

**SAVITRIBAI PHULE PUNE UNIVERSITY**



**SYLLABUS**

**LL.M. (2 YEAR)**

**APPLICABLE TO THE AFFILIATED LAW COLLEGES**

**CHOICE BASED CREDIT SYSTEM (CBCS) PATTERN**

**FROM ACADEMIC YEAR 2025-2026**

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**RULES FOR TWO YEAR LL.M. PROGRAMME**  
**(ACADEMIC YEAR 2025-2026)**

# LL.M. Degree Programme

## Part – I

### GENERAL

#### 1. Title of the Course:

Master of Laws Programme.

#### 2. Preamble of the Syllabus:

The Master of Laws (LL.M.) is a postgraduate programme offered by Savitribai Phule Pune University through its affiliated Law Colleges under the Choice Based Credit System (CBCS). The Programme is governed by Rules and Regulations for Credit and Semester System in Post-Graduate Departments of the affiliated College. It helps students build strong fundamentals and specialize in areas of their interest, gaining an in-depth understanding of the subject.

#### 3. Application of Revised Rules of LL.M. programme

The Rules for two-year LL.M programme from the academic year 2025-2026 will be introduced in a phased manner as shown below –

Sr. No.	Year / Class of Course	Academic Year of Application
1	First Year of LL. M.	2025-26
2	Second Year of LL. M.	2026-27

#### 4. Closing of LL.M. programme under 2014 Pattern

As the new Rules for two-year LL.M programme shall be introduced in a phased manner from the academic year 2025-2026 as shown above, the old rules of LL. M. Programme shall be closed in a phased manner as shown below –

Sr. No.	Year / Class of Course	Academic Year of Closing
1	First Year of LL. M.	2025-26
2	Second Year of LL. M.	2026-27

#### 5. Eligibility:

Every Candidate seeking admission to the Master of Laws (LL.M.) Programme must have passed the LL.B. Degree after completing three or all the five years LL.B. Course of this University or its equivalent degree of another statutory University recognized as equivalent to said degree of this University.

#### 6. Admission:

6.1 The affiliated colleges for admission purposes will follow the selection procedure / policies adopted

by the respective Law College. Reservation and relaxation will be as per the rules prescribed by the Government of Maharashtra and Savitribai Phule Pune University, Pune from time to time.

6.2 The number of students admitted to each LL.M. specialization will be decided by the Principal of the affiliated college, in consultation with the PG Department Internal Committee of the affiliated college.

## **7. Constitution and P.G. Department Internal Committee of affiliated Law College**

The PG Departmental Internal Committee of affiliated law college –

- 1) Consisting of Consisting of all the teachers teaching to the LL.M. Programme in the Affiliated Law college,
- 2) This committee will approve the plan for the internal evaluation of LL. M. Course.
- 3) This committee will decide the norms other criterion for student from other PG colleges opting for the courses at PG Department of affiliated Law College.

## **8. Instructions for the Students:**

The students seeking admission to LL. M. Programme are hereby informed that they are supposed to adhere to the following rules:

8.1 A minimum of 75 % attendance for grant of term.

8.2 The students are supposed to attend all the Internal Assessment Activities, Workshops / Seminars / Training Programmes / Symposia / Study Tour organized by the P. G. Department of the affiliated Law College.

## **9 General Objectives of LL.M. Course**

- 1) To make the students aware of the conceptual basis, nature of the law and its formulation.
- 2) To familiarize them with the basic principles underlying each course of study.
- 3) To acquaint them with the evolutionary processes of each law in the context of social, political, economic and other factors.
- 4) To expose to the students about the subject matter in detail with the help of legislative, judicial and other materials.
- 5) To introduce them to research methodology and its practical applications.
- 6) To familiarize the students with the use of the library and to develop the capacity to search and collect reading and reference materials on a given topic.
- 7) To train the students in skills for collection of empirical data and applying the law to practical situation to study role of law in social change (practical ramification).
- 8) To develop the capacity for coherent and reasoned expression.
- 9) To encourage students to enhance their capacity to:
  - a) Interpret and evaluate law, legal processes and legal institutions.
  - b) Analyze fact situations and suggest probable legal solutions.
  - c) Evaluate societal needs and suggest viable solutions through modification in the existing

laws, processes and institutions.

10) To train them in the writing of research papers/dissertations.

### **10 Expectations of Students' Attainment:**

The students are expected to exhibit the general objective of the LL. M. Programme by –

- 1) Understanding of the basic principles in each course.
- 2) Acquaintance with up-to-date statutory, judicial and other materials.
- 3) Appreciation of leading juristic writing.
- 4) Coherent and reasoned expression.
- 5) Solution of given problems in the context of laws and principles.
- 6) Anticipation of legal solutions to evolve societal needs.
- 7) Capacity for critical appreciation of the materials studied, and ability for independent thinking.
- 8) Familiarity with the elementary rules of research methodology and practice in legal research and writing.
- 9) Understand practical implications and ramification of theoretical law with interdisciplinary approach.

### **11 University offers LL.M Degree in Five Specialized Branches of Law.**

Branch I	Science and Technology Law
Branch II	Business Law
Branch III	Constitutional and Administrative Law
Branch IV	Criminal Law
Branch V	International Law

#### **Note:**

The Principal of affiliated Law College in consultation with P.G. Department Internal Committee may offer students any specialization branch that is feasible for the college to provide.

### **12 Course Duration**

12.1 The duration of LL. M. Programme is two years. Each academic year is divided into 2 semesters (Odd and Even). The semester pattern is designed with continuous assessment system.

12.2 A student shall be granted the term for the course concerned if he/she has put in an attendance not less than 75% of the lectures and practicals (internal activities).

### **13 LL.M. Programme Structure**

13.1 The Two-year LL.M. Programme shall consist of 70 credits spread over two years and the same shall be divided into four semesters.

13.2 The First year will be divided into 2 semesters which will carry 38 credits *in toto* (Semester I

is 18 Credits and Semester - II is 20 Credits).

13.3 The Second Year will also be divided into 2 semesters and will carry 32 credits *in toto* (Semester -III is 16 Credits and Semester – IV is 16 Credits).

13.4 The Specialization shall be allotted at the time of commencement of the First Semester.

13.5 The LL.M Programme structure is as follows:

SEMESTER	SUBJECTS	CREDITS		NATURE	TOTAL CREDITS
		Theory	Practical		
Semester I	Core Paper I	3	1	Compulsory	18
	Core Paper II	3	1	Compulsory	
	Specialization Paper	3	1	Compulsory	
	Specialization Paper	3	1	Compulsory	
	Research Project	1	1	Compulsory	
Semester II	Core Paper III	3	1	Compulsory	20
	Core Paper IV	3	1	Compulsory	
	Specialization Paper	3	1	Compulsory	
	Specialization Paper	3	1	Compulsory	
	Research Project	1	1	Compulsory	
	Seminar Course	1	1	Compulsory	
Semester III	Specialization Paper	3	1	Compulsory	16
	Specialization Paper	3	1	Compulsory	
	Specialization Paper	3	1	Soft Paper	
	Soft Paper	1	1	Soft Paper	
	Seminar Course	1	1	Compulsory	
Semester IV	Soft Paper	1	1	Soft Paper	16
	Soft Paper	1	1	Soft Paper	
	Specialization Paper	3	1	Compulsory	
	Dissertation*	6	2	Compulsory	
<b>TOTAL CREDITS</b>					<b>70</b>

\* Note: The Dissertation work shall commence at the beginning of the Semester - III. However, it shall be concluded and evaluated at the end of Semester - IV.

### Explanation

- 1) **Theory:** Classroom lectures.
- 2) **Practical:** Internal assessment.
- 3) **Compulsory:** Includes core and specialization subjects as mentioned above.
- 4) **Soft Paper:** This is a paper of two credits and can be opted for by the students of any specialization. The students pursuing their Masters Programme from any other Department at the University campus can opt for this paper with the permission of the Head of the Department concerned. In case of students pursuing their Masters Programme from any other affiliated Colleges can opt for this paper with the permission of the concerned Principal of other College.
- 5) **Seminar Course:** In order to introduce the students to the recent advances in research and the recent

developments in the subject concerned, the seminar course is conducted through discussion and presentation by the students. This is done under the personal guidance of the teacher concerned.

## **Part – II**

### **STRUCTURE OF PROGRAMME**

The Basic Framework of the postgraduate syllabus for the two-year LL.M. Programme under the Choice Base Credit System applicable to the PG Department of Law Colleges affiliated to Savitribai Phule Pune University, Pune as mentioned in above Part I at para. 13 consists of Core and Soft subjects.

The subjects are as given below –

#### **1. List of papers to be offered shall be as under:**

##### **(1) List of Core Subjects**

1. Research Methodology
2. Constitutional Law
3. Law and Social Transformation in India
4. Theories of Law and Justice

##### **(2) List of Papers of Specialization and its soft papers**

###### **I. Science and Technology Law**

1. Emerging Technologies and Law - I
2. Health Law
3. Medical Ethics, Law and Human Rights
4. Cyber Law and Practice
5. Intellectual Property Law and Contemporary Trends
6. Data Protection Law and Comparative Jurisprudence
7. Food and Drug Law
8. Emerging Technologies and Law – II (Soft)
9. Biotechnology Law
10. Law of Electronic Evidence (Soft)
11. Fintech Law and Digitization of Economy (Soft)

###### **II. Business Law**

1. Banking and Finance - Law and Governance
2. E - Commerce and Consumer Protection Law
3. Competition Law and Comparative Jurisprudence
4. Law of Commercial Contracts
5. Corporate Finance
6. International Commercial Arbitration

7. Energy Law
8. Law of Economic Offences (Soft)
9. Corporate Law and Human Rights
10. Sports Law and Practice (Soft)
11. Mergers and Acquisitions – Law and Practice (Soft)

### **III. Constitutional and Administrative Law**

1. Constitutionalism and Constitutional Interpretation
2. Administrative Law
3. Comparative Constitutional Law
4. Feminist Jurisprudence and Gender Studies
5. Law, Public Policy and Governance
6. Judicial Process
7. Human Rights Law
8. Media Law (Soft)
9. Education Policy and Law
10. Tribal Development - Law, Policy and Practice (Soft)
11. Transparency Law (Soft)

### **IV. Criminal Law**

1. Principles of Criminal Law
2. Criminal Procedure: Rights, Procedures and Remedies
3. Corporate Criminal Liability and White-Collar Crimes
4. Comparative Criminal Law
5. Victimology and Victim Rights in Criminal Justice
6. Criminal Law and Technology
7. International Criminal Law and Human Rights
8. Juvenile Justice and Delinquency Prevention (Soft)
9. Principles of Evidence Law
10. Psychology and Criminal Law (Soft)
11. Sentencing and Penology (Soft)

### **V. International Law**

1. Public International Law
2. Private International Law
3. International Economic Law and Diplomacy

4. International Humanitarian Law
5. International Air & Space Law
6. International Maritime Law
7. International Environment, Energy and Climate Change Law
8. International Intellectual Property Rights Law (Soft)
9. International Human Rights Law
10. International Immigration Law (Soft)
11. Law of Treaties (Soft)

**(3) Research Project, Seminar and Dissertation**

1. Two Research Projects
2. Two Seminar Course
3. One Dissertation

**2. Medium of instruction:** English.

**3. List of papers to be offered and distribution of credits shall be as under:**

SEMESTER	CODE	SUBJECTS	CREDITS		NATURE	TOTAL CREDITS
			Theory	Practical		
Semester I	ML 101	Research Methodology	3	1	Compulsory	18
	ML 102	Constitutional Law	3	1	Compulsory	
	ML 103	Emerging Technologies and Law - I	3	1	Compulsory	
	ML 104	Health Law	3	1	Compulsory	
	ML 105	Banking and Finance - Law and Governance	3	1	Compulsory	
	ML 106	E - Commerce and Consumer Protection Law	3	1	Compulsory	
	ML 107	Constitutionalism and Constitutional Interpretation	3	1	Compulsory	
	ML 108	Administrative Law	3	1	Compulsory	
	ML 109	Research Project	1	1	Compulsory	
	ML 110	Principles of Criminal Law	3	1	Compulsory	
	ML 111	Criminal Procedure: Rights, Procedures and Remedies	3	1	Compulsory	
	ML 112	Public International Law	3	1	Compulsory	
	ML 113	Private International Law	3	1	Compulsory	
Semester II	ML 201	Law and Social Transformation in India	3	1	Compulsory	20
	ML 202	Theories of Law and Justice	3	1	Compulsory	
	ML 203	Medical Ethics Law and	3	1	Compulsory	

		Human Rights			
	ML 204	Cyber Law and Practice	3	1	Compulsory
	ML 205	Competition Law and Comparative Jurisprudence	3	1	Compulsory
	ML 206	Law of Commercial Contracts	3	1	Compulsory
	ML 207	Comparative Constitutional Law	3	1	Compulsory
	ML 208	Feminist Jurisprudence and Gender Studies	3	1	Compulsory
	ML 209	Research Project	1	1	Compulsory
	ML 210	Seminar Course	1	1	Compulsory
	ML 211	Corporate Criminal Liability and White-Collar Crimes	3	1	Compulsory
	ML 212	Comparative Criminal Law	3	1	Compulsory
	ML 213	International Economic Law and Diplomacy	3	1	Compulsory
	ML 214	International Humanitarian Law	3	1	Compulsory
Semester III	ML 301	Intellectual Property Law and Contemporary Trends	3	1	Compulsory
	ML 302	Data Protection Law and Comparative Jurisprudence	3	1	Compulsory
	ML 303	Food and Drug Law	3	1	Compulsory
	ML 304	Emerging Technologies and Law - II	1	1	Soft Paper
	ML 305	Corporate Finance	3	1	Compulsory
	ML 306	International Commercial Arbitration	3	1	Compulsory
	ML 307	Energy Law	3	1	Compulsory
	ML 308	Law of Economic Offences	1	1	Soft Paper
	ML 309	Law, Public Policy and Governance	3	1	Compulsory
	ML 310	Judicial Process	3	1	Compulsory
	ML 311	Human Rights Law	3	1	Compulsory
	ML 312	Media Law	1	1	Soft Paper
	ML 313	Seminar Course	1	1	Compulsory
	ML 314	Victimology and Victim Rights in Criminal Justice	3	1	Compulsory
	ML 315	Criminal Law and Technology	3	1	Compulsory
	ML 316	International Criminal Law and Human Rights	3	1	Compulsory
ML 317	Juvenile Justice and Delinquency Prevention	3	1	Soft	
ML 318	International Air & Space Law	3	1	Compulsory	
ML 319	International Maritime	3	1	Compulsory	

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		Law				
	ML 320	International Environment, Energy and Climate Change Law	3	1	Compulsory	
	ML 321	International Intellectual Property Rights Law	3	1	Soft	
Semester IV	ML 401	Biotechnology Law	3	1	Compulsory	16
	ML 402	Law of Electronic Evidence	1	1	Soft Paper	
	ML 403	Fintech Law and Digitization of Economy	1	1	Soft Paper	
	ML 404	Corporate Law and Human Rights	3	1	Compulsory	
	ML 405	Sports Law and Practice	1	1	Soft Paper	
	ML 406	Mergers and Acquisitions - Law and Practice	1	1	Soft Paper	
	ML 407	Education Policy and Law	3	1	Compulsory	
	ML 408	Tribal Development - Law, Policy and Practice	1	1	Soft Paper	
	ML 409	Transparency Law	1	1	Soft Paper	
	ML 410	Dissertation*	6	2	Compulsory	
	ML 411	Principles of Evidence Law	3	1	Compulsory	
	ML 412	Psychology and Criminal Law	1	1	Soft	
	ML 413	Sentencing and Penology	1	1	Soft	
	ML 414	International Human Rights Law	3	1	Compulsory	
	ML 415	International Immigration Law	1	1	Soft	
	ML 416	Law of Treaties	1	1	Soft	
<b>TOTAL CREDITS (For 2 years)</b>						<b>70</b>

**\* Note:**

The Dissertation work shall commence at the beginning of the Third Semester. However, it shall be concluded and evaluated at the end of Fourth Semester.

## **Part – III**

### **EXAMINATION PATTERN**

**(Internal and External examinations)**

#### **1. Evaluation of Students:**

##### **1.1 General**

- 1) A student cannot appear for semester end examination unless he/she has maintained 75% attendance in the term.
- 2) Each credit will be evaluated for 25 Marks.
- 3) Each credit will be equivalent to 15 clock hours of teaching.
- 4) Credit is a unit by which the course work is measured. It determines the number of hours of instructions required per week.
- 5) The P. G. Department of affiliated Law College shall announce Seminar Courses to introduce students to recent advances in research. Seminar Course credits are to be conducted through discussion and presentation by the student and personal guidance by the teacher. Seminars shall not exceed a maximum of two credits. The Principal in consultation with P.G. Department Internal Committee of affiliated Law College, will announce Seminar Courses activities.

##### **1.2 Score of Credits**

- 1) The Course having 4 credits shall be evaluated for 100 marks and students should secure at least 40 marks (40%) to earn full credit of that course.
- 2) The Course having 2 credits shall be evaluated for 50 marks and students should secure at least 20 marks (40%) to earn full credit of that course.
- 3) The Internal and External examinations will have equal weight of 50% each.
- 4) A Student must obtain marks in Internal and External examinations with minimum passing of 40% in both examinations separately.
- 5) A student cannot register for the third/fourth semester, if she/he fails to complete 50% credits of the total credits expected to be ordinarily completed within the first and second semesters.
- 6) To pass in a course of 4 credits, a student must secure minimum 40 marks, provided that he should secure minimum 20 marks in External University Evaluation (EUE) and 20 marks in Internal Continuous Assessment (ICA).
- 7) To pass in a course of 2 credits, a student must secure minimum 20 marks.
- 8) To pass in dissertation activity, a student must secure minimum 80 marks.
- 9) There shall be a revaluation of the answer scripts of External Examination but not of Internal Assessment as per Ordinance No. 134A & B of the University.
- 10) While marks are given for all internal and external examinations, they will be converted into

grades by the University Exam Section. Semester end grade sheets will have only grades and final grade sheets and transcripts shall have grade points average and total percentage of marks.

### **1.3 Fail to get the required score of Credits**

- 1) In case student fails in internal assessment he/she can still be permitted to appear for external examination. However, final result of such student would be “Failed” in that subject.
- 2) If a student gets an F grade in any course, they can reattempt it with both internal assessment (if offered in that semester) and external examination, or only the external examination (if they have scored at least 20 marks in internal assessment), in the next external exam.
- 3) Student who has cleared the Internal Assessment but failed in the semester end exam may reappear for the semester end exam in the subsequent period.
- 4) Student who has cleared the Internal Assessment but failed in the semester end exam and who wants to improve performance in the internal assessment, may be permitted to register again by paying tuition fees for the course when that course is being offered.
- 5) In case a student fails to earn the minimum number of credits required for obtaining a degree within the stipulated period of 4 years, then such a student will be declared as an INCOMPLETE EXIT and in such a case the student can seek a fresh admission as per the admission rules prevailing at that time.

### **1.4 Award of Grade**

Grades will be awarded from Grade Point Average (GPA) of the credits.

### **1.5 External Examination**

1.5.1 External Examination for the 50% marks will be conducted by the Savitribai Phule Pune University, Pune.

1.5.2 The External examination programme will be scheduled separately for affiliated Law Colleges as per the notifications and guidelines issued by the BoE, SPPU, Pune.

### **1.6 Internal Examination:**

Internal assessment for each course would be continuous and dates for each tutorials/tests etc. will be pre-notified in the timetable for teaching or placed separately as a part of timetable. The affiliated Law College Internal Assessment Committee will coordinate this activity as per their separate schedule.

## **2. Internal Assessment:**

- 1) It is a continuous evaluation process.
- 2) Assessment of internal work will be conducted before conducting External Examination.
- 3) Assessment of internal work will be evaluated by the concerned subject teacher or any other teacher appointed by the Principal of the affiliated Law College.
- 4) The dissertation will be evaluated by one internal and one external examiner.

### 3. Criterion of Internal assessment for each paper

It shall be based on the following criteria –

**3.1** Longish Term Paper – The student has to submit two Longish Term Papers as mentioned below:

- a) For First semester which consists of four theory papers, a student has to submit two Longish Term Papers – one on Research Methodology and one among two specialization subjects.
- b) In the same manner, for Second semester which consists of four theory papers, a student must submit two Longish Term Papers - one on Law and Social Transformation in India and one among two specialized subjects.
- c) A student for the remaining two theory papers in each First and Second Semester has to submit seminar papers which will be followed by seminar paper oral presentation.

**3.2** Tutorials, Assignments Group Discussion / An Open Book Test/ Library Research Work/ Extension Work - Maximum 5 on each subject

**3.3** Internal written Test – 1 on each subject.

**3.4** Viva voce – 1 on each subject

### 4. Setting of Question Paper

- 1) The question papers for end-semester examinations of Core and Specialization (compulsory) theory courses in affiliated Law Colleges will be set by the Board of Examinations (BoE), Savitribai Phule Pune University (SPPU), Pune.
- 2) The centralized assessment for theory papers will be done as per the University instructions for the affiliated Law Colleges.

### 5. Assessment Structure

#### 5.1 Division of Four credits

Each paper of four credits is divided as under –

Sr. No.	Activity	Marks
1	External Assessment	50
2	Internal Assessment	50
Total		100

#### 5.1.1 The External Assessment of 50 marks shall be as mentioned below –

Total Marks	Duration For External Examination for 50 marks paper	Total Number of questions	Question to be attempted
50	2 hours	06	04

**Question Paper Pattern for End-Semester University External Examination (50 Marks):**

The question paper of each subject shall be as under:

- 1) The question paper for each subject will have six questions.
- 2) Students must answer any three out of the first five questions, each carrying 12 marks.
- 3) Question six is compulsory, and students must answer any two out of four sub-questions, each carrying 7 marks.

**Note:** The question paper pattern given herein may be changed or altered depending on the nature of subject. The question paper pattern given herein may also be changed or altered by the University at any time without prior information to the students.

**5.1.2 The Internal Assessment of 50 marks –**

Sr. No.	Activity	Marks
1	Longish Term Paper (LTP) / Seminar Presentation	10
2	Tutorial, Assignments Group Discussion / An Open Book Test/ Library Research Work/ Extension Work	10
3	Internal written test	20
4	Viva voce	10
	<b>Total</b>	<b>50</b>

**6. Two credits Course**

Two-credit courses will not have a written examination and will be evaluated as per the pattern given below–

**6.1 Division of two credits of Research Project and Seminar Course**

Each paper of two credits is divided as under –

Sr. No.	Activity	Marks
1	Internal Assessment	25
2	External Assessment	25
	<b>Total</b>	<b>50</b>

**6.1.1 Research Project and its assessment as mentioned below -**

The Method of Assessment of Research Project for 50 marks for the –

- 1) 1 Research Project on Research Methodology (Sem. - I), and
- 2) 1 Research Project on Specialization Subject (Sem. - II)

Sr. No.	Activity	Marks
1	Internal Assessment - Submission of Research Project Report	25
2	External Assessment - Viva Voce on the Research Project	25
Total		50

**Note:** The teacher concerned will assign the research project to the students.

### 6.1.2 Seminar Course and its assessment as mentioned below -

The Method of Assessment of for 50 marks for the –

- 1) 1 Seminar Course on Specialization Subject (Sem. – II), and
- 2) 1 Seminar Course on Specialization Subject (Sem. – III)

Sr. No.	Activity	Marks
1	Internal Assessment - Submission of Seminar Paper	25
2	External Assessment – Presentation on the Seminar Paper	25
Total		50

**Note:** The subject teacher will assign seminar topics to the students.

### 6.2 Division of two credits of Soft Papers under group of specialization and its assessment as mentioned below -

Each paper of two credits is divided as under –

Sr. No.	Activity	Marks
1	Open Book Test	25
2	Viva voce on the syllabus	25
Total		50

### 7. Dissertation Activity

The dissertation will carry 6 credits for written work and 2 credits for viva voce, making a total of 8 credits. The viva voce will be conducted by a panel including the Head of the LL. M. Department of Affiliated Law College, the Guide, and an External Examiner appointed by the Principal of the Affiliated Law College.

### 8. Assessment and Grade point average

The system of evaluation will be as follows –

- 1) Each internal assessment and External Examination will be evaluated in terms of marks. The marks for internal assessment and External Examination will be added together and then converted into a grade and later a grade point average.
- 2) Results will be declared for each semester.

- 3) After securing of minimum number of credits towards completion of a PG programme, a student will get a grade sheet with total grades earned and a grade point average.
- 4) Marks/Grade/Grade Point

Marks/	Grade	Grade Point
80-100	O: Outstanding	10
70-79	A+: Excellent	9
60-69	A: Very Good	8
55-59	B+: Good	7
50-54	B: Above Average	6
45-49	C: Average	5
40-44	P: Pass	4
0-39	F: Fail	0
-	Ab: Absent	0

#### 9. Cumulative Grade Point Average

$$= \frac{\text{Total of Grade Points Earned for a course X Credit hrs for each course}}{\text{Total Credits Hours}}$$

$$\text{CGPA} = \frac{\sum_{i=1}^n P_i \times C_i}{\sum_{i=1}^n C_i}$$

Where,

n = Total number of courses

P= Grade points earned in i<sup>th</sup> course

C= Number of credits in i<sup>th</sup> course

**10.** The formula for CGPA will be based on weighted average as mentioned above. The final CGPA will not be printed unless a student passes courses equivalent to the requisite number of credits for the concerned degree.

**11. Final Grade:** - A ten point grade system shall be (UGC Circular, vide D. O. No. F. 1-1/2014 (Secy) dated 12<sup>th</sup> November 2014) as mentioned below -

Final GPA	Final Grade
09.00-10.00	O
08.50-08.99	A+
07.50-08.49	A
06.50-07.49	B+
05.50-06.49	B
04.25-05.49	C

04.00-04.24	P
00.00-03.99	F

12. If the CGPA is higher than the indicated upper limit in the three decimal digits, then the student be awarded higher final grade (e.g. a student getting CGPA of 8.492 may be awarded 'A+' grade).

13. While declaring the result, ordinances O2 (grace for getting a higher grade) and O4 (grace marks for passing in case a student has failed in only one head of passing) are applicable. There is also a provision for verification and reevaluation. In case of verification, the existing rules will be applicable. The reevaluation result will be adopted if there is a change of at least 10% marks and in the grade of the course.

14. The formula for conversion of CGPA to percentages is given in the following table.

Grade	CGPA Range	Formula
O	09.00-10.00	20 x CGPA - 100
A+	08.50-08.99	20 x CGPA - 100
A	07.50-08.49	10 x CGPA - 15
B+	06.50-07.49	5 x CGPA + 22.5
B	05.50-06.49	5 x CGPA + 22.5
C	04.25-05.49	4 x CGPA + 28
P	04.00-04.24	20 x CGPA - 40

**Note: The description for the grades is as follows:**

**1) O: Outstanding: Excellent analysis of the topic, (80% and above)**

Accurate knowledge of the primary material, wide range of reading, logical development of ideas, originality in approaching the subject, Neat and systematic organization of content, elegant and lucid style;

**2) A+: Excellent: Excellent analysis of the topic (70 to 79%)**

Accurate knowledge of the primary material, acquaintance with seminal publications, logical development of ideas, Neat and systematic organization of content, effective and clear expression;

**3) A: Very Good: Good analysis and treatment of the topic (60 to 69%)**

Almost accurate knowledge of the primary material, acquaintance with seminal publications, logical development of ideas, Fair and systematic organization of content, effective and clear expression;

**4) B+: Good: Good analysis and treatment of the topic (55 to 59%)**

Basic knowledge of the primary material, logical development of ideas, Neat and systematic organization of content, effective and clear expression;

**5) B: Above Average: Some important points covered (50 to 54%)**

Basic knowledge of the primary material, logical development of ideas, Neat and systematic organization of content, good language or expression;

**6) C: Average: Some points discussed (45 to 49%)**

Basic knowledge of the primary material, logical development of ideas, Neat and systematic organization of content, good language or expression;

**7) P: Pass: Any two of the above (40 to 44%)**

**8) F: Fail: None of the above (0 to 39%)**

**15.** Every student registered for PG Course has to pass ten credits (Human Rights Education – 2 Credits, Cyber Security – 4 Credits and Skill Development – 4 Credits) as per UGC rules, Performance in these credits will not be considered for calculation of CGPA.

## **Part – IV**

### **DETAIL SYLLABUS**

#### **I. CORE SUBJECTS**

##### **RESEARCH METHODOLOGY**

**(ML 101)**

**CREDITS - 4 (COMPULSORY)**

#### **COURSE OBJECTIVES**

The main objective of this course is to acquaint the students of law with the scientific methods of Social Science research. The course is expected to provide the knowledge, technique of selection, collection and interpretation of primary and secondary data in Socio-Legal research. Emphasis is given on equipping students to gain the theoretical knowledge which will be the foundation for practical implementation of conducting research in the legal field.

#### **LEARNING OUTCOMES**

- The course is designed in a way which will enable the students to get a deeper knowledge of know-how of legal research methodology and the methods for conducting Socio- Legal research.
- Students will also develop a scientific approach to Socio-Legal problems and the nuances of methods and ways in which the problems can be addressed. The students will also learn various concepts in legal research, their applicability and the possible use of methods involved in conducting legal research and the manner in which research is presented.

#### **MODULE I - SCIENTIFIC RESEARCH - CHARACTERISTICS, TYPES AND METHODS**

- a. The Science of Research and Scientific Methodology
- b. Characteristics of Scientific Methodology - Theory, Concepts, Facts, Definition, Variables
- c. Application of Scientific Method to the Study of Socio-legal Phenomena
- d. Empiricism (Positivism) v. Philosophical Approach
- e. Aims of Social Research

- f. Steps in Scientific Research
- g. Difference Between Scientific and Normative Research
- h. Types of Scientific Research
- i. Methods of Scientific Research

## **MODULE II - RESEARCH DESIGN**

- a. Meaning of Research Design
- b. Need of Research Design
- c. Features of a Good Research Design
- d. Variables and Types of Variables - Dependent and Independent Variables, Extraneous Variables, Confounded Relationship etc.

## **MODULE III - DOCTRINAL AND NON-DOCTRINAL LEGAL RESEARCH**

- a. Concept of Doctrinal and Non-Doctrinal Legal Research
- b. Advantages and Disadvantages of Doctrinal and Non-Doctrinal Legal Research
- c. Relevance and Significance of Doctrinal and Non-Doctrinal Legal Research

## **MODULE IV - PROBLEM IDENTIFICATION AND DEVELOPING RESEARCH QUESTIONS AND HYPOTHESIS**

- a. Definition, Identification and Selection of Research Problem
- b. Sources of Selecting Research Problem
- c. Formulation of Research Questions
- d. Hypothesis - Meaning, Importance and Types
- e. Formulation of Hypothesis

## **MODULE V - TOOLS AND TECHNIQUES OF RESEARCH**

- a. Observation - Meaning, Characteristics, Purpose and Types
  - i. Factors Affecting Choice of Observation
  - ii. Recording of Observation
  - iii. Observation Schedule
  - iv. Merits and Limitations of Observation
- b. Interview Method - Meaning, Functions, Characteristics and Types
  - i. Conditions for a Successful Interview
  - ii. Relationship between the Interviewer and the Respondent

- iii. Process of Interview
- iv. Merits and Limitations of Interview
- c. Questionnaire Method - Meaning and Types
  - i. Arranging Sequence of the Questions
  - ii. Pitfalls in Question Construction
  - iii. Steps in Questionnaire Construction
  - iv. Merits and Limitations of Questionnaire
- d. Case Study Method - Meaning, Characteristics, Purpose and Types
  - i. Sources of Data Collection for Case Studies
  - ii. Planning the Case Study
  - iii. Uses and Limitations of Case Study Method
- e. Content Analysis
- f. Inductive and Deductive Methods

#### **MODULE VI - SAMPLING TECHNIQUES**

- a. Sampling Technique - Concept, Purpose and Principles
- b. Advantages and Utility of Sampling Techniques in Legal Research
- c. Types of Sampling Techniques
  - i. Non-Probability Sampling - Concept, Types and Examples
  - ii. Probability Sampling - Concept, Types and Examples
- d. Sampling Errors

#### **MODULE VII - USE OF INFORMATION COMMUNICATION TECHNOLOGY IN LEGAL RESEARCH**

- a. Database Use - Google Scholar, Jstor, ResearchGate etc.
- b. Microsoft Word
- c. Microsoft Excel
- d. Zotero Software
- e. LaTeX - Document Preparation Software

#### **MODULE VIII - REPORT WRITING**

- a. Legislative Review and Case Comment
- b. Book Review and Judgement Analysis
- c. Research Report and Techniques of Writing Research Work

- d. Research Ethics and its Importance in Legal Research
- e. Plagiarism and Types of Plagiarism
- f. Citation Methodology and Various Citation Styles in Legal Research

## **SUGGESTED**

### **READING BOOKS**

1. Ram Ahuja, *Research Methods*, Reprint 2014.
2. Robert Watt and Francis Johns, *Concise Legal Research*, 6th Edn. 2012, Sydney.
3. Rattan Singh, *Legal Research Methodology*, 2nd Edn. 2016.
4. C. R. Kothari and Gaurav Garg, *Research Methodology Methods and Techniques*, 3rd Edn. 2014.
5. K. R. Sharma, *Research Methods*, Vol. 2, 2019.
6. Goode and Hatt, *Methods in Social Research*
7. Prof (Dr) Khushal Vibhute & Filipos Aynalem *Legal Research Methods*
8. Pauline Young, *Scientific Social Surveys and Research*
9. Ramachandran, T. P “*The Methodology of Research in Philosophy*” Madras University of Madras, 1984.
10. S.R. Myneni “*Legal Research Methodology*”
11. Manoj Kumar Sinha and Deepa Kharb, “*Legal Research Methods*” LexisNexis 2016.
12. P M Bakshi “*Legal Research and Law Reform*” VOL 24, ILI 1982.
13. T S Wilkinson & P L Bhandarkar “*Methodology and Techniques of Social Research*” (Himalaya Publishing House, Mumbai, 16th edn, Reprint 2005),
14. Morris R Cohen & Ernest Nigel, *An Introduction to Logic and Scientific Method* (HarCourt, Brace, New York, 1934).
15. S. K. Verma and Justice (R) Fazal Karim “*Legal Research Methodology*” Indian Law Institute, 2<sup>nd</sup> Edition Reprint 2010.

### **JOURNALS / ARTICLES**

1. Siems, Mathias M., and Daithí mac Síthigh. “MAPPING LEGAL RESEARCH.” *The Cambridge Law Journal*, vol. 71, no. 3, Cambridge University Press, 2012, pp. 651–76, <http://www.jstor.org/stable/41819933>.
2. Sharma, R. N., and S. Bakshi. “RESEARCH METHODOLOGY AND LEGAL RESEARCH A SELECT BIBLIOGRAPHY.” *Journal of the Indian Law Institute*, vol. 24, no. 4, Indian Law Institute, 1982, pp. 875–85, <http://www.jstor.org/stable/43950847>.

3. Jain, S. N. "LEGAL RESEARCH AND METHODOLOGY." *Journal of the Indian Law Institute*, vol. 14, no. 4, Indian Law Institute, 1972, pp. 487–500, <http://www.jstor.org/stable/43950155>.
4. Siems, Mathias M. "Legal Originality." *Oxford Journal of Legal Studies*, vol. 28, no. 1, Oxford University Press, 2008, pp. 147–64, <http://www.jstor.org/stable/20185364>.
5. Zeisel, Hans. "Methodological Problems and Techniques in Sociological Research." *Law & Society Review*, vol. 2, no. 3, [Wiley, Law and Society Association], 1968, pp. 504–08, <https://doi.org/10.2307/3052905>.
6. Roberts, Paul. "Interdisciplinarity in Legal Research." *Research Methods for Law*, edited by Mike McConville and Wing Hong Chui, Edinburgh University Press, 2017, pp. 90–133, <http://www.jstor.org/stable/10.3366/j.ctt1g0b16n.10>.
7. Mark Von Hoeke, *Methodology of Comparative Legal Research*, 2015, Law and Method, [Methodology of Comparative Legal Research · Law and Method · BJU Tijdschriften](#)
8. Daintith, Terence. "Legal Research and Legal Values." *The Modern Law Review*, vol. 52, no. 3, [Modern Law Review, Wiley], 1989, pp. 352–68, <http://www.jstor.org/stable/1096306>.
9. Chui, Wing Hong. "Quantitative Legal Research." *Research Methods for Law*, edited by Wing Hong Chui and Mike McConville, Edinburgh University Press, 2017, pp. 48–71, <http://www.jstor.org/stable/10.3366/j.ctt1g0b16n.8>.
10. Sharma, S. L. "IDENTIFICATION AND FORMULATION OF RESEARCH PROBLEM." *Journal of the Indian Law Institute*, vol. 24, no. 2/3, Indian Law Institute, 1982, pp. 662–68, <http://www.jstor.org/stable/43952229>.

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**CONSTITUTIONAL LAW**  
**(ML 102)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This advanced Constitutional Law course aims to provide LL.M. students with a comprehensive understanding of the Indian Constitution, its historical development, fundamental principles, and contemporary interpretations. The course objectives include fostering critical analysis of constitutional provisions and landmark judicial decisions, examining governmental structures and functions, evaluating fundamental rights, and exploring key constitutional doctrines.

**LEARNING OUTCOMES:**

Course Outcome: By the end of the course, students are expected to:

1. Demonstrate a nuanced grasp of the Indian constitutional framework and its evolving interpretations.
2. Critically analyse complex constitutional issues, evaluate the functioning of Indian federalism, and assess the balance of power among governmental branches.
3. Develop advanced research and analytical skills, enabling them to construct well-reasoned legal arguments on constitutional matters both orally and in writing.
4. Examine contemporary constitutional challenges, compare Indian constitutional principles with international standards, and apply their knowledge to real-world legal and policy problems.
5. Cultivating their ability to contribute meaningfully to academic and public discourse on constitutional matters.]

**MODULE I – FUNDAMENTAL RIGHTS AND CONSTITUTIONAL REMEDIES**

- a. Right to Equality (Articles 14-18)
- b. Right to Freedoms (Article 19-22)
- c. Right against Exploitation (Articles 23-24).
- d. Right to Freedom of Religion, and Cultural and Educational Rights (Articles 25-28 and Articles 29-30)
- e. Right to Constitutional Remedies (Article 32) and Public Interest Litigation
- f. Basic structure Doctrine

**MODULE II – DIRECTIVE PRINCIPLES AND FUNDAMENTAL DUTIES**

- a. Nature and scope of Directive Principles - Concept and classification of directive principles
- b. Relationship between fundamental rights and directive principles, Judicial interpretation and

enforceability.

- c. Significance and list of fundamental duties.
- d. Judicial interpretation and enforcement.

### **MODULE III – FEDERALISM, DISTRIBUTION OF POWERS AND DECENTRALIZATION**

- a. Federalism in India - Concept and significance
- b. Legislative relations between Union and State (Articles 245-255)
- c. Administrative relations between Union and State (Articles 256-263)
- d. Financial relations between Union and States (Articles 264 – 290A)
- e. Finance Commission and its Role.

### **MODULE IV – STRUCTURE AND FUNCTIONING OF GOVERNMENT**

- a. Union Government - President and Vice President: Powers and functions.
- b. Council of Ministers and Prime Minister, Attorney General of India.
- c. State Government - Governor: Powers and functions.
- d. Chief Minister and Council of Ministers, Advocate General of the State.

### **MODULE V – LEGISLATURE AND LEGISLATIVE PROCESS**

- a. Parliament: Bicameralism and functioning of Rajya Sabha and Lok Sabha, Structure, powers, and functions, Legislative process and privileges,
- b. State Legislatures - State Legislature: Structure, powers, and functions, Role and significance of Legislative Councils.
- c. Legislative procedures and procedures of passing of legislative bills

### **MODULE VI – JUDICIARY AND JUDICIAL REVIEW**

- a. Supreme Court of India - Composition and jurisdiction, Powers and functions, Appointment of judges and judicial independence.
- b. High Courts - Composition and jurisdiction, Powers and functions,
- c. Subordinate judiciary and its functioning.

### **Recommended Readings:**

1. M.P. Jain, Indian Constitutional Law, LexisNexis
2. D.D. Basu, Constitutional Law of India, LexisNexis
3. H.M. Seervai, Constitutional Law of India, N M Tripathi
4. Granville Austin, The Indian Constitution: Cornerstone of a Nation, Oxford University Press
5. Arvind Datar, Commentary on Constitution of India, Lexis Nexis

6. Sujit Chaudhry, et al, The Oxford Handbook of the Indian Constitution, Oxford University Press.
7. Upendra Baxi, "The Indian Supreme Court and Politics"
8. S.P. Sathe, "Judicial Activism in India"
9. Pratap Bhanu Mehta, "The Burden of Democracy"
10. Recent articles from reputed law journals

# **LAW AND SOCIAL TRANSFORMATION IN INDIA**

**(ML 201)**

**CREDITS - 4 (COMPULSORY)**

## **COURSE OBJECTIVES**

This course is designed with an objective to acquaint the students with the understanding of Law as a tool for Social Transformation. This course will also enhance the students' understanding of Indian models of social order as envisaged by various Indian Social thinkers from legal perspective. Further, this course will facilitate the students to examine various legal frameworks as well as the functional aspects of the other valuable measures such as public opinion, development and contributions of legal scholars, eminent social activists and Non-Governmental organisations that brought about social transformation in India.

## **LEARNING OUTCOMES**

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

1. Enhance the understanding of different dimensions of law as a tool of social change
2. Identify other tools of social transformation particularly in Indian context
3. Channelize existing knowledge to understand processes involved in bringing social transformation in India
4. Understand the various reforms that have taken place due to certain judicial and democratic processes in India

## **MODULE I - LAW AND SOCIAL CHANGE**

- a. Law as an Instrument of Social Change - Definitions of Law, The Binding Force of Law and Sanctions
- b. Law as the Product of Traditions and Culture
- c. Evaluation of Law in the Light of Colonization and the Introduction of Common Law System and Institutions in India

## **MODULE II – LAW AND PUBLIC OPINION**

- a. Meaning of Public Opinion
- b. Manifestation of Public Opinion: Religion, Language, Regionalism and Nationalism
- c. Relationship between Law and Public Opinion
- d. Rule of Law and Public Opinion: A.V. Dicey's Views
- e. Public Opinion and International Law

### **MODULE III – DEVELOPMENT OF LAW FOR PROTECTION OF VULNERABLE AND DISADVANTAGED GROUPS**

- a. Protective Discrimination: Scheduled Castes, Scheduled Tribes and Backward Classes Reservation, Status of Persons with Disability, Status of Senior Citizens, Statutory Commissions and Statutory Provisions
- b. Crimes Against Women, Gender Justice and Empowerment of Women: Constitutional and Other Legal Provisions
- c. Children and the Law - Child Labour, Sexual Exploitation, Adoption and Related Problems, Access to Education

### **MODULE IV - SOCIAL TRANSFORMATION AND DEMOCRATIC PROCESS**

- a. Political Parties: Constitutional and Legal Position
- b. Problems in the Functioning of Political Parties – Corruption, Nexus with Anti-social Elements and Inner Party Democracy
- c. Role of the Election Commission and Electoral Reforms
- d. Democratic Decentralization and Role of Local Self-Government

### **MODULE V – LAW AND DEVELOPMENT**

- a. Law and Development: Conceptual Evolution
- b. Rule of Law and Development
- c. Right to Development as a Human Right
- d. Modernisation as a Value: Constitutional Perspectives Reflected in the Fundamental Duties, Modernisation of Social Institutions through Legal Reforms
- e. Agrarian Reforms: Industrialisation of Agricultural Sector
- f. Industrial Reforms: Free Enterprise and State Regulation, Industrialisation and Environmental Protection
- g. Sustainable Development and Law

### **MODULE VI – ADDITIONAL VALUABLE CONTRIBUTIONS TOWARDS SOCIAL TRANSFORMATION**

- a. Socio-Economic Justice: Views of Dr. B. R. Ambedkar

- b. The Role of Law Commission in Transforming the Law in India
- c. Role of Media in Social Transformation
- d. Role of Non-Governmental Organizations and Social Activists in Social Transformation
- e. Role of Legal Scholars in Social Transformation

## **SUGGESTED READING**

### **BOOKS**

1. Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford
2. Robert Lingat, *The Classical Law of India* (1998), Oxford.
3. U. Baxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.
4. U. Baxi (ed.), *Law and Poverty Critical Essays* (1988). Tripathi, Bombay.
5. Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.
6. Speech of Dr. B. R. Ambedkar in CAD on 4<sup>th</sup> Nov. 1948
7. H.M. Seervai, *Constitutional Law of India* (1996), Tripathi.
8. Sunil Deshta and Kiran Deshta, *Law and Menace of Child Labour* (2000) Armol Publications, Delhi.
9. Savitri Gunasekhare, *Children, Law and Justice* (1997), Sage Indian Law Institute, *Law and Social Change: Indo-American Reflections*, Tripathi (1988)
10. M.P. Jain, *Outlines of Indian Legal History*, (1993), Tripathi, Bombay.
11. Agnes, Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999), Oxford
12. J Sai Deepak “*India, That Is Bharat: Coloniality, Civilisation, Constitution*” Bloomsbury India, First Ed, 2021.
13. Abhinav Chandrachud “*Republic of Religion: The Rise and Fall of Colonial Secularism in India*” Penguin Wiking, 2020.
14. Rohit De “*A People's Constitution the Everyday Life of Law in the Indian Republic*” Princeton University Press, 2018.
15. The Oxford Handbook on Law and Development- Online Edition

### **JOURNALS / ARTICLES**

1. Ramachandran, Mallika. Journal of the Indian Law Institute, vol. 55, no. 3, Indian Law Institute, 2013, pp. 393–98, <http://www.jstor.org/stable/43953679>.

2. Singh, Ranbir. *Journal of the Indian Law Institute*, vol. 56, no. 1, Indian Law Institute, 2014, pp. 106–09, <http://www.jstor.org/stable/43953692>.
3. Scharioth, Klaus. “LAW AND DEVELOPMENT IN INDIA.” *Journal of the Indian Law Institute*, vol. 17, no. 1, Indian Law Institute, 1975, pp. 57–75, <http://www.jstor.org/stable/43952932>.
4. Studdert-Kennedy, Gerald. “Social Change and Political Discourse in India.” *Economic and Political Weekly*, vol. 31, no. 6, Economic and Political Weekly, 1996, pp. 326–29, <http://www.jstor.org/stable/4403768>.
5. Mahmood, Tahir. “LAW AND SOCIAL DEVELOPMENT IN INDIA AND AFGHANISTAN: A COMPARATIVE PERSPECTIVE.” *Journal of the Indian Law Institute*, vol. 16, no. 2, Indian Law Institute, 1974, pp. 229–42, <http://www.jstor.org/stable/43950357>.
6. Kumari, Anita, and Pratikalpa Sharma. “Social Responsibility and Legal Education in India: A Study in Special Reference to National Law Universities.” *Socially Responsible Higher Education: International Perspectives on Knowledge Democracy*, edited by Budd Hall and Rajesh Tandon, Brill, 2021, pp. 153–68, <http://www.jstor.org/stable/10.1163/j.ctv1v7zbn5.19>.
7. Singh, Ranbir. “THE MARCH OF LAW IN INDIA-THE LONG ROAD FROM OPPRESSION TO JUSTICE.” *Journal of the Indian Law Institute*, vol. 59, no. 3, Indian Law Institute, 2017, pp. 288–301, <https://www.jstor.org/stable/26826608>.
8. Sen, Sunanda. “Indentured Labour from India in the Age of Empire.” *Social Scientist*, vol. 44, no. 1/2, Social Scientist, 2016, pp. 35–74, <http://www.jstor.org/stable/24890231>.
9. Das, Lalatendu Keshari. “Social Movements–Judicial Activism Nexus and Neoliberal Transformation in India: Revisiting Save Chilika Movement.” *Sociological Bulletin*, vol. 67, no. 1, Indian Sociological Society, 2018, pp. 84–102, <http://www.jstor.org/stable/26625729>.
10. Mendelsohn, Oliver. “The Transformation of Authority in Rural India.” *Modern Asian Studies*, vol. 27, no. 4, Cambridge University Press, 1993, pp. 805–42, <http://www.jstor.org/stable/312832>.

**THEORIES OF LAW AND JUSTICE**  
**(ML 202)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

This paper will help students to understand fundamental questions of Law and Justice. This course will enable the students to understand the basic foundations of Law, the manner in which Law is justified, the relationship between Law and Morality and Law and Justice. Various theories of Law and Justice are explored in this syllabus. This course will also introduce students with Western and Ancient Indian jurisprudential theories of Law and Justice. It will also construct a sound theoretical foundation of various legal systems which will develop a pragmatic approach of the students towards the understanding of various dimensions of Law and Justice.

**LEARNING OUTCOMES**

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

- Demonstrate an advanced and integrated understanding of the political, social, historical, philosophical, and economic context of law.
- Engage in identification, articulation and critical evaluation of legal theory and its implications for policy.
- Critically analyse and research the contemporary complex social, legal and political problems and make reasoned and appropriate choices amongst alternatives.

**MODULE I - NATURAL LAW TRADITION IN JURISPRUDENCE**

- a. Natural Law Tradition in Greek Philosophy
- b. Reception of Natural Law in Rome
- c. Pre-Renaissance Medieval Conception of Natural Law
- d. Natural Rights and Social Contract: Rise of Secular Natural Law
- e. John Finnis' Restatement of Classical Natural Law
- f. Understanding Lon Fuller's Natural Law Theory

**MODULE II - LEGAL POSITIVISM**

- a. Positivism and Legal Positivism
- b. Jeremy Bentham: Law and Principle of Utility

- c. John Austin's Command Theory of Law
- d. H.L.A Hart: Law as Primary and Secondary Rules
- e. Hans Kelsen's Pure Theory of Law

### **MODULE III - SOCIOLOGICAL JURISPRUDENCE AND SOCIOLOGY OF LAW**

- a. Society and Class Struggle: The Sociology of Karl Marx
- b. Max Weber and the Rationalisation of Law
- c. Emile Durkheim's Legal Sociology
- d. Roscoe Pound's Idea of Social Engineering

### **MODULE IV - REALISM IN LEGAL THEORY**

- a. American Legal Realism
  - i. Oliver Wendell Holmes Jr.
  - ii. Karl Llewellyn
  - iii. Jerome Frank
- b. Scandinavian Legal Realism
  - i. Alex Hagerstrom
  - ii. Alf Ross
- c. Indian Legal Realism

### **MODULE V - MODERN CRITICAL PERSPECTIVES**

- a. Critical Legal Studies
- b. Postmodernism: Deconstruction of Law
- c. Feminist Legal Theory

### **MODULE VI - CONCEPT OF JUSTICE**

- a. Justice according to Law and Justice of the Law
- b. Concept of *Dharma* in Indian Thought
- c. *Dharma* as a Foundation of Legal Ordering
- d. Justice as a Virtue
- e. Legal Justice and Remedial Justice
- f. Distributive Justice

- g. Justice as Fairness: John Rawls' Theory of Justice
- h. Entitlement Theory of Justice: Robert Nozick's Response to Rawls
- i. Amartya Sen's Idea of Justice
- j. Martha Nussbaum's Theory of Justice

## **SUGGESTED READING**

### **BOOKS**

1. Prof. Dr. Dilip Ukey, *The Jurisprudence of Legal Theory*, First Edition, 2020.
2. Michael Sandel, *Justice: What's The Right Thing To Do?*, 2008.
3. Suri Ratnapala, *Jurisprudence*, Cambridge university Press, 2009.
4. Raymond Wacks, *Understanding Jurisprudence: An Introduction to Legal Theory*.
5. W. Friedman, *Legal Theory*, Universal Law Publication co, 2013(Indian Reprint)
6. Julius Stone, *Social Dimension of Law and justice*,
7. C. K. Allen- *Law in the making*
8. Lloyd-*Introduction to Jurisprudence*
9. Dias-*Text on Jurisprudence*
10. Prof. Julious Stone- *Human Law and Human Justice*
11. Prof. Roscoe Pound- *Jurisprudence* Vol. I to IV
12. Rawls, John. *A theory of justice*. Harvard university press, 2020.
13. Nussbaum, Martha Craven. *Frontiers of justice: Disability, nationality, species membership*. Cambridge, MA: Belknap Press, 2006.
14. Sen, Amartya Kumar. *The idea of justice*. Harvard University Press, 2009.
15. MacKinnon, Catherine A. "Towards a Feminist Theory of the State, Harvard University Press, 1989
16. MacKinnon, Catharine. "Difference and dominance: On Sex Discrimination." *Feminism and Politics* (1998): 295-312.

### **JOURNALS / ARTICLES**

1. Hart, H. L. A. "Positivism and the Separation of Law and Morals." *Harvard Law Review*, vol. 71, no. 4, The Harvard Law Review Association, 1958, pp. 593–629, <https://doi.org/10.2307/1338225>.

2. Fallon, Richard H. *'The Rule of Law' as a Concept in Constitutional Discourse'* Columbia Law Review, vol. 97, no. 1, Columbia Law Review Association, Inc., 1997, pp. 1–56, <https://doi.org/10.2307/1123446>.
3. Nadler, Jennifer. “*Hart, Fuller and the Connection between Law and Justice.*” Law and Philosophy, vol. 27, no. 1, Springer, 2008, pp. 1–34, <http://www.jstor.org/stable/27652636>.
4. Kelsen, Hans. “*The Pure Theory of Law and Analytical Jurisprudence.*” Harvard Law Review, vol. 55, no. 1, The Harvard Law Review Association, 1941, pp. 44–70, <https://doi.org/10.2307/1334739>.
5. Beyleveld, Deryck, and Roger Brownsword. “*The Practical Difference between Natural-Law Theory and Legal Positivism.*” Oxford Journal of Legal Studies, vol. 5, no. 1, Oxford University Press, 1985, pp. 1–32, <http://www.jstor.org/stable/764429>.
6. Taylor, T. W. “*The Conception of Morality in Jurisprudence.*” The Philosophical Review, vol. 5, no. 1, [Duke University Press, Philosophical Review], 1896, pp. 36–50, <https://doi.org/10.2307/2176104>.
7. GOWDER, PAUL. “*THE RULE OF LAW AND EQUALITY.*” Law and Philosophy, vol. 32, no. 5, Springer, 2013, pp. 565–618, <http://www.jstor.org/stable/24572415>.
8. Bentley, D. J. “*John Rawls: A Theory of Justice.*” University of Pennsylvania Law Review, vol. 121, no. 5, The University of Pennsylvania Law Review, 1973, pp. 1070–78, <https://doi.org/10.2307/3311281>.
9. LOUIS, ANJA. “*Justice versus Law.*” Women and the Law: Carmen de Burgos, an Early Feminist, NED-New edition, Boydell & Brewer, 2005, pp. 21–66, <http://www.jstor.org/stable/10.7722/j.ctt9qdm5.5>.
10. Marcin, Raymond B. “*A Brief Glimpse into Theistic Natural Law Theory.*” In Search of Schopenhauer’s Cat: Arthur Schopenhauer’s Quantum-Mystical Theory of Justice, Catholic University of America Press, 2006, pp. 74–92, <https://doi.org/10.2307/j.ctt2850nw.14>

## **CASES**

1. A. K. Gopalan v. State of Madras, AIR 1950 SC 27
2. Maneka Gandhi v. Union of India, AIR 1978 SC 597
3. The case of the Speluncean Explorers

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## **II. SPECIALIZATION**

### **(1) SCIENCE AND TECHNOLOGY LAW**

The interface between Law and Science Technology has a long history. The advancements in the area of Science and Technology have contributed towards the development of law and judicial administration system. Law also has played a vital role in regulating the use and misuse of the advancements in the area of Science and Technology. In such a situation it becomes not only an interesting exercise to study this interaction between Science, Technology and Law but also to think and study the social, ethical and legal issues arising out of such developments.

In a leading case of *Daubert v. Merrell Dow Pharmaceuticals, Inc.* in USA, the need was expressed for the Federal Courts to perform a gatekeeping function to affirm that scientific testimony is relevant and reliable before it can be admitted. This judgment expected the judges to be proactive and knowledgeable against the onslaught of junk sciences. This further stimulated scientific organizations to educate judges and also provide experts to aid in the proceedings which involve science and technology. The legislative developments and judiciary in India have taken cognizance of these challenges. The use of artificial intelligence in the justice administration system in India is going to be a reality soon. In the fast-changing world of technology, the lawyers and judges cannot afford to remain aloof and reluctant from learning the technological and science-based challenges that need legal regulation and scrutiny. It is high time for the legal professionals to learn this area of law to make themselves competent to handle the issues and challenges constantly arising with these developments.

In the leading universities of developed countries Science Technology and Law has always remained the most sought-after specialisation. The universities in India need to come forward by recognising this need.

The syllabus has been accordingly structured to include the cutting-edge area in Science Technology that include Fintech, Artificial Intelligence, Blockchain Technology, Nanotechnology, Robotics, Biotechnology and so on. The students are mentored and encouraged to take up seminars and projects to work on actual issues and handle the challenges by attaining the skills and knowledge associated with the same. The students will also be able to acquire some related skills by opting for some Soft Papers in other specializations available simultaneously during the two-year period of study.

**SCIENCE AND TECHNOLOGY LAW**

**LL.M SYLLABUS**

<b>SEM</b>	<b>SUBJECT CODE</b>	<b>SUBJECT</b>	<b>NATURE</b>	<b>CREDITS</b>
1	ML 103	Emerging Technologies & Law - I	Compulsory	4
	ML 104	Health Law	Compulsory	4
2	ML 203	Medical Ethics, Law & Human Rights	Compulsory	4
	ML 204	Cyber Law & Practice	Compulsory	4
3	ML 301	Intellectual Property Law & Contemporary Trends	Compulsory	4
	ML 302	Data Protection Law & Comparative Jurisprudence	Compulsory	4
	ML 303	Food and Drug Law	Compulsory	4
	ML 304	Emerging Technologies and Law - II	Soft	2
4	ML 401	Biotechnology Law	Compulsory	4
	ML 402	Law of Electronic Evidence	Soft	2
	ML 403	Fintech Law & Digitization of Economy	Soft	2
<b>Total Credits of Specialization</b>				<b>38</b>

**PAPER - I**  
**EMERGING TECHNOLOGIES & LAW - I**  
**(ML 103)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The interface between Law and Science Technology is a vast and ever growing subject. The advances in Science and Technology arena stimulate the development in the legal domain while that poses serious questions of regulation as well. The technology today is evolving at a rapid pace with the inability of the legal process to adapt to that pace. This results into social, ethical and legal issues that have a huge impact on the society. An interdisciplinary approach is needed to address such issues. Even the conventional legal education curricula have not focused on the area of Law - Science and Technology. The lawyers and the physical scientists need to join together in this process to ensure the human ends of science by means of law. This course is aimed at understanding few of such technologies developed in recent years with the need for regulation to overcome threats and challenges posed by them.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Basics of Technology, its application and the related Socio-Legal issues, Legal Principles, Laws and Policies at International / Domestic Level.
- Connect it with issues faced in society and develop potential and skills to handle them by means of law.
- Application of the Legal Principles to other similar technologies not covered in this paper while dealing with the related Socio-Legal issues.

**MODULE I - INTRODUCTION**

- a. Interrelation between Law, Science & Technology
- b. Development of Science and Technology and Response of Law
- c. Judicial Response to Interface between Law, Science and Technology
- d. Emerging Technologies – Drone Technology, Space Technology, Telecom & Nuclear

## **MODULE II - SPACE TECHNOLOGY**

- a. Concept of Outer Space
- b. Space Law Conventions
- c. Regulation of Space Sector in India
- d. The Technology Transfer Policy of ISRO, Remote Sensing Data Policy, Satellite Communication Policy
- e. Space Tourism and Global Legal Concerns

## **MODULE III - DRONE TECHNOLOGY**

- a. History and Concept of Drone
- b. Types of Drones, Various Generations of Drones
- c. Regulations and Policies related to Drone Technology
- d. Legal Issues related to Drone Technology

## **MODULE IV - TELECOM SECTOR AND LAW**

- a. Role of International Telecommunication Union and Working of Telecom Sector
- b. Impact of 5G Technology on various sectors including Law Practice
- c. Legal Issues- Health and Safety, Jurisdictional Issues, Higher risk to Cyber-Security, Contractual Liability, Data Protection

## **MODULE V - NUCLEAR TECHNOLOGY AND LAW**

- a. Concept of Nuclear Technology & Need for Regulation
- b. Nuclear Safeguards - Safety, Security, Safeguards and Liability
- c. International Atomic Energy Agency (IAEA)
- d. Nuclear Power Program of India
- e. Atomic Energy Act, 1962
- f. Civil Liability for Nuclear Damage Act, 2010

## **MODULE VI - IMPACT OF TECHNOLOGY ON LEGAL PRACTICE**

- a. Relationship between Technology & Legal practice
- b. Impact on legal Practice- Client Contract Management Systems, Predictive Legal Analysis, Virtual Assistance, Data-Driven Decision Making, Artificial Intelligence

- c. Emerging Legal Technology- E-Filing, Document Automation, Blockchain, Intelligent Knowledge Management, Predictive Analytics, Court Management System
- d. Legal Technology and COVID-19- Emergence of LegalTech

### **SUGGESTED READING BOOKS**

1. WW Norton & Company, The Ethics of Invention: Technology and the Human Future.
2. Johnston, S. F., The Technological Fix as Social Cure-All: Origins and Implications.
3. Justice Markandey Katju, Law in the Scientific Era
4. Roger Brown & Ors, Law & the technologies of the 21<sup>st</sup> century
5. Karnika Seth, Computers, Internet & New Technology (LN)
6. N.S.Nappinai, Technology Laws Decoded
7. Francis Lyall and Paul B. Larsen, Space Law - A Treatise
8. Kumar Abhijeet, National Space Legislation for India
9. Tanja Masson-Zwaan, Mahulena Hofman, Introduction to Space Law
10. B. Sandeepa Bhat, Space Law - The Emerging Trends
11. B. Sandeepa Bhat, Outer Space Law: From Theory to Practice
12. Biswanath Gupta, Liability for Commercial Outer Space Activities: Need for a Legal Framework in India
13. Ian Walden, Telecommunications Law and Regulation
14. Vikram Raghavan, Communications Law in India: Legal Aspects of Telecom, Broadcasting and Cable Services
15. Maruthi P. Tangirala, Telecom Sector Regulation in India
16. Weapons in Space: A Legal Narrative

## **JOURNALS / ARTICLES**

1. Recent developments in aviation and space law by Paula L. Wegman, Tort Trial & Insurance Practice Law Journal, Vol. 46, No. 2 (WINTER 2011), pp. 225-254
2. Science, technology and law in modern society by Lee Loevinger, Jurimetrics, Vol. 26, No. 1 (Fall 1985), pp. 1-20
3. Science, Technology and the Future of Human Rights by Christopher Weeramantry, India International Centre Quarterly, Vol. 13, No. 3/4, The right to be human (December 1986), pp. 41-56 (16 pages)
4. Daubert v. Merrell Dow Pharmaceuticals: Active Judicial Scrutiny of Scientific Evidence by Edward W. Kirsch, Food and Drug Law Journal, Vol. 50, No. 2 (1995), pp. 213-234
5. The Daubert trilogy in the states by David E. Bernstein and Jeffrey D. Jackson, Jurimetrics, Vol. 44, No. 3 (SPRING 2004), pp. 351-366
6. Bridging the Science-Law Divide by David Baltimore, David S. Tatel and Anne- Marie Mazza, Daedalus, Vol. 147, No. 4, Science & The Legal System (Fall 2018), pp. 181-194
7. Technology and Digital Issues, pp. 13-18, available at 3
8. Emerging Technologies: New Challenges to Global Stability by Robert A. Manning, available at <https://www.jstor.org/stable/resrep26000>
9. The Impact of Technology on Legal Education by Anna Williams Shavers, Journal of Legal Education, Vol. 51, No. 3 (September 2001), pp. 407-412
10. The Post-Modern lawyer: technology and the democratization of legal representation by Albert H Yoon, The University of Toronto Law Journal, Vol. 66, No. 4 (Fall 2016), pp. 456-471
11. How technology is changing the practice of law by Blair Janis, GP Solo, Vol. 31, No. 3, Law practice 2020 (May/June 2014), pp. 10-13

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**PAPER – II**  
**HEALTH LAW**  
**(ML 104)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

This course seeks to explore various areas of the law including public and private law that deal with maintaining and regulating 'Health.' It incorporates a broad theoretical basis behind the relationship between Law and Health by considering a multidimensional study of Health and Healthcare with a canvas ranging from ancient to modern period and from local to global context.

The course aims to carry a comprehensive and practical approach to the students and to make them aware of the social, ethical and legal issues in Health sciences. It facilitates the students to explore various laws at national and international level and enables them to be equipped to face the challenges raised by the issues in contemporary era.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- The Laws, Policies, Missions, Programmes and Principles Governing Health and Healthcare
- Various Dimensions of Right to Health
- Nature of Doctor-Patient Relationship, the Laws and Legal intricacies relating to it and develop the skills to handle the legal matters relating to it.
- Legal Regulation of Health care and Health Education Sector.

**MODULE I - CONCEPT OF HEALTH AND PUBLIC HEALTH**

- a. Development of Concept of Health from Ancient era to Modern era
- b. Concept of Public Health from Ancient era to Modern era
- c. Convergence between Law and Medicine from Ancient era to Modern era
- d. Evolution of relationship between Law and Medicine at International level
- e. Nature and Scope of Health Law and Medical Law

## **MODULE II - RIGHT TO HEALTH AS A HUMAN RIGHT**

- a. Conceptual Development of Right to Health as a Human Right
- b. Role of WHO in Public Health
- c. International Conventions on Right to Health
- d. General Principles and Human Rights Standards for Victims of Sexual Assault
- e. Right to Health of Vulnerable Groups
- f. Millennium Development Goals

## **MODULE III - RIGHT TO HEALTH AND HEALTHCARE – LAW AND POLICY IN INDIA**

- a. Right to Health under Indian Constitution
- b. Animal Health, Plant Health and Environmental Protection
- c. National Health Policy and Role of Ministry of Health and Family Welfare
- d. National Health Mission and other related Programmes
- e. Judicial Trend in Protection of Right to Health

## **MODULE IV - REGULATION OF HEALTH CARE PROFESSIONALS AND INSTITUTIONS**

- a. Regulation of Medical and Para Medical Education
- b. Self-Regulation of Profession, Regulating Statutes
- c. Role Of Statutory Authorities - National Medical Commission, ICMR, NCISM, AYUSH
- d. Hospital Management and Applicable Laws
- e. Bombay Nursing Home Registration Act, 1949
- f. Clinical Establishments Act, 2010

## **MODULE V - CRIMES AND MEDICO LEGAL ISSUES IN HEALTH CARE**

- a. Provisions of IPC Regulating Medical Practice

- b. Medical Malpractice and Crimes
- c. Medico-Legal Issues and Healthcare management
- d. Medico-Legal Reports & Records
- e. Dying declaration, Criminal Abortions, Post-Mortem, Sexual assault
- f. Duties of Doctors

## **MODULE VI - MEDICAL ETHICS AND DUTIES OF MEDICAL PROFESSIONALS**

- a. Concept of Medical Ethics
- b. Medical Ethics and Duties of Physicians - Hippocrates Oath, Ancient Indian Literature
- c. Medical Ethics in Modern Era
- d. International Law on Medical Ethics
- e. Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002
- f. Role of National Medical Commission

## **MODULE VII - INFORMED CONSENT**

- a. Evolution of the Concept of Consent, Necessity of Consent
- b. Kinds of Consent, Consent as the Defence Under Criminal Law
- c. Meaning and Definition of Informed Consent
- d. Components and Procedure of Informed Consent
- e. Application of Doctrine of Informed Consent, Different Practical Contexts and Cultural Contexts of Application of Informed Consent
- f. Consent and Refusal, Ethical Principles
- g. Informed Consent in Doctor-Patient Relationship
- h. Informed Consent in Clinical Trial
- i. Development of International Law & Guidelines

## **MODULE VIII - DOCTOR PATIENT RELATIONSHIP AND MEDICAL NEGLIGENCE**

- a. Concept of Negligence
- b. Negligence under Civil law and Criminal law
- c. Negligence and various Liability Principles under Law of Torts

- d. Concept and Nature of Medical Negligence
- e. Doctor-Patient relationship and Duties of Doctors
- f. Standard of Care and Relevance of Bolam and Bolitho test
- g. Allegations of Medical negligence and Liability of Doctors
- h. Medical Negligence and Deficiency in Service under Consumer Protection Act, 2019
- i. Burden of Proof, Defenses
- j. Judicial Trend under Civil and Criminal law
- k. Patients' Rights Charter and Human Rights

### **SUGGESTED READING BOOKS**

1. Freeman- Law and medicine
2. Micheal Davies- Textbook on Medical law
3. Jonathan Herring- Medical Law and Ethics
4. R.K. Bag- Medical Negligence and Compensation
5. S. V. Jogarao- Current Issues in Criminal Justice and Medical Law
6. Modi's Medical Jurisprudence
7. Mason and Mc Call Smith- Law and Medical Ethics
8. Medical Law- Nandita Adhikari
9. Anoop K Kaushal, Medical Negligence & Legal Remedies
10. Dr. Jagdish Singh, Medical Negligence & Compensation
11. Dr. Parikh, Medical-Jurisprudence
12. Jonathan Herring and Jesse Wall, Landmark Cases in Medical Law
13. K. Kannan, Medicine and Law
14. Surendra Malik, Sudeep Malik, Drugs, Medical Laws, Medical Negligence

### **CASE LAWS**

1. Achutrao Haribhau Khodwa vs State of Maharashtra And Ors 1996 SCC (2) 634, JT 1996 (2) 624
2. Airedale NHS Trust v Bland [1993] 1 All ER 821 (HL)
3. Bolam v Friern Hospital Management Committee [1957] 1 WLR 583
4. Bolitho v. City and Hackney Health Authority [1996] 4 All ER 771
5. Smt. Vinitha Ashok vs Lakshmi Hospital & Ors (2001) 8 SCC 731
6. Donoghue v Stevenson [1932] AC 563

7. Laxman Balkrishna Joshi vs Trimbak Bapu Godbole And Anr 1969 AIR 128
8. Suresh Gupta v. Government of NCT, Delhi, (2004) 6 S.C.C. 422
9. Balram Prasad (Dr.) v. Dr. Kunal Saha & Ors. (2014) 1 SCC 384
10. Dr. Jacob Mathew vs State of Punjab & Anr, 2005(6) SCC1
11. M/S. Spring Meadows Hospital & Anr vs Harjol Ahluwalia (1998) 4 SCC 39
12. IMA v. VP Shantha AIR 1996 SC 550
13. Mr. x v. Hospital Z, 1998 (8) SCC-296
14. Poonam Varma v. Dr. Ashwin Patel AIR 1996 SC 211
15. Suchita Srivastav v. Chandigarh Administration (2009) 9 SCC1

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**PAPER - III**  
**MEDICAL ETHICS, LAW AND HUMAN RIGHTS**  
**(ML 203)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

While Health Law is located more in public law, the Doctor-Patient relationship is governed by Private Law as well. Medical Law operating within the sphere of Doctors, Nurses, other Healthcare Professionals and Patients need a deeper understanding as law is subject of many ethical concerns, moral theories and principles. With advancement in science and technology the Medical Professionals, Lawyers and Ethicists are required to face new issues, moral questions and ethical dilemmas. Medical Ethics deals with ethical issues in healthcare and Medicine by applying the principles of Bioethics Viz. Cloning, Stem Cell Research, Euthanasia, Abortion, and other similar issues. The World Medical Association adopted the International Code of Medical Ethics to establish the ethical principles for the physicians worldwide. It addresses justice, equity and access to medical care, as well as defending the general moral rights associated with medical care. The objective of this paper is to provide an overview of medical ethics, its theories and application of the bioethics principles to address the ethical dilemmas. It also aims to educate the students about the development of medical law on the footprints of bioethics.

**LEARNING OUTCOMES**

After studying the subject, the students should be able to achieve the following

- a. Understand the relevance of Bioethics in Medical decision making
- b. Appreciate the conceptual development of the following legal, ethical issues and apply the principles of Bioethics to ethical dilemma
- c. Analyse the existing laws developed at various levels and evaluate their efficacy to address Legal and Human Rights issues

**MODULE I - INTRODUCTION**

- a. Concept of Bioethics, History, Scope, Objectives
- b. Principles of Bioethics, its relevance from Ancient to Modern context
- c. Bioethics in Medical Decision Making

- d. Medical Law and Medical Ethics
- e. Law and Morality, Rights based and Duty based theories, Utilitarianism, Principlism
- f. Addressing the unaddressed medical issues arising out of advancements in technology

## **MODULE II - AUTONOMY, INFORMED CONSENT, PATIENT'S INFORMATION**

- a. Consent, Voluntariness
- b. Capacity
- c. Privacy, Confidentiality and Data Protection

## **MODULE III - REPRODUCTIVE MEDICINE**

- a. Concept of Reproductive Autonomy
- b. Contraception
- c. Abortion
- d. Reproductive Technologies
- e. Prenatal Negligence
- f. Legal, Ethical & Human Rights Issues

## **MODULE IV - RESEARCH, CLINICAL TRIAL AND GENETICS**

- a. Embryo Research, Stem cell, Cloning
- b. Clinical Trial
- c. Medical Genetics - Testing, Therapy, Patenting
- d. Legal, Ethical & Human Rights Issues

## **MODULE V - ORGAN TRANSPLANTATION**

- a. Transplanting Human Organs
- b. Xenotransplantation
- c. Living Body/ Body Organ as Property
- d. Legal, Ethical, Human Rights Issues

- e. Intellectual Property Issues

## **MODULE VI - THE END-OF-LIFE DECISIONS**

- a. Palliative Care, Refusal of Treatment, Death and Application of Law in Difficult Situations
- b. Suicide, Physician assisted suicide, Euthanasia
- c. Living Will, Advanced Directives

## **MODULE VII - MENTAL HEALTH**

- a. Autonomy and Informed Consent
- b. Protection from abuse, Human Rights Issues
- c. Medical Advancements, Ethics, Human Rights

## **LAWS FOR STUDY**

1. The Human Organ Transplantation Act, 1994
2. The Mental Health Act 1987, 2017
3. The Drugs and Cosmetics Act, 1940
4. ICMR Guidelines on Clinical Research
5. MTP Act, 1971 with Amendments
6. PCPNDT Act, 1994
7. Relevant Human Rights Conventions
8. The Surrogacy (Regulation) Act, 2021
9. The Assisted Reproductive Technology (Regulation) Act, 2021
10. Digital Information in Healthcare Security Act, 2018 (DISHA)
11. Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002

## **SUGGESTED READING BOOKS**

1. Doglin shepherd, Bioethics & law
2. Universals, Pre-conception and Pre-natal Diagnostic Techniques
3. Ramesh Kumar Sangwan, Health Human Rights and Ethics
4. Rebecca J. Cook & Ors, Reproductive Health and Human Rights: Integrating Medicine, Ethics, and Law
5. Susan Crockin, Legal Conceptions – The Evolving Law and Policy of Assisted Reproductive Technologies
6. Richard M. Duffy, Brendan D. Kelly, India's Mental Healthcare Act, 2017: Building Laws, Protecting Rights
7. WHO Resource Book on Mental Health, Human Rights and Legislation
8. Peter Bartlett, Ralph Sandland, Mental Health Law: Policy and Practice
9. CRC Press, Data Protection and Privacy in Healthcare
10. David Price, Legal and Ethical Aspects of Organ Transplantation
11. Kirandeep Kaur, Transplantation of Human Organs & Tissues in India -legal perspective
12. Medical Law and Ethics, Shaun D. Pattinson
13. Medical Law & Ethics, Jonathan Herring

## **JOURNALS / ARTICLES**

1. The Evolving Regulatory Landscape for Clinical Trials in India, Mark Barnes, Jamie Flaherty, Minal Caron, Alishan Naqvee and Barbara Bierer, Food and Drug Law Journal, Vol. 73, No. 4 (2018), pp. 601-623
2. Toward Human Rights and Evidence-Based Legal Frameworks for (Self-Managed) Abortion: A Review of the Last Decade of Legal Reform by Lucía Berro Pizzarossa and Patty Skuster, Health and Human Rights, Vol. 23, No. 1, Special section: Public

and Mental Health, Human Rights, and Atrocity Prevention (JUNE 2021), pp. 199- 212

3. Human Rights and Bioethics by Y. M. Barilan and M. Brusa Journal of Medical Ethics, Vol. 34, No. 5 (May, 2008), pp. 379-383
4. Human rights versus legal control over women's reproductive self-determination by Diya Uberoi and Maria de Bruyn, Health and Human Rights, Vol. 15, No. 1 (June 2013), pp. 161-174
5. New Means of Increasing the Transplant Organ Supply: Ethical and Legal Issues by Liliana M. Kalogjera, Human Rights, Vol. 34, No. 4, Bioethics and Human Rights (Fall 2007), pp. 19-23
6. Introduction: The Human, Human Rights, and DNA Identity Tests, Noa Vaisman, Science, Technology, & Human Values, Vol. 43, No. 1, Special Issue: New Technologies, Developments in the Biosciences and the New Frontiers of Human Rights
7. Human Embryonic Stem Cells and Cloning: Science and Bioethics at a Crossroads by Martin Clynes, Studies: An Irish Quarterly Review, Vol. 93, No. 371 (Autumn, 2004), pp. 261-268
8. Whose Dignity? Resolving Ambiguities in the Scope of "Human Dignity" in the Universal Declaration on Bioethics and Human Rights by Harald Schmidt Journal of Medical Ethics, Vol. 33, No. 10 (Oct., 2007), pp. 578-584
9. International Human Rights and Women's Reproductive Health BY Rebecca J. Cook, Studies in Family Planning, Vol. 24, No. 2 (Mar. - Apr., 1993), pp. 73-86
10. Emerging Ethical Issues in Reproductive Medicine: Are Bioethics Educators Ready? Ruth m. Farrell, Jonathan s. Metcalfe, Michelle l. McGowan, Kathryn l. Weise, Patricia K. agatize and Jessica Berg

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**PAPER - IV**  
**CYBER LAW & PRACTICE**  
**(ML 204)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Legal systems throughout the world today are facing biggest challenge of cybercrimes and the rapid growth of the technological aspects of it and its impact on a country. While some laws and objectives have been enacted and a few cases have been decided that affect the Internet, they have left most of the difficult legal issues to the future. The main objective of this course is to make students familiar with the developments that are taking place in the different areas with the help of Information Technology and to acquaint students with the legal framework relating to Cyber Laws existing in the country.

**LEARNING OUTCOMES**

After studying the subject, the students should be able to achieve the following:

- Understanding of the various facets of Cyber Crimes
- Understanding of problems arising out of online transactions and provoke them to find solutions
- Specialized Procedure and Investigative Procedure in Cyber Crimes

**MODULE I - INTRODUCTION**

- a. Growth of Computer Science and Information Technology
- b. Development of Cyber Law-International Law and National Law
- c. Impact on Human Life

**MODULE II - BASIC CONCEPTS AND LEGAL PERSPECTIVE**

- a. E-Commerce, E-Governance, E-Justice, E-Education and other important processes with reference to India.

- b. Terminologies - Netiquatics, Cyber Jurisprudence, Cyber Society, Cyber Space, Social Networking
- c. Notion of Artificial Intelligence, Artificial Intelligence v/s Human Resources

### **MODULE III - DEVELOPMENT OF LEGAL FRAMEWORK**

- a. UNCITRAL Model Law, 1998
- b. Information Technology Act, 2000
- c. Cybercrimes and the Indian Laws
- d. Judicial Trend

### **MODULE IV- INTERNATIONAL AND COMPARATIVE LEGAL ORDER**

- a. Jurisdictional issues in Transnational Crimes
- b. Budapest Convention on Cyber crimes
- c. Data Protection, Privacy and Data Security USA & EU
- d. Net Neutrality and the EU Electronic Communication Regulatory Framework

### **MODULE V - CYBERCRIMES & INVESTIGATION**

- a. Cyber Crimes
- b. Digital Forensics
- c. National Cyber Coordination Centre (NCCC)
- d. National Cyber Crime Reporting
- e. Investigative Procedure and Role of Cyber Cell
- f. Jurisdictional Issues - Domestic level

### **MODULE VI - REGULATORY AUTHORITIES**

- a. Role of Ministry of Home Affairs, Ministry of Electronics & Information Technology

- b. National Information Security Policy and Guidelines (NISPG)
- c. National Cybersecurity Strategy
- d. RBI and Cybersecurity in Financial Transactions
- e. Indian Computer Emergency Response Team (CERT-In)
- f. National Critical Information Infrastructure Protection Centre

## **MODULE VII - EMERGING TRENDS AND CHALLENGES IN CYBER SECURITY**

- a. Changing Technological Landscape in India
- b. Rise in Cybercrime
- c. Systematic Challenges - Poor Identity and Access Management, Mobile devices and Apps, Ransomwares, Distributed Denial of Service (DDos) Attack, Social Media
- d. Initiatives by RBI - Reserve Bank Information Technology Pvt Ltd (ReBIT)
- e. Computer Emergency Response Team for the Financial Sector (CERT-Fin)

## **SUGGESTIVE READINGS BOOKS**

1. Yatindra Singh: Cyber Laws.
2. Ajit Narayanan and Bennum (ed.): Law, Computer Science and Artificial Intelligence.
3. Linda Brennan and Victoria Johnson: Social, ethical and policy implication of Information Technology.
4. Kamath Nandan: Law relating to Computer, Internet and E-Commerce.
5. Arvind Singhal and Everett Rogers: India's Communication Revolution: From Bullock Carts to Cyber Marts.
6. Lawrence Lessing: Code and other Laws of cyberspace.
7. Mike Godwin: Cyber Rights Defending free speech in the Digital Age.

## **JOURNALS / ARTICLES**

1. Diffusion and Effects of Cyber-Crime in Developing Economies, Nir Kshetri, *Third World Quarterly*, Vol. 31, No. 7 (2010), pp. 1057-1079
2. Cyber Terrorism: An Examination of the Critical Issues, Mark Henych, Stephen Holmes and Charles Mesloh, *Journal of Information Warfare*, Vol. 2, No. 2 (2003), pp. 1-14
3. COVID-19 and the Cyber Challenge, Keith B. Alexander and Jamil N. Jaffer, Vol. 6, No. 2, Special edition: Covid-19 implications for cyber (Spring 2021), pp. 17-28
4. Arbitration and the Courts: The Uncitral Model Law BY Michael Kerr, *The International and Comparative Law Quarterly*, Vol. 34, No. 1 (Jan., 1985), pp. 1-24
5. Common Challenges to Security, Stability, and Harmonization, pp. 39-43, AVAILABLE AT <https://www.jstor.org/stable/resrep22555.6>
6. Global Fight Against Cybercrime: Undoing the Paralysis, Zahid Jamil, *Georgetown Journal of International Affairs*, *International Engagement on Cyber 2012: Establishing Norms and Improving Security* (2012), pp. 109-120
7. Cyber Laws, Yatindra Singh, *Journal of the Indian Law Institute*, Vol. 44, No. 2 (April-June 2002), pp. 190-204
8. National Cyber Security Strategy and the Emergence of Strong Digital Borders, Sanjay Goel, *Connections*, Vol. 19, No. 1 (Winter 2020), pp. 73-86
9. Digital Forensics, Simson L. Garfinkel, *American Scientist*, Vol. 101, No. 5 (September-October 2013), pp. 370-377
10. Net Neutrality: measuring the problem, assessing the legal risks, Chris Marsden, available at <https://www.jstor.org/stable/resrep14182>

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**PAPER – V**  
**INTELLECTUAL PROPERTY LAW & CONTEMPORARY TRENDS**  
**(ML 301)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Intellectual Property is changing at a rapid pace and technology is transforming IP related products into a quantifiable market value which must be accompanied by an understanding of prevailing and changing dimensions of Intellectual Property Law. The evolving digital technologies are able to copy and disseminate unique intellectual achievements which leave a large gap between technology itself and its regulation. Therefore, this paper intends to give students an understanding of the way technology has influenced IP Law and the effect it has had on the human rights of certain group of stakeholders.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- An understanding of the relationship between IPR & changes brought about by technology.
- Issues and legal challenges arising due to Digitization and Commercialization of Intellectual Property.
- Students will have a base understanding of how Cryptocurrency can be a subject matter of Intellectual property.
- An understanding of Regulatory Mechanism and how to deal with core issues in IP in the changing Digital scenario.

**MODULE I - TECHNOLOGY & IPR**

- a. Introduction - Interplay between IPR & Technology
- b. Technology & IP - Shifting Paradigm
- c. Encouraging Innovation, Disruptive Technology and IP Laws
- d. IPR - Role of WIPO & TRIPS

## **MODULE II - LAW ON COPYRIGHT & TECHNOLOGY**

- a. Software as Copyright - Legal Issues & Concerns
- b. Copyright in Virtual Games, Owning Virtual Property-Estate, NFT's, Virtual Identity, Virtual existence
- c. Character Merchandising and Technology
- d. Derivative works & Technology
- e. Remedies for Violation of Copyright

## **MODULE III - TRADEMARKS & TECHNOLOGY**

- a. Virtual Trademarks in Augmented / Virtual Reality, Issues
- b. Domain Names Protection, Cybersquatting, Reverse Domain Name Hijacking
- c. Remedies for Violation of Domain Names

## **MODULE IV - PATENTS & TECHNOLOGY**

- a. Software Patentability in India
- b. Machine or Transformation Test (MOT) in a Software Patent, Blanket Software Claim Rejection
- c. Abstract Idea - Alice Corporation case, Patentability of Abstract Ideas, Abstract Idea Objection
- d. Patenting of Green Technology
- e. Remedies for Violation of Patents

## **MODULE V - IPR & CRYPTOCURRENCY**

- a. Cryptocurrency as a subject matter of Intellectual Property Law
- b. Blockchain Technology & IP
- c. Issues-Trade Secrets, Open Licenses, Ownership and Rights of First Creator

## **MODULE VI - HUMAN RIGHTS ISSUES AND IPR**

- a. Traditional Knowledge
- b. Traditional Medicinal Plants & TKDL
- c. Rights of Indigenous People
- d. Traditional Cultural Expression

- e. Essential Medicines

### **SUGGESTED READING BOOKS**

1. V.K Ahuja, Law relating to intellectual property rights
2. Alka Chawla, Law of copyright
3. Ed. Paul L.C. Torvelans, Intellectual property and Human Rights
4. Ed. C. Sri Krishna Patent Infringement-Disputes and Remedial Option
5. Edited by C. Krishna Academic Patents-emerging issues and challenges
6. Edited by C. Krishna Patent disputes- remedial approaches
7. Edited by Dr. A.V. Narsimha Rao Pharma patents: policies and perspectives
8. Gregory A. Stubbs, Software patents 2nd edition with 2007 cumulative supplement
9. Kailasm (LN), Law of Trademark
10. Robert P. Mergers, Peter S. MenHell, Mark A Lemenly, Intellectual Property in the New Technological Age 2011 Case & statutory Supplement
11. Roger D. Blair, Thomas E., Intellectual property- economic and legal dimensions of rights, Cambridge
12. T. Ramappa, Intellectual Property Rights Law in India 2nd revised Edition
13. Talwar Sabann, Intellectual Property Rights in WTO & developing Countries
14. Thomas F. Cotter, Patent Wars
15. Trevor Cook, Pharmaceuticals Biotechnology and the Law

### **JOURNALS / ARTICLES**

1. Software patents, Harry F. Manbeck, Jr. and Thomas G. Field, Jr, Issues in Science and Technology, Vol. 8, No. 2 (Winter 1991-92), pp. 20-22
2. The Case Against Patents by Michele Boldrin and David K. Levine, The Journal of Economic Perspectives, Vol. 27, No. 1 (Winter 2013), pp. 3-22

3. Of Smart Phone Wars and Software Patents, Stuart Graham and Saurabh Vishnubhakat, *The Journal of Economic Perspectives*, Vol. 27, No. 1 (Winter 2013), pp. 67-85
4. Software Patents as A Currency, Not Tax, On Innovation by Colleen V. Chien, *Berkeley Technology Law Journal*, Vol. 31, No. 3 (2016), pp. 1669-1723
5. Sustainability and intellectual property rights in traditional knowledge by Dennis S. Karjala, *Jurimetrics*, Vol. 53, No. 1 (FALL 2012), pp. 57-70
6. Intellectual Property Rights and Traditional Knowledge, Krishna Ravi Srinivas, *Economic and Political Weekly*, Vol. 42, No. 27/28 (Jul. 14-20, 2007)
7. Trademark Territoriality in Cyberspace: An Internet Framework for Common-Law Trademarks by Shontavia Johnson, *Berkeley Technology Law Journal*, Vol. 29, No. 2 (Fall 2014), pp. 1253-1300
8. Traditional Knowledge of Indigenous and Local Communities: International Debate and Policy Initiatives by Francesco Mauro and Preston D. Hardison, *Ecological Applications*, Vol. 10, No. 5 (Oct., 2000), pp. 1263-1269
9. Copyright and Emerging Knowledge Economy in India by Pradip N. Thomas, *Economic and Political Weekly*, Vol. 36, No. 24 (Jun. 16-22, 2001), pp. 2147-2156
10. Protection of trade secrets and undisclosed information: law and litigation by D.S. Sengar, *Journal of the Indian Law Institute*, Vol. 53, No. 2 (APRIL-JUNE 2011), pp. 254-274

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**PAPER - VI**  
**DATA PROTECTION LAW AND COMPARATIVE JURISPRUDENCE**  
**(ML 302)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

In today's world, Data is the most valued commodity, be it Businesses or Countries or an Individual. We thrive on Information and Data & protect it by using the best of technologies. Yet it is these very technologies which pose a threat to the data and information which we want to keep safe and secure. India is in the process of regulating Data and its protection in a data- driven economy and a demand for legal professionals with expertise in this field will definitely see a sudden spike. This paper intends to cater to this future demand and prepare a generation of lawyers who are well equipped to meet with the future challenges in the field of Data Protection Law.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- An understanding of Data and its importance in a technological world.
- Regulatory Framework at Domestic and International level to deal with issues arising out of Data breaches and Privacy concerns.
- Specialized needs of Data Protection in certain Sectors.

**MODULE I - INTRODUCTION**

- a. Concept and Meaning of Data
- b. Types of Data
- c. Sensitive and Non-sensitive data, Open-Source Databases and Data in the Public Domain
- d. Data as an Asset, Data Ownership

**MODULE II - CONCEPT OF DATA PROTECTION**

- a. Need for Data Protection

- b. Data Protection as a part of Human Rights
- c. Data Subject's Rights
- a. Challenges - Data Driven Economy, Privacy, Consent, Ownership, Data collected by Government, Jurisdiction

### **MODULE III - JUDICIAL TRENDS IN INDIA**

- a. Shrikrishna Committee Report on Data Protection
- b. Development of Right to Privacy as a facet of Human Right through Data Protection
- c. Concept of Information Privacy, Informed Consent
- d. Justice K. S. Puttaswamy (Retd.) and Anr. vs Union of India And Ors

### **MODULE IV - DATA PROTECTION - INTERNATIONAL PERSPECTIVES**

- a. General Data Protection Regulations (GDPR)
- b. OECD Guidelines
- c. United Nations on Data Privacy and Data protection

### **MODULE V - DATA PROTECTION IN INDIA - LEGISLATIVE FRAMEWORK**

- a. Relevant Provisions under Bharatiya Nyaya Sanhita, 2023
- b. Relevant Provisions under Bharatiya Sakshya Adhinyam, 2023
- c. Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016 (The Aadhar Act)
- d. Information Technology Act, 2000, (IT Act), Information Technology Rules (IT Rules)
- e. Copyright Act, 1957
- f. Relevant Provisions under Bharatiya Nagrik Suraksha Sanhita, 2023
- g. Indian Telegraph Act, 1885
- h. Competition Act, 2002
- i. Consumer Protection Act, 2019

- j. The Personal Data Protection Bill, 2019

## **MODULE VI - DATA PROTECTION CONCERNS IN HEALTHCARE SECTOR**

- a. Health Information Exchanges
- b. Electronic Health Records
- c. AI and Healthcare, Telemedicine
- d. Confidentiality and Breach of Data
- e. Healthcare Data Regulation in India
- f. Digital Information in Healthcare Security Act, 2018 (DISHA)

## **MODULE VII - DATA PROTECTION IN BANKING AND FINANCIAL SECTOR**

- a. Positioning of Security and Privacy in the Banking Organizations
- b. Transaction Security, Customer Centric Security and Privacy, Emerging Threats, Card Security & Payment Gateway Security
- c. Evolution of Physical Security and its Integration with Information Technology
- d. Impact of IT (Amendment) Act, 2008 on the Banking & Financial Industry

## **SUGGESTED READING BOOKS**

1. Eric Brousseau & Ors, Governance Regulation & powers on the Internet
2. Jason & Ors, Remedies for Breach of Privacy
3. Lee A Bygrave, Data Privacy Law
4. Paul M. Schwartz, Information Privacy
5. Radha G. Ram , Piracy and Counterfeiting
6. Ronald Leenes & Ors, Protection and Privacy the Internet of Bodies
7. William W. Lowrence, Privacy, Confidentiality & Health Research

8. Data Protection, Privacy and Identity: A Complex Triad, Building-Blocks of a Data Protection Revolution: The Uneasy Case for Blockchain Technology to Secure Privacy and Identity by Shraddha Kulhari

### **JOURNALS / ARTICLES**

1. Data Protection: India in the information age, Atul Singh, Journal of the Indian Law Institute, Vol. 59, No. 1 (January-March 2017), pp. 78-101
2. Privacy and Data Protection in India by Dhiraj R. Duraiswami, Journal of Law & Cyber Warfare, Vol. 6, No. 1 (Summer 2017), pp. 166-186
3. A Critique of the Aadhaar legal framework by Vrinda Bhandari and Renuka Sane, National Law School of India Review, Vol. 31, No. 1 (2019), pp. 72-97
4. Information Services, Technology, and Data Protection by Nicholas D. Wells, Poorvi Chothani and James M. Thurman, The International Lawyer, Vol. 44, No. 1, International Legal Developments Year in Review: 2009 (Spring 2010), pp. 355-366
5. European Union Data Privacy Law Reform: General Data Protection Regulation, Privacy Shield, and the Right to Delisting by W. Gregory Voss, The Business Lawyer, Vol. 72, No. 1 (Winter 2016-2017), pp. 221-234
6. The Reform of the EU Data Protection Framework: Outlining Key Changes and Assessing Their Fitness for a Data-Driven Economy by Mira Burri and Rahel Schär, Journal of Information Policy, Vol. 6 (2016), pp. 479-511
7. Privacy and data protection in India: a critical assessment by Shiv Shankar Singh, Journal of the Indian Law Institute, Vol. 53, No. 4 (October-December 2011), pp. 663-677
8. Core principles of data protection law by Anneliese Roos, The Comparative and International Law Journal of Southern Africa, Vol. 39, No. 1 (March 2006), pp. 102- 130
9. Transborder Data Privacy as Trade by Margaret Byrne Sedgewick, California Law Review, Vol. 105, No. 5 (October 2017), pp. 1513-1542

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**PAPER - VII**  
**FOOD AND DRUG LAW**  
**(ML 303)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Food is the most vital component of the human existence and in its regulation a very big challenge due to the very nature of food. Keeping this in mind this paper is designed to shed light on understanding of the wide sweep of food and its regulatory aspect. It envisages to impart the necessary knowledge which will give students a specialized understanding of the field to independently deal with the regulatory aspects of a food industry. Drug Law intends to kindle this understanding so as to extrapolate the concept & ways drugs affect human health. The paper brings out an extensive understanding of the food and drug regulatory regime and the issues associated with it so that it can become a field of choice for students who want to take food regulatory affairs as a career.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Have a deep understanding of what is and can be considered as food.
- Understanding of the working of authorities in the field of Food Regulation.
- Present Drug Laws and their application.
- Food Safety and Standards used to ensure food safety.

**MODULE I - INTRODUCTION TO FOOD & FOOD INDUSTRY**

- a. Concept of Food, Categories of Food - Packaged Food, Street Food, Beverages, Alcohol, Energy Drinks, Water
- b. Food Industry in India - Manufacturing, Processing, Packaging and Distribution
- c. Need for Regulation

**MODULE II - FOOD LAW REGIME IN INDIA**

- a. Food Safety and Standards Act, 2006
- b. Legal Metrology Act, 2009

- c. BNS Bureau of Indian Standards Act, 1986
- d. Export (Quality Control and Inspection) Act, 1984
- e. BNS, 2023 & Food Adulteration
- f. National Food Policy
- g. Legal Framework for Drinking Water in India

### **MODULE III - FOOD SAFETY & STANDARDS ACT, 2006**

- a. FSSAI
- b. Food Licensing
- c. Packaging & Labelling Requirements
- d. Food Safety Management System
- e. Food Recall Procedure in India
- f. FSSAI Complaint Redressal Mechanism

### **MODULE IV - FOOD CERTIFICATION**

- a. Agmark
- b. BIS
- c. HACCO
- d. ISO
- e. GHP
- f. Halal Certification, Kosher Certification

### **MODULE V - MULTINATIONAL COMPANIES IN INDIAN FOOD SECTOR**

- a. Regulatory requirements for Entry of Foreign Company in India
- b. FDI Policy in Food Sector
- c. Issues- IP & GI Protection, Trade Barriers

### **MODULE VI - INDUSTRY CHALLENGES AND FOOD REGULATION**

- a. Food Categorization-Harmonization with International Standards
- b. Unification - Need for Integrated Food Laws

- c. Unregulated Food Sector - Industry of FSS Act, 2006 with special reference to Nutraceuticals, Functional Foods, Novel Food and Health Supplements
- d. Role of Advertising Standards Council of India -Food Advertising standards and Unfair Trade Practices

#### **MODULE VII - DRUG LAW & POLICY**

- a. Drugs & Magical Remedies Act, 1954
- b. Drugs & Cosmetics Act, 1940
- c. Pharmacy Act, 1948
- d. Drug Policies in India

#### **MODULE VIII - ROLE OF REGULATORS IN PHARMACEUTICAL SECTOR & LEGAL ISSUES**

- a. Role of Regulators
- b. Online Pharmacy & Legal Regulation
- c. Essential Drugs & Pricing
- d. Breach of Intellectual Property Rights
- e. Anti-Competitive Practices
- f. Quality of Drugs

#### **CASE STUDIES:**

- a. Drugs & Magic Remedies
- b. Novartis case
- c. Affordable AIDS drugs-Cipla
- d. Nestle India Maggi Noodles Ban
- e. Sun Pharma Drug recall case

NOTE: The list of case studies is illustrative and the teacher can modify the list according to developments in the field.

## **SUGGESTED READING BOOKS**

1. (CCH) – Nishith Desai associates, Indian Pharma and Life Science Industry Legal and Tax Framework
2. Sonia Macleod Sweta Chakraborty, Pharmaceutical and Medical Device Safety
3. Bloomsbury's, The Food Safety and Standards Act, 2006 with Rules and Regulations
4. Anjoo Sharan Upadhyaya and Others, Food Governance in India - Rights, Security and Challenges in the Global Sphere
5. Rajan Nijhawan, Food Safety and Standards Act & Rules
6. Vijay Malik, Law relating to Drugs and Cosmetics
7. Dr. Niti Bhasin, Foreign Direct Investment (FDI) in India: Policies, Conditions & Procedures
8. Pant Manoj, Srivastava Deepika, FDI in India: History, Policy and the Asian Perspective
9. Pulkit Mathur, Food Safety and Quality Control
10. J. P. Bhatnagar, Commentary on FOOD Laws in India

## **JOURNALS / ARTICLES**

1. The Food Industry in India and Its Logic, Rahul Goswami, Economic and Political Weekly, Vol. 45, No. 41 (October 9-15, 2010), pp. 15-18
2. Emerging Product Categories in India: A Regulatory View, Maruthi Prasad Palthur, Sree S. S. Palthur and Suresh Kumar Chitta, Food and Drug Law Journal, Vol. 64, No. 4 (2009), pp. 677-692
3. India: Indian Food Safety Laws – Implications for Foreign Operators Importing Food into India by Lira Goswami and Chandrashekhar Mulherkar, European Food and Feed Law Review, Vol. 7, No. 3 (2012), pp. 154-156
4. Food Law—International, Julius G. Zimmerman, Food, Drug, Cosmetic Law Journal, Vol. 31, No. 4 (APRIL 1976), pp. 218-231

5. A Stinging Indictment of India's Drug Regulation Authority by S Srinivasan, *Economic and Political Weekly*, Vol. 47, No. 25 (JUNE 23, 2012), pp. 10-13
6. Direct Price Control on Patented Drugs in India: The Probable Effects on Innovation and Access to Medicines by Ajay Prasad and Varsha Iyengar, *National Law School of India Review*, Vol. 20, No. 2 (2008), pp. 229-240
7. Commentary: Will generic drug stores improve access to essential medicines for the poor in India? By Anita Kotwani, *Journal of Public Health Policy*, Vol. 31, No. 2 (July 2010), pp. 178-184
8. Balancing Affordability and Availability in a Drug Patent Regime by Viswanath Pingali and Chirantan Chatterjee, *Economic and Political Weekly*, Vol. 50, No. 41 (OCTOBER 10, 2015), pp. 20-23
9. India: Indian Food Safety Laws – Implications for Foreign Operators Importing Food into India by Lira Goswami and Chandrashekhar Mulherkar, *European Food and Feed Law Review*, Vol. 7, No. 3 (2012), pp. 154-156
10. Emerging Product Categories in India: A Regulatory View by Maruthi Prasad Palthur, Sree S. S. Palthur and Suresh Kumar Chitta, *Food and Drug Law Journal*, vol. 64, No. 4 (2009), pp. 677-692

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**PAPER - VIII**  
**EMERGING TECHNOLOGIES & LAW-II**  
**(ML 304)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

The current world is shaped by the technologies which govern it and those which dominate every aspect of Human existence. These technologies will also shape our future and bring many prospects that will advance the Human life in umpteen ways. But with such advancements there are always critical issues which take shape and become challenges. It becomes necessary to analyse them to understand their impact on us as well. In continuation with the theme of the paper on Emerging Technologies & Law-I, this paper aims to introduce certain new technologies and the legal aspects of their regulation so as to prepare new age lawyers and professionals from other field to understand the intermingling of law and technologies.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Understanding of the working of Technologies, their aspects of influence and multi-dimensional applications.
- Need for Regulation and existing Legal Framework of these Technologies
- Role played by Governing Authorities in Administration of Laws based on Technologies.
- Convergence of one Technology with another and Multi-fold legal challenges which arise due to it.

**MODULE I - INTRODUCTION TO ARTIFICIAL INTELLIGENCE**

- a. Concept and Philosophy of Artificial Intelligence, Intelligence, Learning, Machine Learning, Deep Learning
- b. History & Evolution of Artificial Intelligence
- c. Applications of AI in various fields

- d. Applications in Law - Contract Review & Analytics, Legal Research, Due Diligence, Automation of Documentation
- e. Issues & Challenges - Superintelligence, System Vulnerability, Transparency, Privacy and Security, Accountability, Protection and Reinforcement of Positive Human Values, AI & Military Use
- f. Regulation of Artificial Intelligence- AI, Ethics & Regulation, National Strategy for Artificial Intelligence, Working Document: Towards Responsible AI, Self-Regulation & Self-Audit-Guiding Principles - Principle of Safety and Reliability, Equality, Inclusivity and Non-discrimination

## **MODULE II - BLOCKCHAIN TECHNOLOGY**

- a. Concept of Blockchain Technology
- b. Application of Blockchain Technology
- c. Legal / Other Issues - Jurisdictional Issues, Right to Privacy, Data Protection, Transfer of Data, Risk of Cyber-Attack, Contractual Issues, Governance Related Impact.
- d. Liability, Intellectual Property issues, Enforceability of Smart Contracts, Compliance with Financial Service Regulation

## **MODULE III - ROBOTIC TECHNOLOGY**

- a. Concept of Robotics
- b. Areas of applications
- c. Bioethical and Legal Issues- Attribution of Electronic Personhood, Liability issues relating to Damages, Bioethics issues on Autonomy, Privacy and Free flow of Data, Issues of Human Enhancement - its Regulation and Management

## **MODULE IV - NANOTECHNOLOGY**

- a. Meaning and Scope of Nanotechnology
- b. Nanotechnology and Millennium Development Goals (MDG)
- c. Nano-Mission in India
- d. Nanotechnology and Development of Legal Framework in Various Jurisdictions
- e. Legal Regulation of Nanotechnology in India
- f. Nanotechnology and Intellectual Property Rights

## **SUGGESTED READING BOOKS**

1. N.S.Nappinai, Technology Laws Decoded
2. C.SRI.Krishna, Patenting of Nanotech Inventions a Debate
3. Sebastian & Ors, Liability for Artificial Intelligence and the Internet of Things
4. Robotics Technology and Flexible Automation by S. R. Deb, McGraw Hill Education; 2nd edition (July 2017)
5. Popular Mechanics Robots: A New Age of Bionics, Drones & Artificial Intelligence by Daniel H. Wilson, Hearst Communications (September 2015)
6. Nanoscience and Nanotechnology: Fundamentals of Frontiers Kindle by Shubra Singh M.S. Ramachandra Rao, Wiley (January 2013)
7. Nano Science & Technology Paperback by M.A. Shah, Tokeer Ahmad, Dreamtech Press (September 2021)
8. Primavera D Filippi, Blockchain and the Law – The Rule of Code
9. Josias Dewey, Blockchain & Cryptocurrency Regulation ,2019
10. Philipp Hacker, Regulating Blockchain
11. John C Monica, Nanotechnology Law
12. Lorna Brazell, Nanotechnology Law: Best Practices
13. Woodrow Barfield, Ugo Pagallo, Advanced Introduction to Law and Artificial Intelligence
14. Purvi Pokhariyal, Amit K. Kashyap and Arun B. Prasad, Artificial Intelligence: Law and Policy Implications
15. John Buyers, Artificial Intelligence – The Practical Legal Issues
16. Gabriel Hallevy, Liability for Crimes Involving Artificial Intelligence Systems
17. Rodney D Ryder, Robotics and the Law
18. Marcelo Corrales, Mark Fenwick, Nikolaus Forgo, Robotics, AI and the Future of Law
19. Ryan Calo, A. Michael Froomkin, Ian Kerr, Robot Law

## **JOURNALS / ARTICLES**

1. Artificial intelligence policy in India: a framework for engaging the limits of data-driven decision-making By Vidushi Marda, Vol. 376, No. 2133, Theme issue: Governing artificial intelligence:

ethical, legal, and technical opportunities and challenges (28 November 2018), pp. 1-19

2. India and the artificial intelligence revolution By Shashi Shekhar Vempati, available at <https://www.jstor.org/stable/resrep12855>
3. Public and Private Dimensions of AI Technology and Security By Maya Medeiros available at <https://www.jstor.org/stable/resrep27510.6>
4. Blockchain Benefits and Risks By Igor Linkov, Emily Wells, Benjamin Trump, Zachary Collier, Simon Goerger and James H. Lambert, available at <https://www.jstor.org/stable/26464732>
5. India and the artificial intelligence revolution, Shashi Shekhar Vempati, available at <https://www.jstor.org/stable/resrep12855>
6. Artificial intelligence policy in India: a framework for engaging the limits of data-driven decision-making by Vidushi Marda, *Philosophical Transactions: Mathematical, Physical and Engineering Sciences*, Vol. 376, No. 2133
7. Nanotechnology: 'Risk Governance' in India a p Jayanthi, Koen beamer, Madhulika Bhati and Sujit Bhattacharya, *economic and political weekly* vol. 47, no. 4 (January 28, 2012), pp. 34-40
8. The Ethics and Law of Robots by Dan Headrick, *Research Technology Management*, Vol. 57, No. 3 (May-June 2014), pp. 6-7
9. Should Artificial Intelligence Be Regulated? By Amitai Etzioni and Oren Etzioni, *Issues in Science and Technology*, Vol. 33, No. 4 (SUMMER 2017), pp. 32-36
10. Robotics and the Lessons of Cyberlaw by Ryan Calo, *California Law Review*, Vol. 103, No. 3 (June 2015), pp. 513-563

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**PAPER - IX**  
**BIOTECHNOLOGY LAW**  
**(ML 401)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Biotechnology always aimed at the application of Biological processes, Organisms or Systems to improve Human lives. After discovery of DNA structure and its commercial application in various fields led to further development of Biotechnology with broader societal dimensions. The path towards development in a conventional way is also accompanied by various issues ranging from Ethico-Legal to Human Rights issues. India is party to several International Treaties that directly impact the Biotechnology Regulation and Management. These treaties pertain to several Public International Law Regimes, such as International Trade Law, International Environmental Law, Intellectual Property Law and International Human Rights Law. By following the same path, India has developed its regulatory mechanism at various levels.

The course aims to make the students aware about this emerging area, the Regulatory concerns and Development of Law at International and National sphere. The course also describes the convergence of Scientific, Regulatory, and Commercial factors that drive the Biotechnology Industry.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following

- Equip students to understand the Development of Biotechnology from Legal and Regulatory Perspective.
- Introduce the students to the interrelated fields of Intellectual Property law, Regulatory Mechanism and enable them to deal with core issues throughout their Corporate, Academic And Government Careers.
- Create Human Resource with basic understanding of Biotechnology and Law which will contribute towards greater Protection and Commercialization of Inventions.

**MODULE I - INTRODUCTION**

- a. Concept and Meaning of Biotechnology

- b. History of Development of Biotechnology
- c. Biotechnology in Different Generations
- d. Commercialization of Biotechnology and its Applications
- e. Biotechnology and Recombinant DNA
- f. Significance of Biotechnology and Legal, Social and Ethical Issues

## **MODULE II - INTERFACE BETWEEN LAW AND BIOTECHNOLOGY**

- a. Biotechnology Law and Policy in India
- b. Role of DBT in Promotion and Regulation of Biotechnology, Role of ICAR, ICMR
- c. Regulatory Mechanism across Various Ministries
- d. International Law

## **MODULE III - BIOTECHNOLOGY AND PROTECTION OF BIODIVERSITY**

- a. Concept of Biodiversity & its Importance
- b. Conservation of Biodiversity, Sustainable use, Fair and Equitable Benefit Sharing
- c. Access to Genetic Resources and Technology, International Trade
- d. Traditional Knowledge and Protection of Intellectual Property
- e. Legal Regulation of Biological Diversity - Convention on Biological Diversity, Nagoya Protocol
- f. The Biodiversity Act, 2002 and Rules
- g. Biotechnology in Protection of Biodiversity
- h. Impact of IPR on Biodiversity

## **MODULE IV - GREEN BIOTECHNOLOGY AND BIOSAFETY CONCERNS**

- a. Green Biotechnology, Climate Change and Sustainable Use
- b. Green Revolution in India

- c. Future of Green Biotechnology, Food Security and Growing Population
- d. Genetically Modified Organism (GMO) and Living Modified Organism (LMO)
- e. Concept of Biosafety, Legal Issues, Concerns of Protection of Environment and Human Health
- f. Cartagena Protocol on Biosafety and WTO
- g. Biosafety Clearing House, Precautionary Principles
- h. India's Biotechnology Strategy, Biosafety Regulations, Biosafety Mechanism

#### **MODULE V - MEDICAL BIOTECHNOLOGY (RED BIOTECHNOLOGY)**

- a. Medical Biotechnology and Human health
- b. Molecular Medicine, Disease Diagnosis, Gene Therapy
- c. Cloning of Human Beings
- d. DNA Technology
- e. Assisted Reproductive Technology
- f. Stem Cell Research
- g. Biological Weapons and Bioterrorism
- h. Human Genome Project

#### **MODULE VI - MARINE BIOTECHNOLOGY (BLUE BIOTECHNOLOGY)**

- a. Meaning, History and Development of Blue Biotechnology
- b. Applications of Blue Biotechnology
- c. Legal Challenges in Marine Biotechnology
- d. International Law on Marine Biotechnology
- e. Marine Biodiversity, Access to Benefit Sharing, Marine Scientific Research (MSR), Conservation, Sustainable Use
- f. Marine GMOs and Biosafety

- g. Ethical, Social Issues and Principles of Bioethics

## **MODULE VII - IPR AND BIOTECHNOLOGY**

- a. Biopiracy and Protection of Biological Inventions
- b. Plant Breeders Rights (PBR) and Protection of Farmers Rights (PPVFR Act)
- c. International Law
- d. Development of Law on Microorganisms as Patentable Subject Matter
- e. Judicial Trend

### **CASE STUDIES**

- a. Neem Patent Case & Biopiracy
- b. India-US Basmati Rice Dispute
- c. Turmeric Patent case & Traditional Knowledge
- d. Monsanto cases
- e. Diamond V Chakarborty
- f. Speaking Roses case & Patenting

NOTE: The list of case studies is illustrative and the teacher can modify the list according to developments in the field.

### **SUGGESTED READING BOOKS**

1. Marc S. Gross, S. Peter, Biotechnology and pharmaceutical patent law and practice
2. Cooper, Biotechnology and the law
3. Ed.Veena, Biotech patent law
4. Trevor Cook, Pharmaceuticals Biotechnology and the Law
5. Goel and Parashar IPR, Biosafety and Bioethics

6. Sibi G., Intellectual Property Rights, Bioethics, Biosafety and Entrepreneurship in Biotechnology
7. Charles R. McManis, Biodiversity and the Law - Intellectual Property, Biotechnology and Traditional Knowledge
8. Bevis Fedder, Marine Biotechnology and Patents
9. Sreenivasulu N S, Law Relating to Biotechnology
10. Alan J. Morrison, Biotechnology Law: A Primer for Scientists Hardcover – 4 February 2020
11. Trever Cook, Pharmaceuticals Biotechnology and the Law

### **JOURNALS / ARTICLES**

1. IPR and microorganisms by Suman Sahai Current Science, Vol. 72, No. 10 (25 May 1997), pp. 696-697
2. Indigenous Rights in Traditional Knowledge and Biological Diversity: Approaches to Protection by Michael Davis, Australian Indigenous Law Reporter, Vol. 4, No. 4 (November 1999), pp. 1-32
3. Labelling of Genetically Modified Foods in India by SANGEETA BANSAL, Economic and Political Weekly by Vol. 48, No. 34 (AUGUST 24, 2013), pp. 15-17
4. Case study: Detection of genetically modified processed foods in India, available at <https://www.jstor.org/stable/resrep38027.5>
5. Biodiversity and intellectual property rights by S.K. Verma, Journal of the Indian Law Institute, Vol. 39, No. 2/4 (April-December 1997), pp. 203-215
6. Climate change and biodiversity: India's perspective and legal framework by Ali Mehdi, Journal of the Indian Law Institute, Vol. 52, No. 3/4, Special Issue on Climate change & Environmental Law (July-December 2010), pp. 343-365
7. Biodiversity, Bio-productivity and Biotechnology by T. N. Khoshoo, Ambio, Vol. 24, No. 4 (Jun., 1995), pp. 251-253

8. Countering Bioterrorism Threat to India: Employing Global Best Practices and Technology as Force Multiplier by Sumeet Abrol, *India Quarterly*, Vol. 72, No. 2 (June 2016), pp. 146-162
9. Access to genetic resources: legal and policy issues by Kathy Whimp, pp. 143-168, available at <https://www.jstor.org/stable/j.ctt2tt1dw.16>
10. The Protection of Plant Varieties and Farmers' Rights Act of India by Pratibha Brahmi, Sanjeev Saxena and B. S. Dhillon, *Current Science*, Vol. 86, No. 3 (10 February 2004), pp. 392-398
11. Human Embryonic Stem Cells and Cloning: Science and Bioethics at a Crossroads by Martin Clynes, *Studies: An Irish Quarterly Review*, Vol. 93, No. 371 (Autumn, 2004), pp. 261-268
12. Expert Group on Human Rights and Biotechnology Convened by the UN High Commissioner for Human Rights: Conclusions on Human Reproductive Cloning, UNHCHR's Expert Group on Human Rights and Biotechnology, *Health and Human Rights*, Vol. 6, No. 1 (2002), pp. 153-159

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**PAPER – X**  
**LAW OF ELECTRONIC EVIDENCE**  
**(ML 402)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

In Criminal Law, Electronic Evidence has become a crucial part of nearly all cases and many lawyers rely on such evidence for their practice. The courts also place heavy reliance on E-Evidence for deciding cases. It is imperative that students understand what is E-Evidence and the way it can change the course of an investigation and case outcome. This paper is intended to provide students, practitioners, lawyers and other stakeholders with practical tools of use in their hands which can shape the way a case plays out in the court.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Identifying E-Evidence and its Segregation Process
- The Method in which Electronic Evidence is Detected and Analyzed.
- The Procedures that must be followed to ensure that Electronic Evidence remains Unchanged and Admissible in Court.

**MODULE I - CONCEPT OF DOCUMENT AND E-EVIDENCE**

- a. Electronic Evidence - Concept and Scope of Document, Interpretation of Document, Non-Obstinate and Harmonious Interpretation.
- b. Evolving from Secondary Evidence to Specialized Evidence

**MODULE II - LEGAL FRAMEWORK ON ELECTRONIC EVIDENCE**

- a. Distinguishing Electronic Evidence
- b. Admissibility of Electronic Records
- c. Cross-Section of Section 62, Section 63 of BSA, 2023
- d. Analysis of Section 63, of BSA, 2023
- e. Certificate under Section 63

- f. Proving Online Content
- g. Legislative Action and Judicial Practice

### **MODULE III - APPRECIATION OF EVIDENCE**

- a. Authenticity, Integrity
- b. Non-repudiation of Electronic Records
- c. Oral Evidence

### **MODULE IV - ELECTRONIC RECORDS AND CHAIN OF CUSTODY**

- a. Retention of Electronic Records
- b. Lockers in Virtual Realm
- c. Virtual Dispute Resolution
- d. Compelling Production of Electronic Records
- e. Proving Electronic Records
- f. Electronic Trail-Emails, IP addresses, IT Audits, Internet History, Hacking / Virus

### **MODULE V - ELECTRONIC EVIDENCE-DISCOVERY**

- a. Electronic Records and Seizure of Articles
- b. Expert Evidence
- c. Technology and Court Proceedings

### **MODULE VI - ELECTRONIC EVIDENCE IN COURTS**

- a. Important Judicial pronouncements
- b. Role of Supreme Court

## **SUGGESTED READING BOOKS**

1. Electronic Evidence – Stephen Mason and Daniel Seng, Ed. 4, Publisher – University of London Press, Institute of Advanced Legal Studies
2. Technology Laws Decoded – N S Nappinai, Ed. 1, Vol 1, Publisher – Lexis Nexis
3. Indian Law on E – Evidence – Pavan Duggal, Year 2019
4. V.P. Sarathi’s Law of Evidence – K.A.Pandey, Ed. 8, Publisher – EBC
5. Proof of Electronic Evidence along with Commentary on the Information Technology Act, 2000 – Y.P.Bhagat, Kumar Keshav, Ranjeeta Singh, Ed. 2021, Publisher – Whitesmann
6. V.Sharma, Information Technology Act
7. Bivas Chatterjee, Electronic Evidence
8. Daniel Seng and Stephen Mason, Artificial Intelligence and Evidence

## **JOURNALS / ARTICLES**

1. Electronic Evidence and the meaning of “original” – Stephen Mason, Amicus Curiae, 2009 (79). pp. 26-28.
2. Electronic Evidence - The Great Indian Quagmire - N. S. Nappinai, 2019 SCC Vol. 3 March 28, 2019 Part 2
3. Snag of Electronic Evidence – Vipul Vinod, RMLNLU Journal, Volume 12, 2020
4. Admissibility of Electronic Evidence – Kurian Joseph, 2016 SCC Vol. 5 June 21, 2016 Part 4
5. Appreciation of Electronic Evidence: A critique of Judicial Approach – Kumar Pandey, 2014, RMNLU Law Review, 35
6. Changing Facades of Law on Admissibility of Electronic Evidence – Vikas Upadhyay and Prakash Upadhyay

## **CASE LAWS**

1. *State (NCT of Delhi) v Navjot Sandhu* (2005) 11 SCC 600

2. *Anwar PV v PK Basheer and Others* [(2014) 10 SCC 473]
3. *Shafhi Mohammed v. State of Himachal Pradesh* (2018) 2 SCC 801
4. *Arjun Panditrao Khotkar v Kailash Kushanrao Gorantyal & Ors* 2019 SCC OnLine SC 1553
5. *Tomaso Bruno v. State of Uttar Pradesh* (2015) 7 SCC 178.

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**PAPER - XI**  
**FINTECH LAW & DIGITIZATION OF ECONOMY**  
**(ML 403)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

The rise of Digitization of Economies worldwide with development of the Finance Ecosystem, broadly labelled as Financial Technology or Fintech has been a remarkable feature of economies in recent decade. With one of the world's fastest-growing economies, India also has undoubtedly emerged as a FinTech Economy. Paperless Lending, Mobile Banking, Secure Payment Gateways, Mobile Wallets, and other concepts are already in vogue in India.

The lessons learnt in this process have resulted in development of appropriate regulatory framework. However, Regulation of Fintech is still in its early stages and is a topic of an active Policy and Academic debate. While the Fintech poses new challenges and opportunities, the core objectives of this paper are to provide an overview of the Fintech and its application in certain sectors. This paper aims to introduce the students to the objectives of Financial Regulation, Regulatory Mechanism and Practices on the backdrop of very diverse and rapidly developing Fintech landscape.

**LEARNING OUTCOMES**

After studying the subject, the students are expected to achieve the following:

- Understand the Concept and Development of Digitization of Economy with its Impact on different Service Sectors.
- Understand the Concept of Digital Currency and Cryptocurrency.
- Appreciate the Legal Developments in this area with the role of RBI as the Regulator.

**MODULE I - DIGITIZATION OF ECONOMY**

- a. Digitization of Economy, Modes, Implications
- b. Digitization of Financial Services and Financial Inclusion
- c. Impact on Economy

## **MODULE II - CONCEPT OF FINTECH TECHNOLOGY**

- a. Financial Technology - Concept and Foundation
- b. Application of Technologies - Artificial intelligence, Big data, Robotic Process Automation, Blockchain, Machine Learning
- c. Key areas of Applicability - Banking, Investments, Insurance, Trading, Risk Management

## **MODULE III - CRYPTOCURRENCY AND DIGITAL CURRENCY**

- a. Concept of Cryptocurrency and Types of Cryptocurrencies
- b. Risk of Cryptocurrency in modern Investment Portfolio
- c. Legal Issues Relating to Cryptocurrency
- d. Digital Currency in India & Role of RBI

## **MODULE IV- FINTECH IN BANKING**

- a. Payment and Settlement Systems Act, 2007 - Real-Time Gross Settlement (RTGS), National Electronic Fund Transfer, Immediate Payment Service, Electronic Clearing Services and Unified Payments Interface.
- b. RBI as the Major Regulator
- c. UPI Procedural Guidelines
- d. Regulation of Payment Intermediaries
- e. Regulation of Prepaid Payment Instruments by the RBI - PPI Master Directions
- f. Regulation of Licensing and Operating of Payment Banks

## **MODULE V - INSURTECH**

- a. Fintech in Insurance
- b. Insurance Regulatory and Development Authority of India
- c. Repositories and Electronic Issuance of Policies Guidelines

## **SUGGESTED READING BOOKS**

1. FinTech – Law and Regulation, Second Edition (Elgar Financial Law and Practice series) by Jelena Madir
2. Fintech Future: The Digital DNA Of Finance, 2020 by Sanjay Phadke, Sage Publications
3. The LegalTech Book: The Legal Technology Handbook for Investors, Entrepreneurs and FinTech Visionaries by Susanne Chishti, Sophia Adams Bhatti, Akber Dattoo and Drago Indjic, Wiley; 1st edition (20 July 2020)
4. FinTech Regulation: Exploring New Challenges of the Capital Markets Union by Valerio Lemma, 2020, Palgrave Macmillan
5. FinTech Future: The Digital DNA of Finance Kindle Edition by Sanjay Phadke, Sage Publications Pvt. Ltd; 1st edition (25 February 2020)
6. 3F: Future fintech framework by Kartik Swaminatha, Notion Press; 1st edition (3 February 2021)
7. Dean Armstrong QC & Others, Blockchain And Cryptocurrency: International Legal and Regulatory Challenges
8. Chris Bummer, Cryptoassets: Legal, Regulatory, and Monetary Perspectives

## **JOURNALS / ARTICLES**

1. Harnessing the Flow of Data: Fintech opportunities for ecosystem management Geoffrey Gunn and Madeline Stanley available at <https://www.jstor.org/stable/resrep22020>
2. Financial Technology Law – A New Beginning and a New Future By George Walker
3. FinTech and RegTech: Enabling Innovation While Preserving Financial Stability Douglas W. Arner, Dirk A. Zetsche, Ross P. Buckley and Janos N. Barberis
4. E-Banking: Challenges and Opportunities by Rupa Rege Nitsure, available at <https://www.jstor.org/stable/4414436>

5. India's policies on leveraging financial inclusion in the country By Jaya Mathew and Reeba Kurian, *The Journal of Developing Areas*, Vol. 51, No. 4 (Fall 2017), pp. 433- 443

### **ILLUSTRATIVE CASES**

1. Reliance Life Insurance Co Ltd & Anr v. Rekhaben Nareshbhai Rathod SLP (C) No 14312 of 2015
2. New India Assurance Co. Ltd. vs Paresh Mohanlal Parmar, Civil Appeal No(s). 10398/2011
3. The Assistant Provident Fund v. Agrasen Nagari Sahakari Bank, WPs-5154/2019

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## **(2) BUSINESS LAW**

Business Law refers to a set of laws that govern the laws that deal with a business from its stage of incorporation as a business entity and further guides the business in how to run it, manage it, expand or reduce its activities and even close it. It further guides as to how to deal with various stake holders, competitors and the regulators as well. While pursuing such business activities a lawyer well versed in Business Law plays a vital role.

A lawyer aspiring to work in this field needs to acquire knowledge in the area of law relating to various commercial contracts, laws of corporations, other business organizations, commercial papers, income tax, secured transactions, intellectual properties, and other transactions and dealings related to the business. Corporate Law in its ever-changing contours requires one to be constantly updated with the latest developments in the field.

The legal environment in which business is conducted has undergone a massive transformation over the recent decades, with the revolution of corporate legal practice. Corporate transactions have grown remarkably in scope, value and complexity resulting into an intense demand for highly trained and skilled corporate lawyers. Hence, those who have already embarked upon legal career can exploit their potential and sharpen their skills as business lawyers by continuing their legal education with this specialization at Masters Level.

The specialization provides students with ample opportunity to engage with the key theoretical debates of corporate law and related areas of law, like Banking and Finance, E commerce, Corporate Finance, International Commercial Arbitration, Sports law, Mergers acquisitions, Competition Law and so on. The students will also be able to flexibly acquire some related skills by opting for some soft papers in other specializations available simultaneously. The projects undertaken by the students and seminars given in the university and outside will help the students to get a reality check and connect with the practical issues related to their studies.

**BUSINESS LAW LL.M****SYLLABUS**

<b>SEM</b>	<b>SUBJECT CODE</b>	<b>SUBJECT</b>	<b>NATURE</b>	<b>CREDITS</b>
1	ML 105	Banking and Finance: Law and Governance	Compulsory	4
	ML 106	E-Commerce and Consumer Protection Law	Compulsory	4
2	ML 205	Competition Law and Comparative Jurisprudence	Compulsory	4
	ML 206	Law of Commercial Contracts	Compulsory	4
3	ML 305	Corporate Finance	Compulsory	4
	ML 306	International Commercial Arbitration	Compulsory	4
	ML 307	Energy Law	Compulsory	4
	ML 308	Law of Economic Offences	Soft	2
4	ML 404	Corporate Law and Human Rights	Compulsory	4
	ML 405	Sports Law and Practice	Soft	2
	ML 406	Mergers and Acquisitions - Law & Practice	Soft	2
<b>Total Credits of Specialization</b>				<b>38</b>

**PAPER – I**  
**BANKING AND FINANCE: LAW AND GOVERNANCE**  
**(ML 105)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Banking system in the country has evolved leaps and bounds since the independence of India. Today, the banks provide for a wide range of financial assistance to different sectors of industry as well as individuals. With the advent of digitalization, the way banking functions also has been changed. This has necessitated a need for relook into the regulation and governance of the banking system. This paper offers to give students and legal professionals an understanding of the conceptual and operational parameters of banking law, the judicial interpretation and emerging dimensions of the banking system.

**LEARNING OUTCOMES**

After taking the study, the student will be able to achieve the following

- Understanding the Banking Regulation and Governance in India
- Gaining comprehensive and up-to-date knowledge in the subject of Banking and Finance
- Developing practical insights with robust theoretical foundation
- Studying the recent Contemporary Issues and the Regulatory challenges in Banking and Financial Institutions.

**MODULE I - INTRODUCTION**

- a. Evolution of Banking and its History in India
- b. Banking - The Different Types of Banks viz. Central Bank, Commercial Bank, Co-Operative Banks, Specialized Banks, Regional Rural Banks (RRBs), NABARD, Financial Institutions, E-banks and their Respective Functions
- c. Growth and Development of Non-Banking Financial Companies and Capital Market
- d. Venture Capital
- e. Fintech

## **MODULE II – DEVELOPMENT OF BANKING LAW**

- a. Banking Regulation Act, 1949 - Control over Management, Prohibition of Certain Activities in Relation to Banking Companies, Acquisition of the Undertakings of Banking Companies
- b. Reserve Bank of India Act, 1934
- c. The Maharashtra Protection of Interest of Depositors (in Financial Establishments) Act, 1999
- d. Nationalization – Evaluation - Private Ownership, Nationalization and Disinvestment Priority lending, Promotion of Underprivileged Classes
- e. Protection of Depositors - The Deposit Insurance and Credit Guarantee Corporation Act 1961
- f. Financial Regulation Deposit Insurance Bill, 2017

## **MODULE III - DEBT RECOVERY LAW**

- a. The Recovery of Debt Due to Banks and Financial Institutions Act, 1993
- b. Establishment of Tribunal and Appellate Tribunal, Jurisdiction, Powers and Authority of Tribunals, Procedure of Tribunals
- c. Securitization - Securitization and Restructuring of Financial Assets and Enforcement of Security Interest Act, 2002

## **MODULE IV - INSOLVENCY AND BANKRUPTCY LAW**

- a. History & Development of Insolvency Law in India
- b. Need for Insolvency & Bankruptcy Code, Mechanism under the Code for Personal Insolvency and Corporate Insolvency.
- c. Regulatory Procedure
- d. Judicial Perspectives

## **MODULE V - TECHNOLOGY IN BANKING SYSTEM AND FINANCIAL ENTERPRISES IN INDIA**

- a. Automation in Banking Services: ATM, Credit Card, Debit Card, E-Services – Online / Internet Banking, Mobile Banking.

- b. Electronic Fund Transfer: Real Time Gross Settlement (RTGS) System, Negotiated Dealing System (NDS), Centralized Funds Management System (CFMS), National Financial Switch (NFS), and Inter Bank Funds Transfer Processor (IFTP) – Immediate Payment Service (IMPS)
- c. Risk Management in Banks and Financial Enterprises in India- Basel Norms
- d. Reforms in Indian Banking Law, Recommendations of Committees

## **MODULE VI – FINANCIAL INCLUSION AND BANKING IN INDIA**

- a. Need for Financial Inclusion
- b. Extent of Financial Inclusion
- c. RBI & Government Policy Initiatives
- d. Issues in Financial Inclusion
- e. National Strategy for Financial Inclusion

## **MODULE VII – PREVENTION OF MONEY LAUNDERING**

- a. Development of Law on Prevention of Money Laundering
- b. Offence of Money Laundering
- c. Obligation of Banking Companies, Financial Investigation & Adjudication Institutions and Intermediaries
- d. RBI on Money Laundering

## **SUGGESTED READING BOOKS**

1. Tannan M.L., Tannan's Banking Law and Practice in India
2. Basu, A., Review of Current Banking Theory and Practice
3. M. Hapgood, Pagets' Law of Banking
4. Cranston, Ross, Principles of Banking Law
5. Ashish Makhija, Insolvency and Bankruptcy Code of India (2018)
6. Banking Theory and Practice, UBS Publisher Distributors Ltd. New Delhi.
7. B.N.Gururaj, Commentaries on Fema Money Laundering Act
8. Dr.M.C. Mehnathan, Law on Prevention of Money Laundering in India 2nd edition
9. Norbert Horn, Legal Issues in Electronic Banking

10. Vinod Kothari, Securitization assets Reconstruction and Enforcement of Security Interests
11. B R Sharma, Bank Frauds – Prevention and Detection
12. T.K.Viswanathan, Aparna Ravi, Mulla The Law of Insolvency in India

### **JOURNALS / ARTICLES**

1. R.K.Talwar, Report of Working Group on Customer Service in Banks.
2. Aparna Ravi; Working Paper, The Indian Insolvency Regime in Practice – An Analysis of Insolvency and Debt Recovery Proceedings, Economic and Political Weekly, Vol. 50, No. 51 (December 19<sup>th</sup>, 2015), pp. 46-53
3. Banking in India By Manilal B. Nanavati, available at <https://doi.org/10.1177/000271624423300123>
4. Key issues in cross-border insolvency By Ran Chakrabarti, National Law School of India Review, Vol. 30, No. 2 (2018), pp. 119-135
5. V Leeladhar: Customer centricity and the Reserve Bank, available at <https://www.bis.org/review/r071026e.pdf>
6. E-Banking: Challenges and Opportunities by Rupa Rege Nitsure, Economic and Political Weekly, Vol. 38, No. 51/52 (Dec. 27, 2003 - Jan. 2, 2004), pp. 5377 5381
7. Leveraging Digital Technologies: How Information Quality Leads to Localized Capabilities and Customer Service Performance, Pankaj Setia, Pankat Setia, Viswanath Venkatesh, Supreet Joglekar, MIS Quarterly, Vol. 37, No. 2 (June 2013), pp. 565-590
8. Universal Banking: Solution for India's Financial Challenges, A. K. Khandelwal, Economic and Political Weekly, Vol. 41, No. 11, Money, Banking and Finance (Mar. 18-24, 2006), pp. 969
9. Banking Reforms in India: Charting a Unique Course, T. T. Ram Mohan, Economic and Political Weekly, Vol. 42, No. 13, Money, Banking and Finance (Mar. 31 - Apr. 6, 2007), pp. 1109
10. Understanding Basel Norms, Mandira Sarma, Economic and Political Weekly, Vol. 42, No. 33 (Aug. 18-24, 2007), pp. 3364

### **CASES**

1. A.V. Murthy vs B.S Nagabajavanna ((2002) 2 SCC 642)
2. All India Bank Officers' Confederation vs Union of India, (1989) 4 SCC 90

3. Allahabad Bank vs Canara Bank AIR 2000 SC 1535
4. Ashok Yeshwant Badeve vs Surendra Madhavrao Nighojakar (2001)3 SCC 726
5. Australia and New Zealand Bank vs Ateliers de Constructions Electriques de Cherleroi [1967] 1 AC 86 PC
6. Bareilly Bank Ltd. vs Naval Kishore (AIR 1964 All 78)
7. Bhutoria Trading Company (BTC) vs Allahabad Bank (AIR 1977 Cal. 363)
8. Bihta Co-operative Development and Cane Marketing Union Ltd. vs bank of Bihar (AIR 1967 Supreme Court 389).
9. Brahammaya vs. K.P. Thangavelu Nadar, AIR (1956), Madras 570
10. Brahma Shumshere Jung Bahadur vs Chartered Bank of India, Australia and China (AIR 1956 Cal. 399)

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**PAPER – II**  
**E-COMMERCE & CONSUMER PROTECTION LAW**  
**(ML 106)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The scope of Consumer Protection Law and market dynamics has changed drastically overall in India and around the world in the recent years. There has been an emergence of new types of disputes with respect to Consumers in India. This course provides a brief and accurate guidance about the practical aspects related to Consumer Protection Act along with its recent updates.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Present Regulatory Framework and Interplay of Consumer Laws with other laws
- Consumer Governance in India
- Understanding of the concept of E-commerce and its Multi-Dimensional aspects
- Important Legal Issues and Challenges in Consumer Protection

**MODULE I - INTRODUCTION**

- a. Development of Market and Consumer Relations
- b. Need for Consumer Protection
- c. History of Consumer Protection
- d. Definition of Consumer – Consumerism
- e. Constitutional provisions on Consumer Protection
- f. Corporate Liability for Tort and Crime

**MODULE II – DEVELOPMENT OF CONSUMER PROTECTION LAW IN INDIA**

- a. International Law & Consumer Protection, UN Guidelines on Consumer Protection
- b. Changing Paradigm of Consumer Protection - Consumer Protection Act, 1986 to Consumer Protection Act, 2019
- c. Three-Tier System of Adjudication of Consumer Disputes
- d. Remedies Available to Consumers

## **MODULE III - INTERFACE BETWEEN COMPETITION LAW & CONSUMER PROTECTION**

- a. Concept of Consumer under Competition Law
- b. Objectives of Competition Act
- c. Measures under Competition Act for Consumer Protection

## **MODULE IV - CONCEPT OF E-COMMERCE**

- a. Development of E-Commerce in India
- b. Types of E-Commerce Models
- c. E-Commerce Trends in India
- d. Case Studies - Alibaba, Amazon, E-bay

## **MODULE V - LEGAL REGULATION OF E-COMMERCE**

- a. Consumer Protection (E-Commerce) Rules, 2020
- b. Information Technology Act, 2000
- c. The FDI Policy
- d. Payment and Settlement Act, 2007
- e. Indian Contract Act, 1872

## **MODULE VI - SOCIO-LEGAL ISSUES IN E-COMMERCE AND CONSUMER PROTECTION**

- a. IPR Laws
- b. Information Rights, Property Rights, Governance
- c. Public Safety and Welfare
- d. Data Protection and Privacy

## **CASES STUDIES**

1. Karnataka Power Transmission Corporation (KPTC) v Ashok Iron Works Private Limited, 9 February, 2009
2. Indian Medical Association v V.P. Shantha and Others, (1995) 6 SCC 651 (2)
3. Sehgal School of Competition v Dalbir Singh, 2009 CONSUMER 16192 (NS) Registrar Madras High Court Cites 37
4. Spring Meadows Hospital v. Harjot Ahluwalia, and Another (1998) 4 SCC 39.

5. Insurance Company Cannot Reject Claims on Technical Grounds-Om Prakash v. Reliance General Insurance, Civil Appeal 3883/2007 (And Other Connected Appeals), (2017) 5 SCC 776
6. M/S Emaar MGF Land Limited & Anr. v. Aftab Singh, (2012) 2 SCC 506
7. Dr. M. Kochar vs Ispita Seal (National Commission), on 28 July, 2011.
8. Karnataka Power Transmission Corporation v Ashok Iron Works Private Limited, on 9 February, 2009
9. Wheat Growers et al. v. Zeise, E.D. Cal. No. 2-17-cv-02401

### **SUGGESTED READING BOOKS**

1. Taxman's Consumer Protection Law & Practice - A Comprehensive Guide to New Consumer Protection Law (Enforced with effect from 20-7-2020/24-7-2020, August 2020 Edition)
2. Supreme Court on Consumer Protection Act, Justice SN Agarwal Universal law Publishing Second Edition.
3. Consumer Safety Regulation- Putting a Price on Life and Limb Contributors- Peter Asch Oxford University Press, 1988
4. Eradi, Consumer Protection Jurisprudence, (Butterworths, 2005)
5. Gagandeep Kaur, Jurisprudence of E-Commerce and Consumer Protection in India, Satyam Law International; 1st Edition (1 January 2015)
6. Micklitz, Hans-W., Saumier, Geneviève (Eds.), Enforcement and Effectiveness of Consumer Law, E-Book,2018.
7. Mazumdar, Consumer Protection Act
8. Dr Jagdish Singh Vishwa Bhushan, Medical negligence and compensation.
9. Intellectual Property Laws and The Consumer Protection Act, 2019, Whitemann
10. Gustavo Ghidini , Innovation, Competition and Consumer Welfare in Intellectual Property.

### **JOURNALS / ARTICLES**

1. Consumerism – caveat vendor, Sumul. J. Power, 38 Ins. Counsel J. 221, 1971 (CD).
2. Law regarding sale of defective goods – a journey from caveat emptor to caveat venditor, J.K. Yadav.

3. Democratization of justice- The Indian experiment with consumer forums, Robert S. Moog, 2002.
4. Consumer protection law, V. Sudesh, Annual Survey of Indian Law, 2005 (Vol. XLI), ILI Publication.
5. Remedies for consumer protection- prevention, restitution, or punishment, Dorothy Cohen, Journal of Marketing, Vol. 39 (Oct 1975) p. 24.
6. Determination of complex issues under the Consumer Protection Act- a question of jurisdiction, Dr. V.K. Agarwal, (2004) 3 Comp LJ 9.
7. Ben-Shahar, Omri, Consumer Protection without Law- Can One-Way Contracts Provide Better Consumer Protection Than the Current Enforcement-Based Regime? Regulation, Volume 33 No 2, Summer 2010.
8. Shayak Sarkar, Consumer Expectations and Consumer Protection, 88 GEO. WASH. L. REV. 949 (2020).
9. John Goldring, Globalisation and Consumer Protection Laws, 8 MACQUARIE L.J. 79 (2008)
10. International Journal on Consumer Law and Practice, NLSIU

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**PAPER – III**  
**COMPETITION LAW AND COMPARATIVE JURISPRUDENCE**  
**(ML 205)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Competition can be defined as a process of economic rivalry between market players to attract customers. Free and fair competition is one of the most important pillars of an efficient business environment. Since the past few decades, the Indian Economy has been one of the best performers and is on high growth trajectory. In the interest of Consumers as well as the Economy as a whole, it becomes imperative to promote an environment that facilitates fair competition outcomes in the market, restrains anti-competitive behaviour and discourages market players from adopting unfair trade practices. This is where the Competition Law comes into picture. This course is designed to bring a deep understanding about Competition Law and Legal Framework relating to it and give an edge to takers of the course over others specifically in Corporate Sector.

**LEARNING OUTCOMES**

After undergoing the course, the student will be able to understand the following:

- Need for Competition Law to Prevent Unfair Competition in the Market.
- Evolution of Competition Law in the International Perspective
- Enforcement of Competition Law in US, UK and EU
- Role of CCI in enforcing Competition Law in India

**MODULE I - INTRODUCTION**

- a. Concept of Market, Types of Market
- b. Concept of Competition, Theories of Competition, Economic Aspects of Competition
- c. Monopoly, Duopoly, and Oligopoly, Monopolistic Competition
- d. Unfair Trade Practice, Restrictive Trade Practice, Monopolistic Trade Practice

**MODULE II - EVOLUTION & GROWTH OF COMPETITION LAW**

- a. Evolution of Anti-Trust Law in USA, English Common Law, Modern Developments in US, UK, European Union & Other Global Legislations

- b. Evolution in India- MRTP Act, Consumer Protection Act, Various Committee Reports – Drawbacks of MRTP Act
- c. Competition Act 2002-Salient Features of the Act, Extra Territorial Jurisdiction
- d. Draft Competition Policy in India

### **MODULE III - ANTI COMPETITIVE AGREEMENTS**

- a. Anti-Competitive Agreements – Horizontal and Vertical Anti-Competitive Agreements
- b. Enquiry into Anti-Competitive Agreements & Parameters to Determine Appreciable Adverse Effect on Competition in the Market
- c. Bid Rigging
- d. Treatment of Anti-competitive Agreements under USA, EU, UK and Australia
- e. Exemptions

### **MODULE IV - CARTELS**

- a. Concept of Cartels
- b. Types of Cartels & Effect on Consumers
- c. International Cartels
- d. Dealing Cartels in US, UK, European Union-Case Studies
- e. Legal and Enforcement Framework of Cartels in India
- f. Judicial Trend
- g. Penalties and Sanctions - Exclusion Agreements
- h. Leniency Programme

### **MODULE V - ABUSE OF DOMINANCE AND MONOPOLY**

- a. Concept of Dominance & its Abuse
- b. Concept of Relevant Market
- c. Factors Determining Abuse – Exploitative, Exclusionary - Circumstances of Abuses in the Market
- d. Predatory Pricing – Anti-Trust Laws and Price Fixing - Essential Facilities Doctrine
- e. Role of CCI in dealing with Abuse of Dominance - Penalties and Sanctions - Division of Undertakings to Prevent Abuse
- f. Judicial Trend in India & Other Jurisdictions

## **MODULE VI - COMBINATIONS**

- a. Combinations - Concept, Forms and Reasons
- b. Regulating Combinations, Relevance of Mergers & Acquisitions - Vertical & Horizontal
- c. Regulatory Framework in India, Different Tests for Studying the Impacts of Combinations in the Market
- d. Regulation of Cross-Border Combinations, Treatment of Combinations in USA, EU, UK

## **MODULE VII - COMPETITION LAW AND IPR INTERFACE**

- a. IPR and Competition Law Relationship
- b. Competition and Patent Law, Patent Pools - Standard Setting and FRAND Terms
- c. IPR - Antitrust Guidelines in Select Jurisdictions
- d. TRIPS Regarding IPR Policy and Competition Law
- e. IPR & Anti-Competitive Agreements, IPR & Abuse of Dominance
- f. Judicial Approach in India and Other Jurisdictions

## **MODULE VIII - REGULATION OF COMPETITION LAW**

- a. Powers and Functions of CCI, Role of Regulatory Authorities in US, U.K, European Union
- b. Sectoral Regulation, Competition Law and Jurisdictional Overlaps, Role of Judiciary in Dealing with Jurisdictional Issues- Exclusivity Model, Concurrency Model-Cooperation
- c. WTO and its Impact on Competition Laws with reference to UNCTAD - Anti-Dumping -International Competition Law under WTO, International Enforcement and Judicial Assistance

## **SUGGESTED READING BOOKS**

1. T. Ramappa, Competition Law in India- Policy, Issues and Developments S.M. Dugar, Guide to Competition Law
2. Manoj Kumar Sinha & Sushmitha P Mallaya, Emerging Competition Law, Indian lawInstitute, New Delhi, Wolters Kluwer
3. Lennart Ritter & W. David Braun, European Competition Law- A Practitioner's Guide, Kluwer Law International

4. Yang Ching Chao, International and comparative competition Law and Policies
5. Abir Roy/Jayant Kumar, Competition Law in India
6. D.P.Mittal, Competition Law and Practice
7. Daniel J. Gerber, Global Competition Law, Market Globalisation
8. P.Satyanarayan Prasad, Global Competition Policy-Issues & Challenges
9. Gustavo Ghidini, Innovation, Competition, and Consumer Welfare in Intellectual Property law
10. Dr. Rajesh Kumar, Competition Law of U.S., EU and India

### **JOURNALS / ARTICLES**

1. Chauhan, B.S. "Indian Competition Law- Global Context." Journal of the
2. Indian Law Institute, vol. 54, no. 3, 2012, pp. 315–323.
3. Pierce, Richard J. "comparing the competition law regimes of the United states and India." National Law School of India Review, vol. 29, no. 1, 2017, pp. 48–69.
4. Saurabh, Sameera. "The Economics of Antitrust Competition- An International Perspective." World Affairs- The Journal of International Issues, vol. 21, no. 2, 2017, pp. 86–111
5. Mehta, Pradeep S, et al. Interface between Competition Policy and Intellectual Property Rights- Select Case Studies from India. Edited by Sarah S. Aneel et al., Sustainable Development Policy Institute, 2020, pp. 136–162, Corridors of Knowledge for Peace and Development, Challenges of International Co-operation in Competition Law Enforcement 2014, OECD
6. Pierce, Richard J. "Comparing the Competition Law Regimes of The United States and India." National Law School of India Review, vol. 29, no. 1, 2017, pp. 48–69.
7. Are IPR and competition law in tussle? - An interface between IPR and competition law – by Rahvendra Pratap Singh and Vishwanath Pratap Singh (cnlu lj (7) [2017-18] 215) Competition Law, 2013 SAL ANN. REV. 194 (2013).
8. G. R. Bhatia & Abdullah Hussain, Competition Law in India, 1 INDIAN J. INT'L ECON. L. 181 (2008).
9. Tanaya Sanyal & Sohini Chatterjee, Combination Control- Strengthening the Regulatory Framework of Competition Law in India, 5 NUJS L. REV. 425 (2012).

## CASES

1. Aluminium Phosphide Tablets Manufacturers, Suo Motu Case No. 02 of 2011
2. All India Tyre Dealers' Federation v. Tyre Manufacturers 2013 COMP LR 92 (CCI)
3. Neeraj Malhotra v. Deutsche Post Bank Home Finance Limited &Ors. Case No. 5/2009.
4. Shailesh Kumar v. M/s Tata Chemicals Ltd. &Ors., Case No. 66 of 2011.
5. Vijay vs Laxman & Anr SLP (Crl.) 6761/2010
6. Builders Association of India vs Cement Manufacturers' Association & Ors., Case No. 29/2010
7. Coal India Limited v. Gulf Oil Corporation Ltd., Case No. 06/2011.

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**PAPER – IV**  
**LAW OF COMMERCIAL CONTRACTS**  
**(ML 206)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Every aspect of Businesses today is tied together with Commercial Contract. A meticulously designed commercial contract is very essential to provide for every facet of business between contracting parties. Even a small loophole can make the difference of millions. The lawyers in this field are highly sought after. This course brings insights into the practical aspect of commercial contract and will enable the students to understand the nuances and implications of different types of Contracts.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Understand the Law Governing Commercial Contracts
- Drafting and Negotiations of Commercial Contracts
- Dispute Resolution in Commercial Contracts
- Legal Issues Surrounding Electronic Contracts

**MODULE I - INTRODUCTION TO CONTRACTING & NEGOTIATION- PRE- DRAFTING STAGE**

- a. Common Negotiation Techniques and Pitfalls
- b. Negotiation as a Method of Dispute Resolution, Negotiation Case Studies
- c. Manoeuvring through International Negotiations
- d. Institutional Mediation & Conciliation, Expert Determination

**MODULE II - TYPES OF COMMERCIAL CONTRACTS**

- a. Non-Disclosure Agreements (NDA)
- b. Non-Compete Agreements (NCA)
- c. Executive Employment Agreements (EEA)
- d. Syndicate Loan Agreements (APLMA format)
- e. Manufacturing Agreement

- f. Representation / Agency Agreement, Marketing Agreement, Provision of Services Agreement
- g. Distribution Contract, Consultancy Agreement, Management Agreement
- h. Joint Venture and Collaboration Contracts
- i. Technology Transfer Agreements

### **MODULE III – STRUCTURE OF CONTRACT**

- a. Introduction to Parts of a Contract - Title, Recitals, Interpretation Clauses
- b. Description, Authentication and Numbering of Parties
- c. Preamble
- d. Definition of Terms used in Agreement
- e. Underlying Relationships of Parties
- f. Recitals and Operative Clauses
- g. Execution Place and Date
- h. Signature of Parties, Witnesses
- i. Schedules and Annexures

### **MODULE IV – OPERATIVE CLAUSES**

- a. Representations and Warranties-Clauses and Covenants
- b. Conditions Precedent, Conditions Subsequent and Completion
- c. Drafting Obligations and Payment Clauses in Any Contract Term
- d. Assignment and Change of Control Clauses-Confidentiality, Non-compete, Non-solicit and Exclusivity clauses
- e. Termination, Procedure and Consequences
- f. Survival Clauses
- g. Waiver, Variation and Severability Clauses, Indemnity and Limitation of Liability Clauses
- h. Notice and Communication Clauses, Breach and Enforcement Related Clauses
- i. Force-Majeure

### **MODULE V – E-CONTRACT**

- a. Formation of Electronic Contract
- b. Offer & Acceptance

- c. E - mail
- d. Website Forms
- e. End-User License Agreements (EULA)
- f. Shrink-Wrap Contract
- g. Web-Wrap Contract
- h. Browse-Wrap Contract
- i. Signature Requirements

## **MODULE VI - BREACH OF CONTRACT AND ENFORCEMENT**

- a. Breach of Representations and Warranties, Breach of covenants, Breach of any Other Obligations by a Party, Breach of Payment
- b. Jurisdiction
- c. Types of Damages - Compensatory, Punitive, Nominal, Liquidated Damages
- d. Remedies for Breach - Rescission, Specific Performance, Injunction
- e. Difference between Breach and Indemnity Claim
- f. Dispute Resolution

## **SUGGESTED READING BOOKS**

1. Mark Anderson, Drafting and Negotiating Commercial Contracts
2. Richard Lawson Commercial Contracts: A Practical Guide to Standard Terms
3. Bhmesh Verma, Practical Guide to Drafting Commercial Contracts
4. R. Kumar, Commercial Contracts
5. Virendra K. Pamecha, Business & commercial contracts & agreements and e-contracts
6. H.P. Agarwal, Business Collaborations in India
7. Justice J.D.Kapoor, Law Relating to Tenders and Governments Contracts
8. Larry A., Commercial Contract Law
9. Michael A. Epstein, frank L. Pshtano, Drafting license agreements
10. Robet A. Feldmen, Raymond T., Drafting effective contracts: a practitioner Guide
11. T.V. Venkatesh Iyer's, The Law of Contracts and Tenders
12. Wolters Kluwer, Drafting License Agreements

## **JOURNALS / ARTICLES**

1. How Do the Courts Interpret Commercial Contracts? By Christopher Staughton, *The Cambridge Law Journal*, Vol. 58, No. 2 (Jul., 1999), pp. 303-313
2. The Interpretation and Construction of Contracts by Edwin W. Patterson, *Columbia Law Review*, Vol. 64, No. 5 (May, 1964), pp. 833-865 (33 pages)
3. Differences Between Commercial Contracts and Government Contracts by F. Trowbridge vom Baur, *Public Contract Law Journal*, Vol. 2, No. 1, National Institute on The Law of Public Contract Award to Appeal (October 1968), pp. 5-12
4. On the writing and the Interpretation of Contracts by Steven Shavell, *Journal of Law, Economics, & Organization*, Vol. 22, No. 2 (Oct., 2006), pp. 289-314
5. International Arbitral Practice and the UNIDROIT Principles of International Commercial Contracts by Klaus Peter Berger, *The American Journal of Comparative Law*, Winter, 1998, Vol. 46, No. 1 (Winter, 1998), pp. 129-150
6. Enforcement in India of foreign commercial awards By Adi B. Shroff, *Journal of the Indian Law Institute*, Vol. 21, No. 1 (January-March 1979), pp. 31-44
7. Drafting Commercial Contracts, Institute of Company Secretaries of India

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**PAPER - V**  
**CORPORATE FINANCE**  
**(ML 305)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

In view of Globalization and Liberalization there is a compelling pressure on the Nation-States to raise their economies substantially. However, since many of the developing nations are not able to meet the requirements of the old economy, they started to open their economies in order to encourage the corporate sector to bail their economies. Accordingly, the laws were suitably pass and the favourable Eco-Systems were created. This led to further development of market-based economies. Law of Corporate Finance assumes a great significance while working in such markets. The subject aims to make the students acquainted with the concepts related to the capital market and the regulatory mechanism, legal issues and challenges. It can help the students to explore further the opportunities in the area of corporate law and corporate finance.

**LEARNING OUTCOMES**

After undergoing the course, the student will be able to understand the following:

- Identify and execute the procedures necessary for Public Issues, Rights Issues, and Preferential Issues
- SEBI's Operation and Role as the Primary Capital Market Regulator
- Drafting Prospectus and Offering Documents in cases of Public Offering of Securities by a Company
- Understanding the Role of Lawyers, Accountants, Analysts, Investment Bankers, Rating Agencies and Financial Intermediaries in Various Capital Raising Modes

**MODULE I - INTRODUCTION TO CORPORATE FINANCE**

- a. Meaning, Importance and Scope of Corporate Finance
- b. Objectives of Corporate Finance
- c. Types of Finance-Equity Finance, Debt finance

**MODULE II - EVOLUTION OF SECURITIES AND ITS REGULATION**

- a. Concept of Securities

- b. Capitalism and Securities Regulation
- c. Corporate Theories and Securities Law - Fiction Theory, Concession Theory, Social Contract Theory
- d. Constitutional Aspect of Securities Regulation
- e. Concept, Origin and Development of Capital Market in India, National Stock Exchange (NSE), Bombay Stock Exchange (BSE)
- f. Development during Pre-Independence and Post-Independence Period - Capital Issues (Control) Act, 1947, Controller of Capital Issues (CCI)

### **MODULE III – SEBI - ESTABLISHMENT, POWERS AND FUNCTIONS**

- a. Need of SEBI as Securities Market Regulator
- b. Purpose of Establishment of SEBI
- c. Securities and Exchange Board of India Act, 1992- Salient Features
- d. Powers and Functions of SEBI- A Critical Appraisal

### **MODULE IV - REGULATION OF STOCK EXCHANGES, DEPOSITORY AND CREDIT RATING AGENCIES**

- a. Recognition of Stock Exchanges
- b. Role and Functions of Stock Exchanges
- c. Regulation of Stock Exchanges by Central Government and SEBI (Securities Contract Act 1956)
- d. Role of SEBI in Regulating Depositories (Depositories Act, 1998)
- e. Role of SEBI in Regulating Credit Rating Agencies

### **MODULE V - PUBLIC ISSUES**

- a. Meaning, Kinds of Issues- IPO, FPO, Rights Issue, Bonus Issue, Offer for Sale, Employees Stock Option, Green Shoe Option, Fixed Price Issue, Book Building Issue
- b. Offer Document, Kinds of Offer Documents
- c. Procedure of Issue of Securities
- d. ICDR Guidelines, LODR Regulations
- e. Allotment, Listing of Securities
- f. Role of Primary Market Intermediaries - Merchant Bankers, Registrar to the Issue, Bankers to the Issue, Underwriters

- g. Secondary Market Intermediaries - Stock Brokers, Sub Brokers, Portfolio Managers

## **MODULE VI - INVESTOR PROTECTION REGIME IN CAPITAL MARKETS IN INDIA**

- a. Types of Investors - Individual, HNI, Institutional Investors, Angel Investors, Venture Capital Funds
- b. IEPF
- c. Rajiv Gandhi Equity Scheme
- d. Investor Grievance Redressal Mechanism - NSE, BSE, MCA, SEBI, SAT

## **MODULE VII - SECURITIES MARKET FRAUDS, SCAMS AND CASE STUDIES**

- a. Types of Corporate Frauds - Insider Trading, Substantial Acquisition of Shares, Market Manipulation and Unfair Trade Practices
- b. Other types of Frauds - Stock Fraud, Technology Fraud, Accounting Fraud
- c. Role of SEBI in Regulating Corporate Frauds
- d. Case Studies - Harshad Mehta Case, UTI Scam, Sarada Chit Fund, Sahara case

## **MODULE VIII - FOREIGN INVESTMENT IN INDIA**

- a. FDI, NRI Investments
- b. ADR, GDR, IDR
- c. Joint Venture, Foreign Collaborations

## **SUGGESTED READING BOOKS**

1. Aswath Damodaran, Corporate finance - Theory & Practice
2. Dr. Deepti, Foreign Direct Investment in Different Sectors of Indian Economy
3. Klaus J.Hopt, Capital Markets and Company Law
4. Richard A. Brearly & Ors, Principles of corporate finance
5. Tax Mann's, SEBI Manual
6. Taxmann's, FEMA
7. Ross P. Buckley, International Financial system
8. Stephen Ross & Ors, Fundamentals of corporate finance
9. Vishwanath S.R., Cases in Corporate Finance

## **JOURNALS / ARTICLES**

1. Corporate Borrowing and Profitability in Indi By Sumit Majumdar and Kunal Sen, Managerial and Decision Economics, Vol. 31, No. 1 (JANUARY 2010), pp. 33-45
2. Structure of Corporate Finance and Corporate Governance in India By Errol D'Souza, Economic and Political Weekly, Vol. 35, No. 48 (Nov. 25 - Dec. 1, 2000), pp. 4196-4205
3. Corporate Financing and Investment Behaviour in India By J. Dennis Rajakumar, Economic and Political Weekly, Vol. 40, No. 38 (Sep. 17-23, 2005), pp. 4159-4165
4. Insider Trading: SEBI on Test by Jairaj Kapadia, Economic and Political Weekly, Vol. 27, No. 48 (Nov. 28, 1992), pp. 2571-2572
5. Challenges before Securities and Exchange Board of India By L. C. Gupta, Economic and Political Weekly, Vol. 31, No. 12 (Mar. 23, 1996), pp. 751-753,755 & 757.
6. Evolution of Private Equity Regulations in Emerging Markets: A Case of India By Rohan Chinchwadkar and Vidhu Shekhar, he Journal of Private Equity Vol. 20, No. 1 (WINTER 2016), pp. 38-44
7. Demutualisation of Stock Exchanges by R. H. Patil, Economic and Political Weekly, Vol. 37, No. 12 (Mar. 23-29, 2002), pp. 1103-1105
8. What Is the True Level of FDI Flows to India? Sadhana Srivastava, Economic and Political Weekly, Vol. 38, No. 7 (Feb. 15-21, 2003), pp. 608-610
9. Indian Joint Ventures and Enterprises Abroad by K.L. Dalal, World Affairs: The Journal of International Issues, Vol. 3, No. 2 (December, 1994), pp. 13-16
10. An analytical study of bank frauds and scams in India, Shri P.M Mohan, available at [https://www.svpnpa.gov.in/images/npa/pdfs/CompletedResearchProject/25\\_analyticals\\_tudybankfrauds.pdf](https://www.svpnpa.gov.in/images/npa/pdfs/CompletedResearchProject/25_analyticals_tudybankfrauds.pdf)

## **CASE STUDIES**

- a. Satyam Computers
- b. Kingfisher Airlines
- c. Bhushan Steel
- d. PNB
- e. ILFS
- f. DHFL

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**PAPER - VI**  
**INTERNATIONAL COMMERCIAL ARBITRATION**  
**(ML 306)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

This course is focused on the study of key features and concepts of International Commercial Arbitration as a private mechanism for resolving International Commercial Disputes, alternative to the State court litigation. The course also focuses on the analysis of the most vital cases in the field of International Arbitration and assumes active discussion on case laws. This will enable the students to deepen their knowledge on International Commercial Arbitration and the operation of the global dispute resolution system.

**LEARNING OUTCOMES**

After undergoing the course, the student will be able to understand the following:

- Equip the students with basic Principles of International Commercial Arbitration.
- Strengthen the overall understanding of the nature of International Arbitration as a Dispute Resolution Mechanism
- Essential characteristics including key peculiarities, procedure relating to International Arbitration, Nature of Arbitral Award, its Recognition and Enforcement.
- Application of the key concepts through practical skills of legal research and analysis of case laws and legal doctrines relating to International Commercial Arbitration.

**MODULE I - INTRODUCTION TO INTERNATIONAL ARBITRATION**

- a. Fundamentals of International Arbitration
- b. History & Development of International Arbitration
- c. Institutional, State-to-State arbitration, Arbitral Procedures

**MODULE II - INTERNATIONAL COMMERCIAL ARBITRATION**

- a. Concept of International Commercial Arbitration
- b. Emergence of Commercial Arbitration - Antiquity, European Middle Ages, English Common Law
- c. Growth of Commercial Arbitration in Asia, Middle East and Africa
- d. Theories of International Commercial Arbitration

- e. Overview of Sources of Information about International Arbitration

### **MODULE III - UNDERSTANDING ARBITRATION AGREEMENTS**

- a. Meaning of 'Agreement to Arbitrate'
- b. Autonomy of the Arbitration Agreement
- c. Kompetenz-Kompetenz
- d. Formation and Validity of the Arbitration Agreement
- e. Drafting an Arbitration Clause

### **MODULE IV - LEGAL FRAMEWORK FOR INTERNATIONAL ARBITRATION AGREEMENTS**

- a. Jurisdictional Requirements Affecting the Legal Regime-Application to International Arbitration Agreements
- b. Arbitral Seat in International Arbitration Agreements
- c. International Commercial Agreements and The Separability Presumption- Development and Application
- d. Choice of Law and its Application to International Agreements - Non-Arbitrability, Formal Validity
- e. Choice of Forum and Absence of Choice of Forum by the Parties
- f. Capacity to Conclude, Authority to Conclude International Arbitration Agreements
- g. Formation, Validity and Legality of International Arbitration Agreements

### **MODULE V - THE ARBITRAL TRIBUNAL**

- a. The Arbitrator and the Arbitral Tribunal
- b. Contractual Relationship between Parties and Arbitrators
- c. Appointment of Arbitrators, Challenge and Replacement of Arbitrators
- d. Rights and Responsibilities of Arbitrators

### **MODULE VI - ARBITRAL PROCEEDING**

- a. Applicability of Rules
- b. Initiation of the Procedure
- c. The Organization of the Procedure: Allegations and Evidence

- d. Multi-Party Arbitration
- e. The Arbitral Award
- f. Provisional Measures, Types, Procedure Applicable
- g. Competent Authority
- h. Enforcement of Provisional Measures

## **MODULE VII - SETTING ASIDE OF THE AWARD**

- a. Grounds
- b. Setting Aside of Award- UNCITRAL Model Law and National Arbitration Laws
- c. Powers of the Courts of Justice in Setting Aside Procedures

## **MODULE VIII - RECOGNITION AND ENFORCEMENT OF ARBITRATION AGREEMENTS AND AWARDS**

- a. Scope of New York Convention, 1958
- b. Recognition and Enforcement of Arbitration Agreements
- c. Referral by a Court to Arbitration
- d. Enforcement of Award

## **SUGGESTED READING BOOKS**

1. Margaret L. Moses “*The Principles and Practice of International Commercial Arbitration*” Second Edition.
2. Sam Luttrell “*Bias Challenges in International Commercial Arbitration*”
3. Willem J. H. Wiggers, *International Commercial Law Source Materials* Edited by
4. Julian D M Lew QC, Loukas A Mistellis and Stefan M Kroll, *Comparative International Commercial Arbitration*
5. Gary B. Born, *International Commercial Arbitration* Vol. 1.
6. Mauro Rubino-Sammartano, *International Arbitration Law and Practice*
7. Jay E Grenig, *International Commercial Arbitration*
8. Stephan Balthasar, *International Commercial Arbitration: Handbook*
9. Nicole Conrad, Peter Munch, Jonathan L. Black-Branch, *International Commercial Arbitration: Standard Clauses and Forms – Commentary*

10. Rohith M Subramaniam, Navya Jain, *International Commercial Arbitration: An Introduction*, Reprint 2022.

## **JOURNALS / ARTICLES**

1. International Commercial Arbitration by Marc J. Goldstein, *The International Lawyer*, Vol. 34, No. 2, International Legal Developments in Review: 1999 (SUMMER 2000), pp. 519-532
2. The applicable law in international commercial arbitration by V.S. Deshpande *Journal of the Indian Law Institute*, Vol. 31, No. 2 (April-June 1989), pp. 127-135
3. The UNCITRAL Model Law on International Commercial Arbitration by Michael F. Hoellering, *The International Lawyer*, Vol. 20, No. 1 (Winter 1986), pp. 327-339
4. General Principles of Law in International Commercial Arbitration by *Harvard Law Review*, Vol. 101, No. 8 (Jun., 1988), pp. 1816-1834
5. Challenge and Disqualification of Arbitrators in International Commercial Arbitration by W. Michael Tupman, *The International and Comparative Law Quarterly* Vol. 38, No. 1 (Jan., 1989), pp. 26-52
6. Crook, John R. "Applicable Law in International Arbitration: The Iran-U.S. Claims Tribunal Experience." *The American Journal of International Law*, vol. 83, no. 2, American Society of International Law, 1989, pp. 278–311, <https://doi.org/10.2307/2202739>.
7. Hill, Jonathan. "Some Private International Law Aspects of the Arbitration Act 1996." *The International and Comparative Law Quarterly*, vol. 46, no. 2, Cambridge University Press, 1997, pp. 274–308, <http://www.jstor.org/stable/760718>.
8. Vial, Gonzalo. "Influence of the Arbitral Seat in the Outcome of an International Commercial Arbitration." *The International Lawyer*, vol. 50, no. 2, American Bar Association, 2017, pp. 329–46, <https://www.jstor.org/stable/26415650>.
9. Hill, Jonathan. "Determining The Seat Of An International Arbitration: Party Autonomy And The Interpretation Of Arbitration Agreements." *The International and Comparative Law Quarterly*, vol. 63, no. 3, [Cambridge University Press, British Institute of International and Comparative Law], 2014, pp. 517–34, <http://www.jstor.org/stable/43301621>.
10. Contini, Paolo. "International Commercial Arbitration: The United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards." *The American*

**CASES**

1. Bhatia International v. Bulk Trading SA (2012) 9 SCC 552
2. Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc., (2012) 9 SCC 552
3. Harmony Innovation Shipping Limited v Gupta Coal India Limited and another, (2016)
4. Enercon (India) Ltd. & Ors v. Enercon GmbH & Anr, (2014) 5 SCC 1
5. Shri Lal Mahal Ltd. vs. Progetto Grano Spa (Civil Appeal No. 5085 of 2013 arising from SLP(c) No. 13721 of 2012)
6. BALCO v. Kaiser Aluminium Ltd Venture Global Engineering v. Satyam Computer Services Ltd. [(2008) 1 SCALE 214]

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**PAPER - VII ENERGY LAW**  
**(ML 307)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Energy has always been very important for domestic as well as commercial purposes. A significant development globally especially in India has resulted into development of conventional and non-conventional sources of energy. India being a developing economy, it has achieved development and excellence in various sectors such as infrastructure, healthcare, telecom, etc. Infrastructure includes power. Considering the growing economy, industrialisation and huge population the need for energy has grown tremendously over a period of time. India is constantly working on its power sector to increase its energy generation capacity. Sources of energy generation in India include conventional sources, such as coal, natural gas, oil, nuclear power, and hydro to fewer mainstream sources, such as wind, solar, and agricultural and domestic waste. India has made important progress towards meeting the United Nations Sustainable Development Goals. However, the sector being in developing stage there is a need for a robust legal framework for regulation of generation, transmission and consumption of energy and power purchase agreements. Furthermore, considering the different types of investment models and stakeholder interests of the sector, the laws and regulations relating to it are in evolving stage. There are various types of agreements between various stake holders, service providers and consumers. The sector bears a direct relation to environmental sector. Considering the importance of the sector and its impact the Government has framed policies at the National and State levels as well as created dedicated ministries for various types of energy generation sources. Considering that the energy sector is growing rapidly and in future it will be one of the most important sectors not just in India but also globally there will always be a demand for highly skilled professionals from law sector.

**LEARNING OUTCOMES**

After undergoing study, the student will learn and gain knowledge about

- The existing Legal Framework pertaining to Energy Sector in India
- The need for and requirements for Legal Framework and Policies for sustainable growth of the sector considering various aspects like Environmental Impact, Financial

Feasibility of Projects, Impact on Consumers, Impact on the Stakeholders and Technology

- Different types of Agreements, Investment Models, Different Stakeholders and Protection of their Interest to Promote the Sector

## **MODULE I - INTRODUCTION**

- a. Concept of Energy, Sources of Energy - Sun, Wind, Biomass, Hydro, Wave, Tidal, Earth (Fossil fuel), Nuclear, Green Energy and its Importance
- b. Energy generation, Transmission, Trade, Sale
- c. Issues and Challenges in the Energy Sector and Need of Law
- d. Scope and Significance of Energy law
- e. Cross Border Trade in Energy

## **MODULE II - REGULATION OF ENERGY IN INDIA**

- a. Right to Access to Energy - Issues, Opportunities and Challenges
- b. Overview of Energy Laws and Policies in India
- c. Regulating Ministries and Authorities of Central and State Governments
- d. Tariff determination, Policy and Related Aspects
- e. New and Renewable Energy Regulation of Central and State Governments and their Structure

## **MODULE III - ELECTRICITY AS ENERGY**

- a. Historical Background of the Electricity Sector in India
- b. Electricity Generation, Transmission and Distribution
- c. Legal Status of Business of Generation, Transmission and Distribution
- d. The Electricity Act, 2003 with Amendments
- e. National Electricity Policy, 2005
- f. Power Sector Agreements, Competitive Bidding, Competition Concerns

## **MODULE IV - OIL, PETROLEUM AND NATURAL GAS**

- a. Natural Gas - Importance and Need in India
- b. Legal status of the Product (Petroleum/Oil) and the Pipeline
- c. Oil and Gas Law Policy

- d. Brief Introduction to the Provisions of the PNGRB Act.
- e. Supply of Natural Gas / Oil and Pricing

#### **MODULE - V NUCLEAR ENERGY SECTOR IN INDIA**

- a. Nuclear Energy - Historical Development in India
- b. Atomic Energy Act, 1962
- c. Atomic Energy Rules, 1987
- d. Civil Liability for Nuclear Damage Act, 2010
- e. Atomic Energy Commission of India

#### **MODULE VI - RENEWABLE ENERGY AND ENERGY CONSERVATION IN INDIA**

- a. Concept of Renewable Energy and its Types
- b. Wind Data Sharing Policy, National Wind Solar Hybrid Policy
- c. National Offshore Wind Energy Policy
- d. Solar Energy - Rules and Regulations
- e. Programme on Waste to Energy
- f. Renewable Energy Act, 2015

#### **MODULE VII ENERGY SECURITY – ISSUES AND CHALLENGES**

- a. Concept of Energy Security
- b. Policy and Legal Dimensions of Energy Security
- c. Energy and Environmental Pollution
- d. Market based Mechanism, Energy Efficiency and Climate Change Mitigation

#### **SUGGESTED READING BOOKS**

1. Mohammed Naseem Energy Law in India
2. Nawneet Vibhaw, Energy Law and Policy in India
3. India Energy Policy Laws and Regulations Handbook Volume 1 Strategic Information and Basic Laws
4. Dr. Manish Yadav, Energy Laws- Regulation in Electricity Sector & Protection of Consumer Rights: A Critical Analysis

5. Ed. Sairam Bhat, NLSIU Book Series - Energy Law and Policy in India
6. Naushir Bharuchas, Guide to The Electricity Laws
7. S K Chatterjee, Commentary on The Electricity Laws of India
8. S Krishnamurthy Aiyar, Law Relating to Electricity in India
9. P L Malik, Handbook of Electricity Laws
10. Harbans Lal Sarin, Encyclopaedia of Petroleum Laws
11. H L Kumar Kumar's Hand Book on Petroleum Laws
12. Peter Roberts, Gas Sales and Gas Transportation Agreements Principles and Practice
13. Barry Barton & Ors, Energy Security: Managing Risk in a Dynamic Legal and Regulatory Environment
14. Usha Tandon, Energy Law and Policy
15. Raphael Heffron, Deconstructing Energy Law and Policy - The Case of Nuclear Energy
16. Pramod Deo, Renewable Energy in India: Economics and Market Dynamics

### **JOURNALS / ARTICLES**

1. Renewable Energy Scenario in India: Quest for an Appropriate Policy by Ashok K Mangotra, Renewable Energy Law and Policy Review, Vol. 7, No. 1 (2016), pp. 30-43
2. India's Renewable Energy Act 2015: The Missing Piece in India's Renewable Energy Puzzle by Alimpan Banerjee, Renewable Energy Law and Policy Review, Vol. 7, No. 2 (2016), pp. 145-156
3. Securing India's Energy Options in an Interdependent World by Arunav Guha Roy, Renewable Energy Law and Policy Review, Vol. 3, No. 2 (2012), pp. 131-139
4. Renewable Energy Market Developments: A Study of India by Sanjay Kumar Kar, Renewable Energy Law and Policy Review, Vol. 6, No. 4 (2015), pp. 238-247
5. Development of Renewable Energy in India: Role and Effectiveness of Electricity Regulators by Manisha Gulati and Piyush Tiwari, Renewable Energy Law and Policy Review, Vol. 2, No. 2 (2011), pp. 107-119
6. Sustainable development in the energy sector by Anju Lis Kurian, The Indian Journal of Political Science, Vol. 73, No. 4 (Oct. - December 2012), pp. 673-682
7. The nuclear safety culture in India: past, present and future by Chaitanya Ravi
8. 5 Renewable energy in the context of climate change and global energy resources by Rosemary Lyster, available at <https://www.jstor.org/stable/10.20851/j.ctt1sq5xcn.9>

9. Harnessing Nature: Wind, Hydro, Wave, Tidal, and Geothermal Energy, Eugene d. Coyle, Biswajit Basu, Jonathan Blackledge and William grimson pp. 91-124, available at <https://www.jstor.org/stable/j.ctt6wq56p.9>
10. India's Institutional Governance and the Energy Transition Nicolò Sartori and Margherita Bianchi, available at <https://www.jstor.org/stable/resrep19679>

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**PAPER - VIII**  
**LAW OF ECONOMIC OFFENCES**  
**(ML 308)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

Economic Offences have a wide sweep and can severely affect the economic spine of a country. With time, the quantum of these offences is increasing and with the emergence of Information Technology they have become complicated more than ever. The Enforcement Agencies today are facing serious challenge in dealing with Cyber Fraudsters, Human Traffickers, Corrupt Officials and Tax Evaders. The Financial Crime Professionals are also facing a wider and more complex landscape of risks and threats than ever before. This course will apprise and equip the students with an understanding of the legal parameters involved in issues dealing with Financial Frauds, Economic Offences, Scams and White-Collar Crimes.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Meaning and Nature of Economic Offences, Traditional and White-Collar crimes
- Trace Steps Involved in Commission of these Offences and Detect Future Issues
- Critically Evaluate India's Position in Light of Past Cases
- Appreciate the Role of Legislative, Executive and Judiciary in Curbing Economic Offences

**MODULE I - INTRODUCTION**

- a. Concept & Evolution of Economic Offences, Nature and Extent
- b. Economic Offences in Ancient India
- c. Distinction between Traditional Crimes, White-Collar Offences and Economic Offences
- d. Santhanam Committee Report, 47th Law Commission Report

**MODULE II - ECONOMIC OFFENCES**

- a. Money Laundering
- b. Fraud
- c. Bribery and Corruption
- d. Cyber Security

- e. Tax Evasion
- f. Insurance Fraud
- g. Banking Fraud
- h. Drug Rackets
- i. Wildlife Trafficking

### **MODULE III - LAW REGIME COVERING ECONOMIC OFFENCES**

- a. Companies Act, 2013
- b. Income Tax Act, 1961
- c. Bhartiya Nyaya Sanhita, 2023
- d. Information Technology Act, 2005
- e. Prevention of Corruption Act, 1988
- f. Negotiable Instruments Act, 1881
- g. Prevention of Money Laundering Act, 2002
- h. Essential Commodities Act, 1955
- i. Imports and Exports Control Act, 1947
- j. The Industrial (Development and Regulation) Act, 1951
- k. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
- l. The Special Court (Trial of Offences Relation to Transactions in Securities) Act, 1992

### **MODULE IV - INVESTIGATIVE AGENCIES**

- a. Enforcement Directorate (ED)
- b. Economic Offences Wing (Police)
- c. Central Bureau of Investigation (CBI)
- d. Serious Fraud Investigation Office (SFIO)
- e. Securities and Exchange Board of India (SEBI)
- f. Anti-Corruption Bureau
- g. Central Vigilance Commission (CVC)
- h. Comptroller and Auditor General of India (CAG)
- i. Measures to Safeguard the Conduct of Investigations

### **MODULE V - CASE STUDIES UNDER THE ECONOMIC OFFENCES IN INDIA**

- a. Hiten Dalal Case

- b. Harshad Mehta Case
- c. Ketan Parekh Case
- d. Saradha Chit Fund Case
- e. Kingfisher Airlines Scam
- f. Nirav Modi Case

### **SUGGESTED READING BOOKS**

1. John Minkers & Leonard Minker, Corporate & White-Collar Crimes
2. Hazel Croall, Corporate Crime
3. Jayant Umranikar, Avinash Mokashi, Chintan Mokashi, A Practical Guide to Prevention, Detection & Investigation of Corporate Frauds
4. M A. Shewan Udai Veer, Corruption Money Laundering & law
5. Michael Goodwin, Black Markets
6. Susanah Naushad, White-Collar Crimes in India – Contemporary Issues and Complexities
7. Dr. Manju Koolwal, White Collar Crimes (Indian and Abroad)
8. Armaan Patkar, Insider Trading - Law & Practice
9. C. Vaidya, Insider trading- Regulatory perspective
10. Prof. Nuzhat Parveen Khan, Law Relating to Socio-Economic Offences
11. B. K. Sharma, Vijay Nagpal, A Treatise on Economic & Social Offences
12. K D Gaur, Textbook on Socio Economic Offences

### **JOURNALS / ARTICLES**

1. Money Laundering: New Moves to Combat Terrorism by C. Satapathy, Economic and Political Weekly, Vol. 38, No. 7 (Feb. 15-21, 2003), pp. 599-602
2. Corruption and economic crime by Jorum Duri, available at <https://www.jstor.org/stable/resrep30836>
3. The prevention and control of economic crime by Peter Grabosky, pp. 146-158, available at <https://www.jstor.org/stable/j.ctt2tt19f.12>
4. Fraud, Bribery, Extortion and Other Crimes against Business, pp. 111-132, available at <https://www.jstor.org/stable/j.ctt24h93t.12>

5. 47th Law Commission Report on ‘The trial and punishment of social and economic offences’ available at <https://lawcommissionofindia.nic.in/1-50/report47.pdf>
6. Study of Economic Crimes in India with Special Emphasis on Financial Market Crimes and Control Measures, Salman Agha, NLUJ Law Review, available at Agha, Salman, available at SSRN: <https://ssrn.com/abstract=2340506> or <http://dx.doi.org/10.2139/ssrn.2340506>
7. Drug Trafficking in India, Nandita Das, IDSA, available at [https://idsa.in/system/files/OP\\_DrugTraffickinginIndia.pdf](https://idsa.in/system/files/OP_DrugTraffickinginIndia.pdf)
8. Economic Offences, available at [https://ncrb.gov.in/sites/default/files/crime\\_in\\_india\\_table\\_additional\\_table\\_chapter\\_reports/Chapter%209-15.11.16\\_2015.pdf](https://ncrb.gov.in/sites/default/files/crime_in_india_table_additional_table_chapter_reports/Chapter%209-15.11.16_2015.pdf)
9. Audit of Fraud in economic crimes, available at [https://nja.gov.in/P-948\\_Reading\\_Material/P948\\_Audit\\_of\\_Fraud\\_in\\_economic\\_crimes/Audit%20of%20Fraud%20in%20economic%20crimes.pdf](https://nja.gov.in/P-948_Reading_Material/P948_Audit_of_Fraud_in_economic_crimes/Audit%20of%20Fraud%20in%20economic%20crimes.pdf)
10. Economic crime: people, culture & controls - PwC India, available at <https://www.pwc.in/assets/pdfs/global-economic-crime-survey.pdf>

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**PAPER - IX**  
**CORPORATE LAW AND HUMAN RIGHTS**  
**(ML 404)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

Human Rights are fundamental freedoms that must be equally and fairly applied to every individual. This stems from the jurisprudential foundations of Human Rights themselves- being rights that are received purely from being Human. As employees, customers, or just any person as part of the same society, the businesses / corporates significantly impact the enjoyment of Human Rights. Therefore, enterprises must have a responsibility to respect those rights. This course is designed to shed light on the role played by corporate and businesses in the violations as well as promotion of Human Rights.

**LEARNING OUTCOMES**

After undergoing the course, the student will be able to understand the following:

- The Interlinkages between Human Rights and Businesses
- Role played by Corporates in Safeguarding Human Rights of its Employees
- International Perspective on Human Rights and Business
- Role played by Judiciary in Safeguarding Human Rights of People in Businesses

**MODULE I - INTRODUCTION**

- a. Human Rights and Responsibilities of Businesses
- b. Scope of Human Rights in Business Operations
- c. Need for Human Rights Protection at Business Place
- d. Contribution of Businesses towards Protection of Human Rights in Society & Corporate Social Responsibility Initiatives

**MODULE II - INTERNATIONAL APPROACH TO CORPORATE LAW AND HUMAN RIGHTS**

- a. International Human Rights System and its Obligations
- b. UN Guiding Principles on Business and Human Rights 2011 (UNGPs)
- c. Human Rights and Transnational Corporations and Other Business Enterprises 2017

- d. International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, 1990
- e. Core Conventions of ILO
- f. OSCHR Initiatives
- g. ICJ Report on Corporations and Human Rights

### **MODULE III - REGULATORY FRAMEWORK IN INDIA**

- a. Introduction to Human Rights and Constitutional Perspectives
- b. Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- c. National Voluntary Guidelines on Social, Environmental & Economic Responsibilities of Business, 2018
- d. National Action Plan on Business and Human Rights
- e. Case Studies - Union Carbide Case, Asiad workers case, Vedanta Industries, Coca-Cola Case, Nestle USA, Pfizer's Case, Wal-Mart's Case

### **MODULE IV - CORPORATIONS AND HUMAN RIGHTS ISSUES**

- a. Abuse of Human Rights at Workplace - Discrimination at Workplace, Sexual Harassment, Lack of Freedom of Association and Collective Bargaining, Low/ Unpaid Wages, Work Environment, Child Labour and Modern-Day Slavery
- b. Challenges before Businesses in Protection of Human Rights
- c. Business and Human Rights Practices in Relation to - Non-Discrimination, Business and Human Rights Practice, Policies and Procedures
- d. Human Rights Due Diligence
- e. Liability of Transnational Corporations

### **MODULE V - GRIEVANCE RESOLUTION IN INTERNATIONAL CASES**

- a. Options Available to Individuals for Enforcement of Rights
- b. Civil Claim and Criminal Action Against Corporations in National & Foreign Courts
- c. Role of International Corporate Grievance Mechanism and Regulatory Bodies

### **MODULE VI - JUDICIAL MECHANISM IN INDIA**

- a. Supreme Court and High Courts (Civil and Criminal Jurisdiction)

- b. National Human Rights Commission (NHRC)
- c. National Commission for Women (NCW)
- d. National Commission for Protection of Child Rights (NCPCR)

### **SUGGESTED READING BOOKS**

1. Mukul Sharma, Human Rights in A Globalised World
2. Manoj Kumar Sinha, Business and Human Rights
3. Chiranjivi J. Nirmal Ed., Human Rights in India
4. NS Sidharthan, K Narayan, 'Human Capital and Development- An Indian Experience
5. Edited by Ilias Bantekas, The Cambridge Companion to Business and Human Rights Law
6. Mrs. Annie John Ed., Dialectics and Dynamics of Human Rights
7. Andrew Clapham and Scott Jerbi, 'Categories of Corporate Complicity in Human Rights Abuses
8. Daniel Fischlin & Martha Nandorfy, The Concise Guide To Global Human Rights (Oxford University Press)
9. Letnar Cernic, The Future of Business and Human Rights- Theoretical and Practical Considerations for a UN Treaty

### **JOURNALS / ARTICLES**

1. Adrij Chakraborty and Anahita Mehra, United Nations Guiding Principles and The Business and Human Rights in India.
2. Kaushik Basu, 'Why India Needs Labour Reform', BBC News (27 June 2005), [http://news.bbc.co.uk/2/hi/south\\_asia/4103554.stm](http://news.bbc.co.uk/2/hi/south_asia/4103554.stm)
3. Surabhi, 'Labour Reform- On Track but Tough Job Ahead', available at [http:// indianexpress.com/article/india/politics/labour-reforms-on-track-but-tough-job-ahead](http://indianexpress.com/article/india/politics/labour-reforms-on-track-but-tough-job-ahead)
4. Amrita Madhukalya, 'Two-thirds of Government Departments Don't Have Sexual Harassment Committees', <http://www.dnaindia.com/india/report-two-thirds-of-governmentdepartments-don-t-have-sexual-harassment-committees-2103799>.
5. OHCHR, 'State National Action Plans', <http://www.ohchr.org/EN/Issues/Business/Pages/NationalActionPlans.aspx>

6. Ratner, S. (2001). Corporations and Human Rights: A Theory of Legal Responsibility. The Yale Law Journal, 111(3), 443-545. doi:10.2307/797542
7. Jonathan Hills, 'Coca Cola in India- a Case Study', CSR Asia (14 June 2005), <http://csr-asia.com/csr-asiaweekly-news-detail.php?id=4146>
8. Justin Rowlett, 'The Indian women who took on a multinational and won', BBC News (19 October 2015), <http://www.bbc.com/news/world-asia-india-34513824>
9. MCA Report on 'National Action Plan on Business & Human Rights-Zero Draft', available at [https://www.mca.gov.in/Ministry/pdf/ZeroDraft\\_11032020.pdf](https://www.mca.gov.in/Ministry/pdf/ZeroDraft_11032020.pdf)
10. Human Rights Due Diligence in Law and Practice: Good Practices and Challenges for Business Enterprises, by Robert Mccorquodale, available at [https://www.researchgate.net/publication/311585533\\_Human\\_Rights\\_Due\\_Diligence\\_in\\_Law\\_and\\_Practice\\_Good\\_Practices\\_and\\_Challenges\\_for\\_Business\\_Enterprises](https://www.researchgate.net/publication/311585533_Human_Rights_Due_Diligence_in_Law_and_Practice_Good_Practices_and_Challenges_for_Business_Enterprises).

## **CASES**

1. Electricity Board, Rajasthan v Mohan Lal (1967) 3 SCR 377
2. R D Shetty v International Airport Authority, AIR (1979) SC 1628
3. Chander Mohan Khanna v National Council of Educational Research and Training AIR 1992 SC 76
4. MCD v Uphaar Tragedy Victims Association (2011) 14 SCC 481
5. Rural Litigation Entitlement Kendra v State of Uttar Pradesh AIR (1985) SC 652
6. Odisha Mining Corporation v Ministry of Environment and Forest (2013) 6 SCC 476
7. State of Maharashtra vs. Madhukar Narayan Mardikar, AIR 1991 SC 207
8. Vishaka and others v. State of Rajasthan (1997) 6 SCC 241, AIR 1997 SC 3011
9. Nestlé USA, Inc., Petitioner v. John Doe I, et al., 17-55435 U.S. 9th Cir. 2019

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**PAPER - X**  
**SPORTS LAW AND PRACTICE**  
**(ML 405)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

The concept of Sports is age old and with time many sports have evolved, flourished and disappeared. But in the modern era Sports are not just about recreational use of time but a Billion-Dollar industry, with worldwide Spectators and Consumers and National assets built on the very foundation of Sports. With the steady growth and expansion of the Sports Industry, the capability of traditional models of governance of sports activities to deal with contemporary issues is under scrutiny and law is the only weapon to regularize it as well as expand it keeping in mind the interests of stakeholders.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Traditional and Non-Traditional Knowledge of Sports
- Understanding Vital Rules and Regulations of the Sporting Authorities of India and the World
- Understand the Practical Aspects of the Sporting World vis-a-vis Law
- The Connection between Marketing in Sports and Law regulating it

**MODULE I - INTRODUCTION**

- a. Meaning and Need of Sports law
- b. Historical Development
- c. Traditional Sports & Legal Status in India
- d. Civil and Criminal Liability in Sports

**MODULE II - DOPING AND SPORTS**

- a. Doping
- b. World Anti-Doping Code
- c. Code of Conduct of Sportspersons
- d. Violations of Anti-Doping Code
- e. Recreational use of Drugs - Exemptions

### **MODULE III - COMMERCIALIZATION OF SPORTS & LEGAL REGULATION**

- a. Development of Sports Industry & Legal Regulation (IPL, Kabaddi League)
- b. Endorsement & Advertisement Contract
- c. Broadcasting
- d. Gambling
- e. Anti-Competitive Practices in Sports Industry

### **MODULE IV - LEGAL REGULATION OF SPORTS IN INDIA**

- a. PIL and Landmark Judgements
- b. Sports Dispute Resolution and Enforcement of Award
- c. Court of Arbitration for Sports
- d. Ministry of Youth Affairs and Sports
- e. National Sports Policy, 2011
- f. Sport Federations in India
- g. International Sports Federation
- h. Sports Authority of India

### **SUGGESTED READING BOOKS**

1. Lovely Dasgupta, Shameek Sen, Sports law in India - Policy, Regulation and Commercialisation
2. Mukul Mudgal, Law and Sports in India: Development Issues and Challenges
3. Professor Ulrich Haas and Dr Deborah Healey, Doping in Sport and the Law
4. Anujaya Krishna, Sport Law
5. Mohammad Naseem, Sports Law in India
6. GNLU, Ahmedabad, Sports and Legislature
7. Subhrajit Chanda, Handbook: Developing Sports Law in India: A Challenge Ahead
8. John J. Miller & Kristi L. Schoepfer, Legal Aspects of Sports
9. Rodney D. Ryder, Sports Law

### **JOURNALS / ARTICLES**

1. The Vernacular in Sports History Boria Majumdar

2. The Legal Status of BCCI: Unwarranted Ad-Hocism, Constitutional Hurdles and the Pressing Need for a Cricket-Legislation
3. See you in court: The Legal Challenge Against India's Sports Bosses by Sharda Ugra
4. Legalizing Betting in Sports: Some Reflections on Law-making by Radhika Gupta
5. Sports Commerce and Peace: The Special Case of the Special Olympics By Ginger Smith, Andrea Cahn and Sybil Ford

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**PAPER - XI**  
**MERGERS & ACQUISITIONS – LAW & PRACTICE**  
**(ML 406)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

Mergers and Acquisitions are a highly specialized area in corporates as well as under the corporate law. It involves a lengthy procedure from its inception till its implementation. The effect of M&A's can have lasting effects on the economy. This course offers the students and professionals a perception and awareness into the practical aspects of the procedures involved in Mergers and Acquisitions.

**LEARNING OUTCOMES**

After undergoing the study, the student will be able to understand the following:

- Analysis of Different Types of Mergers and Acquisitions
- Procedures relating to Due Diligence, Deal Structuring, Drafting and Negotiating Deal Documents and Deal Compliance
- Impact of Mergers & Acquisitions on the Businesses as well the Economy
- Practical Aspects of Drafting M&A Agreements

**MODULE I - INTRODUCTION OF M&A STRUCTURES & TRANSACTIONS**

- a. Structures - Court Approved Mergers, Demergers and Hive Offs, Asset Acquisitions, Share Acquisitions, Business Transfer and Slump Sale
- b. Transactions - Leveraged Acquisitions, Acqui-hire Arrangement, Joint Venture Structures, PIPE's Transactions
- c. Stages to an M&A Transaction

**MODULE II - COURT-APPROVED M&A's AND DEMERGERS**

- a. Scheme of Arrangement
- b. Shareholder and Lender Consents and Objections
- c. Role of NCLT

### **MODULE III - PUBLIC COMPANY M&A: SEBI's TAKEOVER CODE**

- a. Takeover Code and Open Offer Requirements
- b. Voluntary, Conditional and Competing Open Offers
- c. Open Offer Requirements upon Acquisition of Shares or Control
- d. Mechanisms for Acquisition of Control (Without Share Acquisition)
- e. Indirect and Creeping Acquisition
- f. Preparation and Publication of Open Offer
- g. Offer Size
- h. Computation of Price
- i. Escrow Requirements
- j. Situation-based Exemptions
- k. Time Period of the Open Offer
- l. Cash and Stock Consideration

### **MODULE IV - CASE STUDIES**

- a. Google's Acquisition of Motorola Mobility
- b. Ola's Acquisition of Taxi for Sure
- c. Flipkart - Myntra Merger
- d. Myntra's Acquisition of Jabong

NOTE: The concerned teacher can add the relevant case studies for assignments.

### **SUGGESTED READING BOOKS**

1. Seth Dua & Associates, Joint Venture and Mergers and Acquisitions in India
2. H.R.Marchiraju, Mergers and Acquisitions Takeovers
3. Kelvin K. Boeh, Paul W. Beamish, Mergers and Acquisitions
4. Prasad G.Godbole, Mergers Acquisitions Corporate Governance
5. S.Ramanujan, Mergers et al
6. ICSI, Hand book on Mergers, Amalgamation Takeover's law and practice
7. Meredith M. Brown, International Mergers & Acquisitions: An Introduction
8. David Faulkner, Richard J. Joseph, The handbook of Mergers and Acquisition
9. Tarun Mathur, Merger Control in India: Law and Practice

10. K.R. Chandratre, Corporate Restructuring
11. Dr. J.C. Verma, Corporate Merger, Amalgamation & Takeovers
12. P.L.Jayanthi Reddy, Corporate Takeovers-Emerging global trends

### **JOURNALS / ARTICLES**

1. Trends and Perspectives on Corporate Mergers in Contemporary India by P. L. Beena, Economic and Political Weekly, Vol. 43, No. 39 (Sep. 27 - Oct. 3, 2008), pp. 48-56
2. Merger and Acquisition Valuation by Samuel C. Weaver, Robert S. Harris, Daniel W. Bielinski and Kenneth F. MacKenzie
3. Mergers in India: A Response to Regulatory Shocks BY Manish Agarwal and Aditya Bhattacharjea, Emerging Markets Finance & Trade, Vol. 42, No. 3 (May - Jun., 2006), pp. 46-65
4. Mergers and Acquisitions by MNEs: Patterns and Implications BY Nagesh Kumar, Economic and Political Weekly, Vol. 35, No. 32 (Aug. 5-11, 2000), pp. 2851-2858
5. Type of Merger and Impact on Operating Performance: The Indian Experience by Pramod Mantravadi and A. Vidyadhar Reddy, Economic and Political Weekly, Vol. 43, No. 39 (Sep. 27 - Oct. 3, 2008), pp. 66-74
6. Global mergers and acquisitions: emerging trends, Badar Alam Iqbal, India Quarterly, Vol. 57, No. 3 (July -Sept., 2001), pp. 23-36
7. The Vth NLSIR Symposium on "Corporate Mergers and Acquisitions in India" – A Transcription National Law School of India Review, Vol. 24, No. 2 (2013), pp. 89-109=

### **CASES**

1. Ion Exchange (India) Ltd. In re, (2001) 105 Comp Cases 115 (Bom)
2. Miheer H. Mafatlal vs. Mafatlal Industries Ltd. Supreme Court on 11.09.1996 JT 1996 (8) 205
3. Bank of Baroda Ltd. v. Mahindra UGINE Steel Co. Ltd. (1976) 46 Com Cases 227 (Guj)
4. Marshall Sons & Co. India Ltd v. ITO 223 ITR 809
5. Li Taka Pharmaceutical Ltd. v. State of Maharashtra AIR 1997 Bom 7
6. Hindustan Lever Limited v. State of Maharashtra, 2003,117 Com Cases 758
7. Chief Controlling Revenue Authority v. Reliance Industries Limited, AIR 2016 Bom 108

8. Shrikant Bhujaballi Bahirshet and others vs Shamrao Vithal Co - Operative Bank Limited, Mumbai 2017 Indlaw MUM 1495
9. Aruna Dixit D/o Late Y. D. Dixit v State of Chhattisgarh, Through Chief Secretary, Chhattisgarh and others, AIR 2015 CHH 170
10. Hindustan Commercial Bank Limited and another v British Motor Car Company (1934) Limited, 2012 Indlaw DEL 528

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### **(3) CONSTITUTIONAL AND ADMINISTRATIVE LAW**

Constitutional and Administrative Law involves the deep study of the Constitution and the understanding its different meanings and interpretations. Students in this course are taught about every aspect of the Constitution of India, Judicial process, different rulings of the Supreme Court and High Courts and their interpretation etc. It also includes the study and scope of individual rights against the state and study of the federal relationship of the country.

The Constitutional and Administrative Law course incorporate a comprehensive curriculum for building legal skills in line with the requirements of the judicial system. It will engage students in research and other activities relating to constitutionality of provisions and ancillary issues. It will address the complexities of the legal system and help aspiring lawyers to acquire the necessary ethical legal excellence. The rigorous and innovative pedagogy will help students understand the intricacies of Constitutional and Administrative Law at different stages and expose them to the practical side of the legal profession. The syllabus is prepared and constantly updated under the guidance of academicians, law firm representatives and industry representatives as per the evolving industry demand. In addition to theoretical knowledge, the programme will also provide a platform for better understanding of the practicalities of justice system to further aid students in putting legal theory into practice.

The LL.M. in Constitutional and Administrative Law is structured to prepare students for these facets of successful legal practice and thus provides an excellent academic platform for those who have embarked upon a legal career or will do so shortly and intend to specialize in the area of Constitutional Law.

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

<b>SEM</b>	<b>SUBJECT CODE</b>	<b>SUBJECT</b>	<b>NATURE</b>	<b>CREDITS</b>
1	ML 107	Constitutionalism and Constitutional Interpretation	Compulsory	4
	ML 108	Administrative Law	Compulsory	4
2	ML 207	Comparative Constitutional Law	Compulsory	4
	ML 208	Feminist Jurisprudence and Gender Studies	Compulsory	4
3	ML 309	Law, Public Policy and Governance	Compulsory	4
	ML 310	Judicial Process	Compulsory	4
	ML 311	Human Rights Law	Compulsory	4
	ML 312	Media Law	Soft	2
4	ML 407	Education Policy and Law	Compulsory	4
	ML 408	Tribal Development – Law, Policy and Practice	Soft	2
	ML 409	Transparency Law	Soft	2
<b>Total Credits of Specialization</b>				<b>38</b>

**PAPER - I**  
**CONSTITUTIONALISM AND CONSTITUTIONAL INTERPRETATION**  
**(ML 107)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

This course aims at demystifying the provisions of the Constitution of India with reference to the interpretation of its principles, doctrines and provisions. It inculcates within its aspect varied dimensions of the Indian tradition and value system through which interpretation is made plausible. The interpretation of the Constitution seeks to engage in a thought-provoking discussion.

The course aims to develop a comprehensive and practical approach for the students and will make them aware of the legal aspects and fundamentals of the interpretation of the Constitution of India. This course will facilitate the students to explore various theories at National and International level and will equip them to resolve the issues and challenges raised in contemporary times.

**LEARNING OUTCOMES**

After undergoing this course, students will be able to understand the following:

- Indian approach relating to interpretation of the Constitution.
- Various dimensions of law and legal institutions.
- Nature of Constitutional interpretation.
- Perspectives of the Judges while giving Judgments relating to the Constitution of India.

**MODULE I - CONSTITUTION, CONSTITUTIONALISM AND DEMOCRACY**

- a. Constitution - Meaning and Types
- b. Concept of Constitutionalism
- c. Role of Constitution in a Democracy
- d. Principles of Constitutionalism
- e. Factors Promoting Constitutionalism

## **MODULE II - INDIAN CONSTITUTIONALISM**

- a. Philosophy of Indian Constitutionalism
- b. Constitution as Grundnorm
- c. Basic Structure Doctrine and Constitutionalism
- d. Transformative Constitutionalism

## **MODULE III - CONSTITUTIONAL INTERPRETATION**

- a. Meaning of Constitutional Interpretation
- b. Theories of Constitutional Interpretation - Textualism, Consensualism, Originalism, Doctrinalism, Structuralism, Prudentialism and Living Tree Approach
- c. Methods of Constitutional Interpretation
- d. Difference between Constitutional Interpretation and Statutory Interpretation

## **MODULE IV - INDIAN JUDICIARY AND CONSTITUTIONAL INTERPRETATION**

- a. Judicial Approach towards Constitutional Interpretation
- b. Dissenting Judgment: Importance in Democracy
- c. Interpreting Dissenting Judgment
- d. Culture of Dissent in the Indian Supreme Court: Past & Present
- e. Contribution of Dissenting Opinions of the Judges of Supreme Court of India

## **MODULE V - DOCTRINES OF CONSTITUTIONAL INTERPRETATION - I**

- a. Doctrine of Repugnancy
- b. Doctrine of Pith and Substance
- c. Doctrine of Colourable Legislation
- d. Doctrine of Territorial Nexus
- e. Doctrine of Harmonious Construction

## **MODULE VI - DOCTRINES OF CONSTITUTIONAL INTERPRETATION - II**

- a. Doctrine of Severability.

- b. Doctrine of Eclipse
- c. Doctrine of Judicial Review
- d. Doctrine of Constitutional Morality
- e. Doctrine of Prospective Overruling

## **SUGGESTED READING**

### **BOOKS**

1. Barber, Nicholas William “*The principles of constitutionalism*” Oxford University Press, 2018.
2. Bazezew, Maru. "Constitutionalism." *Mizan Law Review* 3.2 (2009): 358-369.
3. Ahmad, Ahrar. "The State, Participation, and Constitutionalism: Political Crises and Democracy in India." *Asian Affairs: An American Review* 26.3 (1999): 123-136.
4. Grimm, Dieter. *Constitutionalism: past, present, and future*. oxford university press, 2016.
5. Singh, M. P., and Ravi P. Bhatia. "Foundation and Historical Evolution of Indian Constitutionalism." *Indian Historical Review* 35.1 (2008): 173-207.
6. Barber, Sotirios A., and James E. Fleming. *Constitutional interpretation: The basic questions*. Oxford University Press, 2007.
7. Huscroft, Grant, and Bradley W. Miller, eds. *The challenge of originalism: Theories of constitutional interpretation*. Cambridge University Press, 2011.
8. Strauss, David A. *The living constitution*. Oxford University Press, 2010.
9. Sripathi, Vuayashri. "Toward Fifty Years of Constitutionalism and Fundamental Rights in India: Looking Back to See Ahead (1950-2000)." *Am. U. Int'l L. Rev.* 14 (1998): 413.
10. Kundu, Indrani. "Constitutionalism to Transformative Constitutionalism: The Changing Role of the Judiciary." *Indian JL & Just.* 11 (2020): 347.
11. Klare, Karl E. "Legal culture and transformative constitutionalism." *South African Journal on Human Rights* 14.1 (1998): 146-188.
12. Choudhry, Sujit, Madhav Khosla, and Pratap Bhanu Mehta, eds. *The Oxford handbook of the Indian constitution*. Oxford University Press, 2016.
13. Gupta, U. N. "LEGAL REALISM AND INDIAN CONSTITUTIONAL INTERPRETATIONS." *Journal of the Indian Law Institute* 17.2 (1975): 212-236.

14. Graber, Mark A. *A new introduction to American constitutionalism*. Oxford University Press, 2015.
15. Ibohal Singh, Constitutions, *Constitutional Interpretations and Human Rights*, Vol 1, LexisNexis, Butterworths, 2009

### **JOURNALS / ARTICLES**

1. Peters, Anne. "The Merits of Global Constitutionalism." *Indiana Journal of Global Legal Studies*, vol. 16, no. 2, Indiana University Press, 2009, pp. 397–411, <https://doi.org/10.2979/gls.2009.16.2.397>.
2. Ryan, James E. "LAYING CLAIM TO THE CONSTITUTION: THE PROMISE OF NEW TEXTUALISM." *Virginia Law Review*, vol. 97, no. 7, Virginia Law Review, 2011, pp. 1523–72, <http://www.jstor.org/stable/41307888>.
3. SINGH, YOGESH PRATAP, et al. "Dissenting Opinions of Judges in the Supreme Court." *Economic and Political Weekly*, vol. 51, no. 5, Economic and Political Weekly, 2016, pp. 13–16, <http://www.jstor.org/stable/44003124>.
4. Rao, R. V. Ramachandrasekhara. "BASES OF JUDICIAL REVIEW." *Journal of the Indian Law Institute*, vol. 3, no. 3, Indian Law Institute, 1961, pp. 293–310, <http://www.jstor.org/stable/43949713>.
5. Guthrie, William D. "Constitutional Morality." *The North American Review*, vol. 196, no. 681, University of Northern Iowa, 1912, pp. 154–73, <http://www.jstor.org/stable/25119811>.
6. Friedmann, Wolfgang. "Limits of Judicial Law making and Prospective Overruling." *The Modern Law Review*, vol. 29, no. 6, [Modern Law Review, Wiley], 1966, pp. 593– 607, <http://www.jstor.org/stable/1093007>.
7. Shekhawat, Vibhuti Singh. "JUDICIAL REVIEW IN INDIA: MAXIMS AND LIMITATIONS." *The Indian Journal of Political Science*, vol. 55, no. 2, Indian Political Science Association, 1994, pp. 177–82, <http://www.jstor.org/stable/41858807>.
8. Barak, Aharon. "The Role of the Supreme Court in a Democracy." *Israel Studies*, vol. 3, no. 2, Indiana University Press, 1998, pp. 6–29, <http://www.jstor.org/stable/30245712>.
9. Post, Robert. "Theories of Constitutional Interpretation." *Representations*, no. 30, University of California Press, 1990, pp. 13–41, <https://doi.org/10.2307/2928445>.

10. Teubner, Gunther, and Anna Beckers. "Expanding Constitutionalism." *Indiana Journal of Global Legal Studies*, vol. 20, no. 2, Indiana University Press, 2013, pp. 523–50, <https://doi.org/10.2979/indjglolegstu.20.2.523>.

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**PAPER - II**  
**ADMINISTRATIVE LAW**  
**(ML 108)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The aim of this course is essentially to undertake the study of Administrative Law in detail. Doctrine of Separation of Power, Rule of Law and Judicial Review of Administrative Actions are the important and relevant factors to be studied which comprise of subject matter of this course. This paper focuses on analytical and theoretical scrutiny of Principles of Administrative Law and their components in present context in order to enable the students and develop amongst them the proper understanding of the subject.

**LEARNING OUTCOMES**

After completion of this course students will be able to:

- Identify, Explain and Apply the Principles of Administrative Law
- Comprehend the Nature, Limits and Control over the exercise of Administrative Discretion and Procedural Fairness
- Understand Administrative Adjudication, Administrative Action and the extent of Judicial Control
- Discern the criticality of Judicial Review and State accountability and understand the available remedies.

**MODULE I - CONSTRUCTION OF ADMINISTRATIVE LAW**

- a. Concept of *Laissez faire* State and Emergence of Administrative Law in Social Welfare State
- b. Definition and Need of Administrative Law
- c. Relationship Between Constitutional Law and Administrative Law
- d. Synthesis of Administrative Law: Administrative Agency, Delegation, Administrative Discretion, Administrative Adjudication
- e. Rule of Law and Separation of Power and its Influence on Administrative Law

**MODULE II - DELEGATED LEGISLATION (RULE-MAKING POWER)**

- a. Executive Legislation, Delegated Legislation and Excessive Delegation
- b. Necessity of Delegated Legislation

- c. Limitations on Delegated Legislation
- d. Control of Delegated Legislation: Parliamentary, Procedural and Judicial

### **MODULE III - ADMINISTRATIVE DISCRETION**

- a. Administrative Discretion: Individualization of Administrative Action
- b. Judicial Control on The Exercise of Administrative Discretionary Power
  - i. At The Stage of Conferment of Power
  - ii. At the Stage of Exercise of Administrative Discretionary Power
    - Abuse of Power
    - Non-Application of Mind
    - Violation of Principle of Natural Justice
- c. Doctrine of Proportionality and Doctrine of Legitimate Expectation
- d. Administrative Discretion in the New Age of Access to Information

### **MODULE IV - ADMINISTRATIVE ADJUDICATION AND TRIBUNALS**

- a. Concept of Administrative Adjudication
- b. Administrative Tribunals: Differentiating from Courts and its Constitutional Validity
- c. Power, Procedure and Jurisdiction of Administrative Tribunals

### **MODULE V - JUDICIAL REVIEW OF ADMINISTRATIVE ACTIONS**

- a. Judicial Review: Restraint on Executive Organ of the Government
- b. Defining the Scope of Judicial Review: Wisdom of Policy, Appeal, Review and Concurrent Jurisdiction
- c. Limitation of Judicial Review: Ouster Clause, Locus Standi, Res Judicata, Laches and Exhaustion of Alternative Remedies
- d. Ensuring Administrative Justice Through Writs

### **MODULE VI – REDRESSAL OF COMPLAINTS AGAINST THE ADMINISTRATIVE AUTHORITIES**

- a. Relevant Provisions of The Commission of Enquiry Act, 1952
- b. Relevant Provisions of The Central Vigilance Commission Act, 2003
- c. Relevant Provisions of Right to Information Act, 2005
- d. Various Legislative Proposals for Appointment of Lokpal at the Union and The State, Salient Features of Lokpal and Lokayukta Act, 2014

## **MODULE VII - LIABILITIES OF GOVERNMENT**

- a. Liability of Government and Public Authorities in Tort and Contract
- b. Sovereign and Non-Sovereign Function of the State
- c. Compensatory Jurisprudence

### **SUGGESTED READING BOOKS**

1. M. P. Jain “*The Evolving Indian Administrative Law*” 1983.
2. M.P. Jain and S.N. Jain’s “*Principles of Administrative Law Revised*” Amita Dhanda (7th ed., 2017)
3. I.P. Massey, *Administrative Law* (7th ed., 2008)
4. S.P. Sathe “*Administrative Law*” (7th ed., 2004)
5. H.W.R. Wade and C.F. Forsyth “*Administrative Law*” 8<sup>th</sup> ed., 2000
6. S.N. Jain “*Administrative Tribunals in India*”, 1986
7. Peter H.Schuck “*Foundations of Administrative Law*” Oxford University Press, 1994
8. Justice Bhagwati Prosad Banerjee and Bhasker Banerjee “*Judicial Control of Administrative Action*” 3rd ed.,2016.
9. Harry Woolf, Jeffery Jowell and Andrew Le Sueur, De Smith “*Judicial Review*” 6th ed., 2007.
10. C. K. Takwani “*Lectures on Administrative Law*” EBC 2019.

### **JOURNALS / ARTICLES**

1. H.M. Seervai “The Supreme Court of India and the Shadow of Dicey” in *The Position of the Judiciary under the Constitutional of India*, 83-96 (1970)
2. Justice H.R. Khanna, *Rule of Law*, (1977) 4 SCC (Jour) 7.
3. Lord Bingham, *The Rule of Law*, *The Cambridge Law Journal*, Vol. 66, No. 1 (March 2007), pp. 67-85
4. SHUKLA, V. N. “JUDICIAL CONTROL OF DELEGATED LEGISLATION IN INDIA.” *Journal of the Indian Law Institute*, vol. 1, no. 3, Indian Law Institute, 1959, pp. 357–74, <http://www.jstor.org/stable/43953794>.

5. Griffith, J. A. G. "Delegated Legislation: Some Recent Developments." *The Modern Law Review*, vol. 12, no. 3, [Modern Law Review, Wiley], 1949, pp. 297–318, <http://www.jstor.org/stable/1090502>.
6. Jain, S. N. "NEW TRENDS IN JUDICIAL CONTROL OF ADMINISTRATIVE DISCRETION." *Journal of the Indian Law Institute*, vol. 11, no. 4, Indian Law Institute, 1969, pp. 544–53, <http://www.jstor.org/stable/43950050>.
7. Leelakrishnan, P., and Mini S. "PROCEDURAL FAIRNESS IN ADMINISTRATIVE DECISION-MAKING: APPROACH OF THE SUPREME COURT IN A DECADE." *Journal of the Indian Law Institute*, vol. 59, no. 4, Indian Law Institute, 2017, pp. 335– 55, <https://www.jstor.org/stable/26826613>.
8. MUNSHI, K. M. "ADMINISTRATIVE TRIBUNALS IN MODERN DEMOCRATIC STATE." *Journal of the Indian Law Institute*, vol. 1, no. 1, Indian Law Institute, 1958, pp. 17–21, <http://www.jstor.org/stable/43952879>.
9. Blackshield, A. R. "TORTIOUS LIABILITY OF GOVERNMENT: A JURISPRUDENTIAL CASE NOTE." *Journal of the Indian Law Institute*, vol. 8, no. 4, Indian Law Institute, 1966, pp. 643–59, <http://www.jstor.org/stable/43949926>.
10. "JUSTICE BHAGWATI AND INDIAN ADMINISTRATIVE LAW." *Journal of the Indian Law Institute*, vol. 2, no. 1, Indian Law Institute, 1959, pp. 7–30, <http://www.jstor.org/stable/43952781>.

## **REPORTS**

1. 272 Law Commission of India Report on Assessment of Statutory Framework of Tribunals in India (October, 2017)
2. Report of the Committee on Ministers' Powers (Donoughmore Committee), (Cmd. 4060) (1932)

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**PAPER - III**  
**COMPARATIVE CONSTITUTIONAL LAW (ML 207)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The aim of this course is to develop an understanding of various concepts and theories of Constitutionalism and Constitution. The course will cover the basic principles of Constitution and Comparative Analysis of various provisions of different Constitutions across the globe. This course explores a number of essential features of the Constitutional systems of selected countries and compares them with features of the Constitutional systems of other jurisdictions. Students will get acquainted with the overarching concepts of Constitutional Law.

**LEARNING OUTCOMES**

On completion of this course, the students will be able to:

- Explain the significance of Comparative Constitutional Law
- Compare and evaluate the Indian Constitutional Law with major Constitutional Democracies
- Compare the working of the Judiciary and Judicial Process in India with major Constitutional Democracies
- Explain and compare the law-making process in India
- Analyze the Constitutional foundations of functioning of the Governments in major Democracies
- Demonstrate an understanding of the growth of the concept of 'Right' across Democracies

**MODULE I - RATIONALE AND UNDERPINNINGS OF COMPARATIVE CONSTITUTIONAL LAW**

- a. Introduction to Comparative Constitutional Law - Relevance, Scope and Challenges
- b. Evolution and Trends in Comparative Constitutional Law
- c. Constitutional Adoptions in the Making and Designing of Constitution

## **MODEL II - CONSTITUTIONAL MODELS**

- a. Written and Unwritten Constitution
- b. Major Types of Contemporary Constitutional Systems
- c. Transnational Constitution: The European Union Constitutional Treaty and its Aftermath

## **MODULE III - STRIKING A BALANCE AMONGST THE BRANCHES OF GOVERNMENT: HORIZONTAL SEPARATION OF POWER**

- a. Nature of Separation of Powers in Different Countries
  - i. Common Law System - UK, USA, Australia and Canada
  - ii. Civil Law System - France and Germany
- b. Presidentialism and Parliamentarism
- c. Forms of Legislatures in Different Countries
- d. Executive Powers in Modern States
- e. Patterns of Independence of Judiciary in Common Law and Civil Law Systems

## **MODULE IV - FEDERALISM AND ITS CHANGING CONTOURS UNDER VARIOUS JURISDICTIONS**

- a. India: Structure and Functions of Federalism
- b. USA: Pragmatic and Elastic Federalism
- c. Germany: Cooperative Federalism
- d. Switzerland: Predominance of the Cantons
- e. Canada: Asymmetrical Federalism
- f. Belgium: From Centralised to Ethnic Federalism to Confederation

## **MODULE V - EMERGENCY LAWS IN A COMPARATIVE FRAMEWORK**

- a. Emergency Powers in History and Political Thought - Greek, Roman and Indian Paradigms
- b. States of Emergency: Comparative Study with Germany and United States of America
- c. Constitutional Silence in Sweden and Finland

## **MODULE VI - COMPARATIVE CONSTITUTIONAL CHANGE: AMENDMENT, REPLACEMENT AND REVOLUTION**

- a. Methods of Amendment: Comparative Perspective
- b. Limitations on the Amending Power
- c. Theory of Basic Structure: Origin and Development

### **REFERENCE MATERIAL**

1. Michel Rosenfeld and András Sajó, "The Oxford Handbook on Comparative Constitutional Law", 2012
2. Nicholas Aroney, *The Constitution of a Federal Commonwealth: The making and meaning of the Australian Constitution*, Cambridge University Press, Cambridge, 2009, pp 17-39.
3. Martha A. Field, "The Differing Federalisms of Canada and the United States" (1992) 55 *Law and Contemp. Probs.* 107.
4. Jan Erk, *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany and Switzerland*, Routledge, New York, 2008, pp 1-13, 44-48.
6. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford: OUP, 2008) at 156-163.
7. *Commentary and Materials*, 4th ed, The Federation Press, Sydney, 2006, pp 241-246. (Australian Federalism).
8. Donald P Kommers, *The Constitutional Jurisprudence of the Federal Republic of Germany*, 2nd edn, Duke University Press/ Durham and London, 1997, pp 61-107 (Federalism in Germany.)
9. DD Basu, *Comparative Constitution Law*, 2nd (ed.), Wadhwa, 2008, pp 324-350.
10. U Baxi, *Rule of Law in India: Theory and Practice* in Randall Peerenboom (ed.), *Asian Discourses of Rule of Law*, Routledge, London, 2004, pp 324-345. (included in reading material)
11. Eliot Bulmer, *Emergency Powers*, International IDEA Constitution- Building Primer 18
12. Christian Bjørnskov, Stefan Voigt, *The Architecture of Emergency Constitutions*, Oxford University Press, 2018.

## JOURNALS / ARTICLES

1. Auburn, F. M. "Trends in Comparative Constitutional Law." *The Modern Law Review*, vol. 35, no. 2, [Modern Law Review, Wiley], 1972, pp. 129–39, <http://www.jstor.org/stable/1094653>.
2. Tushnet, Mark. "The Possibilities of Comparative Constitutional Law." *The Yale Law Journal*, vol. 108, no. 6, The Yale Law Journal Company, Inc., 1999, pp. 1225–309, <https://doi.org/10.2307/797327>.
3. Lucas, G. Brinton. "STRUCTURAL EXCEPTIONALISM AND COMPARATIVE CONSTITUTIONAL LAW." *Virginia Law Review*, vol. 96, no. 8, Virginia Law Review, 2010, pp. 1965–2010, <http://www.jstor.org/stable/27896336>.
4. Venter, Francois. "Globalization of Constitutional Law through Comparative Constitution-Making." *Verfassung Und Recht in Übersee / Law and Politics in Africa, Asia and Latin America*, vol. 41, no. 1, Nomos Verlagsgesellschaft mbH, 2008, pp. 16– 31, <http://www.jstor.org/stable/43239422>.
5. Saunders, Cheryl. "The Use and Misuse of Comparative Constitutional Law." *Indiana Journal of Global Legal Studies*, vol. 13, no. 1, Indiana University Press, 2006, pp. 37– 76, <https://doi.org/10.2979/gls.2006.13.1.37>.
6. Dixon, Rosalind. "A Democratic Theory of Constitutional Comparison." *The American Journal of Comparative Law*, vol. 56, no. 4, American Society of Comparative Law, 2008, pp. 947–97, <http://www.jstor.org/stable/20454651>.
7. JACKSON, VICKI C. "Constitutional Law in an Age of Proportionality." *The Yale Law Journal*, vol. 124, no. 8, The Yale Law Journal Company, Inc., 2015, pp. 3094–196, <http://www.jstor.org/stable/43617155>.
8. Teitel, Ruti. "Comparative Constitutional Law in a Global Age." *Harvard Law Review*, vol. 117, no. 8, The Harvard Law Review Association, 2004, pp. 2570–96, <https://doi.org/10.2307/4093406>.
9. Hirschl, Ran. "THE 'COMPARATIVE' IN COMPARATIVE CONSTITUTIONAL LAW: A RESPONSE TO DIXON AND TUSHNET." *The American Journal of Comparative Law*, vol. 64, no. 1, Oxford University Press, 2016, pp. 209–17, <http://www.jstor.org/stable/26386889>.
10. Bakshi, P. M. "Comparative Law: Separation of Powers in India." *American Bar Association Journal*, vol. 42, no. 6, American Bar Association, 1956, pp. 553–95, <http://www.jstor.org/stable/25719656>.

**PAPER - IV**  
**FEMINIST JURISPRUDENCE AND GENDER STUDIES**  
**(ML 208)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

This Course is designed to unfold the nature of laws within the framework of Feminist Legal Theory. It shall also examine the potential of law to deliver Gender Justice, Empowerment of Women and Production of Equality of Opportunities and Results. Its objective is also to expose the students to analyze various International and Indian Laws for the Protection of the Rights of Women and Transgender Communities (LGBTQI+) in the contexts of non-discrimination on the basis of sexual orientation, fundamental right to life with dignity and substantive and complex equality. One of the objectives of this course is also to examine social construction of gender and its impact on LGBTQI class and it also seeks to problematize the dichotomy between gender and sex.

**LEARNING OUTCOMES**

On Completion of this Course, the students will be able to:

- Identify Gender Sensitive / Neutral Laws both in National And International Domains.
- Develop the idea to critically analyse Statutes and Judgments through Feminist Approach.
- Examine the Scope and the Purpose of the International and National laws for the Protection of LGBTQI Community, Disabled Women, Marginalized Women etc, in context of the changing contours of Constitutional Morality and Transformative Constitutionalism.
- Participate in Informed Discussions and Deliberations on Gender Justice, Sexual Orientation and Gender Identity Issues.

**MODULE I - CONCEPT OF GENDER JUSTICE, GENDER EQUITY AND LAW**

- a. Understanding Gender Terminologies
- b. Gender Equality and Constitution

- c. Concept of Gender Justice and Gender Equality
- d. Gender Mainstreaming and Myths
- e. Gender Equality and Human Rights

## **MODULE II - INTRODUCTION TO FEMINIST JURISPRUDENCE**

- a. Patriarchy and Feminism
- b. Caste Patriarchy
- c. Overview on Schools of Feminism: Liberal, Radical, Socialist, Post-colonial, Dalit
- d. Classical and Contemporary Feminism
- e. Commodification and De humanization

## **MODULE III - FEMINIST THEORIES AND KINDS OF FEMINISM**

- a. Feminist Doctrines & their Application to Laws on Violence against Women in India
- b. Feminist Approach in Social, Economic and Political Justice
- c. Pragmatism Vs Feminism
- d. Kinds of Feminism - Cultural, Psychoanalytical, Lesbian, Existentialist, Ethical, Eco feminism, Transgender, Black Feminism

## **MODULE IV - GENDER JUSTICE IN INTERNATIONAL INSTRUMENTS**

- a. International Bill of Human Rights and Women's Rights
- b. U.N. World Conferences on Women
- c. Convention on the Elimination of all forms of Discrimination against Women
- d. Declaration on the Elimination of Violence against Women
- e. Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- f. Convention on the Rights of Persons with Disabilities and Empowerment of Women
- g. Women and Sustainable Development Goals

## **MODULE VI - GENDER BASED DISCRIMINATION AND LAW**

- a. Gender Based Harassment and Discrimination, Homophobia

- b. Transgender Community and Gender Justice in India
- c. Reconstructing Sexual Identity
- d. LGBTQI+ and Human Rights,
- e. Socio, Political and Economic Issues of LGBTQI+
- f. UN and Protection of LGBTQI+
- g. Yogyakarta Declaration and NALSA Declaration

## **MODULE VI - JUDICIAL APPROACH AND FEMINISM IN INDIA**

- a. Intersectionality and Judicial Trends
- b. Indian Judiciary- Deconstruction and Reconstruction, Essentialism and Anti-essentialism
- c. Substantive and Procedural Justice; Relevance of Due Process
- d. Identifying Feminist Jurisprudence in Judgment Writing

### **SUGGESTED READING BOOKS**

1. Amy S. Wharton. "The Sociology of Gender: An Introduction to Theory and Research". (Key Themes in Sociology) Blackwell Publishing, UK, Indian Reprint, Kilaso Books, New Delhi. (2005).
2. Arvind Narrain, Queer: Despised Sexuality, Law and Social Change, Books for Change, 2004, p 49.
3. Dr. G. Rajasekharan Nair Gender Justice under Indian Criminal Justice System, Eastern Law House Pvt. Ltd.
4. Feminist Legal Theory: An Anti-Essentialist Reader, ed. by Nancy E. Dowd and Michelle S. Jacobs, New York Univ. Press, 2003, ISBN 0-8147-1913-9
5. Human Rights Violations against the Transgender Community, People's Union of Civil Liberties, Karnataka, 2003.
6. J.P. Bhatnagar: Law Relating Women & their Rights, Second Edition 1999, Asoka Law House, New Delhi
7. Justice Krishna Iyer: Crimes Against Women – A Saga of Victimology sans Penology, 1993, Ashish Publishing House, New Delhi

8. Kalpana Kannabiran, *Judicial Meanderings in Patriarchal Thickets: Litigating Sex Discrimination in India*, in *Women and Law: Critical Feminist Perspectives* 172-204 (Kalpana Kannabiran ed., 2014).
9. Maithreyi Krishna Raj. "Women Studies in India: Some Perspectives". Popular Prakasham, Bombay. (1986).
10. R. Revathi, *Laws Relating to Domestic Violence*, 2004, Asia Law House, Hyderabad.
11. Radha Kumar, *The History of Doing: An Illustrated Account of Movements for Women's Rights and Feminism in India, 1800-1990* (Zubaan 1993)
12. Ratna Kapur & Brenda Cossman, 'On Women, Equality and the Constitution: Through the Looking Glass of Feminism' in *Gender and Politics in India* 197-261 (Nivedita Menon ed., Oxford University Press 1999)
13. Richards, David A. J. *Women, Gays, and the Constitution: the Grounds for Feminism and Gay Rights in Culture and Law*, University of Chicago Press (1998).
14. Saurabh Kirpal (Ed.), *Sex and the Supreme Court: How the Law is Upholding the Dignity of the Indian Citizen*. Hachette India, 2020
15. Serena Nanda: "Neither man nor woman: The Hijras of India", Wadsworth Publishing Co Inc. 1998.

### **JOURNALS / ARTICLES**

1. Amma, P. Janaki, "*Special Legislation for Protection of Women and children*," *Cochin University Law Review*, Vol.5, No.1, March 1981
2. Bhagyalakshmi, J., "*Girl Child: Unwanted, Neglected and Suffering*," *Kurukshetra*, Vol.38, No.12, 1990
3. Bhatnagar, Subir Kumar, "*Special Provisions for Women: A Case of Judicial Ambivalence*," *Law Journal of Guru Nanak Dev University*, Vol.X, No.2, June 1982
4. Byrnes, Andrew, "*Women, Feminism and International Human Rights Law - Methodological Myopia, Fundamental Flaws or Meaningful Marginalisation?: Some Current Issues*," m [www.hrw.org](http://www.hrw.org) quoted from 12th Australian Year Book of International Law
5. Chandrakanthi, G., "*Women in India: Past, Present and Future*," *Swarajya*, Vol.19, No.22, Nov 1974
6. Foucault Michel, *The History of Sexuality* Vol. 1: An Introduction, p. 43. Trans. Robert Hurley, New York, Vintage 1990.

7. Gita Sen & Avanti Mukherjee, 'No Empowerment without Rights, No Rights without Politics: Gender-equality, MDGs and the post-2015 Development Agenda', *Journal of Human Development and Capabilities*, Vol. 15, 2014, Issue 2-3: Special Issue on Millennium Development Goals, 188-202
8. Gupta, Balram, "Protective Discrimination in Favour of Women Under the Indian Constitution," *Law Journal of Guru Nanak Dev University*, Vol.X, No.2, June 1982
9. Herek, G. (1988), *Heterosexuals' Attitudes Toward Lesbians and Gay Men*, *Journal of Sex Research*, 25, 451–477
10. Herek, G.M. (1991). Stigma, prejudice, and violence against lesbians and gay men. In: J. Gonsiorek & J. Weinrich (Eds.), "Homosexuality: Research implications for public policy" (pp. 60–80). Newbury Park, CA: Sage.
11. Jayna Kothari, *Gender Justice and India's Obligations under International Conventions*, Mar. 8, 2013, available at <http://clpr.org.in/gender-justice-and-indias-obligations-under-international-conventions/>
12. Mac Kinnon, Catharine. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs*, vol. 8, no. 4, 1983. JSTOR, [www.jstor.org/stable/3173687](http://www.jstor.org/stable/3173687)
13. Mendola, M. (1980) *a New Look at Gay Couples*. New York : Crown Publishers.
14. Pratiksha Baxi, *Çarceral Feminism as Judicial Bias: The Discontents Around State vs. Mahmood Farooqui*, *Interdisciplinary Law*, Issue 3, October 2016.
15. Shashi Prabha Kumar Reader, "Indian Feminism in Vedic perspective", *Journal of Indian Studies*, Vol. 1 1998.
16. Taslima Monsoor, *Gender in Law: Five Decades of Struggle for Empowerment*, (2001) 12 *Dublin University Law Journal (DULJ)*
17. Versha Sharma, *Constitutional Provisions Relating to Women and International Instruments on Rights*. 16-17 *ALJ* (2001-02)

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**PAPER - V**  
**LAW, PUBLIC POLICY AND GOVERNANCE**  
**(ML 309)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The overarching aim of the course is to provide students with a solid grounding in key themes of Public Policy and Governance as well as the practical and issue-oriented knowledge which will prepare students for their future roles as policy-makers, administrator, advisors, and analysts in governmental and non-governmental organizations. Through the core curricula of this course, students will gain a detailed and systematic understanding of how policy-making processes are shaped and influenced by State and Non-State actors and political institutions, and how public policies operate at each level of governance. Indian Constitution provides a legal framework within which public policy is developed, shaped and implemented. This course aims to provide key ideas which underpin the working of legal systems.

**LEARNING OUTCOMES**

After completion of this course:

- Students will understand the nature and meaning of Public Policy and its importance.
- Students will be able to comprehend the roles played by various agencies in the making and implementation of Public Policy.
- Students will be able to list the political, financial and other difficulties in the implementation of policies.
- Students will be able to analyze the cycle of selected Public Policies.
- Students will be able to describe the initiatives for good governance.

**MODULE I - INTRODUCTION TO PUBLIC POLICY**

- a. Public Policy – Definition, Nature and Significance
- b. Relationship between Public Policy and Governance
- c. Stages of Public Policy making - Conceptualization, Formulation, Implementation and Evaluation
- d. Importance of Public Policy making

## **MODULE II - POLICY MAKING IN INDIA**

- a. Constitutional Framework of Policy Making in India - Institutional Factors: Legislative, Executive, Judiciary, NITI Aayog etc.
- b. Public Opinion, Political Parties, Non-Governmental Agencies, Think Tanks, Interest Groups and Pressure Groups, Mass Media, Social Movements
- c. International Agencies - UNDP, WHO, UNEP, World Bank, IMF etc. involved in Public Policy making

## **MODULE III - POLICY IMPLEMENTATION**

- a. Public Policy Delivery Agencies and Implementations - Role of Governmental Agencies in Policy Implementation
- b. Need of Private and Scientific Agencies for implementation
- c. Challenges in Public Policy Implementation - Conceptual, Political and Administrative
- d. Conditions for Successful Implementation

## **MODULE IV - POLICY IMPACT AND EVALUATION**

- a. Meaning of Policy Impact and its Importance
- b. Policy Impact-Assessment and feedback.
- c. Policy Evaluation: Role, Process, Criteria, Types and Evaluating Agencies
- d. Problems and Dilemmas in Policy Evaluation

## **MODULE V - PUBLIC POLICIES IN ACTION**

- a. Case study - Population Policies, Education Policies,
- b. Environmental Policies and Health Policies,
- c. Public Accountability Policies etc.

## **MODULE VI - DEMOCRACY AND GOVERNANCE**

- a. Democracy – Meaning and Types
- b. Basic Principles of Democracy in Governance - Pluralism, Citizenship and Respect for Human Rights and Federalism
- c. Governance: Meaning and Features
- d. Theories of Governance: Rational Choice, Systems and New Institutionalism.
- e. Good Governance and its features

## **SUGGESTED READING**

### **BOOKS**

1. Ayyar R V, Public Policymaking in India (2009).
2. Dye, T.R. (2002) Understanding Public Policy, 10th edition Pearson, New Delhi.
3. MathurKuldeep, Public Policy and Politics in India, How Institutions Matter (Oxford India Paperbacks) (2015).
4. Mohanty, Biswaranjan. (2009). Constitution, Government and Politics in India – Evolution and Present Structure, New Century Publications, New Delhi.
5. Kuldeep Mathur, From Government to Governance, National Book Trust, New Delhi, 2009
6. Bevir, Mark (Ed.), The Sage Handbook of Governance, Sage, 2011.
7. B.C.Smith, Good Governance and Development, Palgrave Macmillan, 2007
8. Jain, M. P. (2010). Indian Constitutional Law, 6th edition (2 vols), LexisNexis Butterworths Wadhwa, Nagpur
9. Laxmikanth, M. (2011). Governance in India, Tata McGraw-Hill Education, New Delhi.
10. World Bank. (1994). Governance: The World Bank's experience. Washington, D.C: The World Bank.
11. Sapru R.K (1996) Public Policy: Formulation, Implementation and Evaluation, Sterling Publication, New Delhi.
12. Anderson, James E., 1975, Public Policy-Making, Praeger, New York.
13. Robin, Jack (Ed.), 2005, Encyclopedia of Public Administration and Public Policy, Taylor &Frtincis, London.
14. Kabra, Karnal Nayan, 1997, Development Planning in India, Exploring an Alternative Approach, Sage Publications, New Delhi.
15. Dayal, Ishwar, "Organization for policy Formulation", Kuldeep Mathur, (Ed.) 1996, Development Policy and Administration, Sage Publications, New DeIhi.

### **JOURNALS / ARTICLES**

1. Shapiro, Martin. "From Public Law to Public Policy, or the 'Public' in 'Public Law.'" *PS*, vol. 5, no. 4, [American Political Science Association, Cambridge University Press], 1972, pp. 410–18, <https://doi.org/10.2307/418497>.

2. CHAUDHURI, ANINDYA. “Policy Studies, Policymaking, and Knowledge-Driven Governance.” *Economic and Political Weekly*, vol. 51, no. 23, Economic and Political Weekly, 2016, pp. 59–68, <http://www.jstor.org/stable/44004681>.
3. MAHESHWARI, S. R., and S. R. MAHESWARI. “PUBLIC POLICY MAKING IN INDIA.” *The Indian Journal of Political Science*, vol. 48, no. 3, Indian Political Science Association, 1987, pp. 336–53, <http://www.jstor.org/stable/41855314>.
4. Chakrabarty, Manas, and Aleya Mousami Sultana. “PUBLIC POLICY MAKING IN INDIA AND THE SCHEDULED CASTES.” *The Indian Journal of Political Science*, vol. 69, no. 1, Indian Political Science Association, 2008, pp. 191–202, <http://www.jstor.org/stable/41856404>.
5. Barthwal, C. P., and BL Sah. “ROLE OF GOVERNMENTAL AGENCIES IN POLICY IMPLEMENTATION.” *The Indian Journal of Political Science*, vol. 69, no. 3, Indian Political Science Association, 2008, pp. 457–72, <http://www.jstor.org/stable/41856437>.
6. Khan, Raphaëlle, and Patrick Köllner. *Foreign Policy Think Tanks in India: New Actors, Divergent Profiles*. German Institute of Global and Area Studies (GIGA), 2018, <http://www.jstor.org/stable/resrep24798>.
7. Yadav, Sushma. “PUBLIC POLICY AND GOVERNANCE IN INDIA: THE POLITICS OF IMPLEMENTATION.” *The Indian Journal of Political Science*, vol. 71, no. 2, Indian Political Science Association, 2010, pp. 439–57, <http://www.jstor.org/stable/42753707>.
8. GANE, M. “FOREST POLICY-MAKING.” *The Commonwealth Forestry Review*, vol. 62, no. 2 (191), Commonwealth Forestry Association, 1983, pp. 85–92, <http://www.jstor.org/stable/42606280>.
9. Bindra, Sukhwant S. “DOMESTIC MILIEU OF INDIA AND FOREIGN POLICY MAKING PROCESS: A THEORETICAL PERSPECTIVE.” *The Indian Journal of Political Science*, vol. 65, no. 2, Indian Political Science Association, 2004, pp. 245–58, <http://www.jstor.org/stable/41855812>.
10. Singh, Raghav Sharan. “POLITICS OF ENVIRONMENT & DEVELOPMENT IN INDIA: (With Special Reference to Activism of Democratic Institutions).” *The Indian Journal of Political Science*, vol. 68, no. 4, Indian Political Science Association, 2007, pp. 751–58, <http://www.jstor.org/stable/41856373>.

**PAPER - VI**  
**JUDICIAL PROCESS**  
**(ML 310)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The most important understanding of the judicial process requires us to think about more than the formal law and procedure. Therefore, the main objective of this paper is to understand what is judicial process and its different dimensions such as the circumstances prevailing during the judicial process, the mindset of the judges, and also the social values which have a bearing on judicial process. This course also aims to bring creativity in judicial process, thereby to recognise the role of judiciary as an instrument of social order in India as envisioned by the Indian Constitution makers. Emphasis is also given on the role of eminent jurists and advocates in facilitating the judicial process and bringing new dimensions of law and justice in the Indian context.

**LEARNING OUTCOMES**

On completion of this course, the students will be able to:

- Understand the concept and working of judicial process in detail.
- Understand the methodologies and techniques used and prevalent judicial trends applied by the judicial officers in administering justice.
- Logically evaluate the implications of judgments given by various judges in Indian Judicial System.
- Understand the contemporary trends of Judiciary and the basis of precedents in judicial process.

**MODULE I - CONCEPT OF JUDICIAL PROCESS**

- a. Meaning and Concept of Judicial Process
- b. The Relation between Judicial Process and Social Ordering
- c. The Judicial Process under the Constitution of India
- d. The Tools and Techniques of Judicial Process and the Need for Reforms in Judicial Process

## **MODULE II - CONTEMPORARY NATURE OF JUDICIAL PROCESS IN CONSTITUTIONAL ADJUDICATION**

- a. Separation of Power and Independence of the Judiciary
- b. Judicial Activism and Non-interventionist Approach of Judiciary
- c. Judicial Self-Restraint: Problems of Accountability of Justice
- d. Relationship between Judicial Process and Constitutional Adjudication

## **MODULE III - JUDICIAL PROCESS AND CREATIVITY IN LAW**

- a. Relevance of Judicial Process and Creativity in Law
- b. Legal Reasoning and Growth of Law - Change and Stability
- c. Relevance of Precedents in Common Law and Civil Law Jurisdictions
- d. Impact of International Law and Foreign Law on Judicial Process in India

## **MODULE IV - JUDICIAL PROCESS IN ACTION**

- a. Interpreting the Semantics (Similar v. Same, Of/For etc) in Judicial Decisions
- b. Tracing the Utilitarian Approach in Decisions (F.N. Balsara v. State of Bombay, Phillip Morris v. Uruguay, R v. Dudley and Stephens etc.)
- c. Morality and Justicing (Director of Public Prosecutions v. Shaw, Navtej Singh Johar v. Union of India, Indian Young Lawyer Association v. The State of Kerala, The Case of the Speluncean Explorers etc.)
- d. Integration of Technology in Judicial Process
- e. Blending New Values in Judicial Process

## **MODULE V - INCEPTION OF NOVEL APPROACHES IN JUDICIAL PROCESS: ROLE OF JUDGES AND LAWYERS**

- a. Justice P. N. Bhagwati
- b. Justice V. R. Krishna Iyer
- c. Justice M. K. Mukherjee
- d. Advocate H. M. Seervai
- e. Advocate Nanabhoy Palkhivala

## **MODULE VI - THE COURT PRACTICES AND JUDICIAL PROCESS**

- a. Inquisitorial and Adversarial System
- b. The Formation and Importance of Constitutional Bench

- c. Authenticity of Majority Judgement, Significance of Dissenting Judgements
- d. Process of Overruling

### **SUGGESTED READING BOOKS**

1. A Laxminath “*Judicial Process and Precedent*” EBC 4<sup>th</sup> Edition, 2016.
2. M.P. Jain, “*Indian Constitutional Law*” LexisNexis, 2018.
3. V. R. Krishna Iyer “*Equal Justice & Forensic Process Truth & Myth*” EBC 2016. ISBN : 9788170129318.
4. Justice M. Ramajois “*Seeds of Modern Public Law in Ancient Indian Jurisprudence and Human Rights-Bharatiya Values*”, Lucknow, Published by Eastern Book Company
5. Alexander Bickel “*The Least Dangerous Branch: The Supreme Court at the Bar of Politics*” 2nd ed. (Yale University Press, 1986)
6. H.L.A. Hart “*The Concept of Law*” (Oxford University Press, 1961)
7. David Lyons “*Moral Aspects of Legal Theory*” (Cambridge University Press, 1993).
8. John Thomas Noonan, Kenneth I. Winston (Eds.) “*Responsible Judge: Readings in Judicial Ethics*” (Praeger Publishers, 1993)
9. B. N. Cardozo “*The Nature of Judicial Process*” Universal Law Publishing Co. Pvt. Ltd., 7th Ed, 2008.
10. Martin, James “*Poststructuralism and radical politics. In Poststructuralism and politics: An introduction*” ed. Jeremy Valentine and Alan Finlayson. Edinburgh University Press, 2002.
11. Soper, Philip “*Legal Theory and the Obligation of a Judge: The Hart/Dworkin Dispute*” 75 Michigan Law Review, 1977.

### **JOURNALS / ARTICLES**

1. Block, Michael K., et al. “An Experimental Comparison of Adversarial versus Inquisitorial Procedural Regimes.” *American Law and Economics Review*, vol. 2, no. 1, Oxford University Press, 2000, pp. 170–94, <http://www.jstor.org/stable/42705365>.
2. Shukla, Subhash. “SOCIAL JUSTICE IN INDIA: CONSTITUTIONAL VISION AND THEREAFTER.” *The Indian Journal of Political Science*, vol. 74, no. 2, Indian Political Science Association, 2013, pp. 357–68, <http://www.jstor.org/stable/24701121>.

3. Perry, Stephen R. "Judicial Obligation, Precedent and the Common Law." *Oxford Journal of Legal Studies*, vol. 7, no. 2, Oxford University Press, 1987, pp. 215–57, <http://www.jstor.org/stable/764304>.
4. Bhagwati, P. N. "HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM." *Journal of the Indian Law Institute*, vol. 27, no. 1, Indian Law Institute, 1985, pp. 1–22, <http://www.jstor.org/stable/43950897>.
5. RAGHAVAN, VIKRAM. "V R Krishna Iyer: A Long Life in Law and Politics." *Economic and Political Weekly*, vol. 50, no. 3, Economic and Political Weekly, 2015, pp. 26–30, <http://www.jstor.org/stable/24481118>.
6. Seervai, H. M. "The Freedom of Trade and Commerce in the Indian Constitution: The Atiabari Case and After." *The Cambridge Law Journal*, vol. 21, no. 1, Cambridge University Press, 1963, pp. 54–84, <http://www.jstor.org/stable/4504845>.
7. Rapaport, William J. "Implementation Is Semantic Interpretation." *The Monist*, vol. 82, no. 1, Oxford University Press, 1999, pp. 109–30, <http://www.jstor.org/stable/27903624>.
8. Baker, Jonathan B. "PRESERVING A POLITICAL BARGAIN: THE POLITICAL ECONOMY OF THE NON-INTERVENTIONIST CHALLENGE TO MONOPOLIZATION ENFORCEMENT." *Antitrust Law Journal*, vol. 76, no. 3, American Bar Association, 2010, pp. 605–52, <http://www.jstor.org/stable/40843723>.
9. Simon, Stephen A. "The Supreme Court's Use of Foreign Law in Constitutional Rights Cases: An Empirical Study." *Journal of Law and Courts*, vol. 1, no. 2, [The University of Chicago Press, Law and Courts Organized Section of the American Political Science Association], 2013, pp. 279–301, <https://doi.org/10.1086/670746>.
10. Cardozo, Benjamin N. "A Ministry of Justice." *Harvard Law Review*, vol. 35, no. 2, The Harvard Law Review Association, 1921, pp. 113–26, <https://doi.org/10.2307/1328195>.

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**PAPER - VII**  
**HUMAN RIGHTS LAW**  
**(ML 311)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

The main objective of this course is to introduce to the students the significance of Human Rights in the contemporary era with a theoretical perspective and to analyse the significance of group rights and their realization mechanisms. The course further equips the students to critically appreciate the relationship between rights and duties. It will further throw light on the contemporary challenges in the realization of Human Rights and the significance of Human Rights Education as a tool for the augmentation of Human Rights.

**LEARNING OUTCOMES**

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

- Demonstrate knowledge and understanding of the International Human Rights framework, its origins and justifying theories
- Demonstrate capacity to assess how specific Human Rights are asserted, enforced or violated
- Critically evaluate the relationship between International and Domestic Law on Human Rights

**MODULE I - HUMAN RIGHTS IDEOLOGY – ANTECEDENTS, HISTORY AND THEORY**

- a. Various Historical Sources of Human Rights Emergence.
- b. The Traditional Notion of Justice.
- c. Confronting Power and Promoting Freedom of Conscience  
[British Legacy – Magna Carta (1215), Habeas Corpus (1679); French Legacy – Declaration on The Rights of Man and Citizen. The American Experience–Rights as Constitutional Protections - Virginia Bill of Rights, The Declaration of Independence, The US Constitution, The Bill of Rights,]
- d. Disasters Of Two World Wars [First World War (1914-1918); Second World War (1939-1945) – Need for Recognition of Universal Rights.

## **MODULE II - DEFINING THE NOTION OF "RIGHTS" – CONCEPTUAL FOUNDATIONS**

- a. What are "Rights"? Are there any Human Rights?
- b. Rights, Immunities, Privileges; Negative or/and Positive Rights; Retained Rights; Rights defined as being Universal, Inalienable, Imprescriptible, Claims upon Society, etc.
- c. The Beneficiary of the Rights - Individual and Collective Rights
- d. Constitutional Rights - Human Rights – International or Universal Rights

## **MODULE III - GENERATIONS OF HUMAN RIGHTS**

- a. The First Generation of Rights – Civil and Political Rights
- b. The Second Generation of Rights – Economic and Social
- c. The Third Generation of Rights - The Right to Self-Determination, People's Rights and Minority Rights
- d. The Fourth Generation of Rights

## **MODULE IV - INTERNATIONALIZATION AND UNIVERSALISATION OF HUMAN RIGHTS**

- a. Universal Declaration of Human Rights (1948)
- b. Covenant on Political and Civil Rights (1966)
- c. Covenant on Economic, Social and Cultural Rights (1966)
- d. The Genocide Convention
- e. The International Convention on the Elimination of All Forms of Racial Discrimination
- f. The Convention on the Elimination of All Forms of Discrimination Against Women
- g. The Convention Against Torture and Other Cruel, Inhuman or Degrading Punishment
- h. The Convention on the Rights of the Child
- i. The Convention Relating to the Status of Refugees

## **MODULE V - IMMERCING ISSUES IN HUMAN RIGHTS JURISPRUDENCE**

- a. Challenges to the Human Rights Ideology – Communitarianism, Cultural Relativism Versus Universality of Human Rights
- b. Human Rights and Democracy
- c. International Accountability – From Nuremberg to the International Criminal Court
- d. Human Rights and Globalization – Trade, Labor and Human Rights

## **MODULE VI - HUMAN RIGHTS AND INDIAN JURISPRUDENCE**

- a. Human Rights in Indian Constitution
- b. Protection of Rights in domestic Courts
- c. Access to Justice
- d. Human Rights and Criminal Jurisprudence
- e. Rights of Women
- f. Rights of the Child
- g. Rights of Dalits
- h. The Tribal and Other Indigenous People
- i. Rights of Minorities - Religious, Linguistic and Sexual Minorities

### **SUGGESTED READING**

#### **BOOKS**

1. Jeffery F. etc (eds) Globalization International Law and Human Rights, Oxford;2012
2. Ian Brownlie: Basic Documents on International Law, Oxford, 2012
3. Lone Lindholt etc. Human Rights in Development 2003 Martinus Nijhoff pp 1-110
4. Rhona K.M. Smith International Human Rights, Oxford (5th edn) 2012 chapters 1,2,5,10,22 and 23.
5. T.S.N. Sastry: India and Human Rights: Reflections Concept publishers, 2005 Chapters 1-7,8,9,14,15, and 17
6. TSN Sastry: Studies in Human Rights, PR Publications, 2000; chapters 1-5,8,13,18,19,21, and 26
7. YSR Murty: Human Rights Hand Book Lexis Nexus Butterworth's 2007
8. HOSSAIN MD. SHANAWEZ: Human Security in Asia: by Universal Human Right or Cultural Relativism? <http://humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Shanawez.pdf>
9. Aruna Ray: National Human Rights Commission of India: Formation, Functioning and Future Atlantic 1997
10. Human rights Quarterly
11. Indian Journal of International law
12. American Journal of International Law

13. British Year Book of International law
14. NHRC Journal on Human rights
15. Journal of the Indian Law Institute

## **JOURNALS / ARTICLES**

1. Malekian, Farhad. "HUMAN RIGHTS LAW." *Principles of Islamic International Criminal Law: A Comparative Search*, Brill, 2011, pp. 107–34, <http://www.jstor.org/stable/10.1163/j.ctt1w8h3dt.13>.
2. Henkin, Louis. "The Universality of the Concept of Human Rights." *The Annals of the American Academy of Political and Social Science*, vol. 506, [Sage Publications, Inc., American Academy of Political and Social Science], 1989, pp. 10–16, <http://www.jstor.org/stable/1046650>.
3. Hafner-Burton, Emilie M., and Kiyoteru Tsutsui. "Human Rights in a Globalizing World: The Paradox of Empty Promises." *American Journal of Sociology*, vol. 110, no. 5, The University of Chicago Press, 2005, pp. 1373–411, <https://doi.org/10.1086/428442>.
4. Massimino, Elisa. "The Power of Human Rights Law." *Human Rights*, vol. 41, no. 2, American Bar Association, 2015, pp. 2–25, <https://www.jstor.org/stable/26408499>.
5. Bhagwati, P. N. "HUMAN RIGHTS IN THE CRIMINAL JUSTICE SYSTEM." *Journal of the Indian Law Institute*, vol. 27, no. 1, Indian Law Institute, 1985, pp. 1–22, <http://www.jstor.org/stable/43950897>.
6. Bob, Clifford. "'Dalit Rights Are Human Rights': Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue." *Human Rights Quarterly*, vol. 29, no. 1, Johns Hopkins University Press, 2007, pp. 167–93, <http://www.jstor.org/stable/20072792>.
7. Waughray, Annapurna. "Caste Discrimination and Minority Rights: The Case of India's Dalits." *International Journal on Minority and Group Rights*, vol. 17, no. 2, Brill, 2010, pp. 327–53, <http://www.jstor.org/stable/24675791>.
8. Carpenter, Kristen A., and Angela R. Riley. "Indigenous Peoples and the Jurisgenerative Moment in Human Rights." *California Law Review*, vol. 102, no. 1, California Law Review, Inc., 2014, pp. 173–234, <http://www.jstor.org/stable/23784369>.
9. Swepston, Lee. "Discrimination, Indigenous and Tribal Peoples, and Social Indicators." *International Journal on Minority and Group Rights*, vol. 18, no. 4, Brill, 2011, pp. 419– 31, <http://www.jstor.org/stable/24675852>.

10. Humphrey, John P. "The Universal Declaration of Human Rights." *International Journal*, vol. 4, no. 4, [Sage Publications, Ltd., Canadian International Council], 1949, pp. 351–61, <https://doi.org/10.2307/40197502>.

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**PAPER - VIII**  
**MEDIA LAW**  
**(ML 312)**  
**CREDITS - 2 (SOFT)**

**COURSE OBJECTIVES**

The course aims to provide basic understating of the evolution and existence of various facets of media and the legal regime in place to regulate its content and matters incidental to it. It also aims to familiarise students with the various aspects of Media Law and media regulatory bodies. The course also aims to sensitize students about the importance of ethics in media profession.

**LEARNING OUTCOMES**

After completion of this course, the students will be able to:

- Equip themselves to appreciate the philosophical justification for the protection of Right to Free Speech.
- Enable the students to understand the fundamental aspects of Protection of Reputation, to analyze the legal nitty-gritty of media and how their activities can result in a breach of privacy in its various hues.
- It can also make the students understand the requisite conceptual as well as statutory provisions pertaining to media, ethics and adjudication.

**MODULE I - INTRODUCTION**

- a. Introduction to Media and Communication
- b. Importance of Media in Democracy
- c. Kinds of Media
- d. Functions of Media – Information, Surveillance, Service the Economic System, Hold Society Together, Entertain, Act as a Community Forum, Service the political system, etc.

**MODULE II - HISTORY OF PRESS AND THEORIES OF PRESS**

- a. Historical Foundations of Media Laws in UK, USA and India (Pre and Post- Independence)
- b. International Law and Freedom of Media (UDHR, ICCPR, ECOSOC etc.)

- c. Theories of Press
  - i. Authoritarian Theory
  - ii. Libertarian Theory
  - iii. Communist Theory
  - iv. Theory of Social Responsibility
  - v. Development Media Theory
  - vi. Democratic Participant Media Theory

### **MODULE III - CONSTITUTIONAL FRAMEWORK OF FREEDOM OF MEDIA IN INDIA**

- a. Free Speech and Constituent Assembly Debates in India
- b. Freedom of Speech and Expression in Indian Constitution
- c. Facets of Freedom of Speech and Expression
- d. Freedom of Speech and Expression includes Freedom of Press
  - i. Right to Circulation
  - ii. Right to Receive Information
  - iii. Right to Advertise
  - iv. Right to Telecast / Broadcast
  - v. Censorship
- e. Law Commission of India: 101<sup>st</sup> Report on Freedom of Speech and Expression under Article 19 of the Constitution - An Overview
- f. Reasonable Restrictions
- g. Legislative Privileges and Media
- h. Right to Privacy and Media
- i. Freedom of Media during Emergency

### **MODULE IV - LEGAL DIMENSIONS OF MEDIA**

- a. Media and Criminal Law (Sedition, Obscenity and Defamation)
- b. Media and Law of Torts (Civil Law of Defamation and Negligence)
- c. Media and Judiciary (Contempt of Court)
- d. Media and Executive - An Overview (The Official Secrets Act, 1923; The Right to Information Act, 2005)

- e. Media and Journalists - An Overview (The Working Journalists (Conditions of Service) Act, 1955)

#### **MODULE V- REGULATORY FRAMEWORK OF MEDIA**

- a. Methods of Regulation (Self-Regulation and Statutory Regulation)
- b. The Cinematograph Act, 1952
- c. The Cable Television Networks (Regulation) Act, 1955
- d. The Prasar Bharti Act, 1990
- e. The Press Council of India Act, 1978
- f. The Telecom Regulatory Authority of India Act, 1997
- g. Advertising Standards Council of India and its Codes
- h. The Indecent Representation of Women Act, 1986

#### **MODULE VI - ISSUES IN MEDIA LAW**

- a. Trial by Media (Law Commission of India: 200<sup>th</sup> Report on Trial by Media, Free Speech and Fair Trial under Criminal Procedure Code, 1973 - An Overview)
- b. String Operation and Media
- c. Broadcasting Rights
- d. Taxation and Media
- e. Media and Convergence
- f. Infringement of Intellectual Property Rights
- g. Internet and Freedom of Media
- h. Violence against Media Persons and Law
- i. Role of Media in Electoral Process (Press Council of India, Report on Paid News, 2010, Ministry of Law and Justice, Report of the Committee on Electoral Reforms, 2010 - An Overview)

#### **SUGGESTED READING BOOKS**

1. P.M. Bakshi - "Press Law – An Introduction" BTRFI Publications, 1985.
2. D.D. Basu - "Law of the Press", LexisNexis Butterworth's Wadhwa, Nagpur.

3. Fred Seaton Siebert, Theodore Peterson and Wilbur Schramm, "Four Theories of Press: The Authoritarian, Libertarian, Social Responsibility, and Soviet Communist Concepts of what the Press should be and Do", University of Illinois Press, 1963.
4. Madhavi Goradia - Divan - "Facets of Media Law" Eastern Book Company.
5. M.P. Jain "Indian Constitutional Law" LexisNexis, Butterworths, Wadhwa, Nagpur.
6. Ram Jethmalani and D. S. Chopra - "Cases and Material on Media Law", Thomson Reuters, New Delhi.
7. P.M. Bakshi, "Law of Defamation - Some Aspects", N.M. Tripathi, Bombay.
8. Ursula Smartt, "Media and Entertainment Law", Routledge, First Edition.
9. Kiran Prasad, Media Law in India, Kluwer Law International.
10. Vidisha Barua, Press and Media Law Manual, Universal Law Publishing, New Delhi.
11. B. N. Ahuja, "History of Press, Press Laws and Communications", Surjeet Publications, Delhi.
12. Gokhale, S. D., Sadhu, A., and Kuvalekar, V, (Eds). "Press in India: On the Threshold of 21st Century", Sakal Paper Trust, Pune.
13. M. E. Price (Ed) "Routledge Handbook of Media Law", Routledge, London.

### **JOURNALS / ARTICLES**

1. Schroeder, Ralph. "Media Systems, Digital Media and Politics." Social Theory after the Internet: Media, Technology, and Globalization, UCL Press, 2018, pp. 28–59, <https://doi.org/10.2307/j.ctt20krxdr.5>.
2. Hart, Christopher Escobedo. "Social Media Law: Significant Developments." The Business Lawyer, vol. 72, no. 1, American Bar Association, 2016, pp. 235–42, <https://www.jstor.org/stable/26419119>.
3. Sharma, Shalini. "Indian Media and the Struggle for Justice in Bhopal." Social Justice, vol. 41, no. 1/2 (135-136), Social Justice/Global Options, 2014, pp. 146–68, <http://www.jstor.org/stable/24361595>.
4. Sarah Joseph. "Social Media and Promotion of International Law." Proceedings of the Annual Meeting (American Society of International Law), vol. 109, [Cambridge University Press, American Society of International Law], 2015, pp. 249–53, <https://doi.org/10.5305/procannmeetasil.109.2015.0249>.

5. “Developments in the Law: The Law of Media.” *Harvard Law Review*, vol. 120, no. 4, The Harvard Law Review Association, 2007, pp. 990–1066, <http://www.jstor.org/stable/40041997>.
6. Gaur, K. D. “CONSTITUTIONAL RIGHTS AND FREEDOM OF MEDIA IN INDIA.” *Journal of the Indian Law Institute*, vol. 36, no. 4, Indian Law Institute, 1994, pp. 429– 54, <http://www.jstor.org/stable/43952367>.
7. Oginni, Simon Oyewole, and Joash Ntenga Moitui. “Social Media and Public Policy Process in Africa: Enhanced Policy Process in Digital Age.” *Consilience*, no. 14, Columbia University, 2015, pp. 158–72, <http://www.jstor.org/stable/26188747>.
8. Meyers, Joyce S. “MEDIA LAW AND DEFAMATION TORTS: RECENT DEVELOPMENTS.” *Tort & Insurance Law Journal*, vol. 26, no. 2, American Bar Association, 1991, pp. 314–30, <http://www.jstor.org/stable/25761966>.
9. Tully, Stephen. “People You Might Know: Social Media in the Conflict Between Law and Democracy.” *Law and Democracy: Contemporary Questions*, edited by Glenn Patmore and Kim Rubenstein, ANU Press, 2014, pp. 153–72, <http://www.jstor.org/stable/j.ctt13wwvp7.12>.
10. JOSEPH, AMMU. “MEDIA PLURALISM: Not Just a Question of Numbers.” *India International Centre Quarterly*, vol. 42, no. 1, India International Centre, 2015, pp. 1–11, <http://www.jstor.org/stable/26316658>

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**PAPER - IX**  
**EDUCATION POLICY AND LAW**  
**(ML 407)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE OBJECTIVES**

To make the students aware of the importance of education, to familiarize them with the constitutional provisions related to education, to acquaint them with the rights of educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

**LEARNING OUTCOMES**

On completion of this course, the students will be able to:

- Have a holistic understanding of education laws and policies
- Appreciate the hierarchy and interplay between State and Central Legislations as it relates to essential aspects of education policies
- Compare and critique existing legal approaches to certain key area of education policy in practice
- Explore new avenues in educational sector in light of technological advancements

**MODULE I - HISTORY OF EDUCATION POLICY IN BRITISH ERA**

- a. The Charter of 1813
- b. Lord Bentinck's Resolution of 1835
- c. Policy of Downwards Filtration Theory
- d. Wood's Despatch 1854
- e. The Indian Education Commission (1882)
- f. Lord Curzon's Education Policy and its Aftermath
- g. Government Resolution on Education Policy, 1913
- h. Calcutta University Commission (1917-19)
- i. Education under Dyarchy System (1921-1937)
- j. Education under Provincial Autonomy (Government of India Act 1935)

## **MODULE II - EDUCATION AND THE CONSTITUTION OF INDIA**

- a. Debates on Education Policy in the Constituent Assembly
- b. Right to Education in Indian Constitution and International Covenant
- c. Education and Democracy
- d. Education and Minority Community
- e. Education and Non-Discrimination
- f. Education and Affirmative Action

## **MODULE III – INDIAN EDUCATION POLICY AFTER INDEPENDENCE**

- a. The University Education Commission (1948-49)
- b. Secondary Education Commission (1952-53)
- c. Kothari Commission (1964-66)
- d. National Policies on Education (1968-2020)
- e. Language Policy in Education: Issues and Challenges

## **MODULE IV - UNIVERSALIZATION OF ELEMENTARY EDUCATION IN INDIA**

- a. Evolution of Right to Free and Compulsory Primary Education
- b. Judicial Discourse on Right to Education
- c. Right to Education Act, 2009
- d. Issues and Challenges in Universalization of Elementary Education in India.
- e. Government Responsibility on Universalization of Elementary Education under RTE

## **MODULE V - HIGHER EDUCATION SYSTEM IN INDIA**

- a. Role of University Grant Commission in Controlling Quality Higher Education in India
- b. Types of Universities (Central University, State Universities, Deemed Universities, Private Universities, Agricultural Universities, Institutes of National Importance, Open Universities)
- c. Technical Education (IITs, IIMs, IISs, NITs and AICTE)
- d. Professional Education (AICTE, Distance Education Council, National Council for Teachers Education, Medical Council of India, Bar Council of India)
- e. Higher Education and Equality of Access: Policy Perspective
- f. Reservations in Higher Education: Modalities and Justifications

## MODULE VI – EDUCATION AS AN INDUSTRY IN MODERN ERA

- a. Education as an Industry
- b. Privatisation and Commercialisation of the Education Sector - Issues and Challenges
- c. Education Sector and Consumer Protection
- d. Impact of Technology on Education Sector
- e. Online Education and Entry of Foreign Universities
- f. Adjudicatory Mechanisms in Education Sector (School Tribunal, College Tribunal and University Tribunal)

### REFERENCES

1. Jandhyala B. G. Tilak, *Education and development in India: Critical Issues in Public Policy and Development*, Palgrave Macmillan, Singapore, 2018.
2. Krishna Kumar (Ed), *Routledge Handbook of Education in India: Debate, Practice and Policies*, Routledge, 2018
3. Nurullah, Syed, and Pangal Jayendra Naik. *History of education in India during the British period*. Macmillan, Bombay, 1943.
4. Dewey, John. *Democracy and Education: An Introduction to the Philosophy of Education*, Aakar Books Classics, Indian Reprint, 2004
5. Ayyar, RV Vaidyanatha. *History of education policymaking in India, 1947–2016*. Oxford University Press, 2017.
6. Tilak, Jandhyala BG. "The Policy Crisis in Education." *Vision of Education in India*. Routledge, 2020. 265-272.
7. Mondal, Ajit. "Free and compulsory primary education in India under the British Raj: A tale of an unfulfilled dream." *Sage Open* 7.3 (2017): 2158244017727037.
8. Juneja, Nalini. "Constitutional mandate for free and compulsory education: New light on the intention of 'The Founding Fathers'." *Contemporary Education Dialogue* 12.2 (2015): 208-237.

9. Kumar, Virendra. "The Right of Children to Free and Compulsory Education Act, 2009: A Juridical Critique of Its Constitutional Perspective." *Journal of the Indian Law Institute* (2013): 21-44.
10. Ramachandran, Vimala. "Democratic inequalities: The dilemma of elementary education in India." *International handbook of comparative education*. Springer, Dordrecht, 2009. 669-683.

## **SUGGESTED READING**

### **BOOKS**

1. M.P.Jain, Indian Constitutional Law
2. D.D.Basu, Commentary on the Constitution of India
3. A.P.Datar, Commentary on the Constitution of India
4. H.M. Seervai, Constitutional Law of India
5. M.P. Singh, Constitution of India
6. H.O. Agarwal, International law and Human Rights
7. B.M. Sankhdher, Encyclopaedia of Education System in India
8. P.L.Mehta, R.Poonga, Free and Compulsory Education
9. R.D.Agarwal, Law of Education and Educational Institutions
10. G.S.Sharma,(ed.),Educational Planning: Its Legal and Constitutional Implications in India
11. Florian Matthey Prakash. (2019) "The Right to Education in India: The Importance of Enforceability of Fundamental Right."
12. Sinivasa.M.V. (2019) "Education in Contemporary India."
13. AjitMondal, Jayanta Mete. (2012) "The Right To Education."
14. Prof. Vijay Kumar.K. (2012) "Right to Education Act 2009: Its Implementation as to Social Development in India."
15. Aggarwal.J.C. (2010) "Landmarks in the History of Modern Indian Education."
16. Dr. Anil Kumar Taneja, Indian Education Commissions and Committees (2017)

## JOURNALS / ARTICLES

1. Donnelly, Jack. "The Relative Universality of Human Rights." *Human Rights Quarterly*, vol. 29, no. 2, Johns Hopkins University Press, 2007, pp. 281–306, <http://www.jstor.org/stable/20072800>.
2. Humphrey, John P. "The Universal Declaration of Human Rights." *International Journal*, vol. 4, no. 4, [Sage Publications, Ltd., Canadian International Council], 1949, pp. 351–61, <https://doi.org/10.2307/40197502>.
3. "The Universal Declaration of Human Rights." *Race/Ethnicity: Multidisciplinary Global Contexts*, vol. 3, no. 2, Indiana University Press, 2010, pp. 145–51, <http://www.jstor.org/stable/10.2979/rac.2010.3.2.145>.
4. TILAK, JANDHYALA B. G. "Higher Education Policy in India in Transition." *Economic and Political Weekly*, vol. 47, no. 13, Economic and Political Weekly, 2012, pp. 36–40, <http://www.jstor.org/stable/23214708>.
5. KUMAR, ARUN. "Challenges Facing New Education Policy in India." *Economic and Political Weekly*, vol. 50, no. 52, Economic and Political Weekly, 2015, pp. 14–16, <http://www.jstor.org/stable/44003016>.
6. Kamat, A. R. "EDUCATIONAL POLICY IN INDIA: CRITICAL ISSUES." *Sociological Bulletin*, vol. 29, no. 2, Indian Sociological Society, 1980, pp. 187–205, <http://www.jstor.org/stable/23619176>.
7. Kingdon, Geeta Gandhi. "The Progress of School Education in India." *Oxford Review of Economic Policy*, vol. 23, no. 2, Oxford University Press, 2007, pp. 168–95, <http://www.jstor.org/stable/23606611>.
8. TILAK, JANDHYALA B. G. "Higher Education Policy in India in Transition." *Economic and Political Weekly*, vol. 47, no. 13, Economic and Political Weekly, 2012, pp. 36–40, <http://www.jstor.org/stable/23214708>.
9. MOHAN, SHAILENDRA. "MINORITY AND MAJORITY LINGUISTIC GROUPS IN INDIA: ISSUES AND PROBLEMS." *Bulletin of the Deccan College Research Institute*, vol. 70/71, Vice Chancellor, Deccan College Post-Graduate and Research Institute (Deemed University), Pune, 2010, pp. 261–69, <http://www.jstor.org/stable/42931248>.
10. Rampal, Sushma, and Sadhana Chaturvedi. "POLICY PLANNING ON BASIC EDUCATION IN INDIA IN CONTEXT OF HUMAN DEVELOPMENT REPORTS." *The Indian Journal of Political Science*, vol. 73, no. 4, Indian Political Science Association, 2012, pp. 787–96, <http://www.jstor.org/stable/41858884>.

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**PAPER - X**  
**TRIBAL DEVELOPMENT – LAW, POLICY AND PRACTICE**  
**(ML 408)**  
**CREDITS - 2 (SOFT)**

**COURSE OBJECTIVES**

This course aims to develop adequate skills to prepare and implement integrated development plans & projects for Tribal Communities. It will also engage the students to develop an understanding of good governance in the field of Tribal Development.

**LEARNING OUTCOMES**

On completion of this course, the students will be able to:

- Examine the development of tribal justice systems from pre-contact to colonization and into the modern era of tribal self-government.
- Describe modern tribal government activities and explore how disputes are resolved.
- Understand comparative tribal constitutional law, the tribal laws governing membership in Indian nations and tribal elections.
- Explore how traditional areas of law are handled such as civil rights law, criminal law and procedure, domestic relations, property, contracts, torts, civil procedure, and jurisdiction

**MODULE I - TRIBAL MEANING AND IDENTITY**

- a. Tribal Meaning & Identity Meaning, Definition and Characteristics of Tribe
- b. Concept of Tribe from Various Perspectives – British Perspective, Indian Perspective, Tribals Own Perspective
- c. Constitutional Meaning of Tribe - Traditional Wisdom

**MODULE II - HUMANITARIAN ISSUES OF TRIBALS: SOCIO-POLITICAL ISSUES**

- a. Political Participation, Tribal Self-Rule, Educational Issues-Accessibility, Marginalisation, Migration, Drop-Out
- b. Health Issues-Accessibility, Malnutrition, Mortality & Morbidity, Reproductive Health, Anemia and Sickle Cell Anemia, Superstitions, Addiction, Isolation
- c. Scheduled Tribes and Scheduled Areas under The Constitution of India

### **MODULE III - IMPEDIMENTS IN TRIBAL TRANSFORMATION**

- a. Tribe-Caste Continuum
- b. Detribalisation, 'Sanskritization' and Religious Conversions, 'Retribalisation'
- c. Assertion of Tribal Identity, Revitalisation
- d. Cultural Invitation and Culture of Silence
- e. Cultural Synthesis
- f. Cultural Action for Tribal Freedom
- g. Cultural Hegemony

### **MODULE IV - CONTEMPORARY ISSUES ASSOCIATED WITH TRIBAL PEOPLE**

- a. Land Alienation, Displacement, Rehabilitation, Resettlement and Poverty
- b. Indebtedness, Literacy, Education, Un/Under Employment, Health and Nutrition, and Addiction
- c. Housing and Trafficking
- d. Significant Tribal Movements in India

### **MODULE V - CUSTOMARY LAWS OF TRIBALS AND ITS RELEVANCE**

- a. Constitutional Perspectives of Customary Laws
- b. Gender Perspective in Tribal Customary Law and Uniform Civil Code
- c. Customary Law in the era of Modernisation and changing Tribal Scenario
- d. Primitive Tribal Groups (PTGs)
- e. Concept and types of Crime and Tort among the tribals
- f. Tribal Customary practices about Crime and Punishment
- g. Mode and types of punishment in tribal societies - Social Punishment, Divine Punishment, Punitive Acts, Taboo

### **SUGGESTED READING BOOKS**

1. A. Sommerville: Crime and Religious Beliefs in India, Asian Educational Services.
2. Alain Pottage and Martha Mundy: Law, Anthropology, and the Constitution of the Social: Making Persons and Things, Cambridge University Press.

3. Alain Supiot, *Homo Juridicus: On the anthropological function of the law*, Verso, 2007
4. Amita Singh and Nasir Aslam Zahid: *Strengthening Governance Through Access to Justice*, PHI Learning Pvt. Ltd.
5. Archana Mishra - *Casting the evil eye: witch trials in tribal India*, Namita Gokhale Editions, Roli Books.
6. Bhagwat Bhandari: *Tribal marriages and sex relations: customary laws of marriage in Bhil and Garasia tribes*, Himanshu Publications.
7. Bhowmick, P.K. 2002 *Customary Law of Austric speaking Tribes* Kalpaz Publications, Delhi.
8. Bibhasa Kilikadara: *Customary laws and practices: the Riangs of Tripura*, Tribal Research Institute, Govt. of Tripura
9. Carrie E. Garrow and Sarah Deer: *Tribal Criminal Law and Procedure, Volume 2 of Tribal Legal Studies*, Rowman Altamira.
10. Clark Blaise: *Tribal justice*, Doubleday Canada.
11. Manjushree Pathak: *Tribal Customs Law And Justice*, Mittal Publications.
12. Martha Mundy (Ed), *Law and Anthropology*, Ashgate.
13. Michael D. A. Freeman, A. David Napier ed. *Law and Anthropology*, Oxford University Press.
14. Michael Freeman and David Napier: *Law and Anthropology: Current Legal Issues*, Oxford University Press.
15. Norbert Rouland (Translated by Philippe G. Planel): *Legal Anthropology*, Continuum International Publishing.
16. Olivia Harris (Ed.): *Inside and Outside the Law*, Routledge.
17. P. K. Bhowmik : *Customary Law Of Austric Speaking Tribes*, Gyan Books.

### **JOURNALS / ARTICLES**

1. Johnson, Ralph W., and James M. Madden. "Sovereign Immunity in Indian Tribal Law." *American Indian Law Review*, vol. 12, no. 2, University of Oklahoma College of Law, 1984, pp. 153–93, <https://doi.org/10.2307/20068257>.
2. Getches, David H. "Conquering the Cultural Frontier: The New Subjectivism of the Supreme Court in Indian Law." *California Law Review*, vol. 84, no. 6, California Law Review, Inc., 1996, pp. 1573–655, <https://doi.org/10.2307/3481094>.

3. Fletcher, Matthew L. M. "TRIBAL MEMBERSHIP AND INDIAN NATIONHOOD." *American Indian Law Review*, vol. 37, no. 1, University of Oklahoma College of Law, 2012, pp. 1–17, <http://www.jstor.org/stable/41940639>.
4. Gardina, Jackie. "FEDERAL PREEMPTION: A ROADMAP FOR THE APPLICATION OF TRIBAL LAW IN STATE COURTS." *American Indian Law Review*, vol. 35, no. 1, University of Oklahoma College of Law, 2010, pp. 1–37, <http://www.jstor.org/stable/41148660>.
5. Carter, Truman, and Fred H. Miller. "Uniform Laws and Tribal Legislation; One Tribe's Perspective." *American Indian Law Review*, vol. 26, no. 1, University of Oklahoma College of Law, 2001, pp. 89–104, <https://doi.org/10.2307/20070672>.
6. Smith, Andrea. "Decolonizing Anti-Rape Law and Strategizing Accountability in Native American Communities." *Social Justice*, vol. 37, no. 4 (122), Social Justice/Global Options, 2011, pp. 36–43, <http://www.jstor.org/stable/41478932>.
7. Corbridge, Stuart. "The Ideology of Tribal Economy and Society: Politics in the Jharkhand, 1950-1980." *Modern Asian Studies*, vol. 22, no. 1, Cambridge University Press, 1988, pp. 1–42, <http://www.jstor.org/stable/312490>.
8. Riley, Angela R. "Good (Native) Governance." *Columbia Law Review*, vol. 107, no. 5, Columbia Law Review Association, Inc., 2007, pp. 1049–125, <http://www.jstor.org/stable/40041744>.
9. Skibine, Alex Tallchief. "CONSTITUTIONALISM, FEDERAL COMMON LAW, AND THE INHERENT POWERS OF INDIAN TRIBES." *American Indian Law Review*, vol. 39, no. 1, [University of Oklahoma College of Law, Board of Regents of the University of Oklahoma], 2014, pp. 77–136, <http://www.jstor.org/stable/24367639>.
10. Rosser, Ezra. "DISPLACING THE JUDICIARY: CUSTOMARY LAW AND THE THREAT OF A DEFENSIVE TRIBAL COUNCIL: A BOOK REVIEW OF RAYMOND D. AUSTIN, 'NAVAJO COURTS AND NAVAJO COMMON LAW: A TRADITION OF TRIBAL SELF-GOVERNANCE' (2009)." *American Indian Law Review*, vol. 34, no. 2, [University of Oklahoma College of Law, Board of Regents of the University of Oklahoma], 2009, pp. 379–401, <http://www.jstor.org/stable/41148657>.

**PAPER -XI**  
**TRANSPARENCY LAW**  
**ML (409)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES**

Transparency has become one of the fundamental distinctive traits of contemporary Democratic societies. Information makes a person wise and it is competent enough to cope up with the modern world. So it is the duty of government to inform citizens about day to day happening whatever within the government. The transformation from governance to good governance is possible if there is possibility of increasing participation of people in governance and free access of information. By realizing this fact, Indian parliament has passed Right to Information Act, 2005 to make government accountable, responsible, efficient and transparent.

In this course students will be studying the notion of Transparency on the backdrop of functioning of Right to Information Act, 2005. Students will also study the interface of transparency with the notion of Privacy. This course highlights the basic guidelines of RTI Act, the relationship between Right to Information Act and good governance and the issues relating to RTI Act.

**LEARNING OUTCOMES**

On completion of this course, the students will be able to:

- Comprehend the nature, scope and application of the right from a Constitutional and a legal right perspective.
- Synthesize the concept of ‘right’ with ‘reasonable restriction’ and appreciate the various aspect of development of law and policy in this area.

**MODULE I – TRANSPARENCY - CONCEPT, RATIONALE AND SIGNIFICANCE**

- a. Concept of Transparency
- b. Transparency as Power
- c. Differing Justifications for Transparency
  - i. Transparency and Effective Administration
  - ii. Transparency and Open Government
  - iii. Transparency and Human Rights
- d. Right to Information Movement in India and World Over

## **MODULE II - LAW ON TRANSPARENCY AND INTERNATIONAL INSTRUMENTS**

- a. The United Nations and Right to Information
- b. The UNDP and Right to Information
- c. The Commonwealth and the Right to Information
- d. The Rio Declaration on Environment and Development, 1992 and Access to Information

## **MODULE III - OFFICIAL SECRETS ACT AND OTHER LAWS**

- a. The Official Secrets Act
- b. Government Privileges in Evidence
- c. The Oath of Secrecy
- d. Exempted Organizations

## **MODULE IV - TRANSPARENCY, GOOD GOVERNANCE AND ACCOUNTABILITY**

- a. Administrative Transparency and Accountability through Right to Information
- b. Effectiveness of RTI Act in Eradicating Corruption
- c. Right to Information and Good Governance
- d. Role of Judiciary in Promoting Good Governance and Accountability
- e. Whistle-blowers

## **MODULE V - RIGHT TO INFORMATION AND TRANSPARENCY**

- a. Constitution of India and Right to Information
- b. Negative Right, Positive Right and Right to Know
- c. Salient Features of Right to Information Act, 2005
- d. Powers and Functions of Information Commission
- e. RTI and Obligations of Public Authorities
- f. Exempted Information
- g. Application of RTI Act to Legislature and Judiciary

## **MODULE VI - ISSUES OF TRANSPARENCY**

- a. Transparency and Privacy
- b. Fallacies of Transparency in the age of Fake News, Artificial Intelligence and Hyper Information Society.
- c. Transparency and Political Parties

- d. The Future of Transparency in the age of Big Data
- e. Right to Information and of Patent Specification during Patent Pending

### **SUGGESTED READING BOOKS**

1. Meijer, Albert. "Transparency." *The Oxford handbook of public accountability*. 2014.
2. Bianchi, Andrea, and Anne Peters, eds. *Transparency in international law*. Cambridge University Press, 2013.
3. Goel, Sumar L. *Right to information and good governance*. Deep and Deep Publications, 2007.
4. Adams, Rachel. *Transparency: new trajectories in law*. Routledge, 2020.
5. Pozen, David E., and Michael Schudson, eds. *Troubling transparency: the history and future of freedom of information*. Columbia University Press, 2018.
6. Roy, Aruna. *The RTI story: Power to the people*. Roli Books Private Limited, 2018.
7. Jha, Himanshu. *Capturing Institutional Change: The Case of Right to Information Act in India*. Oxford University Press, 2021
8. Jain, Narinder Kumar, and M. L. Khurana. *Right to Information: Concept, Law and Practice: with Position in Other Countries and Case Studies*. Regal Pub., 2007.
9. Piotr Mikuli, *Accountability and the Law: Rights, Authority and Transparency of Public Power (Comparative Constitutional Change)*.
10. K.B.Rai, *Right to Information*. Prabhat Prakashan 2016

### **JOURNALS / ARTICLES**

1. Jain, Anshu. "Good governance and right to information: a perspective." *Journal of the Indian Law Institute* (2012): 506-519.
2. Mann, Jeet Singh, ed. *Transparency and Accountability in Governance*. Centre for Transparency and Accountability in Governance, National Law University, Delhi, 2013.
3. Jain, Anshu. "RIGHT TO INFORMATION: THE GLOBAL PERSPECTIVE." *LAW JOURNAL*: 83.
4. Baviskar, Amita. "Winning the right to information in India: Is knowledge power." *Citizen action and national policy reform* (2010): 130-152.
5. Khanwalker, Varsha. "The right to information act in India: Its connotations and implementation." *The Indian Journal of Political Science* (2011): 387-393.

6. Cohen, Julie E. "Privacy, visibility, transparency, and exposure." *The University of Chicago Law Review* 75.1 (2008): 181-201.
7. Viswam, S. "The Right to Information." *India International Centre Quarterly*, vol. 10, no. 2, India International Centre, 1983, pp. 175–85, <http://www.jstor.org/stable/23001642>.
8. Griffith, John. "The Official Secrets Act 1989." *Journal of Law and Society*, vol. 16, no. 3, [Cardiff University, Wiley], 1989, pp. 273–90, <https://doi.org/10.2307/1409984>.
9. Etzioni, Amitai. "The Limits of Transparency." *Public Administration Review*, vol. 74, no. 6, [American Society for Public Administration, Wiley], 2014, pp. 687–88, <http://www.jstor.org/stable/24029489>.
10. Fenster, Mark. "SEEING THE STATE: TRANSPARENCY AS METAPHOR." *Administrative Law Review*, vol. 62, no. 3, American Bar Association, 2010, pp. 617–72, <http://www.jstor.org/stable/25758547>.

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#### (4) CRIMINAL LAW

The study of criminal law has long been central to understanding the relationship between the State and its citizens, as well as the mechanisms used to control and regulate behavior within society. Besides this, in the wake of increasing complexities of crime—ranging from violent crimes to sophisticated corporate fraud, cyber-crimes, crimes against vulnerable populations, and transnational offences—it has become imperative to equip future legal professionals, academics, and policymakers with a nuanced and multidisciplinary understanding of criminal law.

This specialization offers an integrated approach to substantive and procedural aspects of criminal law, contemporary trends, victim-centric jurisprudence, evidentiary theories, technological developments, and reformative justice mechanisms.

The Criminal Law specialization in the LL.M. programme provides a robust and interdisciplinary legal education, equipping students with the knowledge, skills, and analytical capacity to engage with complex criminal justice issues. It blends substantive and procedural law with insights from comparative systems, technology, psychology, and human rights. Graduates of this specialization will be well-positioned for careers in academia, judiciary, public prosecution, policymaking, international law, law enforcement, and advocacy.

The broader vision of legal education, this specialization aims to produce not only legal experts but socially conscious professionals committed to the cause of justice, equity, and reform in the criminal justice system of India and beyond. So, this specialization in *Criminal Law* is a rigorous and dynamic postgraduate programme designed to provide students with an advanced and in-depth understanding of the principles, procedures, philosophies, and contemporary challenges surrounding the criminal justice system—both within India and in comparative and international contexts. The following are the outlines the key objectives, scope, and thematic progression of the eleven carefully curated papers that comprise the Criminal Law specialization.

**CRIMINAL LAW**

**LL.M SYLLABUS**

<b>SEM</b>	<b>UBJECT CODE</b>	<b>SUBJECT</b>	<b>NATURE</b>	<b>CREDITS</b>
1	ML 110	Principles of Criminal Law	Compulsory	4
	ML 111	Criminal Procedure: Rights, Procedures and Remedies	Compulsory	4
2	ML 211	Corporate Criminal Liability and White-Collar Crimes	Compulsory	4
	ML 212	Comparative Criminal Law	Compulsory	4
3	ML 314	Victimology and Victim Rights in Criminal Justice	Compulsory	4
	ML 315	Criminal Law and Technology	Compulsory	4
	ML 316	International Criminal Law and Human Rights	Compulsory	4
	ML 317	Juvenile Justice and Delinquency Prevention	Soft	2
4	ML 411	Principles of Evidence Law	Compulsory	4
	ML 412	Psychology and Criminal Law	Soft	2
	ML 413	Sentencing and Penology	Soft	2
<b>Total Credits of Specialization</b>				<b>38</b>

**PAPER - I**  
**PRINCIPLES OF CRIMINAL LAW**  
**(ML 110)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course offers an in-depth exploration of the foundational principles and theoretical underpinnings of criminal law. It critically examines the evolution, scope, and functions of criminal law as a system of social control. Key concepts such as criminal liability, culpability, and responsibility are studied in relation to the elements of criminal offences—*actus reus* and *mens rea*—along with causation, inchoate crimes, and modes of participation. Special emphasis is placed on general defences, the philosophy of punishment, and contemporary debates surrounding strict liability and corporate criminal responsibility. The course integrates classical and modern perspectives from both common law and Indian legal traditions to provide a comprehensive understanding of substantive criminal law.

**LEARNING OUTCOMES:**

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

- Demonstrate conceptual understanding of the nature, functions, and scope of criminal law, including its historical and philosophical foundations.
- Analyse the essential elements of criminal liability: *actus reus*, *mens rea*, causation, and harm and apply them to both hypothetical and real-world scenarios.
- Differentiate between completed and inchoate offences and critically assess doctrines of complicity and corporate criminal responsibility.
- Evaluate the application of justification and excuse defenses, such as self-defense, necessity, and insanity, with reference to the principles of proportionality and culpability.
- Interpret judicial reasoning and doctrinal developments to engage with contemporary debates on the limits of criminalization and the evolution of liability standards.

**MODULE I: FOUNDATIONS AND PHILOSOPHY OF CRIMINAL LAW**

- a. Definitions, Evolution, Nature and Scope of Criminal Law
- b. Historical Development of Criminal Law
- c. Harm Principle and Limits of Criminalization

**MODULE II: ELEMENTS OF CRIMINAL LIABILITY**

- a. Actus Reus: Voluntary Acts, Omissions, and Status Offenses
- b. Mens Rea: Intent, Knowledge, Recklessness, and Negligence
- c. Causation and Resulting Harm
- d. Strict Liability in Criminal Law

### **MODULE III: INCHOATE OFFENSES AND PARTICIPATION**

- a. Attempt: Preparation vs. Perpetration
- b. Conspiracy and Solicitation
- c. Complicity and Accomplice Liability
- d. Vicarious and Corporate Criminal Responsibility

### **MODULE IV: DEFENSES AND CONTEMPORARY ISSUES**

- a. Justification Defences
- b. Excuse Defences
- c. Proportionality and Culpability in Modern Criminal Law
- d. Burden of Proof with relation to General Defences

#### **Recommended Readings:**

1. Williams, Glanville. Textbook of Criminal Law. 2nd ed., Stevens & Sons, 1983.
2. Kenny, Courtney Stanhope. Kenny's Outline of Criminal Law. 19th ed., edited by J.W.C. Turner, Cambridge University Press, 1966.
3. Turner, J.W.C., editor. Russell on Crime. 12th ed., Stevens & Sons, 1964. 2 vols.
4. Nigam, R.C. Law of Crimes in India: A Critical Study of Penal Law in India. Asia Publishing House, 1965.
5. Sarkar, S.C., and Pranab Kumar Sarkar. Sarkar on Evidence. 17th ed., LexisNexis, 2017. 2 vols.

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**PAPER - II**  
**CRIMINAL PROCEDURE: RIGHTS, PROCEDURES, AND REMEDIES**  
**(ML 111)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This specialized course examines the procedural framework governing criminal investigations and prosecutions in India, with emphasis on constitutional protections, statutory provisions, and procedural fairness. The course explores the evolution of criminal procedure in India through legislative reforms, constitutional interpretations, and landmark judicial decisions, providing students with a comprehensive understanding of rights-based approaches to criminal justice administration in India.

**LEARNING OUTCOMES:**

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

- Analyse the constitutional and statutory foundations of Indian criminal procedure.
- Critically evaluate the balance between crime control and due process in the Indian context.
- Apply procedural rules to factual scenarios involving the conduct of law enforcement.
- Assess the effectiveness of procedural safeguards and remedial mechanisms in the Indian criminal justice system.
- Develop proposals for reform based on comparative best practices.

**MODULE I: FOUNDATIONS AND PHILOSOPHY OF CRIMINAL LAW**

**A. Constitutional Foundations**

- a. Fundamental Rights under the Indian Constitution relevant to criminal procedure
- b. Article 20: Protection against self-incrimination, Double jeopardy, and Ex-post facto laws
- c. Article 21: Right to life and personal liberty, and Procedural due process
- d. Article 22: Rights upon arrest and detention
- e. Evolution of criminal procedure through constitutional interpretation

**B. Police Powers and Investigation**

- a. First Information Report (FIR) and its legal significance
- b. Police powers under the Bhartiya Nagarik Suraksha Sanhita (BNSS), 2023
- c. Arrest procedures and safeguards: D.K. Basu guidelines
- d. Search and Seizure: Constitutional and Statutory limitations
- e. Remand and the Distinction between Police custody and Judicial custody

- f. Recent reforms under the Criminal Procedure (Identification) Act, 2022

### **C. Rights of the Accused**

- a. Right to know the grounds for arrest
- b. Right to legal representation: Constitutional and statutory provisions on Legal Aid
- c. Right against self-incrimination and rules relating to confession
- d. Right to Bail: Regular, Anticipatory and Default bail provisions

### **D. Preventive detention laws and Constitutional safeguards**

## **MODULE II: PROSECUTORIAL PROCESS AND TRIAL SYSTEMS**

### **A. Courts and Jurisdiction**

- a. Hierarchy of criminal courts in India
- b. Metropolitan Magistrates and Judicial Magistrates
- c. Sessions Courts and their criminal jurisdiction
- d. High Courts and their criminal jurisdiction
- e. Special courts and tribunals (under the NDPS, POCSO, SC/ST Acts)

### **B. Prosecutorial Framework**

- a. Hierarchy of prosecution agencies in India
- b. Powers and functions of prosecutors under the BNSS
- c. Prosecutorial discretion and accountability
- d. Role of complainants in criminal proceedings
- e. Distinctions between Private prosecution and Public prosecution

### **C. Committal and Trial Procedures**

- a. Classification of offenses: Cognizable and Non-cognizable, Bailable and Non-bailable
- b. Procedure in Summons cases and Warrant cases
- c. Committal proceedings for Sessions trials
- d. Framing of charges and discharge applications
- e. Trial procedures and Stages under the BNSS
- f. Fast-track courts and Recent procedural reforms

### **D. Fair Trial Guarantees**

- a. Right to speedy trial: Hussainara Khatoon case and Subsequent developments

- b. Right to legal aid: Implementation of the Legal Services Authorities Act, 1987
- c. Right to receive police report and other documents
- d. Right to cross-examine witnesses
- e. Right to present defense evidence
- f. Remedies for procedural violations during trial of the accused

## **MODULE III: JUDGMENT, SENTENCING, AND REMEDIAL MECHANISMS**

### **A. Judgment and Sentencing Framework**

- a. Judgment writing requirements under BNSS
- b. Probation and other alternative sentencing options
- c. Sentencing guidelines and judicial discretion
- d. Pre-sentence reports and their significance
- e. Recent reforms in sentencing practices

### **B. Appellate and Revisional Jurisdiction**

- a. Appeals: Statutory framework under BNSS
- b. Revisional powers of Superior Courts
- c. Reference and Reservation of questions
- d. Inherent powers of the High Court
- e. Review and Curative petition mechanisms

### **C. Post-Conviction Remedies**

- a. Execution of sentences
- b. Post-conviction bail and suspension of sentence pending appeal
- c. Parole and Furlough systems
- d. Mercy petitions and Executive clemency: Suspension, remission and commutation
- e. Public Interest Litigation in criminal justice
- f. Habeas Corpus and other constitutional remedies

### **Recommended Readings:**

1. Pillai, K.N. Chandrasekharan. R.V. Kelkar's Criminal Procedure. 7th ed., Eastern Book Company, 2020.
2. Singhal, M.L. Ratanlal & Dhirajlal: The Bharatiya Nagarik Suraksha Sanhita, 2023. 23rd ed., LexisNexis, 2024.
3. Vibhute, K.I. P.S.A. Pillai's Criminal Law. 15th ed., LexisNexis, 2022.
4. Law Commission of India. 154th Report on the Code of Criminal Procedure, 1973. Government of India, 1996.

5. Law Commission of India. 177th Report on Law Relating to Arrest. Government of India, 2001.
6. Law Commission of India. 180th Report on Article 20(3) of the Constitution of India and the Right to Silence. Government of India, 2002.
7. Law Commission of India. 268th Report on Amendments to Criminal Procedure Code, 1973—Provisions Relating to Bail. Government of India, 2017.

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**PAPER III**  
**CORPORATE CRIMINAL LIABILITY AND WHITE-COLLAR CRIME**  
**(ML 211)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

Develop advanced theoretical and practical understanding of corporate criminal liability and white-collar crimes. Build specialized expertise in investigating, prosecuting, and defending corporate entities and individuals. Foster critical analysis skills regarding regulatory frameworks and enforcement mechanisms. Prepare legal professionals to navigate complex issues in corporate criminal law and compliance.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyse theories of corporate criminal liability and their application in Indian law.
2. Evaluate the effectiveness of legal frameworks addressing white-collar crimes.
3. Design corporate compliance programmes to prevent and detect criminal conduct.
4. Conduct independent research on emerging issues in corporate criminal law.
5. Apply international standards and best practices to Indian corporate criminal enforcement.
6. Advocate effectively for reforms in corporate criminal law and enforcement.

**MODULE I - THEORETICAL FOUNDATIONS OF CORPORATE CRIMINAL LIABILITY**

- a. Theoretical models of corporate criminal liability: Vicarious liability, Identification theory and Corporate culture
- b. Historical evolution of corporate criminal liability: From Individual to Collective responsibility
- c. Artificial Entity vs. Natural Person: Philosophical and Legal debates
- d. Corporate criminal intent: Attribution principles and Aggregation theory
- e. Constitutional perspectives on corporate criminal liability in India
- f. Landmark judicial decisions shaping corporate criminal liability in India
- g. Corporate Defences and Due Diligence mechanisms

**MODULE II - WHITE-COLLAR CRIME: CONCEPTS, CATEGORIES AND LEGAL FRAMEWORK**

- a. Sutherland's concept of white-collar crime and Contemporary perspectives
- b. Categories of white-collar crimes: Fraud, Corruption, Securities violations, Tax evasion
- c. Bharatiya Nyaya Sanhita, 2023: Provisions relevant to white-collar crimes
- d. Prevention of Corruption Act, 1988: Corporate bribery and Public sector interface

- e. SEBI Act, 1992: Securities fraud, Insider trading, Market manipulation, Disclosure violations
- f. Prevention of Money Laundering Act, 2002: Corporate implications and Compliance requirements
- g. Companies Act, 2013: Criminal provisions and Directors' liability
- h. Information Technology Act, 2000: Cyber-crimes and Corporate liability

### **MODULE III - INVESTIGATION, PROSECUTION AND DEFENSE STRATEGIES**

- a. Investigative agencies and their Jurisdiction in corporate crimes: CBI, ED, SFIO, EOW
- b. Investigation techniques: Document analysis, Forensic accounting, Digital evidence
- c. Search and Seizure operations in corporate settings
- d. Prosecutorial discretion and Charging decisions in corporate crimes
- e. Corporate Sentencing Guidelines: India and abroad
- f. Plea bargaining and Settlement mechanisms in corporate crimes
- g. Deferred prosecution and Non-prosecution agreements: Global practices and Indian potential
- h. Corporate Defense Strategies and Corporate Compliance Programmes as mitigating factors
- i. Corporate Internal Investigations and Self-reporting

### **MODULE IV - CONTEMPORARY ISSUES AND EMERGING TRENDS**

- a. Corporate criminal liability for Environmental crimes
- b. Corporate manslaughter and Workplace safety violations
- c. Liability of Parent corporations for Subsidiary actions
- d. Corporate liability for Human rights violations
- e. Cross-border corporate crimes and Jurisdictional challenges
- f. International anti-corruption frameworks: FCPA, UK Bribery Act and Indian Compliance
- g. Reform proposals for corporate criminal liability in India

#### **Recommended Readings:**

1. Pinto, A., and M. Evans. *Corporate Criminal Liability*. Sweet and Maxwell, 2021.
2. Ghosh, P. *Criminal Liability of Corporate Entities with Special Reference to the Law in India*. Universal Law Publishing, 2017.
3. Meiselles, M., N. Ryder, and A. Visconti. *Corporate Criminal Liability and Sanctions: Current Trends and Policy Changes*. Routledge, 2025.
4. Parekh, Sandeep. *Fraud, Manipulation and Insider Trading in the Indian Securities Markets*. LexisNexis, 2025.
5. Kumar, Neeru. *Key to Investigation and Prosecution of Serious Frauds Relating to Companies: Practice and Procedures*. Universal Law Publishing, 2016.

6. Pieth, Mark, and Radha Ivory. *Corporate Criminal Liability: Emergence, Convergence, and Risk*. Springer International, 2011.

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**PAPER IV**  
**COMPARATIVE CRIMINAL LAW**  
**(ML 212)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE DESCRIPTION:**

This course provides a systematic and critical exploration of criminal law across diverse legal systems. It examines the philosophical, procedural, and substantive dimensions of criminal law through a comparative lens, engaging with major legal traditions including Common Law, Civil Law, Islamic Law, Socialist Law, and hybrid systems. Students will study the structural models of criminal procedure (adversarial vs. inquisitorial), prosecutorial discretion, general principles of criminal liability, and various defences. The course also covers sentencing frameworks, punishment practices, and emerging global trends such as plea bargaining and restorative justice. Emphasis is placed on understanding law in its cultural and institutional context, promoting cross-jurisdictional insight and critical reflection on domestic legal practices.

**LEARNING OUTCOMES:**

By the end of this course, students will be able to:

1. Understand and apply comparative methodologies to analyze criminal law systems and doctrines across jurisdictions.
2. Identify key characteristics of different legal traditions and assess their influence on criminal law principles and procedures.
3. Evaluate procedural structures, prosecutorial systems, and trial processes in a comparative framework.
4. Analyse variations in criminal liability, defenses, and sentencing across legal systems using case-based and doctrinal approaches.
5. Engage critically with global trends in criminal justice including restorative justice, negotiated settlements, and the evolving role of victims.

**MODULE I - COMPARATIVE METHODOLOGY AND THEORETICAL FOUNDATIONS**

**A. Introduction to Comparative Criminal Law**

- a. Purposes and benefits of comparative study in criminal law
- b. Historical development of comparative criminal law scholarship
- c. Functional vs. Contextual approaches to comparative analysis
- d. Challenges in comparison: Language barriers, Conceptual equivalence, Information access
- e. Avoiding Ethnocentrism and Recognizing Cultural Relativism in comparison

**B. Historical Evolution of Major Legal Traditions**

- a. Common Law tradition: Development and Core characteristics

- b. Civil Law tradition: Codification movements and Systematization
- c. Islamic legal tradition: Sources and Criminal law categories
- d. Socialist legal tradition: Historical development and Contemporary relevance
- e. Mixed systems and Legal pluralism: Hybrid approaches to criminal law

### **C. Philosophical Foundations of Criminal Justice**

- a. Retribution and Just Deserts Theory across cultures
- b. Utilitarian approaches: Deterrence, Incapacitation, Rehabilitation
- c. Communitarian values in criminal justice
- d. Restorative justice philosophies in comparative perspective
- e. Religious influences on punishment theories

## **MODULE II - COMPARATIVE CRIMINAL PROCESS**

### **A. Structural Models of Criminal Process**

- a. Adversarial and Inquisitorial procedural paradigms
- b. Truth-seeking vs. Dispute resolution orientations
- c. Pre-trial Investigation: Police-led vs. Judicial investigation
- d. Role allocation: Judges, Prosecutors and Defense in different systems
- e. Mixed and Hybrid procedural models

### **B. Prosecutorial Systems and Discretion**

- a. Organization of prosecution services across legal families
- b. Mandatory vs. Discretionary prosecution principles
- c. Prosecutorial independence and Accountability mechanisms
- d. Charging standards and Oversight mechanisms
- e. Case Disposition powers: Diversion, Negotiation, Dismissal

### **C. Trial Processes and Evidence Rules**

- a. Trial structures: Unitary vs. Bifurcated proceedings
- b. Rules of evidence and Exclusionary approaches
- c. Hearsay and Confrontation rights across systems
- d. Expert evidence and Scientific proof standards
- e. Fact-finder roles: Professional judges, Lay judges, Juries

## **MODULE III - COMPARATIVE SUBSTANTIVE CRIMINAL LAW**

### **A. General Principles of Criminal Liability**

- a. Actus reus and Conduct requirements across legal systems

- b. Mental states and Mens rea equivalents in different traditions
- c. Causation theories and approaches
- d. Strict and Absolute liability: Comparative perspectives
- e. Complicity and Participation models in criminal liability

#### **B. Justification and Excuse Defence**

- a. Self-defence and Defense of others: Threshold variations
- b. Necessity and Duress across legal traditions
- c. Mental disorder defences: Insanity, Diminished capacity, Automatism
- d. Mistake defences: Mistakes of Fact and Mistake of Law across jurisdictions
- e. Cultural defences and their recognition

### **MODULE IV – PUNISHMENT SYSTEM AND GLOBAL TRENDS**

#### **A. Sentencing Frameworks**

- a. Determinate and Indeterminate sentencing models
- b. Sentencing Guideline systems: American and English
- c. Variations in Judicial discretion across legal families
- d. Role of victims in sentencing: Comparative perspectives
- e. Specialized sentencing procedures and courts

#### **B. Punishment Practices and Prison System**

- a. Comparative Incarceration rates and patterns
- b. Prison conditions and standards across jurisdictions
- c. Alternative sanctions: Community service, Electronic monitoring, Fines
- d. Conditional release mechanisms and supervision
- e. Death penalty in comparative perspective

#### **C. Plea Bargaining and Alternative Dispositions**

- a. American Plea-bargaining model and its features
- b. European Abbreviated procedures and penal orders
- c. Indian Plea-bargaining model and its features
- d. Restorative justice alternatives to Adjudication
- e. Victims' roles in Negotiated settlements

#### **Recommended Readings:**

1. Nelken, David. *Comparative Criminal Justice: Making Sense of Difference*. SAGE Publications, 2010.
2. Dubber, Markus D., and Tatjana Hörnle. *Criminal Law: A Comparative Approach*. Oxford University Press, 2016.

3. Reichel, Philip L. *Comparative Criminal Justice Systems: A Topical Approach*. Pearson, 2017.
4. Eser, Albin. *Comparative Criminal Law*. Bloomsbury Publishing, 2017.
5. Terrill, Richard J. *World Criminal Justice Systems: A Comparative Survey*. Routledge, 2023.
6. Ross, Jacqueline E., and Stephen C. Thaman, editors. *Comparative Criminal Procedure*. Edward Elgar Publishing, 2016.
7. Glenn, H. Patrick. "Criminal Law in the Common Law" and "Criminal Law in the Civil Law." *Legal Traditions of the World*. 5th ed., Oxford University Press, 2014.
8. Heller, Kevin Jon, and Markus D. Dubber, editors. "Principles of Liability." *The Handbook of Comparative Criminal Law*, pp. 14–55, Stanford University Press, 2011.
9. Church, Jeffrey. "Comparative Perspectives on Criminal Defenses." *Criminal Law Quarterly*, vol. 57, 2011, pp. 134–162.
10. Langer, Máximo. "The Long Shadow of the Adversarial and Inquisitorial Categories." *The Oxford Handbook of Criminal Law*, 2014, pp. 887–926.
11. Tonry, Michael. "Sentencing Policies and Practices in Western Countries." *Crime and Justice*, vol. 45, no. 1, 2016, pp. 1–52.
12. Cavadino, Michael, and James Dignan. "Explaining Penal Differences." *Penal Systems: A Comparative Approach*, SAGE Publications, 2006, pp. 3–49.
13. Whitman, James Q. "Degradation, Harshness, and Mercy." *Harsh Justice: Criminal Punishment and the Widening Divide between America and Europe*, Oxford University Press, 2003, pp. 1–49.
14. Turner, Jennifer. "Judicial Participation in Plea Negotiations: A Comparative View." *American Journal of Comparative Law*, vol. 54, 2009, pp. 199–267.
15. Thaman, Stephen C. "A Typology of Consensual Criminal Procedures." *World Plea Bargaining*, edited by Stephen C. Thaman, Carolina Academic Press, 2010, pp. 331–396.

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**PAPER V**  
**VICTIMOLOGY AND VICTIM RIGHTS IN CRIMINAL JUSTICE**  
**(ML 314)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course aims to develop an advanced theoretical and practical understanding of victimology and the rights of victims within the criminal justice framework. It seeks to build specialized expertise in the legal mechanisms available for victim protection, support, and participation. The course also fosters critical analytical skills to examine the gaps between victim rights legislation and its real-world implementation. Ultimately, it prepares legal professionals to promote and advance victim-centred approaches in policy-making, advocacy, and legal practice.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyse victimological theories and their application in legal contexts.
2. Evaluate the effectiveness of victim protection laws and implementation mechanisms.
3. Design victim-centred legal interventions and support systems.
4. Conduct independent research on emerging issues in victimology.
5. Apply international standards and best practices to the Indian victim justice framework.
6. Advocate effectively for victim rights reforms in policy and practice.

**MODULE I – THEORITICAL FOUNDATIONS OF VICTIMOLOGY**

- a. Introduction to Victimology: Historical development as a distinct discipline
- b. Theoretical Perspectives: Positivist, Radical, and Critical victimology
- c. Victim Precipitation, Victim facilitation, and Victim-offender overlap
- d. Patterns of Victimization: Primary, Secondary, and Repeat victimization
- e. Victim Typologies and Classification Models: Von Hentig, Mendelsohn, Sellin & Wolfgang
- f. Victimization surveys and their role in understanding crime patterns
- g. Psychological impact of Victimization: Trauma theory and Post-victimization responses

**MODULE II – INDIAN LEGAL FRAMEWORK FOR VICTIM JUSTICE**

- a. Constitutional framework of Victim rights in India: Articles 14, 21, and 39A
- b. Evolution of Victim rights in Indian criminal jurisprudence
- c. Victim participation under the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023
- d. Victim Compensation Schemes: Sections 395 and 396 of BNSS

- e. Victim Impact Statements and Victim Participation in Sentencing
- f. Restorative justice models and their Application in Indian context

### **MODULE III – SPECIAL CATEGORIES OF VICTIMS AND RESPONSE MECHANISIMS**

- a. Sexual violence victims: Legal protections and Institutional responses
- b. Child victims and witnesses: Special procedures and safeguards, including with reference to POCSO Act, 2012
- c. Victims of Human trafficking: Legal framework and Rehabilitation
- d. Victims of Domestic violence: Civil and Criminal remedies
- e. Victims of Communal or Caste-based violence, Mass atrocities and Terrorism
- f. Victims of Custodial violence and State crimes
- g. Victims of Cyber-crimes: Emerging challenges and Legal responses
- h. Victims of Economic offenses and White-collar crimes

### **MODULE IV – VICTIM SUPPORT SYSTEMS AND FUTURE DIRECTIONS**

- a. Trauma-informed approaches in Victim support
- b. Victim Assistance Programmes: Models and Effectiveness
- c. Role of National and State Legal Services Authorities in victim support
- d. One-Stop Crisis Centres: Implementation and Challenges
- e. Role of NGOs and Civil society in Victim advocacy
- f. International standards on victim rights: UN Declaration of Basic Principles of Justice for Victims, 1985
- g. Future of victim rights in India: Reform proposals and Policy directions

### **Recommended Readings:**

1. Gopalan, Rejani Thudalikunnil, editor. *Victimology: A Comprehensive Approach to Forensic, Psychosocial and Legal Perspectives*. Springer, 2023.
2. Yager, Jan. *Essentials of Victimology*. Aspen Publishing, 2021.
3. Turvey, Brent E. *Forensic Victimology: Examining Violent Crime Victims in Investigative and Legal Contexts*. 3rd ed., Academic Press, 2023.
4. Chouliaraki, Lilie. *Wronged: The Weaponization of Victimhood*. Columbia University Press, 2024.
5. Clevenger, Sherri, et al. *Understanding Victimology: An Active-Learning Approach*. Routledge, 2023.
6. Taylor, Jessica. *Why Women Are Blamed for Everything: Exploring Victim Blaming of Women Subjected to Abuse and Trauma*. Constable, 2020.
7. Rivera Garza, Cristina. *Liliana's Invincible Summer: A Sister's Search for Justice*. Penguin Random

House, 2023.

8. Evangelista, Patricia. *Some People Need Killing: A Memoir of Murder in My Country*. Random House, 2023.
9. Karmen, Andrew. *Crime Victims: An Introduction to Victimology*. Cengage Learning, 2019.
10. Daigle, Leah E. *Victimology: A Text/Reader*. Sage Publications, 2020.
11. Dignan, James. *Understanding Victims and Restorative Justice*. Open University Press, 2005.
12. *Relevant Judgments of the Supreme Court and High Courts of India on Victim Rights and Compensation*

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**PAPER VI**  
**CRIMINAL LAW AND TECHNOLOGY**  
**(ML 315)**  
**CREDITS - 4 (COMPULSORY)**

**COURSE DESCRIPTION:**

This specialized course examines the intersection of criminal law with emerging technologies in the Indian legal landscape. Students will explore how technological advances have created new forms of criminal behaviour, transformed investigative techniques, and presented novel challenges for the Indian criminal justice system. The course analyses statutory frameworks, judicial interpretations, and policy developments addressing technology-facilitated crimes in India, while considering constitutional protections, privacy concerns, and international best practices.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Analyse India's legal response to technology-facilitated crimes.
2. Evaluate the adequacy of existing Indian laws in addressing emerging cyber threats.
3. Apply legal principles to novel technological contexts in criminal investigations.
4. Assess privacy and constitutional implications of digital evidence collection in India.
5. Develop policy frameworks to address gaps in India's technology-related criminal laws

**MODULE I – CYBERCRIME FRAMEWORK AND DIGITAL OFFENCES IN INDIA**

**A. Legislative Framework**

- a. Evolution of cyber-crime legislation in India
- b. Information Technology Act, 2000 and IT (Amendment) Act, 2008
- c. Offences under the IT Act: Unauthorized access, Data theft, Identity theft
- d. Bharatiya Nyaya Sanhita, 2023: New provisions on digital offenses

**B. Core Digital Offences**

- a. Computer-related offenses under Section 65-67 of IT Act, 2000
- b. Data theft and Privacy violations: Indian legal perspective
- c. Online fraud and Cheating
- d. Digital forgery and Tampering with source code
- e. Publication of obscene and sexually explicit content
- f. Cyber-terrorism under Section 66F and related provisions

**C. Jurisdictional Challenges**

- a. Territorial and Extra-territorial jurisdiction under IT Act
- b. Multi-state cybercrime investigations in India

- c. International co-operation: Processes and challenges of Mutual Legal Assistance Treaties
- d. Role of INTERPOL and Indian coordination mechanisms

## **MODULE II – DIGITAL EVIDENCE AND INVESTIGATION IN INDIAN LEGAL SYSTEM**

### **A. Digital Evidence Collection**

- a. Legal framework for digital evidence collection in India
- b. Search and seizure of electronic devices: Section 69 of the IT Act, 2000
- c. Production orders for digital data
- d. Handling of digital evidence
- e. Role of CERT-In in cyber-investigations
- f. Standard operating procedures for digital device seizure in India

### **B. Digital Evidence Admissibility**

- a. Evolution of jurisprudence: P.V. Anvar, Shafi Mohammed and Arjun Khotkar cases
- b. Admissibility of Electronic Records: Sections 62 and 63 of the Bharatiya Sakshya Adhiniyam (BSA), 2023
- c. Distinction between Primary and Secondary evidence in the digital context
- d. Authentication challenges and judicial approaches
- e. Chain of Custody requirements in Indian courts
- f. Expert Testimony requirements for digital evidence

### **C. Forensic Investigation Techniques**

- a. Digital forensic capacity in India: Central and State Forensic Laboratories
- b. Mobile forensics and Network forensics: Legal and technical challenges
- c. Cloud Storage investigations: Indian legal framework
- d. Social Media evidence gathering: Procedural requirements
- e. Encryption challenges in Indian investigations
- f. Recent technological advancements in Indian forensic capabilities

## **MODULE III – SPECIALIZED TECHNOLOGY: FACILITATED CRIMES IN INDIAN CONTEXT**

### **A. Financial Technology Crimes**

- a. Digital payment frauds: UPI, Mobile banking, and E-wallet systems
- b. Cryptocurrency regulation and criminal activities in India
- c. Banking frauds and Securities market manipulation using technology: Indian case studies
- d. Application of the Prevention of Money Laundering Act, 2002

### **B. Online Content Related Offences**

- a. Hate speech and Fake News: Constitutional dimensions and BNS provisions
- b. Digital piracy and Infringement of intellectual property rights

- c. Online harassment and Bullying: Legal remedies
- d. Child sexual abuse material, Non-consensual intimate imagery and Revenge pornography: Provisions in the POCSO and IT Acts
- e. Intermediary liability framework in India
- f. Implementation of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021

### **C. Emerging Technology Crimes**

- a. Dark Web marketplaces: Investigation challenges
- b. IoT device exploitation and security breaches
- c. Deep Fakes and Synthetic media: Legal challenges
- d. AI-facilitated crimes: Indian legal responses

## **MODULE IV – RIGHTS, SURVEILLANCE AND GOVERNANCE IN DIGITAL INDIA**

### **A. Surveillance and Privacy**

- a. Electronic Surveillance legal framework in India
- b. Interception, Monitoring, and Decryption: IT Act provisions
- c. Social media monitoring: Legal and ethical dimensions
- d. Right to privacy vis-à-vis Crime control imperatives: Implications of the Puttaswamy case
- e. Data protection and Criminal investigations: Implications of the Digital Personal Data Protection Act, 2023
- f. Oversight mechanisms for surveillance activities

### **B. Technology in Law Enforcement**

- a. CCTV surveillance and Facial recognition systems: Legal framework
- b. Digital Policing initiatives across Indian states
- c. Biometric Evidence and the UIDAI / Aadhaar Interface
- d. Predictive Policing initiatives in Indian states: Legal and Ethical dimensions
- e. Data Analytics in crime detection: Legal framework
- f. NATGRID and Criminal intelligence databases

### **C. Future Directions and Reforms**

- a. Specialized cyber-crime courts: Models and proposals
- b. Criminal justice system Digitization initiatives
- c. Artificial Intelligence in Judicial decision-making

### **Recommended Readings:**

1. Sharma, Vakul. *Information Technology: Law and Practice*. 8th ed., Universal Law Publishing, 2021.

2. Kamath, Nandan. *Law Relating to Computers, Internet & E-Commerce*. 5th ed., Universal Law Publishing, 2017.
3. Fatima, Talat. *Cyber Crimes*. 3rd ed., Eastern Book Company, 2017.
4. Singh, Yatindra. *Cyber Laws*. 6th ed., Universal Law Publishing, 2016.
5. Expert Committee. *Report on Proposed Amendments to the Information Technology Act, 2000*. Ministry of Communications and Information Technology, Government of India, 2005.

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**PAPER VII**  
**INTERNATIONAL CRIMINAL LAW AND HUMAN RIGHTS**  
**(ML 316)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVE:**

This course aims to provide an advanced understanding of international criminal law and its relationship with human rights. It explores key international justice mechanisms and accountability frameworks, while fostering critical analysis of legal issues in the prosecution of international crimes. The course also prepares students to engage effectively with international tribunals and human rights institutions in both legal and policy contexts.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyse the theoretical foundations and practical applications of international criminal law.
2. Evaluate the effectiveness of international criminal justice mechanisms in addressing human rights violations.
3. Apply international criminal law principles to complex factual scenarios.
4. Research into contemporary issues in international criminal law and human rights
5. Advocate effectively for accountability and human rights protection in international and domestic forums.
6. Engage with emerging challenges in international criminal justice and human rights enforcement.

**MODULE I – FOUNDATIONS OF INTERNATIONAL CRIMINAL LAW**

- a. Historical evolution of international criminal law: From the Nuremberg and Tokyo Military Tribunals to the International Criminal Court
- b. Theoretical foundations: International criminal law at the intersection of Criminal law and of Public international law
- c. Sources of international criminal law: Treaties, Custom, and General principles
- d. Core principles: Legality, Individual criminal responsibility and Complementarity
- e. State sovereignty and International criminal jurisdiction
- f. Immunities and International criminal law
- g. Role of the United Nations Security Council in International criminal justice

**MODULE II – CORE INTERNATIONAL CRIMES AND MODES OF LIABILITY**

- a. Genocide: Legal definition, Elements and Jurisprudential development
- b. Crimes Against Humanity: Contextual elements and Prohibited acts

- c. War Crimes: International and Non-International armed conflicts
- d. Crime of Aggression: Definition, Jurisdiction, and Contemporary challenges
- e. Modes of liability: Direct Perpetration, Joint Criminal Enterprise, and Command Responsibility
- f. Complicity, and Aiding and Abetting in International criminal law
- g. Defences in international criminal law: Superior Orders, Duress and Self-Defence
- h. Evidentiary challenges in International criminal prosecutions

### **MODULE III - INTERNATIONAL CRIMINAL JUSTICE MECHANISMS AND HUMAN RIGHTS**

- a. International Criminal Court: Structure, Jurisdiction and Functioning
- b. Ad Hoc International Criminal Tribunals: ICTY, ICTR and their legacy
- c. Hybrid and Internationalized Criminal Tribunals: Extraordinary Chambers in the Courts of Cambodia, Special Court for Sierra Leone, and the Special Tribunal for Lebanon
- d. Right of Fair Trial in international criminal proceedings
- e. Victims' Rights and Participation in international criminal justice
- f. Reparations for victims of international crimes
- g. Role of Human rights bodies in addressing international crimes
- h. Transitional justice mechanisms: Truth commissions, Amnesties and Reconciliation

### **MODULE IV – CONTEMPORARY ISSUES AND INDIAN PERSPECTIVE**

- a. Terrorism and international criminal law: Definitional challenges and prosecutorial approaches
- b. Corporate liability of Defense contractors for International crimes
- c. Sexual violence and Gender-based violence as International crimes
- d. Environmental crimes and International criminal law
- e. India's perspective on International criminal law and the ICC
- f. Implementation of International criminal law in Indian Legal System
- g. Universal jurisdiction for certain International crimes and India's approach
- h. Future directions in international criminal justice: Challenges and Opportunities

#### **Recommended Readings:**

1. Cassese, Antonio, and Paola Gaeta. *Cassese's International Criminal Law*. Oxford University Press, 2013.
2. Cryer, Robert, Darryl Robinson, and Sergey Vasiliev. *An Introduction to International Criminal Law and Procedure*. Cambridge University Press, 2019.
3. Schabas, William A. *The International Criminal Court: A Commentary on the Rome Statute*. Oxford University Press, 2017.
4. Werle, Gerhard, and Florian Jessberger. *Principles of International Criminal Law*. Oxford University Press, 2013.

Press, 2014.

5. Ratner, Steven R., Jason S. Abrams, and James L. Bischoff. *Accountability for Human Rights Atrocities in International Law*. Oxford University Press, 2009.
6. Sriram, Chandra Lekha, Olga Martin-Ortega, and Johanna Herman. *War, Conflict and Human Rights: Theory and Practice*. Routledge, 2014.
7. Bantekas, Ilias, and Lutz Oette. *International Human Rights Law and Practice*. Cambridge University Press, 2016.
8. *Relevant Judgments:*
  - i. International Criminal Tribunal for the Former Yugoslavia (ICTY): *Prosecutor v. Tadić*, Case No. IT-94-1-T, Decision of 7 May 1997.
  - ii. International Criminal Tribunal for Rwanda (ICTR): *Prosecutor v. Akayesu*, Case No. ICTR-96-4-T, Judgment of 2 September 1998.
  - iii. International Criminal Court (ICC): *Prosecutor v. Lubanga*, ICC-01/04-01/06, Judgment of 14 March 2012.
  - iv. International Court of Justice (ICJ): *Bosnian Genocide Case (Bosnia and Herzegovina v. Serbia and Montenegro)*, ICJ Reports 2007.
  - v. European Court of Human Rights (ECHR): *Ireland v. United Kingdom*, App. No. 5310/71, Judgment of 18 January 1978.

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**PAPER - VIII**  
**JUVENILE JUSTICE AND DELINQUENCY PREVENTION**  
**(ML 317)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVE:**

This course is designed to develop an advanced understanding of the theoretical foundations and legal frameworks that govern juvenile justice systems. It aims to build specialized expertise in strategies for preventing juvenile delinquency, as well as in rehabilitation and reintegration approaches. The course encourages critical analysis of the intersection between child rights, criminal justice, and social welfare systems. It also prepares students to engage effectively with juvenile justice administration and to contribute to policy development and reform.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyze juvenile justice philosophies and their application in legal frameworks
2. Evaluate the effectiveness of delinquency prevention strategies and interventions
3. Apply international standards on child rights to juvenile justice contexts
4. Design child-friendly legal procedures and rehabilitation programmes
5. Conduct independent research on contemporary issues in juvenile justice
6. Advocate effectively for systemic reforms within juvenile justice administration

**MODULE I – THEORITICAL FOUNDATION OF JUVENILE JUSTICE**

- a. Historical development of juvenile justice: From Parens Patriae to Rights-based approaches
- b. Theoretical perspectives on juvenile delinquency: Sociological, Psychological and Biological Theories
- c. Risk and protective factors in child and adolescent development
- d. Philosophical approaches: Welfare and Justice Model, Restorative justice and Therapeutic jurisprudence
- e. Balancing Rehabilitation, Punishment and Public safety
- f. Age and Criminal responsibility: Developmental perspectives and Legal implications
- g. Contemporary challenges: Serious juvenile offenders, Transfer to Adult courts and Proportionality
- h.

**MODULE II – LEGAL FRAMEWORK OF JUVENILE JUSTICE IN INDIA**

- a. Constitutional framework and Juvenile rights in India
- b. Evolution of Juvenile justice legislation: Historical context and Reforms
- c. Juvenile Justice (Care and Protection of Children) Act, 2015: Key provisions and Critiques
- d. Juvenile Justice Boards: Structure, Powers and Functions

- e. Child Welfare Committees and District Child Protection Units
- f. Special Juvenile Police Units and Child-friendly procedures
- g. POCSO Act, 2012 and Interface with Juvenile justice system
- h. Role of National and State Commissions for Protection of Child Rights

### **MODULE III – DELINQUENCY PREVENTION AND REHABILITATION**

- a. Primary, Secondary and Tertiary Prevention models
- b. School-based prevention programmes and Educational interventions
- c. Family-focused interventions and Parental responsibility
- d. Community-based prevention strategies and Diversion programmes
- e. Mental-health interventions and Substance-abuse treatment
- f. Individual care plans and Needs assessment
- g. Institutional and Non-institutional Rehabilitation approaches
- h. Aftercare services and Social reintegration strategies

### **MODULE IV – INTERNATIONAL STANDARDS AND COMPARATIVE PERSPECTIVES**

- a. UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), 1985
- b. UN Convention on the Rights of the Child, 1989
- c. UN Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines), 1990
- d. UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), 1990
- e. Comparative analysis of Juvenile justice systems: Common Law vs. Civil Law approaches
- f. Nordic models of Juvenile justice: Welfare-oriented approaches
- g. Reform trends and Future directions in juvenile justice

#### **Recommended Readings:**

1. Ved Kumari. *The Juvenile Justice System in India: From Welfare to Rights*. Oxford University Press, 2015.
2. Maharukh Adenwalla. *Child Protection and Juvenile Justice System for Juvenile in Conflict with Law*. Childline India Foundation, 2006.
3. Asha Bajpai. *Child Rights in India: Law, Policy, and Practice*. 3rd ed., Oxford University Press, 2017.
4. Josine Junger-Tas and Scott H. Decker, editors. *International Handbook of Juvenile Justice*. Springer, 2006.
5. Franklin E. Zimring. *American Juvenile Justice*. Oxford University Press, 2005.
6. Barry Goldson and John Muncie, editors. *Youth Crime and Justice*. 2nd ed., SAGE Publications, 2015

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**PAPER IX**  
**PRINCIPLES OF EVIDENCE LAW**  
**(ML 411)**  
**CREDIT – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course provides a comprehensive examination of the principles and practice of evidence law in the Indian legal system. The programme explores the theoretical foundations, procedural frameworks, and practical applications of evidentiary rules in civil and criminal proceedings. Students will critically analyze the Indian Evidence Act, judicial interpretations, and emerging trends in evidence law while developing advanced skills in evidentiary analysis and argumentation. The course addresses unique challenges within the Indian judicial context while incorporating comparative perspectives and technological developments, preparing legal professionals to navigate complex evidentiary issues in litigation, academia, and policy formulation.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyze the theoretical foundations and doctrinal principles of evidence law.
2. Evaluate the admissibility, relevance, and probative value of different types of evidence.
3. Apply specialized knowledge to complex evidentiary problems in various legal proceedings.
4. Conduct independent research on contemporary issues in evidence law.
5. Design effective strategies for presenting and challenging evidence in litigation.
6. Advocate for principled reforms in evidence law that balance truth-seeking with other legal values.

**MODULE I – THEORITICAL FOUNDATIONS AND GENERAL PRINCIPLES OF EVIDENCE LAW**

- a. Historical development of Evidence law in India: Colonial legacy and Post-independence era
- b. Conceptual foundations: Facts in issue, Relevance, and Admissibility
- c. Classification of Evidence: Direct/Circumstantial, Oral / Documentary, Primary / Secondary
- d. Burden of proof and Standard of proof in Civil and Criminal proceedings
- e. Presumptions and Judicial notice under the Bharatiya Sakshya Adhiniyam (BSA), 2023
- f. Constitutional dimensions of Evidence law: Fair trial and Due process
- g. Comparative perspectives: Common law and Civil law approaches to evidence

**MODULE II – TYPES OF EVIDENCE AND RULES OF ADMISIBILITY**

- a. Oral or Testimonial Evidence: Competence, Compellability and Examination of witnesses
- b. Hostile Witnesses: Legal framework and Judicial approaches
- c. Documentary Evidence: Authentication, Best Evidence rule and Secondary Evidence

- d. Real Evidence: Production, Preservation, and Presentation
- e. Expert Evidence: Qualification, Reliability and Judicial assessment
- f. Character Evidence: Admissibility in Civil and Criminal proceedings
- g. Hearsay Evidence: Rule, Exceptions and Rationale
- h. Privileged Communications: Attorney-client, Spousal and Other privileges

### **MODULE III – EVIDENCE IN SPECIALIZED COURTS**

- a. Evidence in criminal trials: Investigation, Prosecution and Defense perspectives
- b. Forensic Evidence: Scientific methods, Standards and Judicial reception
- c. Identification Evidence: Eyewitness testimony, Parades and Reliability concerns
- d. Confessions and Police Statements: Voluntariness, Admissibility and Evidentiary value
- e. Evidence in Civil Proceedings: Commercial disputes, Property litigation, and Family matters
- f. Evidence in Sexual offense cases: Special provisions and Judicial approaches

### **MODULE IV – CONTEMPORARY ISSUES AND REFORM PERSPECTIVES**

- a. Privacy concerns and Evidence gathering: Constitutional limitations and Exclusionary rules
- b. Psychological research on Witness memory and testimony: Implications for Evidence law
- c. Scientific Evidence Evaluation: Frye, Daubert and Indian Approaches
- d. Technological advances and Evidentiary challenges: Artificial Intelligence and Deep Fakes
- e. Evidence in International and Transnational proceedings
- f. Reforms to the Indian Evidence law proposed by the Law Commission
- g. Comparative approaches: Reforms in other Common Law jurisdictions
- h. Future directions in Indian evidence law: Challenges and Opportunities

### **Recommended Readings:**

1. Sarkar, M.C. & Manohar, V.R. (2020). Sarkar's Law of Evidence. LexisNexis.
2. Monir, M. (2018). Principles and Digest of the Law of Evidence. Universal Law Publishing.
3. Murphy, P. & Glover, R. (2017). Murphy on Evidence. Oxford University Press.
4. Dennis, I. (2020). The Law of Evidence. Sweet & Maxwell.
5. Thayer, J.B. (1898). A Preliminary Treatise on Evidence at the Common Law. Little, Brown.

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**Paper X**  
**PSYCHOLOGY AND CRIMINAL LAW**  
**(ML 412)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES:**

This course explores the dynamic interface between psychology and criminal law in the Indian legal context. The programme examines how psychological principles inform criminal justice processes, from understanding criminal behavior to evaluating witness testimony and designing rehabilitation programmes. Through an interdisciplinary approach, students will analyze the psychological dimensions of criminal responsibility, sentencing considerations, and therapeutic jurisprudence. The course addresses unique challenges in the Indian criminal justice system while incorporating comparative perspectives. Students will develop critical skills in applying psychological research to legal questions, preparing them for careers in criminal law practice, policy formulation, or forensic consultation.

**LEARNING OUTCOMES:**

Upon completion of the programme, students will be able to:

1. Critically analyze psychological theories of criminal behavior and their implications for criminal law.
2. Evaluate mental health evidence and expert testimony in criminal proceedings.
3. Apply psychological research to questions of criminal responsibility, sentencing, and rehabilitation.
4. Conduct interdisciplinary research on psychology and criminal law topics.
5. Design psychologically informed interventions for crime prevention and offender rehabilitation.
6. Advocate effectively for mental health considerations in criminal justice reform.

**MODULE I - PSYCHOLOGICAL THEORIES AND CRIMINAL BEHAVIOR**

- a. Introduction to psychology and criminal law: Historical development and interdisciplinary approaches
- b. Psychological theories of Criminal behavior: Psychodynamic, Behavioral, Cognitive and Social Learning
- c. Developmental psychology and Criminal trajectories: Risk and Protective factors
- d. Personality disorders and Criminal behavior: Antisocial Personality Disorder and Psychopathy
- e. Cognitive Biases and Criminal Decision-making
- f. Social Psychology of Crime: Group dynamics, Conformity and Deviance
- g. Neuropsychological Perspectives: Brain development, Executive function Criminal behavior
- h. Indian Research on Criminal psychology: Cultural contexts and applications

## **MODULE II – MENTAL HEALTH AND CRIMINAL RESPONSIBILITY**

- a. Legal standards of Mental illness and Insanity: Evolution in Indian criminal law
- b. Section 22 of BNS and the McNaughten Rules: Psychological and Legal perspectives
- c. Psychological assessment of Criminal responsibility: Methods and Challenges
- d. Competency to Stand trial: Psychological evaluation and Legal standards
- e. Substance use disorders and Criminal responsibility
- f. Suicide and Attempted suicide: Psychological and Legal perspectives

## **MODULE III - PSYCHOLOGY IN CRIMINAL PROCEEDINGS**

- a. Eyewitness testimony: Memory processes, Reliability and Best practices
- b. False confessions: Psychological vulnerabilities and Interrogation techniques
- c. Psychology of Victim behavior and Trauma responses
- d. Psychological assessment of Dangerousness and Risk
- e. Sentencing psychology: Retribution, Rehabilitation and Recidivism
- f. Expert Psychological testimony: Admissibility and Evaluation
- g. Psychological Impact of Criminal proceedings on Victims, Witnesses and Defendants

## **MODULE IV - THERAPEUTIC JURISPRUDENCE AND CRIMINAL JUSTICE REFORM**

- a. Therapeutic jurisprudence: Principles and Applications in criminal law
- b. Prison psychology: Impact of Incarceration on Mental health
- c. Psychological Approaches to Rehabilitation and Reintegration
- d. Special populations: Juveniles, Women, and Mentally-ill offenders
- e. Restorative justice: Psychological foundations and applications
- f. Forensic Psychology Services in the Indian criminal justice system: Current status and Needs
- g. Ethical issues in psychology and Criminal law practice

### **Recommended Readings:**

1. Carson, D. & Bull, R. (2003). Handbook of Psychology in Legal Contexts. Wiley.
2. Kapardis, A. (2014). Psychology and Law: A Critical Introduction. Cambridge University Press.
3. Gaur, K.D. (2015). Criminal Law: Cases and Materials. LexisNexis Butterworths.
4. Melton, G.B., Petrila, J., Poythress, N.G., & Slobogin, C. (2017). Psychological Evaluations for the Courts. Guilford Press.
5. Singh, S.P. & Bhushan, B. (2017). Indian Perspectives on Psychology and Law. Sage Publications.
6. Wexler, D.B. & Winick, B.J. (1996). Law in a Therapeutic Key: Developments in Therapeutic Jurisprudence. Carolina Academic Press.

7. Murthy, P. & Kumar, S. (2008). Forensic Psychiatry: Indian Perspectives. NIMHANS.

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**Paper XI**  
**SENTENCING AND PENOLOGY**  
**(ML 413)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES:**

This course provides a comprehensive examination of sentencing principles and penal theories in the Indian legal context. The programme explores the historical evolution, theoretical foundations, and practical applications of punishment and corrections. Students will critically analyze sentencing frameworks, judicial discretion, alternatives to incarceration, and correctional administration while addressing unique challenges within the Indian criminal justice system. The course integrates constitutional perspectives, human rights considerations, and contemporary reform movements, preparing legal professionals to engage meaningfully with sentencing policy and practice in India.

**LEARNING OUTCOME:**

Upon completion of the programme, students will be able to:

1. Critically analyze theories of punishment and their influence on sentencing policies.
2. Evaluate sentencing frameworks and practices in light of constitutional principles and human rights standards.
3. Apply specialized knowledge to complex sentencing scenarios across different offense categories.
4. Conduct independent research on contemporary issues in sentencing and corrections.
5. Design evidence-based reform proposals for sentencing and correctional systems.
6. Advocate effectively for principled approaches to punishment that balance multiple criminal justice objectives.

**MODULE I - THEORETICAL FOUNDATIONS OF PUNISHMENT**

- a. Classical Theories of punishment: Retribution, Deterrence, Incapacitation and Rehabilitation
- b. Historical Evolution of punishment: From Corporal to Correctional approaches
- c. Utilitarian vs. Retributivist perspectives on Punishment
- d. Proportionality and Just Deserts in Sentencing
- e. Social Defense theory and Public protection
- f. Restorative justice and Victim-centered approaches
- g. Modern Hybrid theories of punishment
- h. Indian penal philosophy: Historical context and Contemporary applications

**MODULE II - SENTENCING LAW AND PRACTICE IN INDIA**

- a. Constitutional framework and Sentencing: Articles 14, 20, and 21 implications

- b. Statutory provisions on sentencing: BNS, BNSS and Special laws
- c. Judicial discretion in sentencing: Scope, Limitations and Disparities
- d. Sentencing guidelines: Comparative models and Indian developments
- e. Aggravating and Mitigating factors in sentencing determinations
- f. Sentencing in Special categories of offenses: Terrorism, Corruption and Sexual Offenses
- g. Landmark Supreme Court judgments on sentencing principles
- h. Plea bargaining and Negotiated sentences in Indian context

### **MODULE III - CUSTODIAL AND NON-CUSTODIAL SANCTIONS**

- a. Imprisonment: Legal framework, Types and Administration
- b. Indian prison system: Structure, Governance and Challenges
- c. Rights of prisoners: Constitutional protections and Judicial interventions
- d. Death Penalty: Constitutional validity, "Rarest of Rare" doctrine and Contemporary debates
- e. Probation and parole: Legal framework and Implementation
- f. Community corrections and Alternatives to Incarceration
- g. Fines, Forfeiture and Monetary sanctions
- h. Innovative approaches: Community service, Treatment orders and Electronic monitoring

### **MODULE IV - CONTEMPORARY ISSUES AND REFORM PERSPECTIVES**

- a. Overcrowding and Prison conditions: Legal responses and Reform initiatives
- b. Vulnerable populations in Correctional settings: Women, juveniles, and Mentally-ill offenders
- c. Recidivism and Rehabilitation: Evidence-based approaches
- d. Sentencing and Human rights: International standards and Indian compliance
- e. Technology in Corrections: Surveillance, Monitoring and Privacy concerns
- f. Malimath Committee and Law Commission Reports on Sentencing reforms
- g. Comparative perspectives: Sentencing reforms in other jurisdictions
- h. Future of sentencing in India: Reform proposals and Policy directions

#### **Recommended Readings:**

1. Siddique, A. (2018). *Criminology, Penology and Victimology*. Eastern Book Company.
2. Chakrabarti, N.K. (2012). *Institutional Corrections in the Administration of Criminal Justice*. Deep & Deep Publications.
3. Raghavan, R.K. (2016). *Prison Reforms in India: Issues and Perspectives*. Manak Publications.
4. Ashworth, A. & Roberts, J.V. (2013). *Sentencing Guidelines: Exploring the English Model*. Oxford University Press.
5. Garland, D. (2001). *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford

University Press.

6. Morris, N. & Tonry, M. (1990). *Between Prison and Probation: Intermediate Punishments in a Rational Sentencing System*. Oxford University Press.

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## (5) INTERNATIONAL LAW

In an increasingly interconnected world, the scope and relevance of international law have expanded far beyond traditional boundaries. It now permeates every facet of governance, trade, diplomacy, environmental protection, technology, human rights, and global peacekeeping. For legal scholars and practitioners, the study of international law is no longer a matter of academic luxury—it is a professional necessity. The specialization in International Law under the LL.M. Programme offers a structured and forward-looking curriculum that bridges the gap between national legal systems and the global legal order.

In the context of India's growing global presence and evolving foreign policy, the study of international law gains further national importance. The specialization aims to foster a generation of legally sound, globally aware, and socially responsible professionals committed to shaping the legal architecture of the 21st century.

The specialization encompasses a range of subjects designed to equip students with a comprehensive understanding of the laws governing relations among States, transnational entities, and individuals in the global arena. It empowers students to critically examine international legal norms, engage with contemporary global issues, and contribute meaningfully to international dispute resolution, diplomacy, policy-making, and legal reform.

This LL.M. specialization in *International Law* is not merely an academic endeavor—it is an intellectual and ethical journey into the world of global justice, peace, cooperation, and sustainable development. By exploring the eleven core papers, students gain holistic exposure to the international legal order, equipping them to meet the challenges of a rapidly globalizing world. As mentioned below the significance, objectives, and thematic structure of the eleven core papers that comprise the specialization.

**INTERNATIONAL LAW**

**LL.M SYLLABUS**

<b>SEM</b>	<b>SUBJECT CODE</b>	<b>SUBJECT</b>	<b>NATURE</b>	<b>CREDITS</b>
1	ML 112	Public International Law	Compulsory	4
	ML 113	Private International Law	Compulsory	4
2	ML 213	International Economic Law and Diplomacy Law	Compulsory	4
	ML 214	International Humanitarian Law	Compulsory	4
3	ML 318	International Air & Space Law	Compulsory	4
	ML 319	International Maritime Law	Compulsory	4
	ML 320	International Environment, Energy and Climate Change Law	Compulsory	4
	ML 321	International Intellectual Property Rights Law	Soft	2
4	ML 414	International Human Rights Law	Compulsory	4
	ML 415	International Immigration Law	Soft	2
	ML 416	Law of Treaties	Soft	2
<b>Total Credits of Specialization</b>				<b>38</b>

**PAPER I**  
**PUBLIC INTERNATIONAL LAW**  
**(ML 112)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

Public International Law (PIL) governs the legal relationships between sovereign states, international organizations, and, to a certain extent, individuals. This course in Public International Law is designed to provide students with an advanced understanding of the subject area, focusing on theoretical debates, contemporary developments, and specialized fields of practice. Unlike undergraduate courses, this syllabus emphasizes deeper analytical engagement, case studies, and emerging challenges in international law

**LEARNING OUTCOME:**

On successful completion of this course, the students will be equipped to:

1. Equip students with a deep and critical understanding of the principles, sources, and evolution of public international law, going beyond foundational knowledge.
2. Train students to analyse complex legal issues, interpret international treaties and case law, and engage with contemporary debates in international legal scholarship.
3. Encourage students to engage with international law from diverse perspectives, including TWAIL (Third World Approaches to International Law), feminist legal theory, and decolonial critiques.

**MODULE I - GENERAL FOUNDATIONS OF PUBLIC INTERNATIONAL LAW**

**A. Meaning, Nature, Scope and Functions of International Law**

- a. Theoretical foundations: Natural law, positivism, realism, constructivism
- b. Evolution and contemporary critiques of international law

**B. Sources of International Law (Article 38 of the Statute of ICJ and Beyond)**

- a. Treaties: Formation, Interpretation, Reservations, Compliance (Pacta sunt servanda) and Termination
- b. Customary international law: Formation by State Practice and Opinio Juris, Erga Omnes obligations and Jus Cogens norms
- c. General Principles of Law: Judicial application and limitations
- d. Judicial Decisions and Scholarly Teachings: Role of ICJ, Judicial Precedents in International Law
- e. Soft Law: UN Resolutions, Declarations of other International Bodies, and their Legal Significance

**C. Relationship Between International and Domestic Law**

- a. Monism and Dualism, Incorporation and Transformation, Transformative theory, Specific adoption Theory, Statutory Theory

- b. Constitutional integration of international law in India, Indian legislative and judicial approaches to domestic implementation of international law

## **MODULE II – SUBJECTS OF INTERNATIONAL LAW**

### **A. Statehood and Recognition**

- a. Criteria under the Montevideo Convention, 1933
- b. Types of States with examples
- c. Theories of Recognition: Declaratory vs. Constitutive
- d. Types of Recognition: De jure, De facto, and the effects of each
- e. Case studies: Palestine, Kosovo, Taiwan, Self-proclaimed micronations
- f. Recognitions of Governments, including reference to the Estrada and Stimson Doctrines
- g. International relations

### **B. International Organizations and Non-State Actors**

- a. UN System: Legal personality of the UN, and the Functions of its major organs
- b. Regional organizations (EU, NATO, ASEAN, SAARC, OPEC) and their legal authority
- c. NGOs, MNCs and Individuals as subjects of international law

## **MODULE III – JURISDICTION AND IMMUNITIES IN INTERNATIONAL LAW**

### **A. Jurisdictional Principles**

- a. Territorial, Nationality (Active and Passive), Protective, Universality
- b. Extraterritorial application of Domestic laws
- c. Extradition and Asylum: Indian Law and Practice

### **B. State Immunity and Diplomatic Privileges**

- a. Sovereign Immunity from Jurisdiction and Enforcement (ICJ and domestic cases) (Relevant Provisions – VCDR 1961 and VCCR 1963)
- b. Immunity of International Intergovernmental Organizations
- c. Impact of Human rights violations and International crimes on State Immunity

## **MODULE IV – INTERNATIONAL RESPONSIBILITY AND REMEDIES**

### **A. State Responsibilities for Internationally Wrongful Acts**

- a. Elements of International Responsibility: Damage, Fault and Absolute Liability
- b. Customary rules and the ILC Draft Articles on State Responsibility
- c. Attribution of conduct to a State (De jure vs. De facto responsibility)
- d. Defences and Reparations for Internationally Wrongful Acts

### **B. Responsibility of International Organisations**

- a. Legal accountability of the UN, IMF, and WTO

- b. Liability for Peacekeeping operations and Humanitarian interventions

## **MODULE V – INTERNATIONAL DISPUTE SETTLEMENT**

### **A. Methods of Dispute Settlement**

- a. Peaceful Settlement of International Disputes: Different Means and their Importance
- b. Use of Force: Coercive measures of dispute settlement, Intervention and Self-determination, Armed Conflict and Disarmament

### **B. Roles of the International Court of Justice (ICJ)**

- a. Jurisdiction and Functioning of the ICJ: Contentious Cases and Advisory opinions
- b. Basis of ICJ jurisdiction: Compulsory jurisdiction, Treaties, Special agreements, Compromis
- c. Decisions of the ICJ: Provisional measures of Protection, Final judgements and their Implementation

### **C. Regional and Hybrid Dispute Resolution Mechanisms**

- a. European Court of Human Rights (ECtHR) and its evolving role
- b. African Court on Human and Peoples' Rights
- c. Inter-American Court of Human Rights

## **MODULE VI – THE FUTURE OF PUBLIC INTERNATIONAL LAW**

### **A. Fragmentation vs. Coherence in International Law**

- a. Conflicts between Trade, Human rights and Environmental obligations
- b. Impact of the USA–China rivalry on Public International law

### **B. Critiques of International Law**

- a. TWAIL (Third World Approaches to International Law)
- b. Feminist and Decolonial perspectives in International legal studies
- c. Populist backlash against globalization, and its impact on the International Rules-based Order

### **Recommended Readings:**

1. Malcolm N. Shaw, *International Law* (8th ed., Cambridge University Press, 2017) – This book provides a detailed discussion on sources of international law, including treaties and customs.
2. Ian Brownlie, *Principles of Public International Law* (8th ed., Oxford University Press, 2012) – Covers the concept of state sovereignty and the responsibilities of states under international law.
3. Anthony Aust, *Modern Treaty Law and Practice* (3rd ed., Cambridge University Press, 2013) – Provides a thorough analysis of treaty law.
4. James Crawford, *State Responsibility: The General Part* (Cambridge University Press, 2013)
5. B.S. Chimni, *International Law and World Order: A Critique of Contemporary Approaches* (2nd ed., Cambridge University Press, 2017)

6. Bob Reinalda, *Routledge History of International Organisation*, 1<sup>st</sup> ed. 2017

**PAPER II**  
**PRIVATE INTERNATIONAL LAW**  
**(ML. 113)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course will provide a thorough understanding of the principles governing private international law, with a focus on the resolution of cross-border private disputes. To develop an in-depth knowledge of the rules regarding jurisdiction, choice of law, and the recognition and enforcement of foreign judgments. Will enable students to critically analyse legal frameworks at the national and international level, addressing conflicting legal systems

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand and apply key concepts and principles of private international law.
2. Critically evaluate Indian legal approaches in the context of international standards.
3. Analyse conflict-of-laws problems in various fields, including contracts, torts, family law and property.
4. Assess the effectiveness of legal mechanisms for resolving cross-border disputes.
5. Engage with global trends, conventions, and regulatory frameworks.

**MODULE I – FOUNDATIONS OF PRIVATE INTERNATIONAL LAW**

- a. Nature and Scope of Private International Law
- b. Historical Evolution in India and abroad
- c. Doctrinal Foundations: Comity, Sovereignty, Justice
- d. Sources of Private International Law: Statutes, Common law, Treaties, Case laws

**MODULE II – CHOICE OF LAW RULES**

- a. Characterization, Connecting factors, and Classification
- b. Domicile, Nationality and Residence
- c. Party autonomy and its limitations
- d. Choice of law in:
  - i. Contracts (Indian Contract Act vs. Rome I Regulations)
  - ii. Torts (Lex loci delicti vs. Proper law; Rome II Regulations)
  - iii. Property (Lex situs, Movable and Immovable distinctions)
  - iv. Marriage, Divorce, Child Custody, Adoption (Indian personal laws)
  - v. Succession and Wills

- vi. Exclusion of Foreign law: Public policy, Penal and Revenue laws

### **MODULE III – JURISDICTION IN CROSS-BORDER DISPUTES**

- a. Types of Jurisdiction: Personal, Subject matter, Territorial
- b. Indian Civil procedure and Jurisdiction (Civil Procedure Code, 1908)
- c. Jurisdiction in International Contracts and Torts
- d. Forum non conveniens and Anti-suit injunctions
- e. Parallel Proceedings and Lis pendens

### **MODULE IV – RECOGNITION AND ENFORCEMENT OF FOREIGN JUDGEMENTS AND AWARDS**

- a. Legal framework in India (Sections 13, 14 and 44A of CPC)
- b. Reciprocal vs. Non-reciprocal Territories
- c. Grounds for refusal of recognition (Natural justice, Fraud, etc.)
- d. Comparative analysis with the Brussels I Regulation Recast (EU), US, UK
- e. International Commercial Arbitration
- f. Enforcement of Foreign arbitral awards (New York Convention, 1958; UNCITRAL Model Law, Indian Arbitration and Conciliation Act, 1996)

### **MODULE V – COMPARATIVE AND INTERNATIONAL DEVELOPMENTS**

- a. EU Regulations: Rome I, Rome II, Brussels I Recast
- b. UK and US Approaches
- c. Civil law Systems (France, Germany)
- d. Hague Conference and its Major Conventions

### **MODULE VI – CONTEMPORARY ISSUES AND GLOBAL CHALLENGES**

- a. Private international law and Human rights (For example, surrogacy, same-sex marriages, etc.)
- b. Private international law and the Digital economy
- c. Cross-border Insolvency (UNCITRAL Model Law)
- d. Transnational litigation, Class actions
- e. Personal status of NRIs, and Diasporic legal issues

#### **Recommended Readings:**

1. Cheshire, North & Fawcett, Private International Law, 15th Ed., Oxford University Press, (2017).
2. Adrian Briggs, The Conflict of Laws, 5th Ed., Oxford University Press, (2024).
3. V.C. Govindaraj, Conflict of Laws: Cases and Materials, LexisNexis (2017).

4. A.M Setalvad, *Conflict of Law*, 2<sup>nd</sup> ed. (2006)
5. Dicey, Morrie & Collins, *Conflict of Laws* (14<sup>th</sup> ed. 2005)

**PAPER III**  
**INTERNATIONAL ECONOMIC LAW AND DIPLOMACY LAW**  
**(ML 213)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE DESCRIPTION:**

This course explores the legal and diplomatic frameworks that govern global economic relations. It covers trade, investment, finance, development, and the institutions that regulate them (WTO, IMF, World Bank, etc.). The course also emphasizes the role of diplomacy in shaping international economic policy and resolving disputes. It takes a multidisciplinary approach, integrating legal analysis with international relations and political economy.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand the legal principles and institutional structures of international economic law (IEL).
2. Analyse the role of economic diplomacy in international negotiations and dispute resolution.
3. Evaluate the intersection between law, policy, and global power dynamics.
4. Critically engage with current debates on trade, investment, development, and climate diplomacy.
5. Apply IEL principles in research, negotiation, and legal practice.

**MODULE I - FOUNDATIONS OF INTERNATIONAL ECONOMIC LAW**

- a. Nature and scope of IEL
- b. Historical evolution: from Bretton Woods to the Present day
- c. Sources of IEL: Treaties, Customary law, Soft law
- d. Intersection with International relations and diplomacy

**MODULE II – INTERNATIONAL TRADE LAW AND DIPLOMACY**

- a. The WTO: Principles, Structure and Agreements (GATT, GATS, TRIPS)
- b. Dispute Settlement Mechanism and its Crisis
- c. Preferential trade agreements and Regionalism
- d. Trade Diplomacy: Negotiations, Coalitions, and Special & Differential Treatment
- e. India's Trade diplomacy and Recent Free Trade Agreements (FTAs)

**MODULE III – INTERNATIONAL INVESTMENT LAW AND INVESTOR-STATE RELATIONS**

- a. Bilateral investment treaties (BITs) and investment chapters in FTAs
- b. Key principles: MFN, Fair and Equitable treatment, Expropriation

- c. ISDS mechanisms and Critiques
- d. India's new Model BIT and investment treaty reforms
- e. Diplomatic protection and State-to-State investment disputes

#### **MODULE IV – INTERNATIONAL FINANCIAL AND MONETARY LAW**

- a. Role of IMF and World Bank
- b. Exchange rate systems and monetary sovereignty
- c. Sovereign debt and financial crises
- d. Regulation of cross-border capital flows
- e. Diplomacy in financial governance (e.g., G20, BRICS Bank)

#### **MODULE V - CONTEMPORARY CHALLENGES AND EMERGING TECHNOLOGIES IN IEL**

- a. Trade and Climate change: Carbon border adjustments, Green industrial policies
- b. Digital economy and International trade: E-commerce rules, Cross-border data flows
- c. Blockchain and Cryptocurrency in International Economic Law
  - i. Legal status of crypto-assets across jurisdictions
  - ii. Role of blockchain in trade finance, customs, and smart contracts
  - iii. Challenges to capital controls and monetary sovereignty
  - iv. Central Bank Digital Currencies (CBDCs) and Cross-border transactions
  - v. Crypto-based sanctions evasion and International regulatory responses (e.g., FATF)
  - vi. India's regulatory approach (e.g., RBI stance, Digital Rupee)
- d. Geo-economics and the Weaponization of trade and finance
- e. (Economic sanctions and export controls; and Using foreign investments to achieve geo-political objectives, such as the Belt and Road Initiative)
- f. Reforming global economic governance (WTO reforms, ISDS reforms)

#### **Recommended Readings:**

1. Andreas F. Lowenfeld, International Economic Law, 2nd Ed., Oxford University Press, (2008).
2. Raj Bhala, International Trade Law: A Comprehensive Textbook, 5th Ed., Carolina Academic Press, (2019), available at <https://cap-press.com/pdf/9781531014711.pdf?srsId=AfmBOoqRJ1OBZFZKp76Cj12xImWwFHx50B-jMHAFdtOOr3IPzxgjW4gp>
3. M. Sornarajah, The International Law on Foreign Investment, 5th Ed., Cambridge University Press, (2021).
4. Asif H. Quereshi: International Economic Law, 2007

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**PAPER IV**  
**INTERNATIONAL HUMANITARIAN LAW**  
**(ML. 214)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course introduces students to the legal rules that govern armed conflict, including both international and non-international armed conflicts. It explores the legal frameworks protecting civilians, combatants, and property during war, while critically addressing new challenges posed by modern warfare—especially autonomous weapon systems, cyber operations, and non-state actors.

**LEARNING OUTCOMES:**

Upon Completion of this course, Students can:

1. Understand the core principles and sources of IHL.
2. Analyse the distinction between IHL and human rights law.
3. Examine the legal status and protection of combatants, civilians, and objects.
4. Critically evaluate emerging issues, including autonomous weapons and cyber warfare.
5. Assess the effectiveness and enforcement of IHL in contemporary conflicts

**MODULE I – FOUNDATIONS OF INTERNATIONAL HUMANITARIAN LAW**

- a. Concept, Nature and Definition of International Humanitarian Law
- b. IHL before the 1800s: Rules of War in the Major Civilizations and Religions of the world
- c. Origins of Modern IHL: Lieber Code, 1863; Geneva Conventions of 1864, 1906 and 1929; Hague Regulations of 1899 and 1907.
- d. Sources of IHL: Treaties, Customs, General Principles
- e. Distinction between Jus ad bellum and Jus in bello
- f. Classification of Armed Conflicts: International Armed Conflict, Non-International Armed Conflict, and Internationalized Armed Conflict
- g. Distinction between International Humanitarian Law and International Human Rights Law

**MODULE II – CORE PRINCIPLES OF INTERNATIONAL HUMANITARIAN LAW**

- a. Equality of Belligerents and Non-Reciprocity
- b. Balancing Military Necessity and Humanity
- c. Principle of Distinction: Civilians vs. Combatants and Civilian Objects vs. Military Objectives
- d. Principle of Proportionality
- e. Principle of Precaution: Before, during and after Attacks, and in Defence
- f. Principles of Unnecessary Suffering and Humane Treatment

### **MODULE III – PROTECTION OF PERSONS AND OBJECTS**

- a. Protection of Wounded and Sick Soldiers
- b. Protection of Medical and Religious Personnel and Establishments
- c. Protection of Prisoners of War
- d. Protection of Civilians
- e. Special protections for women and children, as civilians and combatants
- f. Protection of Cultural Property
- g. Protection of the Natural Environment
- h. Role of the International Committee of the Red Cross as Guardian of International Humanitarian Law

### **MODULE IV – MEANS AND METHODS OF WARFARE**

- a. Prohibited Methods: Attacking persons hors de combat, Denial of Quarter, Perfidy, Misuse of Distinctive Emblems, etc.
- b. Regulated Means of Warfare (Weapons): Chemical Weapons, Biological Weapons, Incendiary Weapons, Landmines, Cluster Munitions, Nuclear Weapons,
- c. Convention on Certain Conventional Weapons, 1980 and its five Protocols.
- d. Weapons Reviews under Article 36 of API
- e. Martens Clause

### **MODULE V – IMPLEMENTATION, ACCOUNTABILITY AND ENFORCEMENT**

- a. State responsibility and individual criminal responsibility
- b. Grave Breaches of IHL, War Crimes and Crime of Aggression
- c. International Criminal Court (ICC), Ad hoc Tribunals (ICTY, ICTR), and Hybrid Tribunals (SCSL, STL)
- d. National implementation of IHL (Indian Perspective)
- e. Role of the UN, Regional bodies and NGOs in IHL enforcement

### **MODULE VI – CONTEMPORARY CHALLENGES TO INTERNATIONAL HUMANITARIAN LAW**

- a. Terrorism and the applicability of IHL to the Global "War on Terror"
- b. Urban Warfare and the Use of Human Shields
- c. Private military and security companies (PMSCs): Executive Outcomes, Blackwater and Wagner Group
- d. Cyber-Warfare and IHL: Tallinn Manual and Emerging Norms
- e. Autonomous Weapon Systems (AWS): Levels of Autonomy in Weapons Systems, Challenges of using

AI in the Military, International negotiations on regulating AWS, Indian stance on AWS.

**Recommended Readings:**

1. Nils Melzer, International Humanitarian Law: A Comprehensive Introduction
2. Gary D. Solis, The Law of Armed Conflict
3. Marco Sassoli, International Humanitarian Law: Rules, Controversies, and Solutions to Problems Arising in Warfare
4. William A. Schabas, The International Criminal Court: A Commentary on the Rome Statute
5. Bob Reinalda, Routledge History of International Organisation, 1st ed. 2017.

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**PAPER V**  
**INTERNATIONAL AIR AND SPACE LAW**  
**(ML 318)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course provides an advanced introduction to the international legal regimes governing civil aviation and outer space activities. Students will explore the legal frameworks of international air law and space law, analyse key treaties and examine India's growing presence in aerospace sectors. The course also addresses commercial aviation regulation, liability regimes, and emerging issues like space tourism, satellite constellations, militarization of space, and environmental impacts.

**LEARNING OUTCOMES:**

Upon Completion of this course, Students can:

1. Understand the historical evolution and structure of international air and space law.
2. Analyse key treaties and international organizations regulating aviation and space.
3. Examine liability regimes in air and space accidents.
4. Explore India's role in global aviation and space development.
5. Critically evaluate new developments, like commercial space flight and environmental concerns.

**MODULE I – INTRODUCTION TO INTERNATIONAL AIR AND SPACE LAW**

- a. Historical Evolution of Air Law: Paris Convention (1910), Paris Convention (1919), Havana Convention (1928)
- b. Cold War, the Space Race, and the origins of International Space Law
- c. Freedom of Air and National Sovereignty over Airspace
- d. Province of All Humankind: Freedom to Use and Explore Outer Space, Prohibition against National Appropriation of Outer Space
- e. Differences in the Legal status of Airspace and Outer Space, and the need for Defining a boundary between them

**MODULE II – INTERNATIONAL AIR LAW**

- a. Chicago Convention (1944)
- b. International Civil Aviation Organization (ICAO): Organizational Structure, Legislative and Regulatory Functions, Dispute Settlement Mechanism
- c. Air Traffic Rights (Nine Freedoms of the Air)
- d. Safety Standards and Airworthiness

- e. Bilateral and Multilateral Air Service Agreements (ASAs)
- f. Air Carrier Liability: Warsaw Convention (1929), Montreal Convention (1999)
- g. Leasing of Aircrafts: Dry, Wet and Damp Leases
- h. Hijacking and Unlawful interference: Tokyo, Hague, and Montreal Conventions

### **MODULE III – INTERNATIONAL SPACE LAW**

- a. Outer Space Treaty (1967) and its Core Principles
- b. Rescue and Return Agreement (1968), Liability Convention (1972), Registration Convention (1975), Moon Agreement (1979)
- c. Space Benefits Declaration (1996), Space Debris Mitigation Guidelines (2007), Long-Term Sustainability Guidelines (2019), Artemis Accords (2020)
- d. Role of UNCOPUOS and UNOOSA in Global Space Governance

### **MODULE IV – COMMERCIALIZATION AND PRIVATIZATION OF OUTER SPACE**

- a. Space Traffic Management: LEO, MEO and GEO Orbits, Allocation of Orbital Slots by the ITU, Private launches, Satellite Mega-constellations
- b. Space Tourism: Sub-orbital flights, Regulatory challenges (including whether the obligation to rescue astronauts in distress extends to private space tourists)
- c. Public-Private partnerships in Space exploration (e.g. NASA and SpaceX)
- d. Issues related to Registration and Liability in case of Private space launches
- e. Sustainable Use of Outer Space: Space Debris, 2009 Iridium–Kosmos collision, Kessler Syndrome

### **MODULE V – INDIA’S NATIONAL LEGAL FRAMEWORK**

- a. India’s international obligations respecting Airspace and Outer Space
- b. Indian laws regulating Airspace
  - i. Bharatiya Vayuyan Adhiniyam, 2024
  - ii. Aircraft Rules, 1937 and Aircraft (Security) Rules, 2011
  - iii. Civil Aviation Requirements issued by the DGCA
  - iv. "Ude Desh ka Aam Naagrik" Regional Connectivity Scheme (UDAN–RCS)
  - v. The Carriage by Air Act, 1972
- c. Indian authorities regulating Airspace: Directorate General of Civil Aviation (DGCA), Ministry of Civil Aviation (MoCA), Airports Authority of India (AAI), Airports Economic Regulatory Authority of India (AERA)
- d. Indian laws regulating Outer Space
  - i. Draft Space Activities Bill, 2017
  - ii. Indian Space Policy, 2023

- iii. Norms, Guidelines, Procedures for Authorization of Space Activities, 2024
- e. Indian authorities regulating Outer Space: Indian National Space Promotion & Authorisation Centre (IN-SPACe), Indian Space Research Organization (ISRO) NewSpace India Limited (NSIL), Department of Space (DOS)

## **MODULE VI – EMERGING AND CROSS-CUTTING ISSUES**

### **a. Aviation Sector**

- i. Aviation emissions and the Carbon Offsetting and Reduction Scheme for International Aviation (CORSA)
- ii. Impact of the COVID-19 global pandemic on Air Travel
- iii. Low-Budget Airlines, Cost-Cutting by Aircraft Manufacturers and their impact on flight safety (e.g. Boeing 737 MAX groundings)

### **b. Space Sector**

- i. Satellite Data Sharing and Disaster management
- ii. Militarization of outer space (including reference to ASAT tests, and to Dual-use satellites like the GPS and Starlink networks)
- iii. Property Rights in Space: Legal issues arising from Extra-terrestrial Bases (USA's Artemis and Sino-Russian ILRS) and Space Resource Exploitation

### **Recommended Readings:**

1. Malcolm N. Shaw, *International Law* (8th ed., Cambridge University Press, 2017)
2. Diederiks Verschoor, *An Introduction to Air Law*, 9th Ed., Kluwer Law International, (2011).
3. Shawcross and Beaumont, *Air Law* (Vol 1). Butterworths, (1977)
4. Abeyratne Ruwantissa, *Convention on International Civil Aviation: A Commentary*, Springer, (2014).
5. Michael Pearson & Daniel Riley, *Foundations of Aviation Law*, Routledge, (2015).
6. Vijranth Prachanda, *A Guide to India's Aviation Law*, Thomson Reuters, (2019).
7. Bin Cheng, *Studies in International Space Law*, Clarendon Press Oxford, (1997).
8. Stephan Hobe, Bernhard Schmidt-Tedd & Kai-Uwe Schrogl, *Cologne Commentary on Space Law* (Volumes I-III), Carl Heymanns Verlag, (2009)
9. Francis Lyall & Paul Larsen, *Space Law: A Treatise*, 2nd Ed., Routledge, (2020).
10. Sandeepa Bhat, Dilip Ukey, Adithya Variath (eds.), *International Space Law in the New Space Era: Principles and Challenges*, Oxford University Press, (2024).
11. K. C Joshi, *International and Human Rights*, 4th ed., 2019.

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**PAPER VI**  
**INTERNATIONAL MARITIME LAW**  
**(ML 319)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

The course examines the international legal frameworks that govern the use, regulation, and protection of the world's oceans and seas. It focuses on the United Nations Convention on the Law of the Sea (UNCLOS) and its interpretation, along with related conventions and institutions. The course also examines the maritime interests of India, including its coastal jurisdiction, security strategy, port development, and environmental responsibilities.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand the development and structure of modern maritime law.
2. Analyse key provisions of UNCLOS and their application in global and regional contexts.
3. Examine the interaction of maritime law with environmental law, shipping regulation, and national jurisdiction.
4. Examine India's maritime policies and their alignment with international law.
5. Critically assess contemporary challenges in maritime law including piracy, resource exploitation, and maritime boundary disputes.

**MODULE I – INTRODUCTION AND HISTORICAL DEVELOPMENT**

- a. Historical evolution of the law of the sea
- b. Freedom of the seas vs. Claims of sovereignty
- c. Codification efforts: the four 1958 Geneva Conventions (UNCLOS I), and the 1982 UN Convention on the Law of the Seas (UNCLOS III)
- d. Institutions created under 1982 UNCLOS: International Tribunal for the Law of the Sea (ITLOS), Commission on the Limits of the Continental Shelf (CLCS), International Seabed Authority (ISA), and the Enterprise.

**MODULE II – MARITIME ZONES UNDER UNCLOS**

- a. Baselines and Internal waters
- b. Territorial Sea and Innocent Passage
- c. Contiguous Zone
- d. Exclusive Economic Zone (EEZ)

- e. Continental Shelf and its extension
- f. High Seas and the Area (Common Heritage of Mankind)

### **MODULE III – NAVIGATION AND SHIPPING LAW**

- a. Right of Passage: Innocent, Transit, and Archipelagic
- b. Regulation of International Shipping
- c. IMO and SOLAS, MARPOL, STCW conventions
- d. Flag state, Port state, and Coastal state jurisdiction
- e. Marine Insurance and Carriage of goods by sea (Brief Overview)

### **MODULE IV – MARINE ENVIRONMENTAL PROTECTION**

- a. UNCLOS Part XII on Marine Environment
- b. Pollution from Ships, Land-based sources and Seabed activities
- c. MARPOL and Regional agreements (e.g., OSPAR, Cartagena Convention)
- d. Biodiversity Beyond National Jurisdiction (BBNJ) Agreement Treaty
- e. Climate change, ocean acidification, and sea-level rise

### **MODULE V – MARITIME SECURITY AND DISPUTE SETTLEMENT**

- a. Piracy and Armed robbery at Sea
- b. Drug trafficking, Human smuggling, and Maritime terrorism
- c. Naval operations and the Law of naval warfare
- d. Dispute resolution mechanisms under UNCLOS: ITLOS, Arbitration, ICJ
- e. Case Studies: South China Sea arbitration, Bay of Bengal delimitation

### **MODULE VI – INDIA'S MARITIME LAW AND DIPLOMACY**

- a. Indian Legislative framework
- b. Territorial Waters, Continental Shelf, Exclusive Economic Zone and other Maritime Zones Act, 1976
- c. Coast Guard Act, 1978
- d. Maritime Zones of India (Regulation of Fishing by Foreign Vessels) Act, 1981
- e. India's EEZ and Deep seabed mining interests
- f. Maritime security strategy (SAGAR doctrine, Indian Ocean initiatives, MAHASAGAR)
- g. Coastal development and Port infrastructure
- h. India's engagement with UNCLOS, IMO, ISA
- i. India's Maritime Diplomacy with Global South Countries

### **Recommended Readings:**

1. Yoshifumi Tanaka, *The International Law of the Sea*, 4th Ed., Cambridge University Press, (2023).
2. Robin Churchill, Vaughan Lowe & Amy Sander, *The Law of the Sea*, 4th Ed., Manchester University Press (2022).
3. Gemma Andreone (Ed.), *The Future of the Law of the Sea: Bridging Gaps Between National, Individual and Common Interests*, Springer Nature (2017), available to download at <https://library.oopen.org/handle/20.500.12657/28081>
4. O.P. Sharma, *The International Law of the Sea: Indian and the UN Convention of 1982*, Oxford, (2009).
5. K.C. Joshi, *International law and Human Rights*, 4th ed. 2019.

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**PAPER VII**  
**INTERNATIONAL ENVIRONMENT, ENERGY AND CLIMATE CHANGE LAW**  
**(ML 320)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course is designed to provide an interdisciplinary legal perspective on the global frameworks governing environmental protection, energy systems, and climate change. It examines international environmental treaties, climate governance, energy law, and the intersection of law, development, and justice. The course pays special attention to India's legal and policy commitments under international environmental and climate agreements and explores legal innovations needed to achieve a sustainable and just transition.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand international legal frameworks on environmental protection and climate governance
2. Analyse treaty obligations and compliance mechanisms under global climate and energy regimes
3. Evaluate the challenges of climate change and energy transition in the Indian context
4. Explore legal tools for environmental and climate justice
5. Assess the interplay of environmental law with trade, human rights, and investment law

**MODULE I – INTRODUCTION TO INTERNATIONAL ENVIRONMENT LAW**

- a. Fragmentation and integration in international environmental governance
- b. Evolution of global environmental law: from Stockholm Declaration to the Paris Agreement on Climate Change
- c. Sources and principles: Sustainable Development, Precautionary Principle, Polluters Pay Principle, CBDR, Inter-generational equity and Intra-generational equity
- d. Protection of Ozone Layer through Vienna Convention and Montreal Protocol: Success and challenges
- e. International institutions: United Nations Environmental Programme, Intergovernmental Panel on Climate Change

**MODULE II – CLIMATE CHANGE LAW AND GOVERNANCE**

- a. UNFCCC, Kyoto Protocol, Doha Amendment, and Paris Agreement
- b. Nationally Determined Contributions (NDCs) and transparency mechanisms
- c. Sustainable Development Mechanism: Comparison with Clean Development Mechanism
- d. Global stocktake, Article 6, carbon markets, and offsetting
- e. Climate finance: GCF, Adaptation Fund, Loss & Damage Fund, Technology Transfer of

Environmentally Sound Technologies

- f. India's climate policy: National Action Plan on Climate Change (NAPCC), updated NDCs
- g. COP process and climate diplomacy

### **MODULE III – ENERGY LAW AND JUST TRANSITION**

- a. International energy law: access, security, and transition
- b. Renewable energy regulation: solar, wind, hydro, hydrogen
- c. Fossil fuel phase-out and carbon lock-in
- d. Energy justice and the Global South
- e. India's legal instruments: Energy Conservation Act, National Electricity Plan, Green Hydrogen Mission
- f. Comparative legal frameworks (EU, China, USA)

### **MODULE IV – BIODIVERSITY, FORESTS AND ECOSYSTEM PROTECTION**

- a. Convention on Biological Diversity, Cartagena and Nagoya Protocols
- b. REDD+, forest carbon credits, and ecosystem services
- c. Environmental impact assessment (EIA), conservation law, and access rights
- d. India's Biodiversity Act, Forest Rights Act, CAMPA

### **MODULE V – ENVIRONMENTAL AND CLIMATE LITIGATION**

- a. Liability and redress for environmental harm
- b. Transboundary pollution: Role of international dispute settlement mechanisms
- c. International courts and tribunals (ICJ, ITLOS, WTO, PCA)
- d. Strategic climate litigation: Urgenda, Juliana, Leghari, and Indian PILs
- e. Environmental rule of law and access to justice

### **MODULE VI – EMERGING ISSUES AND INTER-DISCIPLINARY CHALLENGES**

- a. Ocean governance and climate (UNCLOS, BBNJ, SIDS)
- b. Climate-induced migration and loss & damage
- c. ESG norms, greenwashing, and corporate climate accountability
- d. Climate tech, AI, and legal frameworks for innovation
- e. The Blue Economy, circular economy, and SDG integration
- f. Conservation of Polar Regions

### **Recommended Readings:**

1. Philippe Sands, Jacqueline Peel, Adriana Fabra Ruth MacKenzie, Principles of International

- Environmental Law, 4th Edition, Cambridge University Press, 2018
2. Lavanya Rajamani & Jacqueline Peel, The Oxford Handbook of International Climate Change Law, 2nd Edition, Oxford University Press, 2021
  3. Verheyen, R., Climate Change Damage and International Law: Prevention Duties and State Responsibility, Leiden, Martinus Nijhoff Publishers, 2005
  4. Uddin, M., Climate Change Law, Technology Transfer and Sustainable Development, Routledge, 2021
  5. Sindico, F., Ed.; Mbengue, M.M., Ed., Comparative Climate Change Litigation: Beyond the Usual Suspects, Springer Nature, 2021
  6. Young, O.R., Ed, Effectiveness of International Environmental Regimes, Cambridge, MIT Press, 1999
  7. Abernathy, W., Emerging Issues in Sustainable Development: International Law and Policy, States Academic Press, 2021
  8. Hedemann-Robinson, M., Enforcement of International Environmental Law: Challenges and Responses at the International Level, Routledge, 2019
  9. Divan, S.; Rosencranz, A., Environmental Law and Policy in India: Cases and Materials, Oxford University Press, 2022

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**PAPER VIII**  
**INTERNATIONAL INTELLECTUAL PROPERTY RIGHTS LAW**  
**(ML 320)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES:**

The course is designed to offer an in-depth examination of the international legal framework governing intellectual property rights (IPRs), including patents, copyrights, trademarks, and trade secrets. It explores the TRIPS Agreement, WIPO treaties, regional instruments, emerging issues like digital IP and traditional knowledge, and India's position in global IP negotiations. The course combines doctrinal study with policy analysis and enforcement mechanisms.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand international IPR treaties and enforcement mechanisms
2. Analyse the relationship between trade, development, and IP protection
3. Evaluate India's legal and policy framework in the context of international IPR obligations
4. Critically assess IPRs in emerging areas such as AI, biotechnology, and indigenous knowledge
5. Explore the tension between public interest and private monopolies in global IPR regimes

**MODULE I – INTRODUCTION AND EVOLUTION OF INTRODUCTION IPR LAW**

- a. Historical development of IP systems
- b. Justifications for IP: natural rights, utilitarianism, reward theory
- c. Internationalization of IP rights: Paris Convention for Protection of Industrial Property, and Berne Convention for Protection of Literary and Artistic Works
- d. Role of WIPO and WTO in Protection and Promotion of Intellectual Property
- e. Interface of intellectual property to trade, development, environment, and health.

**MODULE II – TRIPS AGREEMENT AND WTO**

- a. Overview and structure of the TRIPS Agreement
- b. National Treatment, Most Favoured Nation, Doctrine of Exhaustion and Parallel Imports, Minimum standards and enforcement provisions
- c. TRIPS and dispute settlement at the WTO
- d. India's TRIPS compliance
- e. Doha Declaration on Public Health and Amendments in TRIPS Agreements

### **MODULE III – MINIMUM STANDARDS IN TRIPS AGREEMENT**

- a. Copyright: Interface with Berne Convention, Protection to Software, Rental Rights, Exceptions, and Neighbouring Rights, WTO/DS160 - Section 110(5) of US Copyright Act
- b. Trademark: Subject matter for protection, Rights to Trademark holders, Exceptions, Requirement of Use
- c. Geographical Indications: Appellations of Origin and Lisbon Agreement, Definition of GI under TRIPS, Additional Protection to Wines and Spirits, Exceptions
- d. Industrial Designs: Obligation to protect Industrial Designs and Protections conferred.

### **MODULE IV – MINIMUM STANDARDS IN TRIPS AGREEMENT (PART II)**

- a. Patent: Patentable Subject Matter, Rights Conferred and Exceptions, Disclosure Requirements, Compulsory License, WTO/DS114 - Patent Protection of Pharmaceutical Products
- b. Plant Varieties: UPOV Convention, Breeders' Rights and Farmers' Rights, Exceptions
- c. Layout Designs of Integrated Circuits: Relation to IPIC Treaty, Scope of Protection, Compulsory License
- d. Undisclosed Information: Meaning of undisclosed information, Obligation to protect undisclosed information, Protection of undisclosed information related to pharmaceutical and agricultural companies, India's stance

### **MODULE V – GLOBAL ISSUES IN IPR**

- a. IPR and Access to Medicines
- b. Traditional Knowledge, Traditional Cultural Expressions and Indigenous Rights
- c. Climate Change, Green Intellectual Property, and Technology Transfer
- d. Artificial Intelligence and Intellectual Property: Data Scraping, Plagiarism, Issues of Liability, Authorship, and Ownership
- e. Food Security and IPR Protection

### **MODULE VI – INDIA'S ROLE AND CHALLENGES IN GLOBAL IPR REGIMES**

- a. Indian legal framework: Patents Act, Copyright Act, Trademark Act, GI Act, PPVFRA.
- b. India's participation in WTO, WIPO, and bilateral IP negotiations
- c. Controversies and litigation: Novartis v. Union of India, Bayer v. Natco
- d. The interface of IP with constitutional rights (free speech, right to health)

### **Recommended Readings:**

1. Harms, L.T.C., Enforcement of Intellectual Property Rights : A Case Book, 3rd edition, World

Intellectual Property Organization, 2012

2. Carlos Correa, Trade Related Aspects of Intellectual Property Rights: A Commentary on the TRIPS Agreement, 1st edition, Oxford University Press, 2007
3. Jayashree Watal, Intellectual Property Rights in the WTO and Developing Countries, Kluwer Law International, 2022
4. Cornish, W R, Intellectual Property : Patents, Copyright, TradeMarks and Allied Rights, 6th edition, Sweet & Maxwell Limited, 2008

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**PAPER IX**  
**INTERNATIONAL HUMAN RIGHTS LAW**  
**(ML 414)**  
**CREDITS – 4 (COMPULSORY)**

**COURSE OBJECTIVES:**

This course aims to explore the normative, institutional, and procedural foundations of international human rights law, while exploring various themes like refugee law, gender rights, children's rights, racial discrimination, indigenous rights, and emerging challenges posed by digital and AI technologies. It offers comparative perspectives and critically engages with India's domestic implementation of international standards.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Understand core international human rights instruments and their application
2. Analyse legal protections for vulnerable and marginalized groups
3. Evaluate the intersection of technology and human rights
4. Examine India's role and compliance with international obligations
5. Develop skills in advocacy, legal drafting, and policy evaluation in human rights law

**MODULE I – INTRODUCTION TO INTERNATIONAL HUMAN RIGHTS LAW**

- a. Historical evolution and philosophical foundations
- b. Universal Declaration of Human Rights (UDHR), ICCPR, ICESCR
- c. Enforcement mechanisms: including international courts and tribunals like the International Court of Justice (ICJ) and the International Criminal Court (ICC), as well as non-judicial mechanisms such as the United Nations Human Rights Council and treaty bodies.
- d. Human rights in the Indian Constitution: Articles 14, 15, 19, 21, 32
- e. Role of National and State Human Rights Commissions

**MODULE II – HUMAN RIGHTS ADVOCACY – CONCEPT AND TECHNIQUES**

- a. Role of civil society, media, and human rights defenders
- b. Strategic litigation and use of Public Interest Litigation (PIL) in India
- c. International and domestic human rights campaigns
- d. Evidence documentation, report writing, and shadow reports
- e. Ethics and risks in human rights advocacy

### **MODULE III – HUMAN RIGHTS OF REFUGEES AND STATELESS PERSONS**

- a. 1951 Refugee Convention, 1967 Protocol, and UNHCR
- b. Non-refoulement, asylum, and statelessness
- c. Refugee protection in India: legal vacuum and judicial interventions
- d. National policies and humanitarian responses
- e. Case studies: Rohingyas, Afghans, Tibetans, and Sri Lankan Tamils

### **MODULE IV – GENDER RIGHTS AND LGBTQIA+ JUSTICE**

- a. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)
- b. Gender-based violence, reproductive rights, and workplace equality
- c. LGBTQIA+ rights under international human rights law
- d. Landmark Indian cases: Navtej Singh Johar, NLSA v. Union of India, Vishaka Guidelines
- e. International and Domestic advocacy strategies and legal reform initiatives

### **MODULE V – RADICAL DISCRIMINATION AND INDIGENOUS PEOPLES**

- a. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- b. UN Declaration on the Rights of Indigenous Peoples (UNDRIP)
- c. Caste-based and racial discrimination: international standards and Indian realities
- d. Forest Rights Act and constitutional protections for Scheduled Tribes
- e. Indigenous land rights, displacement, and climate justice movements

### **MODULE VI – HUMAN RIGHTS AND EMERGING TECHNOLOGIES**

- a. Artificial intelligence, surveillance, and privacy rights
- b. Right to be forgotten, algorithmic bias, and digital exclusion
- c. UN guidelines, EU GDPR, Indian data protection law (DPDP Act)
- d. Human rights impact of biometric systems and predictive policing
- e. Ethical tech advocacy and digital constitutionalism

#### **Recommended Readings:**

1. Rhona Smith, Textbook on International Human Rights, Oxford University Press, 2009
2. Hurst Hannum et al, International Human Rights: Problems of Law, Policy, and Practice, 7th Edition, Aspen Opco Llc, 2023
3. Upendra Baxi, The Future of Human Rights: Second Edition, Oxford University Press India, 2007
4. Keane, D., Caste-based Discrimination in International Human Rights Law, Hampshire, Ashgate Publishing Limited, 2007.

5. Theodor Meron, *Human Rights in International Law: Legal and Policy Issues*, Oxford University Press, 1986
6. A. H. Robertson and J.G. J.G. Merrills, *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights*, Manchester University Press, 1996

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**PAPER X**  
**INTERNATIONAL IMMIGRATION LAW**  
**(ML 415)**  
**CREDITS – 2 (SOFT)**

**COURSE OBJECTIVES:**

This course provides a comprehensive overview of international and comparative immigration law, focusing on the rights of migrants, state obligations, and global migration governance. It examines legal instruments, national policies, and emerging challenges such as irregular migration, trafficking, climate-induced displacement, and digital border controls. The course also explores India's legal framework and regional migration dynamics in South Asia. The course equips students with legal, policy, and advocacy tools to engage with contemporary immigration issues at both domestic and international levels.

**LEARNING OUTCOMES:**

On successful completion of this course, the students will be equipped to:

1. Provide an understanding of international and regional legal frameworks on immigration and migration.
2. Analyse the interplay between sovereignty, human rights, and cross-border movement
3. Examine India's approach to immigration, expatriation, and border management
4. Assess emerging challenges including irregular migration, labour mobility, climate-induced displacement, and securitization of borders
5. Equip students with practical skills in legal research, policy analysis, and advocacy.

**MODULE I – INTRODUCTION TO INTERNATIONAL IMMIGRATION LAW**

- a. Historical development of immigration and emigration controls
- b. Sources of international immigration law: treaties, soft law, customary norms
- c. Key concepts: sovereignty, non-intervention, territorial jurisdiction
- d. Distinction between immigration, migration, and refugee law
- e. Role of international organizations: IOM, UNHCR, ILO

**MODULE II – RIGHTS OF MIGRANTS UNDER INTERNATIONAL LAW**

- a. Universal Declaration of Human Rights (UDHR), ICCPR, ICESCR
- b. ILO conventions on migrant workers
- c. UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1990)
- d. Detention, deportation, and procedural safeguards
- e. Access to healthcare, housing, education, and labour rights

### **MODULE III – COMPARATIVE IMMIGRATION FRAMEWORKS**

- a. U.S. immigration and asylum law: key principles and enforcement policies
- b. EU immigration and integration policies, Schengen system
- c. Australia and Canada's points-based immigration systems
- d. Case studies on immigration crises and policy responses
- e. Role of regional mechanisms (EU, USA, ASEAN)

### **MODULE IV – INDIA AND IMMIGRATION LAW**

- a. Citizenship laws and amendments (1955 Act & 2019 CAA)
- b. Foreigners Act, 1946; Passport Act, 1967; Registration of Foreigners Rules
- c. Expatriates, OCI/PIOs, NRIs, and stateless persons in India
- d. Cross-border migration in South Asia: Bangladesh, Myanmar, Nepal
- e. Institutional mechanisms: Bureau of Immigration, MHA, FRRO

### **MODULE V – CLIMATE CHANGE, DISPLACEMENT AND MIGRATION GOVERNANCE**

- a. Environmental displacement and legal protection gaps
- b. International efforts: Global Compact for Migration, Platform on Disaster Displacement
- c. Regional perspectives on climate-induced migration (Pacific, South Asia)
- d. Legal recognition and adaptation strategies
- e. Role of civil society and climate justice frameworks

### **MODULE VI – EMERGING ISSUES AND REFORMS IN IMMIGRATION GOVERNANCE**

- a. Global Compact for Safe, Orderly and Regular Migration (GCM)
- b. Digital identity systems, surveillance, and immigration
- c. Pandemic-induced mobility restrictions and border closures
- d. Bilateral labour mobility agreements
- e. Artificial intelligence and risk profiling at borders

#### **Recommended Readings:**

1. Vincent Chetail, *International Migration Law*, Oxford University Press, 2019
2. T. Alexander Aleinikoff and Leah Zamore, *The Arc of Protection: Reforming the International Refugee Regime*, Stanford Briefs, 2019
3. Satvinder Juss, *International Migration and Global Justice*, Ashgate Publishing Limited, 2007
4. Ranabir Samaddar, *The Marginal Nation: Transborder Migration from Bangladesh to West Bengal*, Sage India, 1998

5. Anna O. Law, *The Immigration Battle in American Courts*, Cambridge University Press, 2010
6. John Maxwell Evans, *Immigration Law*, Sweet & Maxwell Ltd, 1976

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**PAPER XI**  
**LAW OF TREATIES**  
**(ML 416)**  
**CREDIT – 2 (SOFT)**

**COURSE OBJECTIVES:**

This paper will provide an in-depth understanding of the law of treaties as a key source of international law. To critically assess the formation, interpretation, and termination of treaties under international law, this paper will explore the impact of treaties on domestic legal systems and their significance in international relations, to analyze landmark cases in treaty law and understand how courts interpret and enforce treaties, to engage with contemporary challenges, including human rights treaties, environmental treaties, and digital diplomacy, to foster analytical skills in evaluating treaty obligations and disputes within international legal frameworks.

**LEARNING OUTCOME:**

On successful completion of the course, students will:

1. Have a thorough understanding of the legal framework governing treaties, Be able to critically analyze treaty negotiations, drafting, and interpretation.
2. To Develop the ability to apply legal principles to real-world treaty disputes.
3. Be proficient in identifying the role of treaties in the global legal system.
4. Gain insight into emerging trends and challenges in treaty law, especially in the context of globalization and digital diplomacy.

**MODULE I – INTRODUCTION TO THE LAW OF TREATIES**

- a. Definition and Scope of Treaties
- b. Historical Development of Treaty Law
- c. Vienna Convention on the Law of Treaties (1969): Overview
- d. Key Concepts: Pacta Sunt Servanda, Jus Cogens, and International Custom
- e. Role of Treaties in International Relations and Diplomacy

**MODULE II – TREATY FORMATION AND NEGOTIATION**

- a. Consent to Be Bound by a Treaty: Signature, Ratification, Accession.
- b. Negotiation of Treaties: Role of Diplomats, Plenipotentiaries, and International Organizations.
- c. Reservations to Treaties: Scope, Limitations, and Legal Consequences.
- d. Treaty Drafting: Clarity, Precision, and Ambiguity.

### **MODULE III – TREATY INTERPRETATION AND APPLICATION**

- a. Rules of Treaty Interpretation: Vienna Convention Articles 31-33.
- b. Role of Context, Object, and Purpose in Treaty Interpretation.
- c. Role of International Courts and Tribunals in Treaty Interpretation.
- d. Use of Preparatory Work (Travaux Préparatoires) and Subsequent Practice.

### **MODULE IV – TREATIES AND DOMESTIC LAW**

- a. Interaction Between Treaties and National Legal Systems
- b. Monist and Dualist Approaches to Treaty Incorporation.
- c. Role of Domestic Courts in Treaty Enforcement.
- d. Constitutional Limits on Treaty-Making Powers.

### **MODULE V – INVALIDITY, TERMINATION, AND SUSPENSION OF TREATIES**

- a. Grounds for Treaty Invalidity: Error, Fraud, Coercion, and Conflict with Jus Cogens.
- b. Termination of Treaties: Mutual Agreement, Material Breach, and Fundamental Change of Circumstances (Rebus Sic Stantibus).
- c. Suspension of Treaty Obligations: War, State Succession, and Environmental Catastrophes.

### **MODULE VI – CASE STUDIES ON TREATY LAW**

- a. Landmark International Treaty Cases
- b. North Sea Continental Shelf Cases (ICJ, 1969)
- c. Gabčíkovo-Nagymaros Project Case (ICJ, 1997)
- d. Reservations to the Genocide Convention (ICJ, 1951).
- e. The Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory (ICJ, 2004).
- f. Analysis of Treaty Law in Domestic Courts: United States, United Kingdom, India

### **MODULE VII – SPECIALIZED TREATIES AND CONTEMPORARY CHALLENGES**

- a. Human Rights Treaties: Universal Declaration of Human Rights, ICCPR, ICESCR
- b. Environmental Treaties: Paris Agreement, Kyoto Protocol, Convention on Biological Diversity
- c. Treaties in Digital Diplomacy: Cybersecurity and Data Privacy Treaties.
- d. Economic and Trade Treaties: WTO Agreements, Bilateral Investment Treaties

### **MODULE VIII – EMERGING TRENDS AND FUTURE OF TREATY LAW**

- a. Treaty Law in the Age of Globalization

- b. Challenges to Treaty Enforcement in Non-State Actors and International Organizations.
- c. Treaty Law and the Role of Technology.
- d. The Future of Multilateralism and Bilateralism in Treaty Negotiations.

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