monopolistic and Restrictive Trade Practices Act, 1969
- Tata Engineering and Locomotive Co. Ltd. (Telco) v. RRTA, (1977) SC 971 – *Restrictive Trade Practices Agreements*
- Amendments to MRTP Act in 1984
- The Raghavan Committee Report, 1999
- The Competition Act, 2002



- Brahm Dutt v. Union of India, AIR 2005 SC 730
- The Competition Act, 2002 (Amendment in 2007)
- Comparison of MRTP Act and Competition Act

References/Recommended Readings

- Richard Whish & David Bailey, *Competition Law* (10th ed., Oxford University Press 2021).
- P. Areeda & H. Hovenkamp, *Antitrust Law: An Analysis of Antitrust Principles and Their Application* (Aspen Publishers 2018).
- T. Ramappa, *Competition Law in India: Policy, Issues and Developments* (Oxford University Press 2014).
- D.P. Mittal, *Competition Law and Practice* (3rd ed., Taxmann 2022).

Case Laws

- *Tata Engineering and Locomotive Co. Ltd. v. RRTA*, (1977) SC 971 – Restrictive Trade Practices
- *Brahm Dutt v. Union of India*, AIR 2005 SC 730 – Constitutionality of Competition Act, 2002

II. Prohibition of Anti-Competitive Agreements under the Competition Act, 2002

- **Definition and Kinds of Anti-Competitive Agreements**
 - ♦ Horizontal Agreements (*per se* illegal, including cartels)
 - ♦ Vertical Agreements (*rule of reason*)
 - ♦ Factors determining Appreciable Adverse Effect on Competition (AAEC)
- **Exceptions to Anti-Competitive Agreements**
 - ♦ Intellectual Property protections
 - ♦ Export exemptions
 - ♦ Joint venture efficiencies
- **Comparison with International Jurisdictions**

References/Recommended Readings

- Einer Elhauge & Damien Geradin, *Global Antitrust Law and Economics* (2nd ed., Foundation Press 2018).
- D. Daniel Sokol et al., *Competition Law and Policy in Developing Countries* (Stanford University Press 2013).
- Barry J. Rodger & Angus MacCulloch, *Competition Law and Policy in the EU and UK* (6th ed., Routledge 2022).

Case Laws

- *Competition Commission of India v. Coordination Committee of Artists & Technicians of W.B. Film & Television*, (2017) 5 SCC 17 – Cartelization and Horizontal Agreements
- *Excel Crop Care Limited v. Competition Commission of India*, (2017) 8 SCC 47 – Cartel Price-Fixing



III. Abuse of Dominant Position under the Competition Act, 2002

- Definition and Elements of Abuse of Dominant Position
- Predatory Pricing and its Legal Interpretation
- Determination of Relevant Market
 - ♦ Relevant Geographical Market
 - ♦ Relevant Product Market
- Comparison with International Jurisdictions

References/Recommended Readings

- Herbert Hovenkamp, *Federal Antitrust Policy: The Law of Competition and Its Practice* (6th ed., West Academic 2020).
- Jonathan Galloway et al., *Competition Law in the UK and EU* (6th ed., Oxford University Press 2020).
- Giorgio Monti & Xavier Groussot, *EU Competition Law and Economics* (Oxford University Press 2023).

Case Laws

- *Competition Commission of India v. Fast Track Call Cab Pvt. Ltd.*, (2017) 3 CompLR 532 (CCI) – Predatory Pricing by Dominant Enterprises
- *Google Inc. v. Competition Commission of India*, 2018 CompLR 0391 (Delhi) – Abuse of Dominance in Digital Markets

IV. Regulation of Combinations under the Competition Act, 2002

- Definition of Combination (Acquisition, Merger, Amalgamation)
- Thresholds for Notification to Competition Commission of India (CCI)
- Definitions of 'Control,' 'Group,' and 'Valuation of Assets'
- Consequences of Failing to Notify CCI
- Comparison with International Jurisdictions

References/Recommended Readings

- Valentine Korah, *An Introductory Guide to EC Competition Law and Practice* (10th ed., Bloomsbury 2022).
- Maher M. Dabbah, *International and Comparative Competition Law* (Cambridge University Press 2010).
- Giacomo Calzolari & Vincenzo Denicolò, *Competition, Innovation, and Antitrust* (MIT Press 2021).

Case Laws

- *Jet Airways (India) Limited v. Competition Commission of India*, (2018) CompLR 0169 (CCI) – Merger Control Regulations
- *UltraTech Cement Ltd. v. Competition Commission of India*, (2019) 6 SCC 84 – Failure to Notify CCI



V. Inquiry and Investigation under the Competition Act, 2002

- CCI's Inquiry Process and Director General's Investigation
- Principles of Natural Justice in Competition Law Proceedings
- CCI's Powers to Impose Penalties
- Landmark Cases on Inquiry and Investigation
- Analysis of the judgment of the Hon'ble Supreme Court in the matter of Competition Commission of India Vs. Steel Authority of India and another reported at (2010) 10 SCC 744.
- Analysis of the judgment of the Hon'ble High Court of Delhi in the matter of Google Inc. and others Vs. Competition Commission of India and others reported at 2015 CompLR0391 (Delhi)."

References/Recommended Readings

- Massimo Motta, *Competition Policy: Theory and Practice* (Cambridge University Press 2004).
- John Vickers & Vincent Verouden, *Competition Policy: Analysis and Cases* (Oxford University Press 2021).
- Ioannis Lianos & Damien Geradin, *Handbook of European Competition Law: Substantive Aspects* (Edward Elgar Publishing 2013).

Case Laws

- *Competition Commission of India v. Steel Authority of India Ltd.*, (2010) 10 SCC 744 – Scope of CCI's Investigative Powers
- *Google Inc. v. Competition Commission of India*, (2015) CompLR 0391 (Delhi) – Investigation of Dominant Firms

VI. Evaluation of Economic Evidence in Competition Law

- Economic Evidence in Anti-Competitive Agreements
- Economic Evidence in Abuse of Dominance
- Use of Economic Data in Courts
- Measurement Techniques in Competition Analysis

References/Recommended Readings

- M. A. Utton, *Market Dominance and Antitrust Policy* (Edward Elgar Publishing 2005).
- Frederic M. Scherer, *Industrial Market Structure and Economic Performance* (2nd ed., Houghton Mifflin 1980).
- John Kwoka & Lawrence J. White, *The Antitrust Revolution: Economics, Competition, and Policy* (7th ed., Oxford University Press 2019).

Case Laws

- *Uber India Systems Pvt. Ltd. v. Competition Commission of India*, (2020) CompLR 0534 – Economic Evidence in Predatory Pricing
- *Automobile Dealers Association v. Competition Commission of India*, (2019) CompLR 0311 – Use of Economic Data in Market Definition



LLM (SEMESTER-III)

HUMAN RIGHTS LAW GROUP

PAPER-I: HUMAN RIGHTS JURISPRUDENCE

A. INTRODUCTION

Human rights jurisprudence is a crucial domain of legal studies that explores the philosophical foundations, conceptual framework, and judicial interpretations of human rights. This course delves into the historical evolution, modern theoretical schools, and global constitutional perspectives on human rights. It also critically examines the limitations and challenges of human rights implementation in different political, economic, and cultural contexts.

B. COURSE OBJECTIVES

1. To trace the historical development and philosophical foundations of human rights.
2. To analyze theoretical perspectives on human rights, including universalism vs. cultural relativism.
3. To examine the role of democracy and different constitutional frameworks in shaping human rights jurisprudence.
4. To assess judicial review mechanisms and the comparative analysis of human rights enforcement in India and the US.
5. To explore the limitations of human rights jurisprudence in practical governance, considering factors like national security, financial constraints, and cultural traditions.

C. COURSE OUTCOMES

After completing this course, students will be able to:

1. Understand the evolution and philosophical foundations of human rights.
2. Critically evaluate different schools of human rights theory and their applicability in modern law.
3. Analyze the constitutional and judicial dimensions of human rights in various political systems.
4. Compare judicial approaches to human rights protection in India and the United States.
5. Assess the practical limitations of human rights enforcement and develop a nuanced perspective on balancing rights and state interests.



D. COURSE STRUCTURE & REFERENCES/RECOMMENDED READINGS:

I. Philosophical Foundation of Human Rights

- Origin and Development of Human Rights
- Human Rights in Ancient Civilizations (Other than India)
- Indian Wisdom and the Idea of Human Rights
- Duty-Oriented Society vs. Rights-Based Society
- Ancient Wisdom in Modern Instruments

References/Recommended Readings:

- Jack Donnelly, *Universal Human Rights in Theory and Practice* (3rd ed., Cornell University Press 2013).
- James Griffin, *On Human Rights* (Oxford University Press 2008).
- Amartya Sen, *The Idea of Justice* (Harvard University Press 2009).

Case Laws:

- *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 – Basic structure and fundamental rights
- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 – Due process and personal liberty
- *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27 – Early interpretation of fundamental rights in India

II. Conceptual Contours of Human Rights

- Modern Meaning and Scope of Human Rights
- Schools of Human Rights Theory
- Universalization vs. Localization of Human Rights
- Freedom, Liberty, Rights, Claims, and Entitlement
- Human Rights Jurisprudence in International Instruments

References/Recommended Readings:

- Henry J. Steiner & Philip Alston, *International Human Rights in Context: Law, Politics, Morals* (3rd ed., Oxford University Press 2008).
- Michael Freeman, *Human Rights: An Interdisciplinary Approach* (2nd ed., Polity Press 2011).
- Nancy Fraser, *Scales of Justice: Reimagining Political Space in a Globalizing World* (Cambridge University Press 2010).

Case Laws:

- *Universal Declaration of Human Rights (UDHR)*, 1948
- *International Covenant on Civil and Political Rights (ICCPR)*, 1966



- *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, 1966
- *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438 – Recognition of transgender rights

III. Democracy and Jurisprudence of Human Rights

- Human Rights Jurisprudence in Various Constitutions
- Human Rights in Parliamentary Democracies (Without a Written Constitution)
- Human Rights Jurisprudence in Religious democracies
- Human Rights Jurisprudence in communist democracies

References/Recommended Readings:

- Upendra Baxi, *The Future of Human Rights* (3rd ed., Oxford University Press 2012).
- Thomas Pogge, *World Poverty and Human Rights: Cosmopolitan Responsibilities and Reforms* (2nd ed., Polity Press 2008).
- Richard Falk, *Human Rights Horizons: The Pursuit of Justice in a Globalizing World* (Routledge 2000).

Case Laws:

- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803) – Judicial review in the U.S.
- *Mohammed Salim v. State of Uttarakhand*, 2017 SCC OnLine Utt 367 – Human rights and environmental protection

IV. Judicial Delineation of Human Rights Jurisprudence

- Judicial Review and Human Rights
- Comparative Analysis: US vs. Indian Approaches
- Rights-Based Review vs. Restriction-Based Review
- Strict Scrutiny and Proportionality Principle
- Progressive Realization of Human Rights
- Human Rights Jurisprudence and Manifest Arbitrariness

References/Recommended Readings:

- David Pannick, *Judicial Review of Human Rights* (Oxford University Press 2009).
- Gautam Bhatia, *The Transformative Constitution* (HarperCollins 2019).
- Jeremy Waldron, *The Dignity of Legislation* (Cambridge University Press 1999).

**Case Laws:**

- *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 – Basic structure doctrine and judicial review
- *I.R. Coelho v. State of Tamil Nadu*, (2007) 2 SCC 1 – Judicial review of constitutional amendments
- *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1 – Decriminalization of homosexuality and human dignity

V. Human Rights Jurisprudence and Its Limitations

- Absolutism vs. Relativity of Human Rights
- National Security and Foreign Policy as Limitations
- Financial Constraints as Limitations
- Religious Values, Customs, and Traditions as Limitations

References/Recommended Readings:

- Costas Douzinas, *The End of Human Rights* (Hart Publishing 2000).
- R. Macdonald, *The Margin of Appreciation in European Human Rights Law* (Martinus Nijhoff Publishers 1993).
- B.S. Chimni, *International Law from Below: Development, Social Movements, and Third World Resistance* (Cambridge University Press 2003).

Case Laws:

- *ADM Jabalpur v. Shivakant Shukla*, (1976) 2 SCC 521 – Suspension of fundamental rights during emergency
- *A.F. (A Minor) v. Secretary of State for the Home Department*, [2009] UKHL 28 – National security vs. individual rights
- *Shayara Bano v. Union of India*, (2017) 9 SCC 1 – Religious customs and gender rights



PAPER-II: HUMAN RIGHTS LAW IN INDIA

A. INTRODUCTION

This course provides an in-depth analysis of human rights protection under the Indian Constitution, focusing on Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties. It examines constitutional mechanisms, judicial precedents, and statutory bodies like the National Human Rights Commission (NHRC) to understand the framework of human rights in India. Special emphasis is placed on emerging human rights issues and their implementation in contemporary legal discourse.

B. COURSE OBJECTIVES

1. To provide a comprehensive understanding of constitutional rights and their significance in human rights protection.
2. To analyze the judicial interpretation of fundamental rights, including new dimensions introduced by Indian courts.
3. To examine the role of secularism, freedom of religion, and socio-economic rights in the Indian context.
4. To explore the impact of Directive Principles of State Policy (DPSP) and Fundamental Duties on human rights enforcement.
5. To understand the working of enforcement mechanisms, including judicial remedies and the NHRC.

C. COURSE OUTCOMES

After completing this course, students will be able to:

1. Understand the scope and limitations of fundamental rights in India.
2. Critically analyze constitutional provisions related to human rights and their judicial interpretations.
3. Examine the evolution of socio-economic and cultural rights in India.
4. Evaluate the effectiveness of enforcement mechanisms, including NHRC and judiciary-led remedies.
5. Develop a critical perspective on the need for balancing rights and duties in a democratic framework.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Right to Equality and Special Provisions for Weaker Sections

- Right to Equality: Constitutional Provisions (Articles 14–18)
- Protective Discrimination and Reservation Policy in India
- Judicial Approach towards Affirmative Action and Social Justice



References/Recommended Readings:

- M.P. Jain, *Indian Constitutional Law* (8th ed., LexisNexis 2018).
- Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966).
- Marc Galanter, *Competing Equalities: Law and the Backward Classes in India* (Oxford University Press 1984).

Case Laws:

- *Indra Sawhney v. Union of India*, AIR 1993 SC 477 – Reservation policy and the concept of creamy layer
- *M. Nagaraj v. Union of India*, (2006) 8 SCC 212 – Judicial review of affirmative action
- *Jarnail Singh v. Lachhmi Narain Gupta*, (2018) 10 SCC 396 – Revisiting the *Indra Sawhney* judgment on reservations

II. Right to Freedom of Speech and Expression

- Freedom of Speech and Expression (Article 19(1)(a))
- Reasonable Restrictions on Free Speech
- Freedom of Press and Right to Information (RTI)

References/Recommended Readings:

- H.M. Seervai, *Constitutional Law of India* (4th ed., Universal Law Publishing 2013).
- Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian Constitution* (Oxford University Press 2016).
- V.N. Shukla, *Constitution of India* (13th ed., Eastern Book Company 2017).

Case Laws:

- *Bennett Coleman & Co. v. Union of India*, AIR 1973 SC 106 – Freedom of press
- *Shreya Singhal v. Union of India*, (2015) 5 SCC 1 – Striking down Section 66A of IT Act
- *SP Gupta v. Union of India*, AIR 1982 SC 149 – Right to Information as part of free speech

III. Right to Life and Personal Liberty

- Right to Life and Personal Liberty (Article 21)
- Expanding Horizons of Article 21 – New Dimensions
- Judicial Approach

References/Recommended Readings

- A.G. Noorani, *Constitutional Questions and Citizens' Rights* (Oxford University Press 2006).



- Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company 1980).
- Justice P.N. Bhagwati, *Human Rights in India: Theory and Practice* (National Law School of India Press 2004).

Case Laws:

- *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248 – Due process and expansion of Article 21
- *Francis Coralie Mullin v. UT of Delhi*, (1981) 1 SCC 608 – Right to dignity as part of life
- *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1 – Right to privacy as a fundamental right

IV. Secularism and Freedom of Religion

- Freedom of Religion (Articles 25–28)
- Secularism in the Indian Constitution
- Judicial Interpretation of Religious Rights

References/Recommended Readings:

- Rajeev Bhargava, *The Promise of India's Secular Democracy* (Oxford University Press 2010).
- Gary J. Jacobsohn, *The Wheel of Law: India's Secularism in Comparative Constitutional Context* (Princeton University Press 2005).
- Arvind Narrain, *India's Undeclared Emergency: Constitutionalism and the Politics of Resistance* (Context 2021).

Case Laws:

- *S.R. Bommai v. Union of India*, AIR 1994 SC 1918 – Doctrine of secularism
- *Shayara Bano v. Union of India*, (2017) 9 SCC 1 – Triple talaq and gender justice

V. Emerging Human Rights and Directive Principles

- Directive Principles and Fundamental Duties (Articles 36–51 & Article 51A)
- Judicial Interpretation of DPSP in Light of Fundamental Rights
- Inter-relationship of Fundamental Duties and Human Rights

References/Recommended Readings

- B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* (Cambridge University Press 2017).
- Amartya Sen, *Development as Freedom* (Oxford University Press 1999).
- S.K. Verma & Kusum, *Fifty Years of the Supreme Court of India* (Oxford University Press 2000).

**Case Laws**

- *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625 – Harmonizing DPSP and Fundamental Rights
- *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666 – Right to education as part of Article 21

VI. Enforcement Mechanisms

- Judicial Remedies for Human Rights Violations
- National Human Rights Commission (NHRC) – Powers and Functions
- Effectiveness of NHRC in Protecting Human Rights
- Fundamental Duties: Article 51-A; Concept of Duty; Need of Fundamental Duties; Enforcement and Effectuation of Fundamental Duties.

References/Recommended Readings

- D.J. Ravindran, *Human Rights Praxis* (Oxford University Press 2013).
- P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Book Company 2004).

Case Laws

- *People's Union for Civil Liberties v. Union of India*, AIR 2003 SC 2363 – Right to food as a human right
- *NHRC v. State of Arunachal Pradesh*, AIR 1996 SC 1234 – NHRC's role in refugee protection



PAPER - III: INTERNATIONAL LAW AND HUMAN RIGHTS

A. INTRODUCTION

This course provides an in-depth understanding of international legal frameworks concerning human rights, focusing on the protection of individuals under international law, the role of global institutions such as the United Nations (UN), and regional human rights instruments. It explores the historical development of human rights, key international covenants, and enforcement mechanisms to equip students with a comprehensive knowledge of international human rights law.

B. COURSE OBJECTIVES

1. To understand the evolution of human rights within the framework of international law.
2. To analyze the role of the League of Nations, UN, and other global institutions in human rights protection.
3. To examine the significance of the Universal Declaration of Human Rights (UDHR) and its legal impact.
4. To study the International Covenants on Civil and Political Rights (ICCPR) and Economic, Social, and Cultural Rights (ICESCR).
5. To evaluate regional human rights instruments and their enforcement mechanisms.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Comprehend the role of international organizations in human rights protection.
2. Analyze the historical context and contemporary relevance of human rights treaties.
3. Assess the impact of international and regional human rights instruments on domestic laws.
4. Evaluate enforcement mechanisms and challenges in international human rights law.
5. Develop critical perspectives on the effectiveness of global human rights norms.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. International Concern for Human Rights

- Protection of Individuals under International Law
- Role of the League of Nations in Human Rights
- War Crime Trials and Their Significance



References/Recommended Readings

- Antonio Cassese, *International Law* (2nd ed., Oxford University Press, 2005).
- Malcolm N. Shaw, *International Law* (8th ed., Cambridge University Press, 2017).
- Richard Overy, *The Nuremberg Trials: The Pursuit of Justice* (Penguin Books, 2002).

Case Studies

- *Nuremberg Trials (1945-1946)* – Establishing accountability for war crimes.
- *Tokyo Trials (1946-1948)* – Legal precedents for human rights violations in wartime.

II. Human Rights and the United Nations

- Normative and Institutional Framework of the UN
- Role of Permanent Organs in Human Rights Protection
- Human Rights Commissions and the UN High Commissioner for Human Rights

References/Recommended Readings

- Thomas Buergenthal, *International Human Rights in a Nutshell* (West Academic Publishing, 2017).
- Henry J. Steiner, *International Human Rights in Context* (Oxford University Press, 2007).

Case Studies

- *The role of the UN Security Council in humanitarian interventions* (e.g., Kosovo 1999).
- *The effectiveness of the UN Human Rights Council in monitoring violations.*

III. Universal Declaration of Human Rights (UDHR)

- History and Drafting of the UDHR
- Structure and Core Principles of the Declaration
- Legal Significance and Status in International Law

References/Recommended Readings

- Johannes Morsink, *The Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press, 1999).
- Mary Ann Glendon, *A World Made New: Eleanor Roosevelt and the Universal Declaration of Human Rights* (Random House, 2001).

Case Studies

- *Impact of the UDHR on national constitutions* (e.g., India, South Africa).
- *The UDHR as a basis for human rights advocacy and litigation.*



IV. International Human Rights Covenants – ICCPR and ICESCR

- Nature, Characteristics, and Legal Status of the Covenants
- Optional Protocols to ICCPR and ICESCR

References/Recommended Readings

- Sarah Joseph & Melissa Castan, *The International Covenant on Civil and Political Rights* (Oxford University Press, 2013).
- Philip Alston & Gerald Quinn, *The Nature and Scope of Economic and Social Rights*, *Human Rights Quarterly* (1987).

Case Studies

- *General Comment No. 3 (1990) – State obligations under ICESCR.*
- *Human Rights Committee's role in monitoring ICCPR violations.*

V. Regional Human Rights Instruments

- European Convention on Human Rights (ECHR)
- American Convention on Human Rights (ACHR)
- African Charter on Human and Peoples' Rights (ACHPR)
- Asia and Human Rights – Regional Developments

References/Recommended Readings

- Dinah Shelton, *Regional Protection of Human Rights* (Oxford University Press, 2016).
- Fatsah Ouguergouz, *The African Charter on Human and Peoples' Rights* (Cambridge University Press, 2003).

Case Laws:

- *Loizidou v. Turkey*, [1996] ECHR – Property rights under the ECHR.
- *Barrios Altos v. Peru*, [2001] IACHR – Enforceability of ACHR rulings.
- *SERAC v. Nigeria*, [2001] ACHPR – Environmental rights under ACHPR.



PAPER - IV: LAW OF REFUGEES & INTERNALLY DISPLACED PERSONS (IDP)

A. INTRODUCTION

This course provides a comprehensive understanding of the international and national legal frameworks governing refugees and internally displaced persons (IDPs). It examines refugee status determination under international law, the human rights obligations of states, and contemporary challenges such as environmental refugees, burden-sharing, and temporary protection mechanisms. Special emphasis is placed on India's refugee policies, the role of the judiciary, and India's obligations under international law.

B. COURSE OBJECTIVES

1. To introduce students to fundamental principles of refugee law and the legal definition of refugees and IDPs.
2. To analyze the 1951 Refugee Convention and its 1967 Protocol, including criteria for refugee status determination.
3. To explore state obligations under international human rights law concerning refugees and IDPs.
4. To examine contemporary refugee law challenges, including environmental displacement, burden-sharing, and safe third-country policies.
5. To critically assess India's refugee policies, judicial precedents, and its legal framework for displaced persons.

C. COURSE OUTCOMES

Upon successful completion of this course, students will be able to:

1. Understand the international legal framework governing refugees and IDPs.
2. Critically analyze the role of international organizations, including the UNHCR, in refugee protection.
3. Evaluate the effectiveness of mechanisms such as voluntary repatriation, local integration, and third-country resettlement.
4. Examine contemporary refugee law challenges, including environmental displacement, international burden-sharing, and security concerns.
5. Assess India's legal and policy framework for refugee protection.

D. COURSE STRUCTURE & RECOMMENDED READINGS

I. Introduction to Refugee Law

- Concept and Definition of a Refugee
- Distinction between Refugees, Migrants, Stateless Persons, and IDPs
- Historical Development of Refugee Protection

References/Recommended Readings:

- Guy S. Goodwin-Gill & Jane McAdam, *The Refugee in International Law* (Oxford University Press, 3rd ed., 2007).



- James C. Hathaway, *The Rights of Refugees under International Law* (Cambridge University Press, 2nd ed., 2021).
- UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status* (2019).

Case Laws:

- *Sale v. Haitian Centers Council, Inc.*, 509 U.S. 155 (1993).
- *Canada (Attorney General) v. Ward*, [1993] 2 S.C.R. 689.
- *East African Asians v. United Kingdom*, (1973) EHRR 76.

II. Determination of Refugee Status under the 1951 Refugee Convention and Protocol

- Eligibility Criteria for Refugee Status
- Principle of Non-Refoulement
- Cessation and Exclusion Clauses
- Refugee Status Determination (RSD) Procedures

References/Recommended Readings

- Andreas Zimmermann (Ed.), *The 1951 Convention Relating to the Status of Refugees and its 1967 Protocol: A Commentary* (Oxford University Press, 2011).
- Ruma Mandal, *Protection Mechanisms outside of the 1951 Convention ("Complementary Protection")*, UNHCR (2005).

Case Laws

- *INS v. Cardoza-Fonseca*, 480 U.S. 421 (1987).
- *Matter of Acosta*, 19 I&N Dec. 211 (BIA 1985).

III. Human Rights of Refugees

References/Recommended Readings

- Erika Feller, *Refugee Protection in International Law: UNHCR's Global Consultations on International Protection* (Cambridge University Press, 2003).
- International Covenant on Civil and Political Rights (ICCPR), 1966.
- International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966.

Case Laws

- *M.S.S. v. Belgium and Greece*, App. No. 30696/09, ECHR (2011).
- *Hirsi Jamaa and Others v. Italy*, App. No. 27765/09, ECHR (2012).

IV. Solutions to the Refugee Problem

- Resettlement in Third Countries
- Local Integration and Its Challenges
- Voluntary and Forced Repatriation
- Comprehensive Responses to Refugee Crises



References/Recommended Readings

- UNHCR, *Handbook on Resettlement* (2018).
- Alexander Betts, *Survival Migration: Failed Governance and the Crisis of Displacement* (Cornell University Press, 2013).

V. Contemporary Developments in Refugee Law

- International Burden Sharing and Responsibility Sharing
- Safe Third Country Policies and Temporary Protection
- Environmental Refugees and Climate-Induced Displacement
- Safety Zones in Conflict Regions

References/Recommended Readings

- Jane McAdam, *Climate Change, Forced Migration, and International Law* (Oxford University Press, 2012).
- UNHCR Reports on Temporary Protection and Safe Third Country Policies.

VI. Internally Displaced Persons (IDPs) and UN Guiding Principles on Internal Displacement (1998)

- Definition and Causes of Internal Displacement
- Legal Framework Governing IDPs
- Protection Challenges and State Responsibilities
- UN Guiding Principles on Internal Displacement (1998)

References/Recommended Readings

- Roberta Cohen & Francis Deng, *Masses in Flight: The Global Crisis of Internal Displacement* (Brookings Institution Press, 1998).
- Walter Kälin, *Guiding Principles on Internal Displacement: Annotations* (American Society of International Law, 2008).

VII. Refugee Law and Policy in India

- India's Legal Framework for Refugees (Absence of Specific Refugee Law)
- Judicial Approach to Refugee Protection in India
- India's Non-Party Status to the Refugee Convention and Its Implications
- Legal Rights and Status of Refugees in India

References/Recommended Readings:

- B.S. Chimni, *International Refugee Law and South Asia* (Sage Publications, 2010).
- UNHCR Reports on India's Refugee Policies.

Case Laws

- *National Human Rights Commission v. State of Arunachal Pradesh*, AIR 1996 SC 1234.
- *Ktaer Abbas Habib Al Qutaifi v. Union of India*, (1999) CriLJ 919 (Gujarat High Court).



LLM (SEMESTER-IV)

PAPER-I: INTERPRETATION OF STATUTES

A. INTRODUCTION

This course provides a comprehensive analysis of statutory interpretation, focusing on judicial approaches, aids to interpretation, and the role of courts in construing statutes. It explores principles of construction, including literal, golden, mischief, and purposive rules, alongside special considerations for penal, remedial, and taxing statutes. The course incorporates international perspectives to understand common law and civil law approaches to interpretation.

B. COURSE OBJECTIVES

1. To introduce students to the fundamental doctrines of statutory interpretation.
2. To provide an understanding of internal and external aids in statutory construction.
3. To analyze landmark judicial decisions from India, the United States, and the United Kingdom.
4. To explore comparative perspectives from common law and civil law jurisdictions.
5. To study theoretical foundations of legislation and legal hermeneutics.

C. COURSE OUTCOMES

After completing this course, students will be able to:

1. Apply different rules of interpretation to legal texts.
2. Assess the impact of legislative intent and constitutional principles on statutory interpretation.
3. Examine judicial trends in India and globally concerning statutory construction.
4. Analyze the interaction between law, policy, and legislative drafting.
5. Develop a critical perspective on legal reasoning and the philosophy of legislation.

D. COURSE SYLLABUS & RECOMMENDED READINGS

I. Introduction to Statutes and Interpretation

- Meaning and Classification of Statutes
- Concept of Construction and Interpretation
- Commencement, Repeal, and Revival of Legislation



References/Recommended Readings:

- G.P. Singh, *Principles of Statutory Interpretation* (15th ed., LexisNexis 2021).
- Rupert Cross, *Statutory Interpretation* (3rd ed., Oxford University Press 1995).
- Jeremy Bentham, *The Theory of Legislation* (1st ed., Oxford University Press 1840).

Case Laws:

- *Heydon's Case*, (1584) 3 Co Rep 7a, 76 ER 637 (Eng.) – Origin of the Mischief Rule.
- *K.P. Varghese v. Income Tax Officer*, (1981) 4 SCC 173 (India) – Purposive Interpretation in Tax Laws.
- *Chevron U.S.A. Inc. v. NRDC*, 467 U.S. 837 (1984) (U.S.) – Deference to Administrative Interpretation of Statutes.

II. Internal Aids to Interpretation

- Title and Preamble
- Headings, Marginal Notes, and Illustrations
- Definitions, Proviso, Explanation, and Schedules

References/Recommended Readings:

- Maxwell, *On the Interpretation of Statutes* (12th ed., Sweet & Maxwell 1969).
- Aharon Barak, *Purposive Interpretation in Law* (Princeton University Press 2007).

Case Laws:

- *Shiv Shankar Dal Mills v. State of Haryana*, (1980) 2 SCC 437 (India) – Role of the Preamble in Interpretation.
- *Attorney General v. Prince Ernest Augustus of Hanover*, [1957] A.C. 436 (U.K.) – Use of Headings and Marginal Notes.

III. External Aids to Interpretation

- Parliamentary Debates, Legislative History, and Historical Facts
- Reference to Other Statutes and International Law
- Dictionaries, Foreign Judgments & Government Publications

References/Recommended Readings:

- E. Eskridge, P. Frickey & E. Garrett, *Legislation and Statutory Interpretation* (Foundation Press 2006).
- Antonin Scalia & Bryan A. Garner, *Reading Law: The Interpretation of Legal Texts* (West Publishing Co. 2012).

Case Laws:



- *State of West Bengal v. Union of India*, AIR 1963 SC 1241 (India) – Use of Historical Context in Interpretation.
- *Pepper (Inspector of Taxes) v. Hart*, [1993] AC 593 (U.K.) – Parliamentary Debates as an Aid to Interpretation.

IV. Principles of Statutory Construction

- Literal Rule and Golden Rule
- Mischief Rule (Heydon's Rule) and Purposive Approach
- Ejusdem Generis, Noscitur a Sociis, and Expressio Unius Est Exclusio Alterius

References/Recommended Readings:

- Pierre-André Côté, *The Interpretation of Legislation in Canada* (4th ed., Carswell 2011).
- Hans Kelsen, *General Theory of Law and State* (Harvard University Press 1945).

Case Laws:

- *Fisher v. Bell*, [1961] 1 QB 394 (U.K.) – Literal Rule in Action.
- *Smith v. Hughes*, [1960] 1 WLR 830 (U.K.) – Mischief Rule Applied to Prostitutes Soliciting from Windows.

V. Operation and Effect of Statutes

- Retrospective and Prospective Operation of Statutes
- Territorial Nexus and Extraterritorial Application

References/Recommended Readings:

- H.L.A. Hart, *The Concept of Law* (Oxford University Press 1961).
- Ronald Dworkin, *Law's Empire* (Harvard University Press 1986).

Case Laws:

- *Delhi Cloth & General Mills Co. Ltd. v. CIT*, AIR 1927 PC 242 (India) – Retrospective Application of Statutes.
- *R. v. James*, [2006] UKHL 4 (U.K.) – Territorial Nexus in Criminal Jurisdiction.

VI. Special Categories of Statutes

Taxing Statutes

- Strict Interpretation of Taxing Provisions
- Avoidance vs. Evasion of Taxes

Penal and Remedial Statutes

- Liberal vs. Strict Interpretation
- Mens Rea in Statutory Offenses



References/Recommended Readings:

- John Salmond, *Jurisprudence* (12th ed., Sweet & Maxwell 1966).
- Robert Alexy, *A Theory of Constitutional Rights* (Oxford University Press 2009).

Case Laws:

- *CIT v. Sun Engineering Works Pvt. Ltd.*, (1993) 4 SCC 363 (India) – Strict Interpretation of Tax Laws.
- *R v. Secretary of State for Transport, ex parte Factortame*, [1990] UKHL 13 (U.K.) – Doctrine of Proportionality in Penal Laws.

VII. Use of different words

- Use of Negatives words
- Affirmative words may imply a negative
- use of 'shall' or 'shall and may' must and should
- Conjunctive words 'or' & 'and'

VIII. Principles of Legislation

- Distinction Between Morals and Legislation
- Political Good and Evil Circumstances which affect sensibility
- Methods of Reasoning on subject of Legislation

References/Recommended Readings:

- Lon L. Fuller, *The Morality of Law* (Yale University Press 1969).
- Joseph Raz, *The Authority of Law: Essays on Law and Morality* (Oxford University Press 1979).
- J.A.G. Griffith, *Statutory Interpretation* (Oxford Univ. Press, 1st ed. 2007).
- P. St. J. Langan, *Maxwell on The Interpretation of Statutes* (Sweet & Maxwell, 12th ed. 1969).
- G.P. Singh, *Principles of Statutory Interpretation* (LexisNexis, 15th ed. 2021).
- Vepa P. Sarathi, *Interpretation of Statutes* (Eastern Book Co., 5th ed. 2010).
- N.S. Bindra, *Interpretation of Statutes* (LexisNexis, 10th ed. 2017).

Case Laws:

- *Indira Sawhney v. Union of India*, AIR 1993 SC 477 (India) – Reservations and Legislative Intent.
- *State of Bombay v. R.M.D. Chamarbaugwala*, AIR 1957 SC 699 – The Supreme Court interpreted the use of negative words in a statute to determine legislative intent.
- *Taylor v. Taylor*, (1875) 1 Ch D 426 – Established that where a statute provides a mode of doing something, it must be done in that manner alone.



- *State of Uttar Pradesh v. Manbodhan Lal Srivastava*, AIR 1957 SC 912 – Examined how affirmative words in a statute may carry negative implications.
- *Shiv Kumar Chadha v. MCD*, AIR 1993 SC 1099 – Highlighted that an affirmative provision may prohibit what is not expressly permitted.
- *Bangalore Water Supply & Sewerage Board v. A. Rajappa*, AIR 1978 SC 548 – Discussed the interpretation of 'shall' and 'may' in labor laws.
- *Babu Ram v. State of UP*, AIR 1971 SC 36 – The court held that 'shall' can sometimes be interpreted as 'may' depending on the legislative intent.
- *State of U.P. v. Jogendra Singh*, AIR 1963 SC 1618 – Addressed the mandatory and directory nature of statutory provisions based on the use of 'shall' and 'may'.
- *Ishwar Singh Bindra v. State of UP*, AIR 1968 SC 1450 – The Supreme Court interpreted 'or' and 'and' in a statute, holding that their usage must be considered in context.
- *Maqbool Hussain v. State of Bombay*, AIR 1953 SC 325 – Discussed the impact of the words 'or' and 'and' in legal provisions.
- *Green v. Premier Glynrhonwy Slate Co.*, (1928) AC 515 – Established that 'and' can sometimes be read as 'or' to give effect to legislative intent.

आज़ादी का
अमृत महोत्सव



PAPER-II & III: DISSERTATION

A. INTRODUCTION

During the fourth semester students are required to do dissertation where they have to submit a dissertation proposal which will cover the entire research design including the statement of the problem, review of literature, methodology and a detailed bibliography. Following this, students are expected to collect data, analyze the data and prepare the report in the form of a dissertation which needs to be submitted by the end of the IV semester.

This paper will not have an examination but evaluation will take place through the assessment of the dissertation.

B. GENERAL GUIDELINES

1. Students should prepare a detailed proposal of the area they intend to research as their Dissertation
2. Discuss the proposal with the any of the faculty from the department according to the research topic and submit the completed proposal to the department.
3. The topics of dissertation once finalized and approved in the faculty meeting will be released immediately.
4. Once the topic is finalized and approved in the faculty meeting it cannot be altered or changed either by the Guide or by the student.
5. The Dissertation will be run through plagiarism test to ensure academic honesty
6. Plagiarism will not be tolerated and will be dealt with strictly (Less than 20% of plagiarism permitted)

C. DISSERTATION DRAFT SUBMISSION GUIDELINES

The students are expected to submit drafts of each chapter in their dissertation for correction. It is the sole responsibility of the student to submit the drafts to the research guide in the department and get the corrected version back on the dates suggested by the guide. The students and guides will co-sign approved drafts. The students have to carry their corrected drafts for subsequent meetings with their guides to ensure that corrections have been made.

The final complete approved draft has to be submitted to the co-ordinator with forwarding remarks by the guide as per schedule.

D. DISSERTATION SUBMISSION GUIDELINES

The completed dissertation must be submitted on specified date duly signed by the research guide. No student will be allowed to submit the dissertation without the signature of the research guide.

E. VIVA-VOCE

The final viva will be conducted by a panel of external expert faculty members. The student will be expected to present the major findings and implications of the study and defend the study.



F. PUBLICATION GUIDELINES

To enhance the commitment and interest of the students towards research/dissertation work, they are also encouraged to publish a paper developed out of their dissertation. It is possible in the following ways:

1. the student can individually publish the dissertation after getting the consent of the research guide in written form
2. the research guide (individually or jointly with his/her colleague) can publish the dissertation after getting the consent of the student in written form
3. the research guide and the student can also jointly publish the same

In all cases, it should be mentioned that the views expressed are only that of the researchers and not that of the institution to which the dissertation is submitted.

1. ORGANISATION OF THE DISSERTATION

The dissertation shall be presented in a number of *chapters*, starting with Introduction and ending with Conclusions. Each of the other chapters will have precise title reflecting the contents of the chapter. A chapter can be subdivided into *sections*, *sub-sections* and *sub-sub-section* so as to present the content discreetly and with due emphasis on the topic.

1.1 Introduction

The title of Chapter 1 shall be Introduction. It shall justify and highlight the problem posed and define the topic and the aim and scope of the work presented in the dissertation. It may also highlight the significant contributions from the investigation.

1.2 Review of Literature

This shall present a critical appraisal of the previous work published in the literature pertaining to the topic of the investigation. The extent and emphasis of the chapter shall depend on the nature of the investigation.

1.3 Chapter scheme

There must be minimum two core chapters, and introduction and conclusion in the dissertation work. The structure of the chapters are required to be divided with numerical subtitles and there is a progression towards the final argument of your thesis.

1.4 Conclusions and suggestions

This will be the final chapter of the dissertation. A brief report of the work carried out shall form the first part of the Chapter. Conclusions derived from the logical analysis presented in the core chapters shall be presented and clearly enumerated.

1.5 Appendix (optional)

Detailed information, lengthy derivations, raw experimental observations etc. are to be presented in the separate appendices, which shall be numbered in Roman Capitals (e.g. 'Appendix IV'). Since reference can be drawn to published/unpublished literature in the appendices these should precede the 'Reference' section.



1.6 References

The candidates shall follow the style of citation of Bluebook 20th edition.

SINGLE SPACING SHOULD BE USED FOR TYPING REFERENCES.

ARRANGEMENT OF THE CONTENTS OF THE DISSERTATION

The sequence in which the Dissertation material should be arranged and bound as follows:

1. Title page
2. Declaration (Title in Upper case)
3. Certificate (Title in Upper Case)
4. Acknowledgement (Title in Upper Case)
5. Abstract (Title in Upper Case)
6. Table of content (Title in Upper Case)
7. List of tables (Title in Upper Case) (only if tables are incorporated)
8. List of figures (Title in Upper Case) (only if figures are incorporated)
9. List of abbreviations (Title in Upper Case)
10. Chapters
 - Footnotes
 - References for cited works (Bluebook 20th Edition)
11. Appendices
12. Bibliography (Bluebook 20th Edition)

1. DISSERTATION FORMAT

Font: Times New Roman 12 point for the main text, justified Times New Roman 12 points for Headings, centred

Margins: 1inch on all sides other than the inner margins which are 1.5 inches (Use Mirrored Margin)

Page numbers: Bottom of the page, centred

Roman number for Part I

Hindu-Arabic numbers for Part II

Pagination

Page numbering in the text of the dissertation shall be numerals at the center of the footer. Page number '1' for the first page of the Introduction chapter shall not appear in print, only the second page will bear the number '2'.

The subsequent chapters shall begin on a fresh page. Pagination for pages before the Introduction chapter shall be in lower case Roman numerals, e.g., 'iv'. Page number shall appear 20 mm from below.



Paragraph format

Space between paragraphs shall be about 1.5-line spacing. The first line of each paragraph should normally be indented by 15 mm. A paragraph should normally comprise more than one line. A single line of a paragraph shall not be left at the top or bottom of a page (that is, no windows or orphans should be left). The word at the right end of the first line of a page or paragraph should, as far as possible, not be hyphenated.

Chapter and Section format

Chapter- Each chapter shall begin on a fresh page with an additional top margin of about 15 mm (15 + 30 mm = 45 mm from the top). Chapter number (in Hindu- Arabic) and title shall be printed at the centre of the line in 6 mm font size (18 pt) in bold face using both upper and lower case (all capitals or small capitals shall not be used).

The format for typing Chapter heading is explained by the following illustrative example.

Chapter heading:

Chapter 1

Introduction

The word Chapter without punctuation should be centred 45 mm down from the top of the page. Two spaces below, the title of the chapter should be typed centrally using both upper and lower case capital letters. The text should commence 4 spaces below this title, the first letter of the text starting 15 mm inside from the left hand margin.

Sections and Sub- sections

A chapter can be divided into Sections, Sub-sections and Sub-sub-sections so as to present different concepts separately. Sections and sub-sections can be numbered using decimal points, e.g., 2.2 for the second Section in Chapter 2 and 2.3.4 for the fourth Sub-section in third Section of Chapter 2. Chapters, Sections and Sub-Sections shall be included in the *Contents* with page numbers flushed to the right. Further subsections need not be numbered or included in the contents. The Sections and Sub-sections titles along with their numbers in 5 and 4 mm (16 and 14 pt) fonts, respectively, in bold face shall be flushed to the left (not centred). The typed material directly below division or sub-division heading should commence 2 spaces below it and should be offset 15 mm from the left hand margin.

Table / Figure Format (optional)

As far as possible, tables and figures should be presented in portrait style. Small size table and figures (less than half of writing area of a page) should be incorporated within the text, while larger ones may be presented in separate pages. Table and figures shall be numbered chapter- wise. For example, the fourth figure in Chapter 5 will bear the number Figure 5.4 or Fig. 5.4

Table number and title will be placed above the table while the figure number and caption will be located below the figure. Reference for Table and Figures reproduced from elsewhere shall be cited in the last and separate line in the table and figure caption, e.g. (after McGregor [12]).



ANNEXURE 1

Guidelines for Dissertation

Structure of the Dissertation

- Cover Page
- Title Page
- Declaration (by the student on originality)
- Certificate (by the Supervisor/s)
- Abstract
- Table of Contents
- Acknowledgement
- List of Abbreviation/Acronyms
- Preface

(Give Roman Page No. from Title page to Preface)

The dissertation should be divided into several sections/chapters relating to:

1. Introduction

- Statement of the Problem
- Rationale
- Objectives
- Research Questions
- Hypothesis (optional)
- Scope and Limitations

2. Review of Literature

3. Methodology

4. Chapters Based on Objectives (three to four chapters)

5. Major Outcomes

6. Conclusion & Recommendations

Bibliography

Appendices



TITLE

DISSERTATION SUBMITTED
TO
CHOTANAGPUR LAW COLLEGE, NAMKUM
RANCHI

IN PARTIAL FULFILLMENT OF THE AWARD OF THE DEGREE OF MASTER OF LAW

BY

[NAME]

REGISTRATION NUMBER:

RESEARCH GUIDE [NAME]

CHOTANAGPUR LAW COLLEGE, NAMKUM
RANCHI UNIVERSITY
RANCHI

20**-20**



ANNEXURE 2

The final dissertation has to adhere to the established guidelines for academic honesty. All the students will use the Bluebook citation style (20th edition) for their references and citations in the Dissertation. All other details are given below:

Organization of the Dissertation:

Part I -General

1. Title page
2. Declaration by the Student (signed)
3. Certificate by the Research Guide (signed)
4. Acknowledgement
5. Table of contents
6. Table of Figures and Tables

Part II –Chapters

7. Introduction
8. Analytical Part (this can be either one or divided into various chapters based on the objectives/relevance)
9. Conclusion
10. Footnotes (Bluebook 20th Edition)

Part III – Final Part

11. Bibliography (Alphabetical Bluebook 20th Edition style)
12. Appendix (interview schedule/questionnaire used, additional statistics/any other necessary details)



ANNEXURE 3

FORMATS

3.1 Binding

The dissertation shall be soft bound in Board with Golden Yellow letters.

3.2 Front Cover

The front cover shall contain the following details:

Full title of dissertation in 6 mm 22 points size font properly centred and positioned at the top.

Full name of the candidate in 4.5 mm 15 points size font properly centred at the middle of the page.

A 40 mm dia replica of the Institute emblem followed by the name of the Department, name of the Institute and the year of submission, each in a separate line and properly centred and located at the bottom of the page.

3.2.1 Lettering

All lettering shall be in White.

3.2.2 Bound back

The degree, the name of the candidate and the year of submission shall also be embossed on the bound (side) in gold yellow letters.

3.3 Blank sheets

In addition to the white sheets (binding requirement) two white sheets shall be put at the beginning and end of the dissertation.

3.4 Title sheet

This shall be the first printed page of the dissertation and shall contain the submission statement: the Dissertation submitted in partial fulfilment of the requirements of the Degree, the name and Roll No. Of the candidate, name(s) of the supervisor and co-supervisor(s) (if any), Department, Institute and year of submission (sample enclosed).

3.5 Dedication sheet (optional)

If the candidate so desires (s)he may dedicate his/her dissertation, which statement shall follow the title page. If included, this shall form the page 1 of the auxiliary sheets but shall not have page number.

3.6 Declaration sheet (Refer attached sample)

3.7 Certificate Page (Refer attached sample)

3.8 Acknowledgements

The acknowledgements by the candidate.

3.9 Abstract



The 500-word abstract shall highlight the important features of the dissertation and shall correspond to the electronic version to be submitted to the Library for inclusion in the website. The Abstract in the dissertation, however, shall have two more parts, namely, the layout of the dissertation giving a brief chapter -wise description of the work and the key words

3.10 Table of Contents

The contents shall follow the Acknowledgement and shall enlist the titles of the chapters, section and sub-section using decimal notation, as in the text, with corresponding page number against them, flushed to the right. (Refer attached sample)

3.10.1 List of Figures and Tables (Only if incorporated)

Two separate lists of Figure caption and Table titles along with their numbers and corresponding page numbers against them shall follow the Table of Contents.

3.10.2 Abbreviation

A complete and comprehensive list of all abbreviations shall be provided. As far as possible generally accepted symbols and notation should be used (Refer attached sample).

Auxiliary page from dedication (if any) to abbreviations shall be numbered using Roman numerals in lower case, while the text starting from the Introduction shall be in Hindu-Arabic. (The first pages in both the cases shall not bear a page number).

आज़ादी का
अमृत महोत्सव



DECLARATION (BY THE STUDENT)

I, (Name) hereby declare that the Dissertation work titled "-----" is an original work done by my me under the supervision of Prof/Dr./Mr./Ms....., Chotanagpur Law College, Ranchi.

I further that this dissertation has not been submitted for the award of any degree, diploma, associateship, fellowship or other title. It has not been sent for any publication or presentation purpose. I hereby confirm the originality of the work and that there is no plagiarism in any part of the dissertation.

Date:

Name & Signature of the Student





CERTIFICATE

This is to certify that the dissertation submitted by (Name of the candidate) (Reg. No.) titled '..... (Title).....' is a record of research work done by him/her during the

academic year 20**-20** under my/our supervision in partial fulfilment for the award of

This dissertation has not been submitted for the award of any degree, diploma, associateship, fellowship or other title. It has not been sent for any publication or presentation purpose. I hereby confirm the originality of the work and that there is no plagiarism in any part of the dissertation.

Place:

Date:



Signature of the Co-ordinator

Signature of the Guide

Department of Law

Chotanagpur Law College, Namkum,

Ranchi

(Name of the Guide)

Department of Law

Chotanagpur Law College, Namkum,

Ranchi



Sample of Table of Contents (For representation purpose only)

CHAPTER NO.	TITLE	PAGE NO.
	LIST OF TABLES	xvi
	LIST OF FIGURES	xxvii
	LIST OF SYMBOLS AND ABBREVIATIONS	xxvii
1.	INTRODUCTION	1
	1.1	1
	1.2	3
	1.3	4
	1.3.1	6
	1.3.2	19
	1.3.3	29

SAMPLE LIST OF ABBREVIATIONS

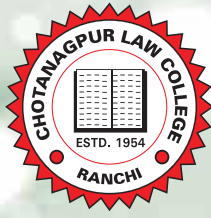
1. M&A : Mergers and Acquisitions
2. OECD : Organization for Economic Co-Operation and Development
3. CCI : Competition Commission of India
4. US : United States of America
5. UK : United Kingdom
6. FDI : Foreign Direct Investment



Jharkhand Vidhigya Samagam-2024



1st Graduation Ceremony cum Inauguration of
Justice S. B. Sinha Centre for Legal Research-2023



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