

ANNEXURE I  
SCHEME OF FOUNDATION COURSES

FLC-I Comparative Public Law

Sl. No.	Course Code	Name of Course
1	FLCI1	Comparative Public Law Stream I
2	FLCI2	Comparative Public Law Stream II
3	FLCI3	Comparative Public Law Stream III
4	FLCI4	Comparative Public Law Stream IV
5	FLCI5	Comparative Public Law Stream V
6	FLCI6	Comparative Public Law Stream VI

FLC –II Law and Justice in Globalized World

Sl. No.	Course Code	Name of Course
1	FLCII1	Justice in Globalized World Stream I
2	FLCII2	Justice in Globalized World Stream II

FC –III Research Methodology (Course Code FLCIII1)

## Annexure I A

### FOUNDATION COURSES FLCI1 SYLLABUS

#### FLCI 1- Comparative Public Law Stream I

- 1) Concept -Meaning and definition of Public Law- Comparative Public Law- Constitutional Law- Common Law constitutional principles- Legislative Mechanism-common law system-civil law system- Federalism-unitary system-
- 2) Judicial review- *Locus standi*- Judicial Activism- Judicial Accountability- Public Interest Litigation
- 3) Ombudsman-Ombudsman in Scandinavian countries- Common law and Civil law- Indian Scenario- Lokpal and Lokayukta
- 4) Comparative Criminal Law – Common law-Civil law-concept of fair trial- Plea Bargaining- Juvenile Justice-restorative justice-
- 5) International standards of criminal justice administration- Presumption of innocence-burden of proof-right to remain silent-right to consult and defended by a lawyer-legal assistance at state expences-rule against self-incrimination-rule against retroactive criminal law-prohibition of double jeopardy-right to appeal and review-right to seek pardon

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

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law
6. Dicey - Introduction to Law of the Constitution.
7. O Hood Philips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. M. P. Jain - The Evolving Indian Administrative Law.

10. B. Schwartz - An Introduction to American Administrative Law.
11. M. P. Jain - Cases and Materials on Administrative Law.
12. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
13. Ivor Jennings - Law and the Constitution.
14. K. C. Davis - Discretionary Justice.
15. Neville L. Brown and J. F. Garner – French Administrative Law.
16. Peter H. Schuck - Foundations of Administrative Law.
17. P. P. Craig - Administrative Law.
18. Alex Carol - Constitution and Administrative Law.
19. Neil Hawke and Neil Papworth - Introduction to Administrative Law.
20. Jaffe - Judicial Control of Administrative Law.
21. K.D.Gaur – A Textbook on The Indian Penal Code.
22. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1<sup>st</sup> Edition
23. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
24. The Handbook of Comparative Criminal Law, Stanford Law Books (2010)

## **FLCI 2- Comparative Public Law Stream II**

- 1) Concept of Public Law- Expanding role of Public Law-impact of globalization in public law-Constitution-federal and unitary- Common Law constitutional norms- Living Constitution- Constitution as Supreme Law.
- 2) Constitutionalism- Essential features of Constitutionalism- Limited government-Rule of Law-Separation of Powers-Fundamental Rights-Independence of Judiciary - Judicial Review.

- 3) Constitutional Review- Concept and Origin of Judicial Review- Methods of Constitutional Review- Judicial and Political Review- Limitations on Judicial Review-Office of Ombudsman-powers and functions
- 4) Control of corruption and maladministration - Ombudsman: a comparative perspective –Indian Scenario – Lokpal and Lokayukta.
- 5) Comparative Criminal Law-Accusatorial and Inquisitorial Systems – Constitutional norms governing criminal justice administration-Norms and guidelines under International human rights law

***Suggested Readings:***

1. H. W. Wade – Administrative Law.
2. De smith – Judicial Review of Administrative Action.
3. D.D. Basu - Comparative Administrative Law.
4. Dicey – Introduction to Law of the Constitution.
5. M.P Jain, S.N.Jain – Principles of Administrative Law.
6. B.Schwartz - An introduction to American Administrative Law.
7. K.S Shukla and S.S Singh – Lokayukta – A Socio legal study.
8. Ivor Jennings – Law and the Constitution.
9. K.C Davis – Discretionary Justice.
10. Jaffe – Judicial Control of Administrative Law.
11. K.D. Gaur - A textbook on the Indian Penal Code.
12. The Handbook of Comparative Criminal law, Stanford law Books (2010).
13. S.K Agrawala – Public Interest Litigation in Indian A critique (K.M Munishi memorial lectures)

**FLCI 3- Comparative Public Law Stream III**

- 1) Concept of Public Law- Expanding role of Public Law-impact of globalization in public law-Constitution-federal and unitary-Common Law constitutional norms- Living Constitution-Constitution as Supreme Law.

- 2) Constitutionalism- Essential features of Constitutionalism- Limited government-Separation of Powers-Fundamental Rights- Independence of Judiciary - Judicial Review.
- 3) Constitutional foundations of powers –Legislative Supremacy- concept of rule of law- Dicey- Modern concept of rule of law- Separation of powers- Checks and balances-
- 4) Constitutional Review- Concept and Origin of Judicial Review- Methods of Constitutional Review- Judicial and Political Review- Limitations on Judicial Review-Office of the Ombudsman-powers and functions-Public Interest Litigation: USA, UK, India – liberalization of locus standi – Judicial activism, self-restraint and accountability – Judicial independence.
- 5) Administrative Explosion – Tribunals – Limitations on judicial Review-The basic structure Doctrine

***Suggested Readings:***

1. Barendt, An Introduction to Constitutional Law (1998)
2. Cane, Administrative Law (4th ed 2004)
3. Finer, Comparative Government (1970)
4. Loughlin, The Idea of Public Law (2003)
5. Marks, The Riddle of All Constitutions: International Law, Democracy, and Critique of Ideology (2000)
6. Where, Modern Constitutions (2nd ed 1966)
7. Zines, Constitutional Change in the Commonwealth (1991)
8. Seervai, Constitution of India (4<sup>th</sup> Edition)

**FLCI 4- Comparative Public Law Stream IV**

- 1) Concept of Public Law- Expanding role of Public Law-impact of globalization in public law-Constitution-federal and unitary- Common Law constitutional norms- Living Constitution- Constitution as Supreme Law.

- 2) Constitutionalism- Essential features of Constitutionalism- Limited government-Rule of Law-Separation of Powers-Fundamental Rights-Independence of Judiciary - Judicial Review.
- 3) Forms of Governments- Federal and Unitary Forms- Models of Federalism and Concept of Quasi-federalism-cooperative federalism- Role of Courts in Preserving Federalism- Parliamentary and Presidential Forms of Government
- 4) Constitutional Review- Concept and Origin of Judicial Review- Methods of Constitutional Review- Judicial and Political Review- Limitations on Judicial Review-Office of Ombudsman-powers and functions
- 5) Amendment of Constitution- Various Methods of Amendment- Limitations on Amending Power- Theory of Basic Structure: Origin and Development

***Suggested Readings:***

1. Barendt, An Introduction to Constitutional Law (1998)
2. Cane, Administrative Law (4th ed 2004)
3. Finer, Comparative Government (1970)
4. Loughlin, The Idea of Public Law (2003)
5. Marks, The Riddle of All Constitutions: International Law, Democracy, and Critique of Ideology (2000)
6. Where, Modern Constitutions (2nd ed 1966)
7. Zines, Constitutional Change in the Commonwealth (1991)
8. Seervai, Constitution of India (4<sup>th</sup> Edition)

**FLCI 5-Comparative Public Law Stream V**

- 1) Concept of Public Law- Expanding role of Public Law-impact of globalization in public law-Constitution-federal and unitary- Common Law constitutional norms- Living Constitution- Constitution as Supreme Law.
- 2) Constitutionalism- Essential features of Constitutionalism- Limited government-Rule of Law-Separation of Powers-

Fundamental Rights-Independence of Judiciary - Judicial Review.

- 3) Forms of Governments- Federal and Unitary Forms- Models of Federalism and Concept of Quasi-federalism-cooperative federalism- Role of Courts in Preserving Federalism- Parliamentary and Presidential Forms of Government
- 4) Private law and fundamental Rights- Role of private law- protection of financial independence-gender equality- compensation of personal injury- essential values for the development of one's personality-fundamental rights guaranty of personal autonomy-Adequacy of National Law tested in the touch stone of Fundamental Rights-.
- 5) Influence Of Fundamental Rights In Private Law- Influence on the behaviour of private parties- fundamental rights as tools for development of a more just society-challenges the structure both of private law and of the national legal order-

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

1. Barendt, An Introduction to Constitutional Law (1998)
2. Cane, Administrative Law (4th ed 2004)
3. Finer, Comparative Government (1970)
4. Loughlin, The Idea of Public Law (2003)
5. Marks, The Riddle of All Constitutions: International Law, Democracy, and Critique of Ideology (2000)
6. Wheare, Modern Constitutions (2nd ed 1966)
7. Zines, Constitutional Change in the Commonwealth (1991)
8. Seervai, Constitution of India (4<sup>th</sup> Edition)
9. András Sajó, Renáta Uitz (eds), The constitution in private relations : expanding constitutionalism. Vol 2. Utrecht: Eleven International Publishing; 2005. (Issues in constitutional law; vol 2)
10. Jörg Fedtke, Dawn Oliver (eds) Human Rights and the Private Sphere: A Comparative Study, Taylor & Francis, 2007
11. Katja S Ziegler (ed) Human rights and private law –privacy as autonomy, Oxford etc., Hart Publishing, 2007

12. Banakis, S. (2005), 'The Constitutionalisation of Private Law in the UK: Is There an Emperor Inside the New Clothes?', in T. Barkhuijsen and S.D. Lindenbergh (eds),
13. *Constitutionalisation of Private Law*, Leiden/Boston: Martinus Nijhoff, pp. 83-96
14. Benson, P. (2001), 'Equality of Opportunity and Private Law', in D. Friedman and D. Barak- Erez (eds), *Human Rights in Private Law*, Oxford: Hart Publishing, pp. 201 ff.
15. Clapman, A. (ed.) (1993), *Human Rights in the Private Sphere*, Oxford: Clarendon
16. Press, p. 134
17. Hesselink, M.W. (ed.) (2002), *The New European Private Law: Essays on the Future of Private Law in Europe*, The Hague/London/New York: Kluwer Law International, pp. 177 ff
18. Loof, J.P. (ed.) (2000), *The Right to Property*, Maastricht, Shaker Publishing
19. Marshall, J. (ed.) (2009), *Personal Freedom through Human Rights Law?* Leiden/
20. Boston: Martinus Nijhoff Publishers
21. Nieuwenhuis, H. (2005), 'Fundamental Rights Talk, An Enrichment of Legal Discourse in Private Law', in T. Barkhuijsen and S.D. Lindenbergh (eds), *Constitutionalisation of Private Law*, Leiden/Boston: Martinus Nijhoff, pp. 1-8
22. Smits, J.M. (2005), 'Private Law and Fundamental Rights: a Sceptical View', in T. Barkhuijsen and S.D. Lindenbergh (eds), *Constitutionalisation of Private Law*, Leiden/Boston: Martinus Nijhoff, pp. 9-22
23. Zwolve, W.J. (2005), 'What a Condition Would Man Be In!' (Three cases on prescription and adverse possession), *Stellenbosch Law Review Regtydskrif*, 16, p. 336



## **FLCI 6-Comparative Public Law Stream VI**

- 1) Influence of International public order influence on private law- Decisions of transnational courts- insistence of fairness in labour contracts or medical treatment- flexibility in meaning afforded by general clauses in the private law.
- 2) Concepts of unlawfulness- negligence- good morals or good faith- protection of fundamental rights in private law- judicial determination of adequacy- balancing of interests in private domain influence of fundamental rights.
- 3) fundamental right as a basis for an action in court- under the flag of personality right- the right to privacy, the right to freedom of thought, conscience and religion, and the freedom of expression forms basis of a 'private law right' - fundamental rights inspiration to reform laws affecting human dignity - setting aside rules that lack a sufficient democratic basis
- 4) Application of the tort concept of negligence to companies in order to motivate them to respect fundamental rights- American Alien Tort Claims Act- protection of the economic market and protection of fundamental rights- vindication of fundamental rights through consumer law- fair trade labels- influence company behaviour with respect to fundamental rights
- 5) International norms governing corporate responsibility- social- criminal- compensating damage- protecting human rights

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

1. Barendt, An Introduction to Constitutional Law (1998)
2. Cane, Administrative Law (4th ed 2004)
3. Finer, Comparative Government (1970)
4. Loughlin, The Idea of Public Law (2003)
5. Marks, The Riddle of All Constitutions: International Law, Democracy, and Critique of Ideology (2000)
6. Where, Modern Constitutions (2nd ed 1966)
7. Zines, Constitutional Change in the Commonwealth (1991)
8. Seervai, Constitution of India (4<sup>th</sup> Edition)

9. András Sajó, Renáta Uitz (eds), *The constitution in private relations : expanding constitutionalism. Vol 2.* Utrecht: Eleven International Publishing; 2005. (Issues in constitutional law; vol 2)
10. Jörg Fedtke, Dawn Oliver (eds) *Human Rights and the Private Sphere: A Comparative Study*, Taylor & Francis, 2007
11. Katja S Ziegler (ed) *Human rights and private law –privacy as autonomy*, Oxford etc., Hart Publishing, 2007
12. Banakis, S. (2005), *The Constitutionalisation of Private Law in the UK: Is There an Emperor Inside the New Clothes?*, in T. Barkhuijsen and S.D. Lindenbergh (eds),
13. *Constitutionalisation of Private Law*, Leiden/Boston; Martinus Nijhoff, pp. 83-96
14. Benson, P. (2001), ‘Equality of Opportunity and Private Law’, in D. Friedman and D. Barak- Erez (eds), *Human Rights in Private Law*, Oxford: Hart Publishing, pp. 201 ff.
15. Clapman, A. (ed.) (1993), *Human Rights in the Private Sphere*, Oxford: Clarendon
16. Press, p. 134
17. Hesselink, M.W. (ed.) (2002), *The New European Private Law: Essays on the Future of Private Law in Europe*, The Hague/London/New York: Kluwer Law International, pp. 177 ff
18. Loof, J.P. (ed.) (2000), *The Right to Property*, Maastricht, Shaker Publishing
19. Marshall, J. (ed.) (2009), *Personal Freedom through Human Rights Law?* Leiden/
20. Boston: Martinus Nijhoff Publishers
21. Nieuwenhuis, H. (2005), ‘Fundamental Rights Talk, An Enrichment of Legal Discourse in Private Law’, in T. Barkhuijsen and S.D. Lindenbergh (eds), *Constitutionalisation of Private Law*, Leiden/Boston: Martinus Nijhoff, pp. 1-8
22. Smits, J.M. (2005), ‘Private Law and Fundamental Rights: a Sceptical View’, in T. Barkhuijsen and S.D. Lindenbergh (eds), *Constitutionalisation of Private Law*, Leiden/Boston: Martinus Nijhoff, pp. 9-22

23. Zwalve, W.J. (2005), 'What a Condition Would Man Be In!' (Three cases on prescription and adverse possession), Stellenbosch Law Review Regtydskrif, 16, p. 336

## **Annexure I B**

### **Law and Justice in a Globalizing World Syllabus**

#### **FL II 1--Law and Justice in a Globalizing World Stream I**

1. Concept of justice-different kinds of justice-corrective justice-distributive justice-social justice-theories of justice- Social Contract Theory- Amartya Sen's Capabilities Approach- Utilitarianism- relationship with law and justice-justness of law and legal justice-
2. Social change through law-legislative powers and its limitations-judicial review of legislations-public interest and public policy issues in legislations-Role of courts in legal change and reform.
3. Directive Principles of State Policy-influence on law making-relation between fundamental rights and directive principles of state policy-role of courts in harmonizing various values underlying the constitutional scheme of India-
4. Precedent and social change- methods of decision making - analogical reasoning and growth of law - juristic techniques and possibility of change within the apparently logical process in decision making - Judicial process in India – peculiar features – prospective overruling.
5. national sovereignty in the globalized context - Role of Judiciary In globalized scenario-national constitutional values and the value changes under globalization-response of Indian Courts-

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

1. Roscoe Pound, Introduction to Philosophy of Law, Transaction Publishers (1954) Chs. 1,2 & 3

2. Roscoe Pound, Jurisprudence, The Law Books Exchange, New Jersey,(1959) Vol. 1 Part I & II
3. Bodenheimer, Jurisprudence, Harward University Press, (1974) Part I
4. Friedmann, Legal Theory,Stevens & Sons Ltd., (1967)
5. Lon. L. Fuller, Anatomy of Law, Stanford University Press, California, (1984)
6. Lon. L. Fuller, The Morality of Law, The University of Califonia, (1995) Reprint
7. H.L.A. Hart , The Concept of Law, Oxford University Press, (2012) Reprint
8. John Rawls, A theory of Justice, Oxford University Press (1972)
9. Amartya Sen, *The Idea of Justice*, Harvard University Press & London: Allen Lane, (2009).
10. H.M Seervai, Constitutional Law of India, N.M Thripathi/Sweet and Maxwell,(latest edn)
11. Friedmann, Law in a Changing Society, Penguin Books, (1972)
12. Friedmann (et.al.), Law and Social Change, Stevens & Sons, (1973)
13. Julius Stone, Social Dimensions of Law and Justice, Stanford University Press, (1996), Ch.14 (Part I &II)
14. Julius Stone, Precedent and the Law, Butterworth, (1985)
15. Rupert Cross, Precedent in English Law, Clarendon Press, (1977)
16. Rupert Cross and J. W. Harris, Precedent in English Law, Clarendon Press, (1991)
17. Von Mehren, The Civil Law System, Little Brown, (1977) Ch. 16
18. Levi, Introduction to Legal Reasoning, The University of Chicago, (1970)
19. Cardozo, the Nature of Judicial Process, Yale University Press, (1922)

20. Amartya Sen, Development as Freedom, Oxford University Press, (1999)

## **FL II 2 Law And Justice in a Globalizing World Stream II**

1. Meaning of law – purpose of law – meaning of law in the globalized context
2. Social change through law – precedent and social change – mechanisms that infuses change into the legal system - factors that influences decision making process - methods of decision making - analogical reasoning and growth of law - juristic techniques and possibility of change within the apparently logical process in decision making - Judicial process in India – peculiar features – prospective overruling
3. Role of Judiciary in social change – national sovereignty in the globalized context - interrelation between individual rights and social justice
4. Law, morality and justice – interrelation – changing concept of property – interface with life process – biotechnology – concept of life and its relation to property – human body and the response of law
5. Law as an instrument of social change – critical evaluation

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

1. Roscoe Pound, Introduction to Philosophy of Law, Transaction Publishers (1954) Chs. 1,2 & 3
2. Roscoe Pound, Jurisprudence, The Law Books Exchange, New Jersey,(1959) Vol. 1 Part I & II
3. Bodenheimer, Jurisprudence, Harward University Press, (1974) Part I

4. Friedmann, Legal Theory, Stevens & Sons Ltd., (1967)
5. Lon. L. Fuller, Anatomy of Law, Stanford University Press, California, (1984)
6. Lon. L. Fuller, The Morality of Law, The University of California, (1995) Reprint
7. H.L.A. Hart , The Concept of Law, Oxford University Press, (2012) Reprint
8. John Rawls, A theory of Justice, Oxford University Press (1972)
9. Amartya Sen, *The Idea of Justice*, Harvard University Press & London: Allen Lane, (2009).
10. H.M Seervai, Constitutional Law of India, N.M Thripathi/Sweet and Maxwell,(latest edn)
11. Friedmann, Law in a Changing Society, Penguin Books, (1972)
12. Friedmann (et.al.), Law and Social Change, Stevens & Sons, (1973)
13. Julius Stone, Social Dimensions of Law and Justice, Stanford University Press, (1996), Ch.14 (Part I &II)
14. Julius Stone, Precedent and the Law, Butterworth, (1985)
15. Rupert Cross, Precedent in English Law, Clarendon Press, (1977)
16. Rupert Cross and J. W. Harris, Precedent in English Law, Clarendon Press, (1991)
17. Von Mehren, The Civil Law System, Little Brown, (1977) Ch. 16
18. Levi, Introduction to Legal Reasoning, The University of Chicago, (1970)
19. Cardozo, the Nature of Judicial Process, Yale University Press, (1922)
20. Amartya Sen, Development as Freedom, Oxford University Press, (1999)

## **Annexure I C**

### **Research Methodology Syllabus**

#### **FLCIII 1. Research Methodology and legal writing**

1. Research as a social science and scientific research – qualities of scientific research, meaning of research – nature and utility of research - pure and applied research - value of research – problems of objectivity in research – the research process – multidisciplinary approach to research
2. Formulation of problem in research - hypothesis, their nature and role – concepts and their role in investigation - research design
3. Doctrinal research - data collection – doctrinal sources – primary and secondary sources — case study method – observation and interview - case books – writings – international documents – judgments of international bodies and superior courts of different countries—legislation – statutory instruments and judicial decisions.
4. Non-doctrinal research - empirical research – census method of data collection – sampling methods and techniques – random sampling – systematic sampling – stratified sampling – optimum sampling – different methods for collection of data – interview, preparation of questionnaires – classification of data – analysis of data – tabulation of data
5. Statistical analysis of data and reporting – tabulation and graphical presentation of data – central tendencies – mean, median and mode – standard deviation – elements of probability study and its use in research – presentation of research reports – style of presentation - practical

experience in collection of data and analysis of data using computer and internet

6. Legal Writing – References and Citations – Writing of reports, articles, book reviews and case comments – use of definitions, maxims, concepts, principles and doctrines

***Suggested readings:***

1. Pauline V. Young, Scientific Social Survey and Research, Prentice Hall,(1966)
2. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London (1952)
3. H.M.Hyman, Interviewing in Social Research, University of Chicago, (1965)
4. Payne, The Art of Asking Questions, Princeton University Press (1980)
5. Erwin C. Surrency, B.Felf and J. Crea, A Guide to Legal Research, Oceanea Publications, (1966)
6. Morris L. Cohan, Legal Research in Nutshell, West Publishing Co., (1996)
7. The Blue Book: A Uniform System of Citations, Havard Law Review Association, (2000)
8. Legal Research and Methodology, ILI Publication, (2001)
9. Manheim, Sociological Research: Philosophy and Methods, Doresy Press, (1997)Chs.6-17
10. Morris L. Cohen, How to Find the Law, University of Michigan, (1989) Chs. 1,13,17 &18
11. Peter Goodrich, Reading the Law, B. Blackwell, (1986) Ch.2
12. John A Yogis, Michalelosipeaea, Philip. W. Whitehead, Legal Writing and Research Manual, Lexis Nexis Butterworths, (2004)
13. Victor Tunkel, Legal Research, Blackstone Press, (1994)



14. S. K. Verma and Afzal Wani, *Legal Research Methodology*,
15. Peter W. Martin, Introduction to Basic Legal Citation, (online ed. 2010) available at <http://www.law.cornell.edu/citation/>
16. Harvard Law School, *The Blue Book: A Uniform System of Citation*.

## **ANNEXURE II A-Administrative Law**

### **FL A 1-Basic Principles of Administrative Process and Good Governance**

- 1) Concept of state – Role of Welfare State-Administrative functions- nature-types
- 2) Theoretical Constructs of Administrative law and Public law- liberalism and the rule of law- the functionalist critique- legal pluralism- critical theory- feminism- public choice theory- organizational theory- Separation of Powers
- 3) Administrative Regulations- Constitutional basis-police powers, eminent domain, taxation- Statutory Controls- price fixation, licensing, permits
- 4) Administrative discretion- need, extent, limits and review over discretion-conferment stage-execution stage
- 5) Administrative hearings- fairness- reasonableness-natural justice-extent

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

- 1 Friedmann W , The State and Rule of Law in a Mixed Economy , Stevens Pub Co (1971)
- 2 Neville L Brown and J.F Garner- French Administrative Law , Buttersworth (1998)
- 3 Bernard Schwartz & H.W.R Wade, Legal Control of Government : Administrative Law in Britain and US , Clarendon Press (1972)
- 4 MP Jain & SN Jain, Principles of Administrative Law, Lexis Nexis (Seventh edn,2013)
- 5 De Smith's , Woolf & Jowells's, Judicial Review of Administrative Action, Sweet & Maxwell (2006)

6 AV Dicey, Introduction to the Study of the Law of the Constitution, Macmillan & Co (1889)

7 Sir Ivor Jennings, The Law and the Constitution , University of London Press, (1964)

8 Peter H Schuck, Foundations of Administrative Law, Foundation Press (2004)

9 HWR Wade & CF Forsyth, Administrative Law , Oxford University Press (Eleventh edn,2014)

10 Hilaire Barnett, Constitutional and Administrative Law, Routledge , (Eighth edn,2011)

## **FL A 2- Judicial Control over Administrative Process**

- 1) Basic principles of Judicial Review- Ultra Vires Doctrine- Developments in England, US, India and France
- 2) Public Law Remedies in India- Writ Jurisdiction- Supervisory jurisdictions-Special leave petitions- Public Interest Litigations- exemplary damages
- 3) Limitations on Review Powers- locus standi, laches, res judicata- exhaustion of local remedies-Condition Precedent in France
- 4) Administrative tribunals- Powers and Jurisdiction
- 5) Common Law Remedies

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

1 Paul Craig, Foundations of Administrative Law ,Foundation Press(Second edn)

2 AT Markose, Judicial Control over Administrative action

3 De Smith's , Woolf & Jowells's, Judicial Review of Administrative Action, Sweet & Maxwell (2006)

4 MP Jain, Cases and Materials on Indian Administrative Law (3 Vols) Wadwa & Co (1994)

- 5 MP Jain, Treatise on Administrative Law , Wadwa & Co (1996)
- 6 Kenneth Culp Davis- Administrative Law, West Pub Co, (1951)
- 7 DD Basu, Law Of Writs , Delhi Book House (2009)
- 8 JF Garner's , Administrative Law, Brian Jones & Katherine Thompson (Eighth edn)
- 9 Peter Cane, Administrative Law, Clarendon Law Series,(2011)

### **FL A 3- Administrative Process and Law Making**

- 1) Administrative Functions- classification, nature and extent
- 2) Delegated Legislation- Need, types and extent- procedural limits
- 3) Parliamentary Oversight-laying-parliamentary committees-
- 4) Judicial Control on delegated legislation-extent and limitations
- 5) Independent regulatory agencies- forms- functions- controls.

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

- 1 MP Jain & SN Jain, Principles of Administrative Law, Lexis Nexis (Seventh edn,2013)
- 2 Mark Elliot, Administrative Law- Texts& Materials, OUP (Fourth edn)
- 3 Bernard Schwartz, An Introduction to American Administrative Law , Sir Isaac Pitman & Sons (1962)
- 4 Kaul MN & Shakhder, Practice and Procedure of Parliament, Metropolitan Book Co (2009)
- 5 Julia Black, Rules and Regulators, OUP (1997)
- 6 Cary Coglianese, Regulatory Breakdown : the Crisis of confidence in US regulation , University of Pennsylvania (2012)
- 7 Robert E Cushman, The Independent Regulatory Commissions, OUP (1941)

- 8 Susan Rose, Ackerman & Peter L Lindrein, Comparative Administrative Law ,Edward Elgar Pub (2011)
- 9 NM Tripathi, Delegated Legislation in India , ILI (1964)

#### **FL A 4- Governmental Accountability and Liabilities**

- 1) Concept of Open Government- Right to Information- Disclosure v Secrecy
- 2) Privilege against disclosure- promissory estoppel-legitimate expectation-proportionality
- 3) Ombudsman System-Central Vigilance Commission- Vigilance tribunals- Central Bureau of Investigations
- 4) Enquiries by Legislative bodies- Commissions of Inquiry
- 5) Tortious liabilities- Contractual Liabilities- Promissory estoppel-legitimate expectation

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

- 1 Seervai- Constitutional Law of India , Universal Law Pub (fourth edn)
- 2 Dr Ashok Dhamija, Prevention of Corruption Act, Lexis Nexis, Buttersworth (2009)
- 2 Kenneth Clinton Wheare, Maladministration and its Remedies, Stevens, London (1973)
- 3 H. Street , Governmental Liability, Cambridge University Press, Cambridge (1953)
- 4 Subhash Chandra Gupta, Ombudsman, Manak Pub (1995)
- 5 Peter Leyland & Gordon Anthony, Textbook on Administrative Law ,OUP (Seventh edn)

6 Seth & Cappoor, Anti Corruption Laws in India ,Law Pub (2014)

7 Mary Seneviratne, Ombudsmen : Public Services and Administrative Justice , Lexis Nexis, Buttersworth (2002)

## **FL A 5- Public Services: Status and Accountability**

- 1) Doctrine of Pleasure- Constitutional status of Civil servants- Civil service- Civil Post- All India Service- Central Civil Service- regulation
- 2) Evolution of Civil Services- Public Services in India
- 3) Appointment and tenure- Conditions of Service- Constitutional and statutory limitations
- 4) Disciplinary Proceedings against Government Servants- Inquiry-suspension-conduct-punishment-appeals- revisions
- 5) Sanction for prosecution –Prevention of Corruption

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

1 Samaraditya Pal, Law Relating to Public Services , Lexis Nexis,India ( Third edn,2011)

2 G.C Mathur, Government Servants: Appointment, Promotion and Disciplinary actions , State Manual Book & Periodicals ltd(1990)

3 KD Srivastava, Disciplinary Action against Government Servants and its Remedies, Eastern Book Co(6th edn ,1990)

4 Ramesh K Arora, Rajini Goyal, Indian Public Administration (2<sup>nd</sup> edn,2007)

5 SB Rao, Cases and Materials on Retirement, Promotion, Probation and Apprenticeship, Law Book House, Allahabad (1993)

6 DD Sethi, Service Law and Constitution, Allahabad Law Pub House (1981)

7 MR Mallick, Service Law in India, Eastern Book House (2000)

## **FL A 6- Administrative Control over Public Enterprises**

- 1) 1 Constitutional basis for the control- regulatory reforms- Nationalisation- Judicial trend
- 2) 2 Distinction between public and private enterprises- extent of controls-Public Corporation- Classification- nature and characteristics
- 3) Controls over Public Corporations-parliamentary-ministerial-financial-judicial
- 4) Liabilities of Public Corporations-tortious-criminal
- 5) Changing patterns of regulation- liberalisation and its impact –disinvestment-accountability

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

1 Griffith & Street, Principles of Administrative Law, Pittman (1952)

2 Brian L Jones et al (ed), Garner's Administrative Law, Butterworth (1964)

3 William F Fox, Understanding Administrative Law, Lexis Nexis (2012)

4 Alfred C Aman, Administrative Law in a Global Era, Cornell University Press (1992)

5 Ramaiya, A Guide to the Companies Act , Lexis Nexis (2014)

6 Maazzim Hossain et al (Eds), Who benefits from Privatization , Routledge (1998)



## **ANNEXURE II B-Commercial Law**

### **FLC B 1- Foundations of Contractual Liability**

- 1) Contract as private law obligation – Theories of contractual liabilities – Historical evolution of contract law
- 2) Concept of freedom of contract – decline and revival of the freedom of contract
- 3) Contract by public authorities – Government liability under contract – Public and private law limitations of contractual capacity of governments
- 4) Contractual terms – representations – conditions – warranties and innominate obligations
- 5) Exclusion Clauses-Common law limitations and statutory controls .

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

1. P.S. Atiyah, An Introduction to the Law of contract, Clarendon Press, Oxford (1995)
2. G.H.Treitel, Law of contracts, Sweet and Maxwell (1995)
3. “Chitty on Contracts” , Vol.1, Sweet and Maxwell
4. P.S.Atiyah, “The Rise and fall of freedom of Contract”
5. Pollock and Mulla, “Indian Contracts and Specific Relief Act”., N.M.Tripathi (1994)
6. M.P.Furmston, “Cheshire, Fifoot and Furmston’s Law of Contract”, Butterworths (1991)
7. Cheshire and Fifoot, “Cases on the law of Contract”, Butterworths
8. “Sutton and Shannon on contracts”, Buterworths. London
9. J.C. Smith & J A C Thomas, “ A casebook on contract”, Sweet & Maxwell, London
10. J.Beatson, “Ansons’s Law of Contract”, Oxford University Press (1998)

## **FLC B 2- Sale and supply of goods**

- 1) Essential features of contract of sale – subject matter of sale – supply of goods other wise than by sale – bailment – hire purchase – gift - exchange
- 2) Terms in sale and supply contracts – Express and Implied terms -Sellers duties.
- 3) Performance of the contract – Breach and remedies
- 4) Government – Regulation of sale and supply of goods – Safety of products – protection of economic interest - Regulation to promote competition
- 5) Control over pricing of goods – Administrative fixation of prices and price control by competition - Control over misleading and false claims.

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

1. P.S.Atiyah, “The Sale of Goods”, Pitman Publishing Ltd., London
2. A.Ramaiya’s ‘The Sale of Goods Act’, Law Book Company (1995)
3. Brian W.Harvey, “The Law of Consumer Protection and Fair Trading”
4. Michael Mark, “Chalmer’s Sale of Goods” Butterworths, London
5. P.RamanathaAiyar, “The Sale of Goods Act”, University Book Agency (1997)
6. “Benjamin’s Sale of Goods”, Sweet and Maxwell, London (2010).
7. Atiyah, Adams &MacQueen, Sale of Goods (12th ed 2010)
8. Sealy & Hooley, Commercial Law: Texts, Cases and Materials (4th ed 2008)
9. Goode, Commercial Law (4th ed. 2010)

## **FLC B 3- Corporate Governance**

- 1) Corporate governance-Different Systems of Corporate governance-Shareholder and Stakeholder Theory of Corporate Governance- External and internal controls over corporate governance.

- 2) Rules of internal governance of corporations – nature of rules – memorandum and articles – Binding nature – Distribution of powers of corporate organs – BOD, General Meeting, Key Managerial Personnel.
- 3) Board of Directors – Position – Powers and duties- Remuneration – Removal of directors
- 4) Investor Protection- Enforcement of corporate membership rights – Qualified membership rights and individual shareholder rights
- 5) Protection of minority shareholders against abuse of powers- Protection of third parties against abuse of corporate powers – Corporate Social Responsibility.

***Suggested Readings:***

1. Brian R.Cheffings, “Company law Theory structure and operation”, Oxford (1998)
2. “Farrar’s Company law”, Butterworths (1998)
3. “Gower’s Principles of modern company law” Sweet and Maxwell (1997)
4. “Pennington’s Principles of company law”, Butterworths
5. A.Ramaiya, “A Guide to the Companies Act” Wadhwa& Co.
6. Clive M.Schmithoff, “Palmer’s Company Law”, Stevens and sons, London (1987)
7. Geoffrey Morse, “Charlesworth and Morse: Company law” Sweet & Maxwell.
8. Mayson, French and Ryan, “Company Law” Blackstone press Ltd., London, (1998-99)
9. Roger Blanpain (Ed), Rethinking Corporate Governance, Wolters Kluwer, 2011.
10. David Baylis, The Law and Practice of Shareholder’s Agreements, Lexis Nexis, 2009

## **FLC B 4-Insurance Law**

- 1) Contract of insurance –Basic concepts- utmost goodfaith, disclosure- Insurable interest and insurable value- Significance of insurance as a tool for social security- Regulation of insurance business.
- 2) Indemnity - subrogation and contribution – double insurance and reinsurance
- 3) Terms of insurance contracts-Construction of policy-Avoidance of liability by insurers- excepted perils.
- 4) Proximate cause of loss- Attachment and duration of risk – Transfer, Nomination and Assignment of insurance.
- 5) Recovery of losses- return of premium, Settlement of insurance claims- Redressal mechanisms.

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

1. E.R.HardyIvamy, “General Principles of Insurance Law”, Butterworths(1993)
2. ‘Halsbury’s Laws of England’, Vol.25
3. B.N.Banerhee, “Law of Insurance”, 2 Vols., Law Book Company, Allhabad, (1994)
4. John Birds, “Modern Insurance Law”, Sweet & Maxwell, (1993)
5. D.S.Hanswll, “Introduction to Insurance”, LL.P.(1999)
6. “Chitty on Contracts”, Vol.2, Chap.7, Sweet & Maxwell, London
7. Kenneth H.York and John W.Whelan, “Insurance Law – cases, materials and problems”, West publishing Company (1982)
8. Houseman and Davies, “Law of Life Assurance,”Butterworths, London (1984).

## **FLC B 5- Banking Law**

- 1) Evolution of Banking System – Central Banking functions – Reserve Bank control over banks
- 2) Banker – customer relationship – Bank as borrowers – customer accounts – duties of paying and collecting bankers- Duty of Confidentiality.
- 3) Lending by banks – RBI control over loans and advances. Securities for loans, Debt Recovery
- 4) Agency services by banks.- Merchant Banking- Banker as bailee – safe deposit vaults – credit cards- Investment Banking
- 5) Consumers of banking services – protection against deficiency in banking services.

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

1. M.L.Tannan, “Tannan’s Banking Law and Practice in India”, India Law House, New Delhi (1997)
2. S.N.Gupta, “The Banking Law in theory and Practice”, Vol. I & II, Universal Law Publishing Co. (1999)
3. Ross Cranston, “Principles of Banking Law”, Clarendon Press, Oxford (1997)
4. Chorley and Smart, “Leading cases in the Law of Banking”, Sweet & Maxwell
5. M.S.Parthasarathy, “Banking Law-Leading Indian Cases”, N.M.Tripathi, (1985)
6. L.C.Goyle, “Law of Banking and Bankers”, Eastern Law House, (1995)
7. R.R.Pennington et.al., “Commercial Banking Law”, Macdonald and Evans Ltd.
8. S.N.Gupta, “Dishonour of Cheques: Liability Civil and Criminal”, Universal Book Traders, (1992)
9. Lord Chorley, “Law of Banking”, Sweet & Maxwell
10. Paget, Law of Banking.
11. Gardener and Molyneux (Ed), Investment Banking, Euromoney Books, 1995.

## **FLC B 6- International Trade Law**

- 1) Sources of International Trade Law - – Customary Law – State practices -Lexmercatoria – International Conventions- Role of States in promoting Foreign trade – State as a regulating body – State as a trader – State immunity when engaged in trade.
- 2) Role of International Organizations in developing Foreign trade – GATT system – WTO Agreement: important features - Unification of international trade laws -Regional trade agreements.
- 3) International Regulation of Foreign trade – Liberalisation of trade – MFN Clause – prohibition on quantitative restrictions – Discriminatory internal measures- Dumping – subsidies.
- 4) Settlement of international Trade Disputes- Dispute settlement system under WTO.
- 5) Indian Law on foreign trade – Constitutional scheme – Regulatory methods – Customs Act, Exim Policy and Export-import procedures- Financing international trade – Government incentives. Foreign Trade (Development and Regulation) Act,1999, FEMA, Export Credit Guarantee Corporation Act – Role of Export Promotion Council.

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

1. Gabriel Moens and Peter Gillies, “International Trade and Business – Law, Police and Ethics”, Lavendish Publishing (1998)
2. J.C.T. Chuah, “Law of International Trade”, Sweet and Maxwell (1998)
3. Carr and Kidner, “International Trade Law”
4. Hans vanHoultee, *The law of International Trade*, Sweet & Maxwell, London (2002)
5. Chia – Juicheng, *Basic Documents on International Trade Law*, Kluwer Law International, London (1999).
6. Robert Howse, *Regulation of International Trade*, Routledge, Newyork (1999).

7. Markandale, *International Trade Law*, Tripathi, Delhi.
8. Richard Schaffer et. al., “International Business Law and its Environment”, West Publishing Co., Ohio (1999)
9. Clive M. Schmitthoff, “International Trade Law”
10. AdemuniOdeke, “Law of International Trade”, Blackstones Press Ltd., London (1999)

## ANNEXURE II-C-Constitutional Law

### FLC C 1- Centre-State Legislative Relationship

- 1) Types of Constitutions- Indian Constitution- Salient Features
- 2) Federalism- Centre- State relationship-Comparison with Australia, Canada and U.S.A.
- 3) Centre –state Legislative relationship- The UnionList, the State List and the Concurrent List-
- 4) Repugnancy between central and state legislations-Doctrines--colorable legislation- occupied field- Pith and substance- case laws
- 5) Parliamentary legislation in the State field- In the national interest (Article 249), proclamation of emergency (Art.250), Two or more States requesting (Article 252) , Treaty making power (Article 253)

#### *Suggested Readings:*

- :
1. John Quick, Robert Randolph Garran, The Annotated Constitution of Commonwealth, Kessinger Publishing, 2010
  2. Michael Coper, Encounters with the Australian Constitution Sydney, CCH Australia, 1987.
  3. Adam Dodek, *The Canadian Constituion*, Dum Dum Publicaitons, 2013



4..M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, New Delhi, 2008

5..H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.

6.M.A..Hussain, *Socio-Legal Perspective of Centre-State Relations in India*, Deep and Deep Publications, New Delhi, 1989

## **FLC C 2- Fundamental Rights and the Constitution**

- 1) Concept of State- Restrictions on the power of the State- Fundamental Rights- distinction from the Directive Principles of State Policy- Justiciability of Fundamental Rights - Unconstitutionality of Statutes- Doctrine of eclipse, and severability
- 2) Right to equality, right to freedoms- reasonable restrictions- case laws
- 3) Right to life- role of State in protecting life- judicial interpretations
- 4) Right against exploitation, rights of persons apprehended, or accused, right to religion- Cases laws
- 5) Enforcement of Fundamental Rights- Articles 22 and 32- Distinction- Case laws

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

1. Bernard Schwartz, *American Constitutional Law*, Cambridge University Press, 2013
2. M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, New Delhi, 2008

3. H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.
4. Dr. Subhash C. Kashyap, *Constitution of India, Review and Reassessment*, Universal Law Publishing Co. Ltd., Delhi, 2006.

### **FLC C 3- Parliamentary Form of Government**

- 1) The concept and features of Parliamentary form of government as distinct from the Presidential form- distinction from the U.K. model
- 2) Doctrine of separation of powers, Principles of collective responsibility
- 3) Procedures in the Parliament- passing of bills, joint sittings
- 4) Parliamentary privileges- restrictions- case laws
- 5) Clash between fundamental rights and parliamentary privileges- case laws

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

1.D.C.M. Yardley, *Introduction to British Constitutional Law*, Butterworth Publication, London, 1974.

2.H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.

3,Sydney D. Bailey, *Parliamentary Government in the Commonwealth*, Hansard Society, London, 1951

4.Jashwant B. Mehta,*Quest for a better Democratic Alternative*, Forum for a better democratic alternative, Bombay, 1995.

5.M.A. Qureshi, *Indian Parliament, Poerd, Privileges and Immunities*, Deep and Deep Publicaitons, Delhi, 1991.

6. John A.R. Marriott, *English Political Insittutions*, Clarendon Press, Oxford, 1955.

## **FLC C 4- Emergency Powers under the Constitution**

- 1) Basis of the emergency power- power to derogate rights- martial law
- 2) National emergency- Article 352- consequences
- 3) State emergency- when declared-subjective satisfaction of the President or the Governor- scope of judicial review – case laws
- 4) Misuse of the power-judicial contributions
- 5) Financial emergency

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

1. H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.
2. M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, New Delhi, 2008
3. Sudhansu Ranjan Mohapatra, *State-emergency under the Indian Constitution*, ResearchIndia Press, 2013.

## **FLC C 5- Judiciary under the Indian Constitution**

- 1) Setting of Courts, and qualification of judges
- 2) Appointments of judges- interference by the executive -case laws
- 3) Removal of judges- procedure- experiences
- 4) Separation of power and the independence of judiciary under the Constitution -financial independence of judiciary
- 5) Creative role of the judiciary- and separation of powers

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

- 1.Edward Dumbald, *The Constitution of the United States*, University of Oklahoma Press, Norman, 1964.

2.V. Sudhish Pai, *Legends in Law Our great Forbearers*, Universal Law Publishing Co., New Delhi, 2013.

3.Nilanjana Jain, *Judicial Activism in India*, Kalpaz Publications, Delhi, 2013.

4.H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.

### **Paper 6. Interstate Trade and Commerce and Right to Property**

1. Interstate Trade and Commerce- purpose-distinction from the commerce clause of US
2. 19 (1) (g) and Trade and commerce- taxation
3. Restriction in public interest- judicial decisions
4. History of 300 A and 19 (1) (f)
5. limitations on this right- compensation- public interest -case laws

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

1. Gerald Gunther, *Constitutional Law*, Foundation Press, 1985
2. Alfred H. Kelly, *The American Constitution*, W.W. Norton & Co., New York, 1963
3. H.M. Seervai, *Constitutional Law of India, A Critical Commentary, Vol.3*, M.N. Tripathi Pvt. Ltd., Bombay, 1996.
4. M.P. Jain, *Indian Constitutional Law*, Wadhwa and Company, New Delhi, 2008

### **FLC C 7- Constitutional Scheme and Pluralist Society**

- 1) Pluralism- nature of pluralistic society- Ethnic, linguistic, cultural, political pluralism-Individual rights-right to dissent,
- 2) Freedom of speech and expression, Freedom of the Press, Freedom of association, Rights to separateness, Rights of the

religious and linguistic minorities, Compensatory discrimination for backward classes, Scheduled Tribes, Distinct identity-protection against exploitation, Uniform Civil Code

- 3) Non - State Laws (NSLS) and State Law Systems -Problem of Uniform v. Personal laws-vertical federalism-Tribal Groups and quality.
- 4) Equility in Plural Society-Right to equality and reasonable classification, Prohibition of discrimination on ground of religion, caste, sex, language, Abolition of untouchability-Secularism-Constitutional principles-
- 5) Pluralism and International Concerns-International Declaration of Human Rights-Conventions against genocide, Protection of religious, ethnic and linguistic minorities, State intervention for protection of human rights, Right of self-determination.

***Suggested Readings:***

1. Upendra Baxi, Law, Democracy and Human Right, 5 Lokayan Bulletin 4 (1987).
2. V.M.Dandekar, Unitary Elements in a Federal Constitution, 22 E.P.W 1865, 1988 24
3. Rajeev Dhavan, The Press and the Constitutional Guarantee of Free Speech and Expression, 28 JILI 299 (1986)
4. M.A.Fazal, Drafting a British Bill of Rights, 27 JILI 423 , 1985
5. M.P.Jain, Indian Constitutional Law (1994), Wadhwa
6. H.M.Seervai, Constitutional Law of India, (1993)

## **ANNEXURE II-D-Consumer and Competition Law**

### **FLC D 1- General Principles of Consumer Law**

- 1) History and Development of Consumer Law: India, US and UK – Development of Consumer Movements in India, US and UK – Contributions of Consumer Movements- Protection of Consumers at International Level
- 2) Protection of Consumers under Common Law – Caveat Emptor - Freedom of Contract – Standard form of Contract – Caveat Venditor – Consumer Protection under Law of Tort and Contract.
- 3) Rights of Consumers – Protection of Rights under Consumer Law, Contract Law, Competition Law and Constitutional Law – Judicial Activism and Consumer Rights – Public Interest Litigation and Consumer Protections.
- 4) Consumer Protection and Control of Advertisements – Protection of Online Consumers – Relevant Provisions of Information Technology Act, 2000.
- 5) Unfair and Restrictive Trade Practices and Law – Brief Overview of Consumer Protection Act, 1986 – Its Significance.

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

1. Dr. J.N. Barowalia, *Commentary on the Consumer Protection Act*, Universal Law Publishing, New Delhi, (Fifth edition- 2012)
2. V K Agarwal, *Consumer Protection: Law and Practice*, Bharat Law House Publishers Distributors Pvt. Ltd , New Delhi, 6<sup>th</sup> Edn. -2008.

3. Iris Benohr, *EU Consumer Law and Human Rights*, OUP, 2013
4. Geraint G. Howells, I. Ramsay and Thomas Wilhelmsson, *Handbook of Research on International Consumer Law*, Edward Elgar Publishing, UK, 2010
5. G. B. Reddy, *Law of Consumer Protection*, Gogia Law Agency, Hyderabad, 1998.
6. Avtar Singh, *Law of Consumer Protection: Principles and Practice*, EBC, Lucknow, (4<sup>th</sup> Edn. – 2005)
7. V Balakrishna Eradi, *Consumer Protection Jurisprudence*, Lexis Nexis, Delhi, 2004
8. S.M. Dugar, *Commentary on MRTP Law, Competition Law & Consumer Protection Law* Wadhwa Nagpur (4<sup>th</sup> ed. 2006)

## **FLC D 2- Quality Control and Professional Services**

- 1) Product Quality under Common Law- Merchantable Quality – Satisfactory Quality – Implied Conditions and Warranties – The Sale of Goods Act, 1930 - Product Liability under National and International Law
- 2) Quality of Food and Drinks - The Food Safety and Standards Act, 2006 – Adulteration and Misbranding – IPC Provisions – Bureau of Indian Standards Act, 1986; Trade and Merchandise Marks Act, 1958; The Standards of Weights and Measures Act, 1976 -

Agricultural Produce (Grading and Marking) Act, 1937; Fruit Products Order, 1955

- 3) Quality of Drugs and Pharmaceutical Products- Central Drugs Standard Control Organization (CDSCO) - Drugs (Price Control) Order 1995 - The Drugs & Cosmetics Act, 1940 - The Drugs and Magic Remedies (Objectionable Advertisement) Act, 1954 - The Narcotic Drugs and Psychotropic Substances Act, 1985 - IPC Provisions
- 4) Right against Hazardous Goods and Services – Role of Indian Judiciary and Quality Control of products – Quality Control of Goods and Services under International Law - The International Organization for Standardization – Food and Agricultural Organization - Codex Alimentarius - The Agreement on the Application of Sanitary and Phytosanitary Measures (SPS Agreement) - The Agreement on Technical Barriers to Trade (TBT Agreement)
- 5) Services under Consumer Law – Professional Services – Contract of Personal Service and Contract for Personal Service - Medical Profession and Consumer Protection – Medical Negligence- Deficiency in Medical Service - Liability of Doctors and Hospitals – Civil and Criminal Liabilities – Tort of Negligence - Legal Profession and Consumer Protection –Advocates Act, 1961 – Tort of Negligence



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

1. Ram Naresh Prasad Chaudhary, *Consumer Protection Law: Provisions and Procedure*, Deep & Deep Publications Ltd, New Delhi, 2005
2. S K Verma, *A Treaties on Consumer Protection Laws*, Indian Law Institute, Publication, New Delhi, 2004.
3. Anoop K Kaushal, *Medical Negligence and Legal Remedies with Special Reference to Consumer Protection Law*, Universal Law Publishers Co.Pvt. Ltd., Delhi, 2008
4. A Nagarathna, *Medical Negligence and Patients Rights: An Analysis of Consumer Law imposing Liability for Medical Negligence*, Karnataka Institute For Law & Parliamentary Reform, Bangalore, 2009.
5. Marsha A. Echols, *Food Safety and the WTO: The Interplay of Culture, Science and Technology*, Kluwer Law International, Netherlands, 2001.
6. Naomi Rees, David Watson, *International Standards for Food Safety*, Aspean Publishers, USA, 2000
7. Avtar Singh, *Principles of Mercantile Law*, Eastern Book Company, 2011
8. Vijay Malik, Elizabeth Verkey, *Law Relating to Drugs and Cosmetics*, Eastern Book Company, 2013

9. Dr. Lily Srivastava, *Law & Medicine*, Universal Law Publishers Co.Pvt. Ltd., Delhi, 2010
10. Dennis Campbell, Susan Woodley, *Liability for Products in a Global Economy*, Kluwer Law International, Netherlands, 2005.

### **FLC D 3- Consumer Dispute Resolution**

- 1) Meaning and Concept of Consumer – Judicial Interpretations - Consumer Dispute
- 2) Consumer Dispute Redressal Forums – Composition, Powers and Functions
- 3) Procedures – Relation with other laws
- 4) Appeal, Reviews and Revision – Enforcement of Order
- 5) Settlement of Consumer Dispute through ADR Mechanisms – Self regulation- Ombudsman – Arbitration and Conciliation- Any other relevant methods

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

1. Renu Arora, *Consumer Grievance Redressal*, Manak Publications, New Delhi, 2005.
2. V. V. Sople, *Legal Aspects of Marketing in India*, New Age International (P) Ltd., 2004
3. Gurjeet Singh, *The Law of Consumer Protection in India- Justice Within Reach*, Deep & Deep Publications, New Delhi. 1996.

4. Pushpa Girimaji, *Consumer Rights for Everyone*, Lenguin Books, New Delhi, 1999
5. R. Rao, *Consumer is King: Know your Rights and Remedies*, Universal Law publishing Co. Pvt. Ltd. 2008.
6. Y.V. Rao, *Commentary on Consumer Protection Act, 1986*, Asia Law House, Hyderabad, 2009
7. Cheena Gambhir, *Consumer Protection Administration: Organization and Working*, Deep and Deep Publications, New Delhi, 2007
8. Christopher Hodges, Iris Benöhr, Naomi Creutzfeldt-Band, *Consumer ADR in Europe*, Hart Publishing Ltd, UK, 2012

#### **FLC D 4- Competition Law**

- 1) Competition – Models – History and Development - Schools of Competition Law
- 2) Anti Competitive Agreements - Cartels
- 3) Abuse of Dominance – Predatory Pricing
- 4) Regulation of Combinations – Merger - Acquisition
- 5) Consumer Protection and Competition Law - Competition Advocacy

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

1. Mark Furse, *Competition Law of the EC and UK*, Oxford University Press, 6<sup>th</sup> Edn. – 2008

2. Maher M. Dabbah, *EC and UK Competition Law: Commentary, Cases and Materials*, Cambridge University Press, 2004.
3. T. Ramappa, *Competition Law in India*, Oxford University Press, 2006.
4. Abir Roy & Jayant Kumar, *Competition Law in India*, Eastern Law House, New Delhi, 2008.
5. Kristy Middleton, Barry Rodger & Angus Mac Culloch, *Cases and Materials on UK and EC Competition Law*, Oxford University Press, 2003.
6. Philips E. Areeda & H. Hovenkoup, *Fundamentals of Anti-Trust Law*, ASPEAN Publications, 2006
7. Richard Whish, David Bailey, *Competition Law*, OUP, 2012
8. Katalin Judith Cser, *Competition Law and Consumer Protection*, Kluwer Law International, New York, 2005.

### **FLC D 5- International and Comparative Competition Law**

- 1) International Law and Competition Law – OECD, WTO, UNCTAD and ICN
- 2) Competition Law in EU – Article 101; 102 – UK Competition Law
- 3) US Anti Trust Law – Sherman Act, 1890 – Other Amendment Acts

4) Enforcement of Competition Law – Civil and Criminal Enforcement - Public and Private Enforcement

***Suggested Readings:***

1. Eugene Buttigieg, *Competition Law: Safeguarding the Consumer Interest - A Comparative Analysis of US Antitrust Law and EC Competition Law*, Wolters Kluwer, 2009.
2. S.M. Dugar, *Commentary on MRTP Law, Competition Law & Consumer Protection Law* 4<sup>th</sup> Edn. - 2006, Wadhwa, Nagpur.
3. Maher M. Dabbah, *International and Comparative Competition Law*, Cambridge University Press, 2010.
4. Taimoon Stewart, Julian Clarke and Susan Joekes, *Competition Law in Action: Experiences from developing countries*, Published by International Development Research Centre, May 2007.
5. Eleanor M. Fox, *The Competition Law of the European Union in Comparative Perspective: Cases and Materials*, Thomson Reuters business, New York, 2009
6. Roger Zäch, Andreas Heinemann, Andreas Kellerhals, *The Development of Competition Law: Global Perspectives*, Edward Elgar, 2010.
7. Anestis S. Papadopoulos, *The International Dimension of EU Competition Law and Policy*, Cambridge University Press, 2010.

8. Thomas M. J. Möllers, Andreas Heinemann, *The Enforcement of Competition Law in Europe*, Cambridge University Press, 2007.
9. Pradeep S. Mehta, *Evolution of Competition Laws and Their Enforcement*, Routledge, USA, 2012
10. K. J. Cseres, Katalin J. Cseres, Maarten-Pieter Schinkel, Floris O. W. Vogelaar, *Criminalization of Competition Law Enforcement*, Edward Elgar Publishing, 2006

### **FLC D 6- Issues in Competition Law**

- 1) Sectoral Regulators and Competition Law
- 2) IPR and Competition Law
- 3) Anti Dumping Laws and Competition Law
- 4) Relevant Market Determination – Application of Per Se Illegal and Rule of Reason – Whistle Blower Practice and Leniency Programmes
- 5) Extra Territorial Jurisdiction in Competition Law – International Law – US – EU and Indian Position

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

1. D. Sokol, Ioannis Lianos, *The Global Limits of Competition Law*, Stanford University Press, USA, 2012
2. Gustavo Ghidini, *Intellectual Property and Competition Law: The Innovation Nexus*, Edward Elgar Publishing Inc., USA, 2006
3. Josef Drex, *Research Handbook on Intellectual Property and Competition Law*, Elgar Publishing Inc., USA, 2008.

4. Reem Anwar Ahmed Raslan, *Antidumping: A Developing Country Perspective*, Wolters Kluwer Law & Business, Netherlands, 2008
5. Martyn D. Taylor, *International Competition Law: A New Dimension for the WTO?*, Cambridge University Press, 2006
6. Richard Whish, David Bailey, *Competition Law*, OUP, 2012

## **ANNEXURE II E- Corporate Governance and Securities Law**

### **FLC E1- Law of Corporate Governance**

1. Evolution of modern commercial corporations- Different Systems of Corporate governance-Shareholder and Stakeholder Theory of Corporate Governance- Committee- External and internal controls over corporate governance.
2. Division of powers between primary organs of a company- General Meeting, BOD and Key Managerial Personnel- Co-relation between basic constitutional documents-MOA and AOA.
3. Board of Directors – Categories of directors, Appointment, Position, Powers and Duties- Checks on Executive Remuneration – Removal of directors.
4. Control over abuse of power by directors-external and internal controls-fiduciary duties of directors-Protection of Minority Shareholders, Protection against Freeze-outs- Role of Institutional Investors and Independent directors- Corporate Social Responsibility.
5. Investor Protection- Enforcement of corporate membership rights – Qualified membership rights and individual shareholder rights.

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

1. Brian R. Cheffings, *Company Law :Theory structure and operation*, Oxford (1998)
2. *Farrar's Company Law*, Butterworths (1998)
3. *Gower's Principles of modern company law*, Sweet and Maxwell (1997)
4. *Pennington's Principles of company law*, Butterworths
5. A. Ramaiya, *A Guide to the Companies Act*, Wadhwa & Co.
6. Clive M. Schmitthoff, *Palmer's Company Law*, Stevens and sons, London (1987)
7. Geoffrey Morse, *Charlesworth and Morse: Company Law*, Sweet & Maxwell Mayson, French and Ryan, "Company Law" Blackstone press Ltd., London (1998-99)



8. Roger Blanpain (Ed), Rethinking Corporate Governance, Wolters Kluwer, 2011.
9. David Baylis, The Law and Practice of Shareholder's Agreements, Lexis Nexis, 2009
10. Sally Wheeler (Ed) – The Law of Business Enterprises
11. Hansman and Krakman, The Anatomy of Corporate Law.
12. Prof. N. Balasubramanian, Casebook on Corporate Governance
13. Barry Rider, The Realm of Company Law.

## **FLC E 2- Corporate Finance and Security Laws**

1. Sources of Corporate Finance – Issue of securities, Acceptance of Deposits, Leasing & Hire purchase, Factoring, Securitization and Depository Receipts.
2. Control over issue of securities- Types of issue- Controls over issue of different types of shares- Disclosure Regulations- Prospectus Provisions-Listing Obligations.
3. Law governing acceptance of deposits by different categories of companies- NBFC'S, NBNFC'S.
4. Capital Maintenance Doctrine– Reduction of capital – Return of Capital – redemption of preference shares- Control on payment of dividends-Inter-corporate loans and investments- Buy Back of shares – Assisting persons to acquire company corporate shares.
5. Alternative capital Raising Processes - IOSCO initiatives- IOSCO Principles of Securities Regulation, OECD Principles.

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

1. *Farrar's Company Law*, Butterworths (1998)
2. *Gower's Principles of Modern Company Law*, Sweet and Maxwell (1997)
3. *Clive M.Schmithoff, Palmer's Company Law*, Stevens and sons, London (1987)
4. Eillis Ferran and Chan Ho, *Principles of Corporate Finance*, Oxford, 2014.

5. Louise Gullifer, Jennifer Payne, Corporate Finance Law, Hart Publishing, 2015.
6. Ramayya, A Guide to the Companies Act, 2013
7. Niamh Moloney, Oxford Handbook of Financial Regulation.
8. Pennington, Company law, 9<sup>th</sup> Edition.

### **FLC E 3- Administration of Securities Law**

1. Securities as Commercial Contracts-Freedom of Contract in Securities Market-Limitations of freedom of contract
2. Regulatory Framework for Administration of Securities Laws in India-Regulatory Agencies- MCA, SEBI, RBI, Sock Markets, SRO's- Dematerialisation of securities - Comparative study of regulations of capital markets.
3. Control over Venture Capital Funds, derivatives and depository receipts-Role of SEBI.
4. Securities Intermediaries – Role of Merchant Bankers – Port Folio Managers – Custodian of Securities – Registrar to the issue – Stock brokers- Credit Rating Agencies- Regulatory controls over intermediaries.
5. Regulation of Unfair Practices in Securities Market- Market manipulation- Insider Trading-Price Rigging.

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

1. P.S.Atiyah, The Rise and fall of freedom of Contract.
2. Choper Coffee Gilson, *Cases and Materials on Corporations* (5<sup>th</sup> edn. 2000)
3. B.R. Sharma, *Bank Frauds Prevention and Detection* (2<sup>nd</sup> edn. 2001)

4. Sekhar, *Guide to SEBI Capital Issues, Debentures and Listing*, (1993)
5. Ravi Pulvani, *Manual of Companies Act and Corporate Laws. Including SEBI Rules and Regulations*, Bharat Law House, Delhi.
6. Fiona Macmillen, *International Corporate Law Manual*, Vol I&II, Oxford Hart Publishing.
7. Birkmose, Neville, Karsten Engsig (Ed), *The European Financial Market In Transition*, 2011.
8. Dr. J.N.Dhankar, *Pricing of Securities in the Indian Stock Market*, *Taxman's Corporate Law* (2003)
9. Yuwa Wei, *Securities Markets and Corporate Governance*, Ashgate, 2009.
10. Alastair Hudson, *The Law on Financial Derivatives*, Sweet and Maxwell, 1998.
11. Robin Baby and Agarwal on SEBI Act, Taxmann, 2011.
12. Bhuneshwar Misra, *Law Relating to Insider Trading*, Taxmann, 2015.
13. Shrinivas Tapadia, *SEBI and the Regulatory Framework*, Adhyayan Publishers, (2006)
14. Manish Bansal & Navneet Bansal, *Derivatives and Financial Innovations*, Mc Graw Hill, Ltd, NewDelhi, 2015.
15. Kaushik Laik, *Unfair Trade Practices in Securities Market*, Taxmann, 2013.

#### **FLC E 4- Law of Corporate Reorganization**

1. Corporate Reorganizations – Motives and methods- Organic and Inorganic growth – Economics of takeovers-Purposes of Regulation.
2. Amalgamations, compromise and arrangement – Scheme of Arrangements – Scope of Judicial Interference– Protection of minority shareholders during reorganizations-compulsory acquisition of shares.

3. Takeover and mergers- Routes and procedures- Takeover Code-open offer and disclosure requirements -Financing of Takeovers- Takeover Defences- Accounting aspects of mergers- Valuation of assets and share exchange ratio- Merger of banking Companies.
4. Restructuring of Sick companies- Leveraged buyouts -Joint Ventures and Strategic Alliances-Mergers and Tax Implications.
5. Labour law Implications of Mergers & Acquisitions- Severance payments- Protection of service benefits.

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

1. Weinberg and Black, Takeovers and Mergers.
2. Mayson, French and Rayan on Company Law
3. Brain R. Cheffins, Company Law: Theory, Structure and Operation, Clarendon Press, Oxford.
3. Ulf Bernitz and George Ringe (Ed) Company Law and Economic Protectionism, Oxford University Press, 2010.
4. Athanasios Kouloridas, The Law and Economics of Takeovers, Oxford and Portland, Oregon, 2008.
5. Roberto Romano (Ed), Foundations of Corporate Law, Oxford University Press, 2012.
6. Fred S McChesney, Mergers and the Market for Corporate Control, Elgar Research Publications, 2011.
7. Shishir Vayttaden, SEBI's Takeover Regulations, 2010, Lexis Nexis.
8. Jennifer Payne, Schemes of Arrangement, Theory Structure and Operation, University of Oxford, 2014.
9. J C Verma, Corporate Mergers and Takeovers.
9. David Baylis, The Law and Practice of Shareholders Agreements, Lexis Nexis, 2009.
10. Catalin Stefan Rusu, European Merger Control: The Challenges Raised By Twenty Years of Enforcement Experience, Center for European Company Law, 2010.

## **FLC E 5- Law on Mutual Funds and Collective Investment Schemes**

1. Meaning of Mutual Funds and Collective Investments-Role of RBI and SEBI.
2. Controls over Mutual Funds-Advertisement by Mutual Funds-Valuating of securities- Investment in foreign Securities- Trading in derivatives by mutual funds.
3. Asset Management Companies and Mutual fund trustees-Key information memorandum and standard documents- Disclosure requirements- Compliance Test Reports (CTR), Annualized statistical reports (ASR) and Monthly Cumulative Reports (MCR), Risk Management Systems.
4. Control over Collective Investment schemes-Collective Investment management Company-Powers and functions of trustees - Audit and Inspection.
5. Alternative Investment Funds-Controls over chit funds .

### ***Suggested Readings***

1. V.L.Iyer, *A Practical Hand Book of Public Issues and Euro Issues*, Taxman Allied Services, Delhi.
2. Ravi Pulvani, *Corporate Law Manuals*, Bharat Law House, Delhi.
3. K. Sekhar, *Guide to SEBI Capital Issues, Debentures and Listing*, Wadhara & Co., Delhi.
4. Arther Stiebrl, *Company Law and Precedents*, Butterworths, London.
5. **Sekhar, G.V.** Satya, *The Management of Mutual Funds*, Springer Publishers, 2016.
6. Ajay Goel & Sapna Tiwari, *Capital Market and Securities Laws*, Bharat Law House Pvt. Ltd., 2015.
7. Mutual Fund Regulations 1996.

8. Indian Trust Act, 1882
9. Collective Investment Schemes, 1999.
10. Alternative Investment Funds Regulations, 2012.

## **FLC E 6- Corporate Bankruptcy Law**

- 1) Concept of Corporate Insolvency- Revival, Rehabilitation and Restructuring of Sick Companies.
- 2) Voluntary winding up – Creditors voluntary winding up- position of secured creditors
- 3) Winding up by Court –Grounds - Realisation and Distribution of property
- 4) Procedure of winding up – Powers and duties of Liquidators – Call on contributories – misfeasance proceedings- Directors Liability for fraudulent trading- Dissolution of companies- Defunct Companies.
- 5) Securitization Act- Special Purpose Vehicle (SPV), Asset Reconstruction Companies (ARCs)

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

1. Hoti Prasad, *Company Winding up*, N.M. Tripathi, Delhi
2. R World Philip, *Principles of International Insolvency*, Sweet & Maxwell, London
3. Palmer, *Company Law*, Sweet & Maxwell, London
4. R.M. Goode, *Principles of Corporate Insolvency*, Sweet and Maxwell.
5. Bhandari and Weiss, *Corporate Bankruptcy : Economic and Legal Perspectives*, Cambridge University Press, 1996.
6. KPandurangaRao, *Law Relating To Debt Recovery Tribunals*, Asia Law House, 2010.
7. Vanessa Finch, *Corporate Insolvency Law : Perspectives and Principles*, Cambridge University Press, 2009.



## **ANNEXURE II-F- Criminal Law**

### **FLC F 1- Fundamentals of Criminal Liability**

- 1) Actus Reus- Criminal Acts- Status Offenses- Omissions- Possession. Mens Rea, Evidentiary Burden- Purposely- Knowingly- Recklessly- Negligently- Strict Liability- Concurrence.
- 2) Causation- Cause in Facts-Legal or Proximate Cause – Intervening Cause-Coincidental Intervening Acts-Responsive Intervening Acts
- 3) Parties to a Crime -Actus Reus of Accomplice Liability -Mens Rea of Accomplice Liability-Accessory After the Fact -The Common Law -The Elements of Accessory After the Fact - Vicarious Liability-Corporate Liability. Parents, and Vicarious Liability-
- 4) Attempt, Conspiracy, and Solicitation- History of Attempt-Public Policy and Attempt-The Elements of Criminal Attempt -Mens Rea of Attempt.- Actus Reus of Attempt-Three Legal Tests -The Physical Proximity and Substantial Step Tests- Impossibility- Abandonment- Conspiracy -Actus Reus -Overt Act -Mens Rea - Parties -The Structure of Conspiracies -Criminal Objectives- Solicitation-The Crime of Solicitation-
- 5) Excuses- Insanity Defense- The Right-Wrong Test- The Irresistible Impulse Test-The Durham Product Test -The Substantial Capacity Test -Burden of Proof -The Future of the Insanity Defense-Diminished Capacity-Intoxication-Voluntary Intoxication-Involuntary Intoxication-Age-Mistake of Law and Mistake of Fact-



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

1. Jerome Hall, *General Principles of Criminal Law*, New York Bobbs-Merrill 1960
2. Glanville Williams, *Textbook of Criminal Law*, New Delhi Universal Law Publishing 1983
3. Cross & Jones, *An Introduction to Criminal Law*, London Butterworths 1972
4. Cross & Jones, *Cases on Criminal Law*, London Butterworths 1973
5. John Smith, *Criminal Law*, London Butterworth 1999
6. Smith and Hogan, *Cases and Materials on Criminal Law*, London Butterworth 1990
7. K N Chandrashekar Pillai, *General Principles of Criminal Law*, Lucknow Eastern Book 2003
8. Andrew Ashworth, *Principles of Criminal Law*, N.Y. Oxford 1999
9. K I Vibhute, P S A Pillai's *Criminal Law*, New Delhi Butterworths India 1999

### **FLC F 2- Penal System and Penal Policy**

- 1) Nature, Purpose, and Function of Criminal Law- definition of crime- what conduct should be criminal- harm principle- harm to self- offence caused to others- risk of harm- beyond the harm principle- criminalisation as a last resort-Felonies and Misdemeanors- *Mala In Se* and *Mala Prohibita*-subject matter of crime- Sources of Criminal Law -The Common Law-Penal Codes-
- 2) Morality and Criminal law-regulatory offences-Limits of criminal law

- 3) Constitutional Limitations- The Rule of Legality- Bills of Attainder and Ex Post Facto Laws- Statutory Clarity- Void for Vagueness- Equal Protection- Freedom of Speech- Privacy-
- 4) Justifications- Prosecutor's Burden- Mitigating Circumstances- Self-Defense- Components of Self-Defense-Reasonable Belief- Imminence- Excessive Force –Retreat- Defense of Others- Defense of the Home- Execution of Public Duties- Resisting Unlawful Arrests- Necessity- Consent-

***Suggested Readings:***

1. Jerome Hall, General Principles of Criminal Law, New York Bobbs-Merrill 1960
2. Glanville Williams, Textbook of Criminal Law, New Delhi Universal Law Publishing 1983
3. Cross & Jones, An Introduction to Criminal Law, London Butterworths 1972
4. Cross & Jones , Cases on Criminal Law, London Butterworths 1973
5. John Smith, Criminal Law, London Butterworth 1999
6. Smith and Hogan, Cases and Materials on Criminal Law, London Butterworth 1990
7. K N Chandrashekar Pillai, General Principles of Criminal Law, Lucknow Eastern Book 2003
8. Andrew Ashworth, Principles of Criminal Law, N.Y. Oxford 1999
9. K I Vibhute, P S A Pillai's Criminal Law, New Delhi Butterworths India 1999

### **FLC F 3- Criminology**

- 1) History of Criminology-Demographic explanations of Crime causation-Classical School and freewill theory-Neoclassical School-Baccaria's and Bentham's contribution in explaining criminal behaviour.
- 2) Positive School of Criminology-Lambrosian theory-biological determinism-psychological determinism-genetic determinism and causation of crime.
- 3) Sociological explanations of crime causation-differential association theory.
- 4) Freudian school of criminology-psychological school of criminology.
- 5) Marxian approach and economic determinism in explaining criminal behaviour.

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

1. Robert G Caldwell, Criminology, New York Ronald Press 1956
2. Vernon Fox, Introduction to Criminology, New Jersey Prentice-Hall 1976
3. Jones Stephen, Criminology, New York Oxford 2006
4. Ahamad Siddique, Criminology Problems and Perspectives, Lucknow Eastern Book 2005
5. Sutherland, Edwin Hardin Cressey *et al*, Criminology, New York Lippincott 1978
6. Paul Tappan, Crime Justice and Correction, New York Mc Graw-Hill 1960
7. Barnes, Harry Elmer Teeters *et al*, New Horizons in Criminology, New Delhi Prentice-Hall of India 1966
8. Katherine Williams, Textbook on Criminology, Oxford Oxford University Press 2008

## **FLC F 4- Penology**

- 1) Theories of punishments-deterrent theory-retributive theory-rehabilitative theory.
- 2) Introduction to sentencing- available sentences-penal policy reflected under statutes-capital punishment-limitations on punishment-principles of proportionality-indeterminate sentencing-individualisation of punishment. sentencing policy- Pre-sentence reports-pre-sentence hearing- role of the victim in sentencing- Young offenders- Young adult offenders- Mentally disordered offenders.
- 3) Alternates to punishment-absolute discharge-admonition-Conditional discharges and bind-overs-probation-community service
- 4) Prisons-prison systems-prison reform-rights of prisoners-release on licence-parole and furlough-clemency power-

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

1. Richard Korn, R McCorkle *et al*, Criminology and Penology, New York Holt, Rinehart and Winston 1964
2. Paul Tappan, Crime Justice and Correction, New York McGraw-Hill 1960
3. David Scot, Penology, N.Delhi Sage Publications 2008
4. Andrew Ashworth, Sentencing and Penal Policy, London Weidenfeld and Nicolson 1983
5. Barbara Wooton, Crime and Penal Policy, London George Allan and Unwin 1978

## **FLC F 5- Crime Investigation**

- 1) Investigating agencies-police organisation and powers-arrest-search and seizure-bail and custody decision.
- 2) Rights of the accused-police interrogation-judicial norms-Miranda rule-Judges rules-position in Indian Law
- 3) Control of investigation-role of courts in investigation-comparison with continental system-role of prosecutors in investigation-prosecutorial discretion and control thereof.
- 4) Decision to charge-role of police-prosecutor and the courts

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

1. Saarah J Summers, Fair trials the European criminal procedural tradition and the European court of human rights, Oxford Hart Publishing 2007
2. Andrew Ashworth, Human Rights, Serious Crime and Criminal Procedure, London Sweet & Maxwell 2002
3. Roscoe Pound, Criminal Justice in America, New York DA CAPO press 1972
4. K N Chandrashekar Pillai, R V Kelkars Criminal procedure Code, Lucknow Eastern Book Company 2001
5. Jerome Hall, Cases and Readings on Criminal Law and Procedure, USA Bobbs-Merril 1968

## **FLC F 6- Criminal Trial**

- 1) Various levels of courts-special court systems-courts for children-powers and functions of courts-Judges – methods of recruitment and training-value inculcations in judges-the common law system in comparison with continental system.

- 2) Prosecutors and their role-comparison with continental UK and American prosecutors-recruitment and training of prosecutors-withdrawal of prosecution-control by judges-scope and limitation.
- 3) Defence lawyer and importance of his position in criminal trial-comparison with continental system-rights of the accused and its safeguard in trial process-comparison with continental system.
- 4) Various methods of trial-accusatorial trial in comparison with inquisitorial trial. Roles played by various agencies such as court, prosecutor and the defence lawyer in trial process.
- 5) Victims-victim compensation-victim protection-role of victim in prosecution.

***Suggested Readings:***

1. Saaraha J Summers, Fair trials the European criminal procedural tradition and the European court of human rights, Oxford Hart Publishing 2007
2. Andrew Ashworth, Human Rights, Serious Crime and Criminal Procedure, London Sweet & Maxwell 2002
3. Roscoe Pound, Criminal Justice in America, New York DA CAPO press 1972
4. K N Chandrashekar Pillai, R V Kelkars Criminal procedure Code, Lucknow Eastern Book Company 2001
5. Jerome Hall, Cases and Readings on Criminal Law and Procedure, USA Bobbs-Merril 1968

## ANNEXURE II-G- Environmental Law

### FLC G 1- Environment Protection: National and International Perspectives

- 1) Concept of 'Environment': National and International Perspective – Dimensions and Magnitude of the problems of Environmental Degradation – Need for Legal Control
- 2) Evolution of Environmental Law – International Conventions – Stockholm Declaration of 1972 – World Charter for Nature, 1982 – Earth Summit 1992 – Johannesburg Conference 2002 – Delhi Summit 2002
- 3) Fundamental Principles of Environmental Law - Public Trust Doctrine, precautionary principle, polluters Pay Principle – Sustainable development – Inter-generational equity – Intra-generational equity - Common but differentiated responsibility
- 4) Role of Environmental Institutions – UNEP - Environmental planning – Environmental education and training programme.
- 5) Constitutional dimensions of Environmental protection – Human Right to Clean and Healthy Environment.

#### *Suggested readings:*

1. Eliot H, Blaustein *et. al.*, *Your Environment and You* (1974) Oceana
2. Darryl D' Monte *Temples or Tombs Industry versus Environment : Three Controversies* (1985)
3. Leelakrishnan P. *Et. al.* (eds) *Law and Environment* (1990)
4. World commission on Environment and Development, *Our Common Future* (1987) Oxford
5. Mohan I. *Environment and Habitat* (1989) Part III Ashish, Publishing House, New Delhi

6. Sharma S. C. *Environmental Education* (1986) Metropolitan, Delhi.
7. Indera P. Singh and S. C. Tiwari (eds.) *Man and His Environment* (1980) pp. 1-48.
8. J. Bandyopadhyay (ed.) *India's Environment Crises and Responses* (1985), Nataraj Publishers, Dehra Dun.
9. Stephen C.M. Coffery and Robery E. Lutz *Environmental Pollution and Individual Rights : An International Symposium* (1978)
10. Joseph J. Seneca & Michal K. Tanssig, *Environmental Economics* (1979) Prentico Hall, New Jessey, Ch. V
11. H. H. Singh *et. al.* (eds.) *Geography and Environment* (1986) Concept Publishing Company, New Delhi.
12. Khoshoo T.N., *Environmental Concern and Strategies* (1988) Ashish, Delhi, Chapters I, VIII and IX
13. James E. Krier, *Environmental Law & Policy* (1971), Bobbs Merrill, New York, Chapter 2
14. William H. Rodgers, *Environmental Law* (1977), west Ch., I, II and VI
15. Mohan I, *Environmental Awareness and Urban Development* (1988) Ashish Publishing House, New Delhi.
16. Indian Journal of Public Administration, Special number on Environment and Administration Vol. XXXV July September 1988 No.3
17. Thomas J. Schoerbacum, *Environmental Policy Law* (1985) Chapter I and II, The foundation press, New York.
18. Kailash Thakur- *Environmental Protection Law and Policies in India*(1997)



Armin Rosencranz, *Environmental Law and Policy in India* ( 2001)

## **FLC G 2- Protection and Conservation of Land, Water and Air**

- 1) Conservation, Protection and Use of Land - Concept of pollution:  
Forms of pollution and its Legal Control
- 2) Prevention and Control of Water Pollution- Concept of pollution:  
Forms of pollution and its Legal Control
- 3) Prevention and Control of Air Pollution –Concept of pollution :  
Forms of pollution and its Legal Control
- 4) Noise Pollution – Regulation and its Legal control
- 5) Environmental Protection Act and Hazardous Waste Management  
Law

### ***Suggested readings:***

1. Frank J. Frelease, *Water Law Resources Use and Environmental Protection* (1874) West
2. Desh Bandhu and Garg, *Social Forestry and Tribal Development* (1986) Indian Environmental Society.
3. Upadhyay C.B., *Forest Laws* (1984) Hind Publishing House, Allahabad.
4. Chatrapati Singh, *Common Property and Common Poverty: India's Forest, Forest Dwellers and the Law* (1986)
5. Desmond D' Abreo, *People and Forests* (1985)
6. Darryl D' Monte, *Temples or Tombs, Industry versus Environment: Three Controversies* (1985)
7. Leelakrishnan P., *et. al.* (eds), *Law and Environment* (1990)
8. Indian Journal of Public Administration, Special number on Environment and Administration, July-September 1988 Vol. XXXV No.3
9. Findley, R. W. and Farbor D.A., *Environmental Law* (1981) West Chapters VI & VII

10. David Rugher, *Environmental Law* (1986) Butterworths London, Part II & IV
11. Daniel R. Mandeker *Environmental and Land Controls Registration* (1976) Bobbs-Merril, New York, Chapters IV and VI.
12. Khoshoo, *Environmental concepts and strategies* (1988) Ashish, Delhi, Chapters III to VIII and X.
13. Centre for Science and Environment, *The State of India's Environment 1982 and The State of India's Environment 1984-85*, Delhi.
14. A.R. Bam and P.N. Gantam, *Natural Heritage of India* (1989), R.K. Publishers, Delhi.
15. Hanks, E.H. Tarlock, A.D. and Hank J.L. *Environmental Law and Policy* (1974) Chapter IV
16. Thomas J. Schoenbum, *Environmental Policy Law* (1985), Chapter III, The Foundation Press, New York.
17. Kailash Thakur- *Environmental Protection Law and Policies in India*(1997)

### **FLC G 3- Conservation of Forests, Wild life and Biological Diversity**

- 1) Conservation and Protection of forest – National and International efforts - sustainable development and forest conservation – controls over private forests – social forestry
- 2) Forest and the Tribal People - Conservation of Natural Resources vs. Right to Livelihood
- 3) Protection of Wildlife – The Wildlife Protection Act, 1972 – Sanctuaries and National Parks – Licensing of Zoos and Parks
- 4) Conservation and Sustainable use of Biological Resources – Convention on Biodiversity, 1993 – Biosafety Protocol 2000 – The Biological Diversity Act, 2002.

## 5) Problems of enforcement and prosecution – Judicial Response

### *Suggested readings:*

1. Desh Bandhu and Garg, *Social Forestry and Tribal Development* (1986) Indian Environmental Society.
2. Upadhyay C.B., *Forest Laws* (1984) Hind Publishing House, Allahabad.
3. Chatrapati Singh, *Common Property and Common Poverty: India's Forest, Forest Dwellers and the Law* (1986)
4. Desmond D' Abreo, *People and Forests* (1985)
5. Darryl D' Monte, *Temples or Tombs, Industry versus Environment: Three Controversies* (1985)
6. Leelakrishnan P., *et. al.* (eds), *Law and Environment* (1990)
7. Centre for Science and Environment, *The State of India's Environment 1982 and The State of India's Environment 1984-85*, Delhi.
8. A.R. Bam and P.N. Gantam, *Natural Heritage of India* (1989), R.K. Publishers, Delhi.
9. Thomas J. Schoenbum, *Environmental Policy Law* (1985), Chapter III, The Foundation Press, New York.
10. Kailash Thakur- *Environmental Protection Law and Policies in India*(1997)
11. Arjun Prasad Nagore, *Biological Diversity and International Environmental Law* (1996)

## **FLC G 4- Conservation and Protection of Coastal Zone and Wet Lands**

- 1) Conservation and Protection of Coastal zone – encroachment on coastal zone – dumping of waste – Rules and Regulations
- 2) Coastal zone management - State coastal zone management authority - National coastal zone management authority
- 3) Conservation of mangroves – Regulation and its Legal Control.
- 4) Conservation and Protection of wetlands - Filling and dumping of waste – Legal Control
- 5) Coastal zone management and wetland conservation: Judicial Response

### ***Suggested readings:***

1. Centre for Environmental Education, National Law School, Bangalore, *Cases and Materials concerning the Coastal Environment* (1999)
2. Kerala state Land Use Board, *Coastal Eco-System – an overview* (1996)
3. P.B.Sahasranaman, *The Law Relating to Protection of Coastal Areas* (1998)
4. P.J.S. Broedens R.Seed, *Introduction to Coastal Ecology* (1985)
5. S.Z.Qasim, *Glimpses of the Indian Ocean* (1998)

## **FLC G 5- Regulation of Trans-boundary pollution**

- 1) Problems, Sources and Legal control of trans-boundary pollution  
- Oil pollution – Marine environment, Nuclear fallouts and accidents, Chemical pollution
- 2) Problems, Sources and Legal control of Acid rain, Green house effect, Depletion of ozone layer,
- 3) Problems, Sources and Legal control of Space pollution, Pollution of International rivers and lakes International and Regional Conventions and Agreements
- 4) Role of International and Regional organizations and their Institutional Mechanisms
- 5) Domestic Regulation and Policies – Efficacy and problems of enforcement

### ***Suggested readings :***

1. World Commission on Environment and Development, *Our Common Future* (1987), Oxford
2. British Institute of International and Comparative Law, *Selected Documents on International Environmental Law* (1975) London.
3. Irene H Vam Lier, *Acid Rain and International Law* (1981) Bunsel Environmental Consultants - Toronto.
4. R. A. Malaviya, *Environmental Pollution and its Control under the International Law* (1987) Chugh Publication, Allahabad.
5. Standing Committee on Environmental Law, American Bar Association, *Common Boundary/ Common Problems : The Environmental Consequences of Energy Production* (1982)
6. Indian Law Institute, *Mass Disasters and Multinational Liability : The Bhopal case.*(1986) Inconvenient forum and convenient catastrophe : The Bhopal Case 1986

7. International and Regional Conventions on various areas noted in the thematic break up of this paper.
8. Digvijay Singh, *The Eco-vote* (1985) Prentice Hall, New Delhi
9. Jan Schneider/ *World Public order of the Environment* (1979), University of Toronto.
10. James Darros and Douglas M. Johnston, *The International Law of Pollution* (1974), Mac Millan, London.
11. Priya Ranjan Trivedi, *International Environmental Law* (1996)
12. Nathali L.T.J. Horbach, *Contemporary Development in Nuclear Energy Law* (1999), Kluwer
13. Henrick Ringbom (ed.), *Competing Norms in the Law of Marine Environmental Protection* (1997), Kluwer

### **FLC G 6- Environment and Development**

- 1) The conflict of interests – Development vs. Environment – Human Right issues - Sustainable development and its Fundamental Principles
- 2) Industrial accidents and their impact - General principles – Absolute Liability - Strict Liability – Public Liability Insurance Act - Incentives to pollution control
- 3) Environmental Impact Assessment – Environmental Notification – National Environmental Policy - Environmental Audit - Corporate Social Responsibility.
- 4) Development and clean environment – Constitutional and legislative attempts
- 5) Development opposed to environment - Judicial response – National Green Tribunal - Efficacy of criminal and civil sanctions

#### ***Suggested readings :***

1. World Commission on Environment, *Our Common Future* (1987)

2. Armin Rosencranz, *Environmental Law and Policy in India* (1991)
3. Buddhadeb Chaudhuri and Asok Kumar Maiti, *Forest and Forest Development in India* (1989)
4. P.Leelakrishnan, *Law and Environment* (1992)
5. T.N.Khoshoo, *Environmental Concerns and strategies* (1988)
6. U.K.Bansal, *Right to Life and Personal Liberty in India* (1987)
7. *Commercial Environmental Law and Liability* (Longman's Publication).
8. *Hughes*, *Environmental Law* (Butterworth's Publication)
9. *Salter*, *Corporate Environmental Responsibility – Law and practice* (Butterworth's Publication)
10. *Bernie and Bayle*, *International and the Environment* (Oxford).
11. Richard L. Reversz et.al. (eds.), *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge

## **ANNEXURE II-H- Human Rights**

### **FLC H 1- Legal Rights and Duties**

- 1) Concept of Right Under Legal Theory- Inherent And Inalienable Rights- Concept Of Fundamental Rights- Concept Of Right Under Social Contract Theory- Social Contract Theory Of Hobbes, Rousseau And Locke.
- 2) Right And State Responsibility In Protection Of Rights- Justification for State Restrictions on Rights- Legal Theories on Rights- Concept of Right Under Natural Law Theory -Hohfeldian Analysis- Preservation Of Rights And Idealism.
- 3) Legal Rights And Duties- Definitions For Legal Rights- Essentials Of Legal Right- Rights And Duties In Contrast- Will Theory And Interest Theory Of Right- Kinds Of Legal Rights- (Perfect And Imperfect, Rights In Rem And Personam, Positive And Negative Rights Etc)
- 4) History And Evolution Of Constitutional Rights- American Declaration, French Revolution, Russian Revolution Etc. – Fundamental Duties Concept And The Indian Civilization.

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

1. Robert P. George (Edr.), Natural Law Theory: Contemporary Essays, Oxford (1992)
2. Howard P. Kainz, Natural Law: An Introduction and Re-examination, Open Court Publishing Company, (2004)
3. Peter James Stanlis, Edmund Burke and the Natural Law, New Brunswick, New Jersey, (2009)
4. John Finnis, Natural Law and Natural Rights, Oxford University Press, Oxford (2011)
5. John Locke, Two Treatises Of Government,
6. John Stuart Mill, On Liberty,



## **FLC H 2- International Human Rights Law**

- 1) International Movement for The Protection of Human Rights- Establishment of United Nations Organisation (Hereinafter Uno)- The Un Charter And Human Rights- Agencies Under The UN And The Human Right Mission
- 2) Universal Declartaion On Human Rights- International Covenant On Civil And Political Rights- International Covenant On Socio Economic And Cultural Rights- The Classification Of Rights Into Civil Political / Socio-Economic And Cultural And The Objectives Behind- Rights Identified Under These International Documents.
- 3) Regional Human Rights Documents- American Convention, European Convention And The African Convention- Arab Charter On Human Rights- Concept Of Rights Under The Regional Documents And Comparative Analysis
- 4) The Need for Asian Convention On Human Rights – The Felt Impossibilities.

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

1. David SAchmidtz and Jason Brennan, *A Brief History of Liberty*, Wiley Blackwell, West Sussex, U.K. (2010)
2. The Raoul Wallenberg Institute Professional Guides to Human Rights, *Human Rights and Policing* (Second Revised Edition), MartinusNijhoff Publishers, Boston (2007)
3. Ida Elisabeth Koch, *Human Rights as Indivisible Rights*, MartinusNijhoff Publishers, Boston (2009)
4. Ren´e Provost, *International Human Rights and Humanitarian Law*, Cambridge University Press, Cambridge, (2004)
5. Carmen Tiburcio, *The Human Rights of Aliens under International and Comparative Law*, MartinusNijhoff Publishers, Boston (2001)

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7. Gene M. Lyons and James Mayall(Edr), *International Human Rights in the 21st Century-Protecting the Rights of Groups*, Rowman & Littlefield Publishers, Inc. New York (2003)
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11. Helen Fenwick et all (Edrs) *Judicial Reasoning Under The UK Human Rights Act*, Cambridge University Press, Cambridge (2007)
12. Malcolm Langford, (Edr.), *Social Rights Jurisprudence*, Cambridge University Press, Cambridge (2009)
13. Nihal Jayawickrama (Edr.) *The Judicial Application Of Human Rights Law-National, Regional and International Jurisprudence*, (2002) Cambridge University Press, Cambridge (2002)
14. Miriam Aziz, *The Impact of European Rights on National Legal Cultures*, Oxford And Portland Oregon (2004)
15. Shiv R S Bedi, *The Development of Human Rights Law by the Judges of the International Court of Justice*, Hart Publishing, Portland (2007)
16. The Danish Institute for Human Rights, *African Human Rights Complaints Handling Mechanisms*, (2008)
17. Vladimir Tochilovsky, *Jurisprudence of the International Criminal Courts and the European Court of Human Rights, Procedure and Evidence*, Martinus Nijhoff Publishers, Boston (2008)
18. Terry Johnson, *Legal Rights*, Facts On File, Inc. New York (2005)

19. Juliet A. Williams, *Liberalism and The Limits Of Power*, Palgrave Macmillan, New York, (2005)

### **FLC H 3- International Human Rights Law and the Vulnerable Populations**

- 1) Convention On The Rights Of Child- Rights Given For Child- Juvenile Delinquency Under International Law- International Human Rights For Children And Indian Law –
- 2) Right To Education Under The Indian Constitution And International Law
- 3) Convention On The Elimination Of All Forms Of Discrimination Against Women- The Indian Perspectives On Women Rights- Indian Judicial Responses On CEDAW-
- 4) Protection Of Minorities Under International Human Rights Law- Racial And Linguistic Discrimination And Human Rights- Sexual Minorities And Human Rights- Indian Perspectives

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

1. Kären Hess, Christine Orthmann, John Wright, *Juvenile Justice*, Wadsworth, Belmont (2012)
2. John Winterdyk, *Juvenile Justice Systems: International Perspectives*, Canadian Scholars Press Inc. Ontario (2002)
3. [J. Eric Smithburn](#), *Cases and Materials in Juvenile Law 2002*, LexisNexis, (2002)
4. Larry Siegel, Brandon Welsh , *Juvenile Delinquency: Theory, Practice, and Law*, Wadsworth, Belmont (2015)
5. Eric L. Jensen, Jørgen Jepsen (Edr.) *Juvenile Law Violators, Human Rights, and the Development of New Juvenile Justice Systems*, Onati International Series in Law and Society, (2006)
6. [Klaus Dieter Beiter](#), *The Protection of the Right to Education by International Law: Including a Systematic Analysis of Article 13 of the International Covenant on Economic, Social and Cultural Rights*, Martinus Nijhoff Publishers, (2006)

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9. [Satish Deshpande](#) and [Usha Zacharias](#), Beyond Inclusion: The Practice of Equal Access in Indian Higher Education, Taylor & Francis Group, (2013)
10. [Halil Dunder](#), [Jennifer Grant Haworth](#), Improving Women's Access to Higher Education: A Review of World Bank Project Experience, Volume 1106 World Bank Publications, 1993
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12. [Josephine Effah](#), [Dulue Mbachu](#), [Sonny Onyegbula](#), Unequal rights: discriminatory laws and practices against women in Nigeria Constitutional Rights Project, (1995)
13. Kumud Sharma (Edr.), Changing the Terms of the Discourse: Gender, Equality and the Indian State, Pearson

#### **FLC H 4- Human Rights and Indian Legal System**

- 1) Human Rights Under Indian Constitution- Influence Of International Documents On Indian Legal System-
- 2) Judicial Interpretations Of Human Rights In India And The Influence Of International Documents.
- 3) Special Measures For Protection Of Human Rights In India- The Role Of Law Enforcement Agencies- Constitution And Role Of Human Rights Commission And Its Effectiveness-
- 4) Fundamental Rights And Directive Principles Of State Policy- Balance Between The Same- Judicial Initiatives- Incorporation Of DPSP Into Part III Of The Constitution And The Human Right

## Dimensions- Fundamental Duties Under Indian Constitutional Framework

### *Suggested Readings:*

1. [Mahendra Pal Singh](#), [Vijaya Narain Shukla](#) (Edrs), V.N. Shukla's Constitution of India, Eastern Book Company, (2008)
2. J. C. Johari, The Constitution of India A Politico-Legal Study, Sterling Publishers Private Limited, New Delhi (2007)
3. [Mahabir Prashad Jain](#), [Samaraditya Pal](#), [Ruma Pal](#), (Edrs), M.P. Jain Indian Constitutional Law: With Constitutional Documents, Volume 1 Lexisnexis Butterworths Wadhwa Nagpur, 2010
4. T. S. N. Sastry, India and Human Rights: Reflections, D.K. Agencies (P) Ltd. (2005)
5. [V. K. Sircar](#), Protection of Human Rights in India, Asia Law House, (2004)
6. [Rachana Kaushal](#), Women and Human Rights in India, Kaveri Books, (2000)
7. [C. J. Nirmal](#), Human Rights in India: Historical, Social, and Political Perspectives, Oxford University Press, (2002)
8. [G. S. Bajwa](#), Human rights in India: implementation and violations, Anmol Publications, (1995)
9. [K. P. Saksena](#), Human Rights: Fifty Years of India's Independence, Institute for World Congress on Human Rights, (1999)
10. S.N. Chaudhary (Edr). Human Rights And Poverty In India: Theoretical Issues And Empirical Evidences, DK Agencies (P) Ltd. (2005)
11. Arun Ray, National Human Rights Commission of India: Formation, Functioning and Future Prospects, Volume 1 & 2 Khama Publishers, New Delhi (2004)
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14. Developing Human Rights Jurisprudence: A Third Judicial Colloquium on the domestic application of international human rights norms, commonwealth secretariat (1991)

15. Human Rights Commissions: A Citizen's Handbook (Revised Edition 2006), Common wealth Human Rights Initiative (CHRI)

### **FLC H 5- Science Technology and Human Rights**

- 1) Religion And Science- Scientific Development And Its Impact On Traditional Concepts- Scientific Value And The Concept Of Human Rights
- 2) Scientific Research And Its Impact On Human Rights- Stem Cell Research- Human Experimentation Issues-
- 3) International Human Rights Document Regulating Research- Human Experimentation And Ethics- International And National Legal Measures
- 4) Role Of Law In Balancing Science And Its Impact On Human Life- Judicial Responses- Abortion, Euthanasia, Cloning, Artificial Reproduction Etc.

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

1. Richard Pierre Claude, Science In The Service Of Human Rights, University of Pennsylvania Press (2002)
2. Bertrand Russell, The Impact Of Science On Society, Unwin Hyman (1952)
3. David L. Gosling, Science and the Indian Tradition: When Einstein Met Tagore, Routledge (2007)
4. Joseph Agassi, Science and Its History: A Reassessment of the Historiography of Science, Springer (2008)
5. Makarand R. Paranjape (Edr.) Science, Spirituality And The Modernization Of India, Anthem Press New Delhi (2008)
6. Henri Atlan, Enlightenment to Enlightenment: Intercritique of Science and Myth, state university of New York (1986)
7. Andrew Ede, Lesley B. Cormack, A History of Science in Society: From Philosophy to Utility, university of Toronto press incorporated (2012)

8. William Dampie, A History of Science and Its Relations with Philosophy and Religion, Cambridge (1971)
9. Charles Singer, A Short History Of Science To The Nineteenth Century, General Publishing Company Ltd. Toronto (1997)
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11. Oliver, Paul, The Student'S Guide To Research Ethics, Open University Press (2010)
12. Deni Elliot & Judy E. Stern (Edrs), Research Ethics: A Reader, University Press New England (1997)
13. Ezekiel J. Emanuel Et Al, The Oxford Textbook Of Clinical Research Ethics, Oxford (2008)
14. Mark Israel & Iain Hay Research Ethics For Social Scientists,
15. Timothy F. Murphy, Case Studies In Biomedical Research Ethics, Massachusetts Institute Of Technology (2004)
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22. John Keown, Abortion, Doctors and the Law: Some Aspects of the Legal Regulation of abortion in England from 1803to 1982, Cambridge (1988)
23. Jay L. Garfield & Patricia Hennessey (Edr.), Abortion, Moral and Legal Perspectives,
24. Rickie Solinger , Abortion Wars: A Half Century of Struggle, 1950-2000, university of California press (1998)
25. Celeste M. Condit, Decoding Abortion Rhetoric: Communicating Social Change, University Of Illinois (1990)

26. Barbara MacKinnon, *Human Cloning: Science, Ethics, and Public Policy*, University Of Illinois (2000)
27. Ronald Cole-Turner (Edr.) , *Human Cloning: Religious Responses*, Ronald Cole- Turner (1997)
28. [Leon Kass](#),&[James Q. Wilson](#), *The Ethics of Human Cloning*, AEI Press (1998)
29. Maria Aline Seabra Ferreira, *I Am The Other: Literary Negotiations Of Human Cloning*, Ferreira Maria Aline Seabra (2005)
30. [Seamus Burns](#), *The Law of Assisted Reproduction*, Bloomsbury Professional, (2012)
31. Report on Human Artificial Reproduction and Related Matters - Ontario Law Reform Commission,[Ontario Law Reform Commission](#),1985
32. Donald Evans, Neil Pickering (Edr.) *Creating the Child: The Ethics, Law, and Practice of Assisted Procreation*, Kluwer (1996)

## **FLC H 6- Human Rights and Right to Development**

- 1) State And Developmental Activities And The Human Rights Concerns- Incorporation Of International Doctrines On Right To Development Into India- Environmental Pollution And Its International Impact- Concerned Human Rights Issues
- 2) International Initiatives For The Development And Conservation Of Environment- International Conventions Declarations.
- 3) Human Rights And Environmental Law Principles – Sustainable Development, Polluter Pays And Public Trust Doctrine.
- 4) Environment Protection Law In India- Incorporation Of International Standards- Judicial Responses-

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



1. Peter P. Rogers, Kazi F. Jalal and John A, An Introduction to Sustainable Development, Earthscan (2008)
2. David William Pearce, Edward Barbier and Anil Markandya, Sustainable Development: Economics and Environment in the Third World, Edward Edgar Publishing Limited (1990)
3. Giles Atkinson, Simon Dietz, Eric Neumayer and Matthew Agarwala (Edrs.), Handbook of Sustainable Development, (Second Edition) Edward Edgar Publishing Limited (2014)
4. Livio D. DeSimone and Frank Popoff, Eco-efficiency: The Business Link to Sustainable Development, MIT Press (2000)
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9. Isabella D Bunn, The Right to Development and International Economic Law: Legal and Moral Dimensions, Hart Publishing Limited (2012)
10. Mohammad Naseem, Environmental Law in India, Kluwer (2011)
11. Randy T. Simmons, Property and the Public Trust Doctrine, PERC (Bozeman, Mont.) (2007)
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13. Molly Selvin, The Public Trust Doctrine in 1985, Rand Corporation, (1985)
14. Mary Christina Wood, Nature's Trust: Environmental Law for a New Ecological Age, Cambridge (2014)
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16. Lambert M. Surhone et al, Public Trust Doctrine, Betascript Publishing, (2010)
17. Martin Frick, The Polluter Pays Principle as a Swiss Constitutional Principle: The Relevance of EC Experience, Stämpfli, (2002)
18. Roy E. Cordato, The Polluter Pays Principle: A Proper Guide for Environmental Policy, Institute for Research on the Economics of Taxation, (2001)
19. Elli Louka, International Environmental Law: Fairness, Effectiveness, and World Order,
20. Sunayana Ganguly, Deliberating Environmental Policy in India: Participation and the Role of Advocacy, Routledge (2015)
21. Shyam Divan and Armin Rosencranz, Environmental Law and Policy in India: Cases, Materials, and Statutes, Oxford University Press, (2001)

## **ANNEXURE II-I- Intellectual Property Rights**

### **FLC I 1- Intellectual Property Rights and Development**

- 1) Intellectual property – concept – justification – different forms of intellectual property – copyright, patent, trademark, Geographical indications, new plant varieties, traditional knowledge and genetic resources
- 2) Intellectual property protection as a quid pro quo for development/social benefit - concept of development – relevance of access to information/knowledge and technology for development – need for balancing IP protection with dissemination/transfer of information/technology - SMEs in the context of IP and development
- 3) Copyright – meaning and scope – requirements for protection – originality, idea/expression dichotomy – inbuilt mechanisms for balancing copyright protection with societal interest – eligibility (minimum standards) for protection, term, limitations and exceptions, doctrine of exhaustion
- 4) Patent – standards of patentability – subject matter of protection – limitations and exceptions, doctrine of exhaustion
- 5) Concept of collective property - GI and TK – difference from formal IP regime – beneficiaries of protection – as opposed to modern creators/innovators traditional creators/innovators -

#### ***Suggested readings:***

1. R.S. Bhalla, The Institution of Property : Legally, Historically and Philosophically Regarded, Eastern Book Co., (1984)
2. Penner, The Idea of Property in Law, Clarendon Press, Oxford (1997)

3. John Locke, *Two Treatises on Government*, Industrial Systems Research, (1970)
4. Copinger & Skone James on Copyright, Sweet & Maxwell, (latest edition)
5. Terrel on Patents, Sweet & Maxwell (latest edition)
6. Kerly's Law of Trademarks and Trade Names, Sweet & Maxwell, (latest edition)
7. Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer International, (2008)
8. Latha R. Nair and Rajendra Kumar, *Geographical Indications: A Search for Identity*, Butterworths Wadhwa, (2005)
9. Prabuddha Ganguli, *Geographical Indicators, its Evolving Contours*, MVIRDC, World Trade Centre, Mumbai, (2009)
10. Susan Sell et.al, *Who Governs the Globe?*, Cambridge University Press, (2010).
11. Odagiri et.al, *Intellectual Property Rights, Development, and Catch Up*, Oxford University Press, (2010)
12. Christopher May & Susan K. Sell, *Intellectual Property Rights: A Critical History*, Lynne Rienner Publications, (2005)
13. John Odell (ed.), *Negotiating Trade: Developing Countries in the WTO and NAFTA*, Cambridge University Press, (2006)
14. Gustavo Ghidini, *Intellectual Property and competition Law: The Innovation Nexus*, Edward Elgar, (2006)
15. David J. Teece, *The Transfer and Licensing of Know-how and Intellectual Property*, World Scientific (2008)
16. Susan K. Sell, *Private power, public law : The globalisation of IPR*, Cambridge University Press, (2006)

## **FLC I 2- Access to Information and Copyright**

- 1) Copyright - meaning and scope - originality – idea/expression dichotomy – works protected
- 2) Justification for copyright protection – access to information – categories of uses falling within limitations and exceptions
- 3) TRIPS flexibilities – Three-step-test and the limitations and exceptions – rights of the visually impaired
- 4) Related rights – protection of related rights holders – performers rights in audio-visual performances
- 5) Copyright in the digital context – peer to peer file sharing - ISP liability – access to the benefits of new technology

***Suggested readings:***

1. Copinger & Skone James on Copyright, Sweet & Maxwell, (latest edition)
2. W. R. Cornish, *Intellectual Property: Patents, Copyrights, Trademarks and Allied Rights*, Sweet and Maxwell (latest edition).
3. Kenneth L. Port, *Licensing Intellectual Property in the digital age*, Carolina Academic Press, (1999)
4. Merges, Lemley, et.al, (4<sup>th</sup> Ed.) *Intellectual Property in the new technological age –*, Aspen Publishers, (2007)
5. Pamela Samuelson *et.al*, “ A Manifesto Concerning the Legal Protection of Computer Programmes”, 1994 *Columbia Law Rev.* 2308
6. Henning Grosse Ruse-Khan, “Access to knowledge under the international copyright regime, the WIPO development agenda and the European Communities’ new external trade and IP policy”, *RESEARCH HANDBOOK ON THE FUTURE OF EU COPYRIGHT*, E. Derclaye, ed., pp. 574-612, Edward Elgar Publishing, 2009
7. Scoping study on copyright and related rights and public domain, CDIP/4/3/REV./STUDY/INF/1, CDIP/7/INF/2

### **FLC I 3- Affordability under Patent Regime – Patents and Right to Health**

- 1) Patent – meaning – scope – patentability standards – patentable subject matter
- 2) Justification for patent protection – historical evolution of patent system – from Paris to TRIPS
- 3) Pharmaceutical patents and TRIPS – TRIPS mandates having implication on pharmaceutical patents –
- 4) TRIPS and Access to medicines – implication on TRIPS on public health – TRIPS Flexibilities
- 5) Doha Declaration on TRIPS and public health - its background – post Doha scenario –

#### ***Suggested readings:***

1. E. Wyndham Hulms, “The History of Patent System under the Prerogative and at Common Law, 12 L.Q. R.141, 13 L.Q.R. 313 & 16 L.Q.R. 44
2. Hughes J. “Philosophy of Intellectual Property” 77 The George Town Law Journal 285
3. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmoth, (1996)
4. Terrel on Patent, Sweet & Maxwell (latest edition)
5. The Paris Convention 1883
6. Bodenhausen, *Guide to the Application of Paris Convention for the Protection of Industrial Property*, WIPO (2004)
7. Rajiv Dhavan *et.al*, “Paris Convention Revisited” 31, JILI (1991)
8. Thomas Pogge, Mathew Rimmer, Kim Rubenstein (ed), *Incentives for global public health: Patent law and access to essential medicines*, Cambridge University Press (2010)

9. Terence P. Stewart, *GATT Uruguay Round : Negotiating History*, Kluwer Law International (1999)
10. Reichman, Jerome, *Of Green Tulips and Legal Kudzu: Repackaging Rights in Subpatentable Innovations*, 2003
11. Rajagopal Iyyengar, *Report on the Revision of the Patent Law*, Government of India 1959
12. Rajiv Dhavan *et.al*, “Whose Interest? Independent India’s Patent Law and Policy”, 32 *J.I.L.I* 429 (1990)
13. Susan K. Sell, “TRIPS and the Access to Medicines Campaign” 20 *Wisconsin International Law Journal* 491 (2001-2002)
14. Aaron Xavier Fellmeth, “Secrecy, Monopoly, and Access to Pharmaceuticals in International Trade Law: Protection of Marketing Approval Data Under the TRIPs Agreement” 45 *Harvard International Law Journal* 443 (2004)
15. Amy Kapczynski, “Harmonization and Its Discontents: A Case Study of TRIPS Implementation in India’s Pharmaceutical Sector” 97 *California Law Review* 1571 (2009)
16. Frederick M. Abbott, “The Doha Declaration on the TRIPS Agreement and Public Health: Lighting a Dark Corner at the WTO” 5 *Journal of International Economic Law* (2002) 469
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18. Biswajith Dhar and K.M.Gopakumar, *Post-2005 TRIPS scenario in patent protection in the pharmaceutical sector: The case of the generic pharmaceutical industry in India*, ICTSD and UNCTAD, November 2006.
19. Canada – patent protection of pharmaceutical Products WT/DS 114/R 8.
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22. Janice M. Mueller, "The Tiger Awakens: The Tumultuous Transformation of India's Patent System and the Rise of Indian Pharmaceutical Innovation" 68 *University of Pittsburgh Law Review*, 491 (2007)

#### **FLC I 4- Patent and biotechnology**

- 1) Justifications for patent protection – incentive theory, labour theory, personality theory – patents as different from other forms of property
- 2) TRIPS Agreement and flexibilities in determining patent scope – patentable subject matter – patentability standards
- 3) Patents and biotechnology – challenges in patentability standards and patentable subject matter
- 4) Biotech patents and their implications on development

#### ***Suggested readings:***

1. Hughes J. "Philosophy of Intellectual Property" 77 *The George Town Law Journal* 285
2. Peter Drahos, *A Philosophy of Intellectual Property*, Dartmouth, (1996)
3. Terrel on Patent, Sweet & Maxwell (latest edition)
4. Christoph Belman and Graham Dutfield, *Trading in Knowledge: development Perspectives on TRIPS, Trade and Sustainability*, Earthscan Publications Ltd. (2003)
5. WIPO Reading Material on Intellectual Property, WIPO, Geneva
6. Timothy M. Swanson (ed), *Intellectual Property Rights and Biodiversity Conservation: An Interdisciplinary Analysis of the Values of Medicinal Plants*, Cambridge University Press (1995)
7. Keshav Tohan, *Biotechnology*, Wiley Eastern Ltd. (1990)



8. S.S.Purohit & S.K.Mathur, *Biotechnology: Fundamentals and Applications*, Aerobios Indian (2000).
9. M.D. Trevan.S.Boffey, K.H.Goulding and P.Stanbury, *Biotechnology: The Biological Principles*, Tata Mc G Raw Hill (1987)
10. Terence P. Stewart, *GATT Uruguay Round : Negotiating History*, Kluwer Law International (1999)
11. Reichman, Jerome, *Of Green Tulips and Legal Kudzu: Repackaging Rights in Subpatentable Innovations*, 2003

### **FLC I 5- TRIPS Flexibilities and Development**

- 1) TRIPS - negotiation history – general principles – minimum standards
- 2) TRIPS flexibilities – meaning and scope of different categories of IP- subject matter, standards, scope of protection, enforcement – importance of a robust public domain
- 3) TRIPS Flexibilities - limitations and exceptions – parallel import, transition period
- 4) Importance of the use of TRIPS flexibilities for developing countries – Doha Declaration
- 5) WIPO development agenda

#### ***Suggested readings:***

1. Terence P. Stewart, *GHATT Uruguay Round: Negotiating History*, Kluwer Law International, (1999).
2. Reichman, Jerome, *Of Green Tulips and Legal Kudzu: Repackaging Rights in Subpatentable Innovations*, (2003).
3. Bodenhausen, *Guide to the application of the Paris Convention for the Protection of Industrial Property*, WIPO (1985).

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8. WIPO Reading Material on Intellectual Property, WIPO, Geneva
9. Neil Netanel (ed.), *The Development Agenda: Global Intellectual Property and Developing Countries*, Oxford University Press, 2009
10. Christopher May, *The World Intellectual Property Organization: Resurgence and the Development Agenda*, Routledge, 2007

### **FLC I 6- Collective property as Intellectual Property**

- 1) Collective ownership– genetic resources – traditional knowledge – traditional cultural expressions –geographical indications - issue of misappropriation
- 2) Protection of Genetic resources – Issues of patenting – CBD – Access and benefit sharing – Plant genetic resources – issues of patent/plant variety protection - ITPGRFA – multilateral benefit sharing mechanism
- 3) traditional knowledge and traditional cultural expressions in IP context – Sui generis system for protection of TK – WIPO discourses
- 4) Geographical Indications – scope and nature of protection – problems specific to developing countries

### ***Suggested readings:***

1. UNESCO/WIPO Model Provisions for Protection of Folklore/ Cultural Expressions.
2. Documents of Inter Governmental Committee, WIPO on TK & TCE protection, WIPO. Geneva.
3. Convention on Biological Diversity, 1992 and International Treaty on Plant Genetic Resources for food and Agriculture, 2002
4. Chidi Oguamanam, *Intellectual Property in Global Governance : A Development Question*, Routledge, (2012)
5. Daniel F. Robinson *Confronting Biopiracy: Challenges, Cases and International Debates*, Earthscan, (2010)
6. Christoph Antons (ed.) *Traditional Knowledge, Traditional Cultural Expressions and Intellectual Property Law in the Asia Pacific Region*, Kluwer Max Planck Series, (2009)
7. Silke von Lewinski (ed.) *Indigenous Heritage and Intellectual Property: Genetic Resources, Traditional Knowledge and Folklore*, Kluwer Law International, (2008)
8. Jonathan Curci, *Protection of Biodiversity and Traditional Knowledge in the International Law of Intellectual Property*, Cambridge University Press, (2010)
9. Dutfield and Posey, *Beyond Intellectual Property: Toward Traditional Resource Right for Indigenous Peoples and Local Communities*, IDRC, (1996)
10. Geoff Tansey and Tasmine Rojotte (Eds.), *The Future Control of Food: A Guide to International Negotiations and Rules on Intellectual Property*, Earth Scan, London (2008)
11. Gerald Moore and Witold Timousky, *Explanatory Guide to the International Treaty on Plant Genetic Resources for Food and Agriculture*, IUCN, Gland, Switzerland and Cambridge, (2005)

12. Graham Dutfield, *Intellectual Property Rights, Trade and Biodiversity*, Earthscan Publications Ltd, London (2000)
13. J. E. Penner, *The Idea of Property in Law*, Clarendon Press, Oxford (1997), Kemal Baslar, *The Concept of Common Heritage of Mankind in International Law*, Martinus Nijhoff Publishers, (1998)
14. Michael I. Jeffery *et.al* (Eds.), *Biodiversity Convention, Law and Livelihood, Bridging the North South Divide*, IUCN Academy of Environmental Law Research Studies, IUCN, (2002)
15. Nico Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties*, Cambridge University Press, UK, (1997)
16. Graham Dutfield, *Intellectual Property Rights, Trade and Biodiversity*, Earthscan
17. FAO, *The State of World's Plant Genetic Resources for Food and Agriculture*
18. Patricia Lucia Marin, *Providing Protection for Plant Genetic Resources: Patents, Sui Generis Systems and Bio-Partnerships*, Kluwer Law International (2001)

## **ANNEXURE II-J- International Criminal Law**

### **FLC J 1- General Principles of Liability in International Criminal Law**

- 1) Introduction-Perpetration/commission -Joint criminal enterprise- Aiding and abetting-Ordering, instigating, soliciting, inducing and inciting-Planning, preparation, attempt and conspiracy - Mental elements-Command/superior responsibility
- 2) Defences/Grounds for Excluding Criminal Responsibility- Introduction - The ICC Statute and defences-Mental incapacity- Intoxication-Self-defence, defence of others and of property- Duress and necessity-Mistake of fact and law-Superior orders- Other 'defences'
- 3) Victims in the International Criminal Process-Introduction- Definition of victims-Protection of victims and witnesses-Victim participation in ICC criminal proceedings-Reparations to victims
- 4) Sentencing and Penalties-International punishment of crimes- Purposes of sentencing-Sentencing practice-Sentencing procedures-Pardon, early release and review of sentence

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

1. Christine Kunst, *The Protection of Victims and Witnesses at International and Internationalized Criminal Courts: The Example of the ECCC*, Wolf Legal Publishers, 2013.
2. Ciara Damgaard, *Individual Criminal Responsibility for Core International Crimes*, Springer, 2008.
3. Gerhard Werle, Florian Jessberger, *Principles of International Criminal Law*, OUP, 2015.
4. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.

5. James Larry Taulbee, *International Crime and Punishment: A Guide to the Issues*, Praeger Security International, 2009
6. M. Cherif Bassiouni, *International Criminal Law: Sources, Subjects and Contents*, Martinus Nijhoff, London, 2008.
7. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2010.
8. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.
9. Thorsten Bonacker, Christoph Safferling, *Victims of International Crimes: An Interdisciplinary Discourse*, Asser Press, Springer, Netherlands, 2002.
10. Vladimir Tochilovsky, *Jurisprudence of the International Criminal Courts and the European Court of Human Rights*, Martinus Nijhoff, London, 2008.
11. William A. Schabas, *An Introduction to the International Criminal Court*, Cambridge University Press, 2011.
12. José Doria, Hans-Peter Gasser, M. Cherif , *The Legal Regime of the International Criminal Court*, Martinus Nijhoff, Boston, 2009.
13. Machteld Boot, *Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court*, Intersentia, Belgium, 2002.
14. Neil Boister, Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, Oxford University Press, 2008.
15. Shane Darcy, Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals*, Oxford University Press, 2010.
16. Dominic McGoldrick, Peter J. Rowe, Eric Donnelly, *The Permanent International Criminal Court: Legal and Policy Issues*, Hart Publishing, USA, 2004.

17. Kai Ambos, *Treatise on International Criminal Law*, Oxford University Press, 2013.

## **FLC J 2- International Crimes**

- 1) Introduction to the course-notion of international criminal law and the sources of international criminal law- International Military Tribunals-Nuremberg and Tokyo-
- 2) Principles of criminal liability in international criminal law- Circumstances excluding criminal liability- State cooperation with international criminal courts and tribunals- Alternatives to international criminal justice-Future of international criminal justice.
- 3) Genocide-Introduction-The protected groups-Material elements-Mental elements-Other modes of participation-Crimes Against Humanity-Introduction-Common elements (the contextual threshold)- Prohibited acts
- 4) War Crimes-Introduction-Common issues-Specific offences-Aggression - Introduction-Material elements-Mental elements-Prosecution of aggression in the ICC.
- 5) Transitional Crimes, Terrorism and Torture-Introduction-Terrorism-Torture

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

1. Cassese, *International Criminal Law*, Oxford University Press 2008.
2. Cassese, P. Gaeta, J.R.W.D. Jones (red.), *The Rome Statute of the International Criminal Court: A Commentary*, Oxford University Press 2002.
3. Benjamin Ricci, *Crimes against Humanity: A Historical Perspective*, iUniverse, USA, 2004.

4. Romano, A. Nollkaemper, J. Kleffner (red.), *Internationalized Criminal Courts and Tribunals: Sierra Leone, East Timor, Kosovo and Cambodia*, Oxford University Press 2004.
5. Caroline Fournet, *The Crime of Destruction and the Law of Genocide*, Ashgate, 2007.
6. Carrie McDougall, *The Crime of Aggression Under the Rome Statute of the International*, Cambridge University Press, 2013.
7. Kathleen Malley-Morrison, Sherri McCarthy, Denise Hines, *International Handbook of War, Torture, and Terrorism*, Springer, 2013.
8. M. Cherif Bassiouni, *Crimes against Humanity in International Criminal Law*, Kluwer Law International, London, 1999.
9. M.C. Bassiouni, *Introduction to International Criminal Law*, Transnational Publishers 2003.
10. Paul Behrens, Ralph Henham, *The Criminal Law of Genocide: International, Comparative and Contextual Aspects*, Routledge, 2007.
11. R. Cryer, H. Friman, D. Robinson, E. Wilmshurst, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press 2010, second ed.
12. Sergey Sayapin, *The Crime of Aggression in International Criminal Law*, Asser Press, Springer, 2014.
13. W.A. Schabas, *The UN International Criminal Tribunals. The former Yugoslavia, Rwanda and Sierra Leone*, Cambridge University Press 2006.
14. Werner G. K. Stritzke, *Terrorism and Torture: An Interdisciplinary Perspective*, Cambridge University Press, 2009.

### **FLC J 3- International Criminal Procedure**

- 1) Procedures of International Criminal Investigations and Prosecutions International criminal procedures-International criminal proceedings and human rights-



- 2) Actors in the proceedings and their roles-Jurisdiction and admissibility procedures-Commencement and discontinuance of a criminal investigation
- 3) The criminal investigation-Coercive measures-Prosecution and indictment-Pre-trial proceedings – preparations for trial-Evidentiary rules
- 4) Admission of guilt, guilty pleas, plea bargaining
- 5) Trial and judgment-Appeals proceedings-Revision-Offences against the administration of justice

***Suggested Readings:***

1. Andrew Novak, *The International Criminal Court: An Introduction*, Springer, New York, 2015.
2. Christine Kunst, *The Protection of Victims and Witnesses at International and Internationalized Criminal Courts: The Example of the ECCC*, Wolf Legal Publishers, 2013
3. Ciara Damgaard, *Individual Criminal Responsibility for Core International Crimes*, Springer, 2008.
4. Gerhard Werle, Florian Jessberger, *Principles of International Criminal Law*, OUP, 2015.
5. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.
6. James Larry Taulbee, *International Crime and Punishment: A Guide to the Issues*, Praeger Security International, 2009
7. M. Cherif Bassiouni, *International Criminal Law: Sources, Subjects and Contents*, Martinus Nijhoff, London, 2008.
8. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2010.
9. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.

10. Thorsten Bonacker, Christoph Safferling, Victims of International Crimes: An Interdisciplinary Discourse, Asser Press, Springer, Netherlands, 2002.
11. Vladimir Tochilovsky, Jurisprudence of the International Criminal Courts and the European Court of Human Rights, Martinus Nijhoff, London, 2008.
12. William A. Schabas, An Introduction to the International Criminal Court, Cambridge University Press, 2011.
13. José Doria, Hans-Peter Gasser, M. Cherif , The Legal Regime of the International Criminal Court, Martinus Nijhoff, Boston, 2009.
14. Machteld Boot, Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court, Intersentia, Belgium, 2002.
15. Neil Boister, Robert Cryer, The Tokyo International Military Tribunal: A Reappraisal, Oxford University Press, 2008.
16. Shane Darcy, Joseph Powderly, Judicial Creativity at the International Criminal Tribunals, Oxford University Press, 2010.
17. Dominic McGoldrick, Peter J. Rowe, Eric Donnelly, The Permanent International Criminal Court: Legal and Policy Issues, Hart Publishing, USA, 2004.
18. Kai Ambos, Treatise on International Criminal Law, Oxford University Press, 2013.

#### **FLC J 4- International Standards on Criminal Defence Rights**

- 1) Right to information
  - Reasons of arrest and detention
  - Information on defence rights
  - Right to a lawyer
- 2) Right to defence

Right to self-representation

Right to legal assistance

Right to private consultation with a lawyer

Right to have adequate time and facilities to prepare the defence

Role, independence and standards of lawyers

3) Right to legal aid

Legal aid at various stages of the proceedings

Pretrial detention and preliminary investigation

Appeal proceedings

Constitutional motions

4) Presumption of innocence Privilege against self-incrimination and the right to silence-Rule against double jeopardy-Principles of Legality

5) Procedural rights at trial

Right to release from custody pending trial

Right to be tried in presence and participate in process

Right to be tried without undue delay

Right to equality of arms in calling and examining witnesses

Right to appeal

Right to free interpretation and translation of documents

***Suggested Readings:***

1. Ilaria Bottiglieri, Redress for Victims of Crimes Under International Law, Springer, 2004.
2. Nigel Rodley, Matt Pollard, The Treatment of Prisoners under International Law, OUP, 2009.
3. Ilias Bantekas, Susan Nash, International Criminal Law, Cavendish – Routledge, London, 2003.

4. Bartram S. Brown, *Research Handbook on International Criminal Law*, Edward Elgar, USA, 2011
5. Catherine S. Namakula, *Language and the Right to Fair Hearing in International Criminal Trials*, Springer, 2014.
6. William A. Schabas, Nadia Bernaz, *Handbook of International Criminal Law*, Routledge, 2011.
7. William Schabas, Yvonne McDermott, Niamh Hayes, *International Criminal Law*, Ashgate, 2013.
8. R. H. Helmholz, *The Privilege Against Self-Incrimination: Its Origins and Development*, University of Chicago Press, 1997.
9. Constantine Theophilopoulos, *The Right to Silence and the Privilege Against Self-incrimination*, University of South Africa, 2001
10. Andrew L-T Choo, *The Privilege Against Self-Incrimination and Criminal Justice*, Hart Publishing, US, 2013.
11. Andrew Novak, *The International Criminal Court: An Introduction*, Springer, New York, 2015.
12. Christine Kunst, *The Protection of Victims and Witnesses at International and Internationalized Criminal Courts: The Example of the ECCC*, Wolf Legal Publishers, 2013
13. Ciara Damgaard, *Individual Criminal Responsibility for Core International Crimes*, Springer, 2008.
14. Gerhard Werle, Florian Jessberger, *Principles of International Criminal Law*, OUP, 2015.
15. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.
16. James Larry Taulbee, *International Crime and Punishment: A Guide to the Issues*, Praeger Security International, 2009
17. M. Cherif Bassiouni, *International Criminal Law: Sources, Subjects and Contents*, Martinus Nijhoff, London, 2008.

18. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2010.

## **FLC J 5- Prosecution of International Crimes: Institutional Arrangements**

- 1) International criminal law- aims of international criminal justice- historical development- Sources of international criminal law- concepts of international criminal law-
- 2) National Prosecutions of International Crimes- National prosecutions- State obligations to prosecute or extradite- Domestic criminal law and criminal jurisdiction- Statutory limitations-The Non-retroactivity principle -*Ne bis in idem* or double jeopardy-Practical obstacles to national prosecutions-State Cooperation with Respect to National Proceedings-International agreements- Some basic features – Extradition-Mutual legal assistance -Transfer of proceedings-Enforcement of penalties
- 3) International Criminal Prosecutions-commission on the responsibility of the authors of the war-The Nuremberg International Military Tribunal -The Tokyo International Military Tribunal-Control Council Law No. 10 trials and military commissions in the Pacific sphere-ad hoc International Criminal Tribunals- The International Criminal Tribunal for Yugoslavia-The International Criminal Tribunal for Rwanda
- 4) International Criminal Court-The creation of the ICC-Structure and composition of the ICC-Crimes within the jurisdiction of the ICC-Applicable law-Complementarity and other grounds of inadmissibility- Initiation of proceedings (the ‘trigger mechanisms’)- Jurisdiction-personal, territorial and temporal-Deferral of investigation or prosecution: Article 16-Enforcement of the ICC’s decisions

- 5) Other Courts with International Elements-Courts established by agreement between the United States and a State-Courts established by the United Nations or other international administration-Courts established by a State with international support-Lockerbie: an ad hoc solution for a particular incident-Relationship with the ICC

***Suggested Readings:***

1. Andrew Novak, *The International Criminal Court: An Introduction*, Springer, New York, 2015.
2. Christine Kunst, *The Protection of Victims and Witnesses at International and Internationalized Criminal Courts: The Example of the ECCC*, Wolf Legal Publishers, 2013
3. Ciara Damgaard, *Individual Criminal Responsibility for Core International Crimes*, Springer, 2008.
4. Gerhard Werle, Florian Jessberger, *Principles of International Criminal Law*, OUP, 2015.
5. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.
6. James Larry Taulbee, *International Crime and Punishment: A Guide to the Issues*, Praeger Security International, 2009
7. M. Cherif Bassiouni, *International Criminal Law: Sources, Subjects and Contents*, Martinus Nijhoff, London, 2008.
8. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2010.
9. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.
10. Thorsten Bonacker, Christoph Safferling, *Victims of International Crimes: An Interdisciplinary Discourse*, Asser Press, Springer, Netherlands, 2002.

11. Vladimir Tochilovsky, *Jurisprudence of the International Criminal Courts and the European Court of Human Rights*, Martinus Nijhoff, London, 2008.
12. William A. Schabas, *An Introduction to the International Criminal Court*, Cambridge University Press, 2011.
13. José Doria, Hans-Peter Gasser, M. Cherif , *The Legal Regime of the International Criminal Court*, Martinus Nijhoff, Boston, 2009.
14. Machteld Boot, *Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court*, Intersentia, Belgium, 2002.
15. Neil Boister, Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, Oxford University Press, 2008.
16. Shane Darcy, Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals*, Oxford University Press, 2010.
17. Dominic McGoldrick, Peter J. Rowe, Eric Donnelly, *The Permanent International Criminal Court: Legal and Policy Issues*, Hart Publishing, USA, 2004.
18. Kai Ambos, *Treatise on International Criminal Law*, Oxford University Press, 2013.

## **FLC J 6- International Standards on Pre-trial Detention Procedure**

- 1) Right to Liberty and Security of the Person-deprivations of liberty- security of person- awful Arrests and Detentions- Reasonable Cause- notions of lawfulness and arbitrariness-
- 2) detain people without charges and without the possibility of bail-unacknowledged detentions, abductions and involuntary disappearances-Detention after conviction-detention must be the exception-meaning of reasonableness -Detention in order to prevent flight-Administrative detention-deprivation of liberty for the purpose of educational supervision-

- 3) deprivation of liberty for reasons of mental health-renewal of the detention orders-deprivation of liberty of asylum seekers and for purposes of deportation and extradition-preventive detention and detention for reasons of ordre public-
- 4) the right to be promptly informed of reasons for arrest and detention and of any charges against oneself-the right to be promptly brought before a judge or other judicial officer-legitimate decision-making organ-the Right to Trial within a Reasonable Time or to Release pending Trial
- 5) alternatives to detention on remand-guarantees to appear at trial-reasonableness of pre-trial detention-the Right to Have the Lawfulness of the Detention Decided Speedily or Without Delay by a Court -principle of equality of arms-Periodic review of lawfulness of detention-the Right of Access to and Assistance of a Lawyer-the Right to Compensation in the Event of Unlawful-Deprivation of Liberty-Incommunicado detention-

***Suggested Readings:***

1. Ilaria Bottigliero, Redress for Victims of Crimes Under International Law, Springer, 2004.
2. Nigel Rodley, Matt Pollard, The Treatment of Prisoners under International Law, OUP, 2009.
3. Ilias Bantekas, Susan Nash, International Criminal Law, Cavendish – Routledge, London, 2003.
4. Bartram S. Brown, Research Handbook on International Criminal Law, Edward Elgar, USA, 2011
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8. R. H. Helmholz, The Privilege Against Self-Incrimination: Its Origins and Development, University of Chicago Press, 1997.



9. Constantine Theophilopoulos, *The Right to Silence and the Privilege Against Self-incrimination*, University of South Africa, 2001
10. Andrew L-T Choo, *The Privilege Against Self-Incrimination and Criminal Justice*, Hart Publishing, US, 2013.
11. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.
12. Thorsten Bonacker, Christoph Safferling, *Victims of International Crimes: An Interdisciplinary Discourse*, Asser Press, Springer, Netherlands, 2002.
13. Vladimir Tochilovsky, *Jurisprudence of the International Criminal Courts and the European Court of Human Rights*, Martinus Nijhoff, London, 2008.
14. William A. Schabas, *An Introduction to the International Criminal Court*, Cambridge University Press, 2011.
15. José Doria, Hans-Peter Gasser, M. Cherif , *The Legal Regime of the International Criminal Court*, Martinus Nijhoff, Boston, 2009.
16. Machteld Boot, *Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court*, Intersentia, Belgium, 2002.
17. Neil Boister, Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, Oxford University Press, 2008.
18. Shane Darcy, Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals*, Oxford University Press, 2010.
19. Dominic McGoldrick, Peter J. Rowe, Eric Donnelly, *The Permanent International Criminal Court: Legal and Policy Issues*, Hart Publishing, USA, 2004.
20. Kai Ambos, *Treatise on International Criminal Law*, Oxford University Press, 2013.

## **ANNEXURE II-K- International Trade Law**

### **FLC K 1- World Trading System**

- 1) Evolution of world trade – difference between liberalized trade and free trade – evolution of international trade law – theories related to international trade – mercantilism – Absolute advantage – Comparative advantage – application of conflict of law principles
- 2) Role of organisations like ITO, World Bank and IMF in fostering world trade – world trade prior to WTO
- 3) Establishment of WTO – trade under WTO regime – WTO structure and dispute settlement – General Principles of international trade – Non discrimination
- 4) Restrictions on International Trade – Tariff and Non-Tariff restriction – tariff v. Quantitative restrictions – restrictions to promote environmental equality – sanitary and phyto sanitary restrictions – technical barriers to trade
- 5) Protection of domestic industry – anti dumping measures – subsidies and countervailing duties – other safe guard measure

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

1. George A Berman & Petros Mavroidis, *WTO Laws and Developing Countries*, Cambridge University Press, 2007
2. Amrita Narlikar, *International Trade and Developing Countries: Bargaining together in GATT and WTO*, Routledge, 2005
3. Daniel Kennedy & James Southwick, *The Political Economy of International Trade*, 2002
4. Indira Carr & Peter Stone, *International Trade Law*, Routledge, 2004
5. Alice Landau, *The International Trade System*, Routledge, 2004

6. Craig VanGrasstek, *The History and Future of the World Trade Organization*, 2013
7. WTO, *The future of WTO*, 2005
8. WTO, *A Handbook on Anti Dumping Investigations*, 2003

## **FLC K 2- International Trade in Investments and Services**

- 1) International Investment – history and development – difference from portfolio investment – international minimum standards – evolution of investor protecting treaties
- 2) Sources of investor protection law – ICSID Convention – bilateral and regional treaties – other customary international law – definition of investor – positive and negative list approach
- 3) Permanent sovereignty over natural resources – expropriation of property – sanctity of contract – disputes and its resolution – compensation
- 4) International trade in services – history and development – meaning of trade in service – role of developing countries – domestic regulations
- 5) Regulations regarding trade in services – labour integration – monopolies and exclusive service suppliers – business and payments – balance of payment – specific commitments – supply of air transport services, financial services, Maritime transport services, telecommunications

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

1. WTO, *Guide to the GATS: An Overview of Issues for Further Liberalization*, 2001
2. WTO, *A Handbook on GATS Agreement*, 2005
3. Rudolf Dolzer and Christoph Schreuer, *Principles of International Investment Law*, 2008

4. M Sonarajah, *The International Law on Foreign Investment*
5. Andrew Newcombe and Lluís Paradell, *Law and Practice of Investment Treaties: Standard of Treatment*, 2009
6. Noah Rubins and M. Stephan Kinsella, *International Investment: Political Risk and Dispute Resolution*
7. Christopher Arup, *The World Trade Organisation Knowledge Agreements*, 2008
8. Nigel Grimwade, *International Trade: New Patterns of Trade, Production & Investment*, Routledge, 2002

### **FLC K 3- International Trade and Environment**

- 1) Emergence of International Environmental law – fundamental principles – nature and origin of International Environmental Organisation
- 2) Impact of treaties like CBD, Kyoto Protocol, Access and Benefit Sharing of Genetic and Biological Resource, Cartagena Protocol
- 3) Protection of Plant varieties – protection through IPR mechanism – Patents – UPOV – Plant Variety Protection laws
- 4) Trade negotiations of environmental goods – meaning of environmental goods – relation to climate change – elimination of trade barriers – inter governmental panel on climate change – liberalization of environmental services
- 5) Relation between WTO agreements and environment – GATT, agriculture, TBT, rules on subsidies, sanitary and phytosanitary measures – DSU and environmental protection

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

1. Cordonier Segger and A. Khalfan, *Sustainable Development Law. Principles, Practices & Prospects*, 2007
2. P. Sands and J. Peel, *Principles of International Environmental Law*, 2012
3. D. French, *International Law and Policy of Sustainable Development*, 2005

4. Simon Baughen, *International trade and the protection of the environment*, 2007

#### **FLC K 4- International Trade in Agriculture and Food**

- 1) Importance of agriculture sector – contribution to GDP – employment generation – trends in agriculture – agricultural export – agricultural import – balance of agriculture trade – domestic support to agricultural sector – Significance of Agreement on Agriculture
- 2) Meaning of agriculture – products covered – market access – barriers to agricultural sector – Tariff Barriers – tariff rates imposed on specific commodities – their impact – Non Tariff Barriers – SPS measures – TBT Measures
- 3) Protection of domestic market – domestic support – export competition commitments – export subsidy commitments and its restrictions – due diligence – committee on Agriculture
- 4) Food security – national and household levels – indicators of food security – relation between trade and food security – Doha development and food security – other challenges – food safety – food sustainability
- 5) Impact of IPRs – role of patents – registration as plant varieties – protection to seeds – impact of farmers – future of agriculture sector and food security

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

1. Won W Koo & Lynn Kennedy, *International Trade and Agriculture*, 2005
2. Alexander Sarris & Jamie Morrison, *The Evolving Structure of World Agricultural Trade: Implications of Trade Policy and Trade Agreements*, 2009
3. Robbin Johnson, *Food Security: The Role of Agricultural Trade*, 2009 – discussion paper

4. Hans Michalman, et al., *Globalization and Agricultural Trade Policy*, 2001
5. Tulay Yildirim, *World Agricultural Trade*, 1998
6. FAO, *Trade Reforms and Food Security: Conceptualizing the linkages*, 2003
7. By M. Ataman Aksoy & John C. Beghin, *Global Agricultural Trade and Developing Countries*, World Bank, 2005

### **FLC K 5- International Commercial Arbitration and Conciliation**

- 1) Dispute resolution in international trade – history and growth of international commercial arbitration – theoretical foundation
- 2) Definition of International, Commercial, etc – Arbitration Agreement and its validity – composition of arbitration tribunal & its status – Jurisdiction
- 3) Conduct of proceedings – Law applicable – rules of procedure, place and language, concept and relevance of ‘seat’ – De-localised arbitration – role of national courts during proceedings – experts by tribunal
- 4) Arbitration Award – categories – Validity – application of the principle of *res judicata* – enforcement of award – grounds for refusal to enforce
- 5) ICA in India – UNCITRAL Rules of conciliation – procedure under Indian Law – applicability of Arbitration and Conciliation Act, 1996

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

1. Nigel Blackaby and Constantine Partasides with Alan Redfern and Martin Hunter, *Redfern and Hunter on International Arbitration*, 5<sup>th</sup> ed. Oxford
2. Gary Born, *International Arbitration; Law and Practice*, 2012
3. Julian D.M. Lew et al., *Comparative International Commercial Arbitration*, Kluwer Law International

4. Jean-François Poudret, Sebastian Besson, *Comparative Law of International Arbitration*, 2007
5. *IBA Guidelines on Conflict of Interest in International Arbitration*, Approved by IBA Council on May 27 2004

### **FLC K 6-State Control of International Trade**

- 1) Freedom of trade and commerce – Constitutional perspectives – India under WTO – National interest at the international fora – India's position in the world merchandise trade and services – India's Trade relationship with major Trade Blocs in the world – balance of payment
- 2) Indian Laws and Regulations Governing International Transactions – power of the Central Government under Customs Act, 1962, Foreign Trade Act, 1992, etc – India's foreign investment policy – FEMA, 1999 – change from the FERA regime – role of SEBI and other regulatory agencies – Current FDI Policies – their impact
- 3) Foreign Trade – history of trade policy – legal frame work of legal trade policy – Board of trade – general provisions regarding import and export –Foreign Free Trade Policy 2015
- 4) Trade promotions councils – Export oriented Units – Special Economic Zones – new government policies regarding manufacture and skill development – impact on labour and environmental laws
- 5) State as a trader – sovereign and non sovereign functions – lifting the monopoly enjoyed by State – special situations relating to railways, telegraph and postal services – changing in banking, insurance and educational sectors

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

1. Swacker Redder Wenger, *World Trade without Barriers*, Vol 1 & 2, 1998

2. ICAI, *Handbook on Foreign Trade Policy and Guide to Export and Import*, 2008
3. Raj Bhala, *International Trade Law: Theory and Practice*, 2001
4. Rashmi Banga & Abhijit Das, *Twenty Years of India's Liberalization: Experiences and Lessons*, 2012



## ANNEXURE II L- Labour & Service Laws

### FLC L 1- Trade Unionism, Collective Bargaining and Industrial Democracy

- 1) Concept of Trade Union – trade union movement in India – role & functions – significance in the globalised era – ILO mandate
- 2) Recognised trade unions – registered trade unions – rights, liabilities and immunities – trade union finance and its management
- 3) Concept of Collective Bargaining – advantages & disadvantages relation with trade unionism – the process – strike & lock out – economic implications – ILO mandate
- 4) Concept of Industrial Democracy – workers participation in management – types collective bargaining, works committee, producers co-operation, co-determination – workers participation in India – works committee – ILO mandate
- 5) Constitutional perspectives – right to form association & unions – sanctity of trade unionism and collective bargaining – workers participation – relevance in contemporary state of affairs

#### Suggested Readings:

1. *Report of the National Labour Commission on Labour* (1969) – Chapters 20, 21, 23 & 24
2. *Report of the National Labour Commission on Labour* (2002) – Chapter 13
3. Bryn Perrins – *Trade Union Law* (1985)
4. Sydney & Beatrice Webb – *Industrial Democracy* (1926, 9<sup>th</sup> edn.)
5. Sydney & Beatrice Webb – *History of Trade Unionism* (1894)
6. K. D. Srivastava – *Law relating to Trade Union and Unfair Labour Practices in India* (2002)
7. ILO – *Collective Bargaining in Industrialised Market Economies* (1978)
8. Pillai K.M., (ed.), *Labour and Industrial Law*, (2005)

9. Krishnamurthy. K., (ed.), *Labour Management Relations under Globalization : Law and Policy perspective*, (2009)
10. Maheswara Swamy. M., (ed.), *Impact of ILO Standards on Indian Labour*, (2007).
11. Kamala Sankaran, *Freedom of Association in India and International Labour Standards*, (2009)
12. E M Rao, *Industrial Jurisprudence – A Critical Commentary*, (2015)

## **FLC L 2- Industrial Disputes & Its Resolution**

- 1) Industry – definition – judicial interpretation & its response – need for further change
- 2) Industrial disputes – definition – strike – lock out – layoff – retrenchment – closure – transfer of undertaking – ILO mandate
- 3) Dispute settlement – voluntary – conciliation, mediation, arbitration – adjudication – institutions under ILO mandate
- 4) Procedure of dispute settlement – government interference – authorities – their procedure, powers & functions
- 5) Decision – binding nature of the voluntary mechanism – nature & scope of decision – possibility of appeal and other Constitutional remedies – enforcement

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

1. *Report of the National Labour Commission on Labour* (1969)
2. Indian Law Institute – *Labour Law and Labour Relations* (1987)
3. ILO – *Conciliation in Industrial Disputes* (1978)
4. Roger W. Rideout – *Rideout's Principles of Labour Law* (1983)
5. Selwyn Norman – *Law of Employment* (1985)
6. O. P. Malhotra – *Law of Industrial Disputes* (2015)
7. Maheswara Swamy. M., (ed.) (2007), *Impact of ILO Standards on Indian Labour*.
8. Vithalbhai B. Patel, *Law on Industrial Disputes*, (2013)

### **FLC L 3- Wages**

- 1) Concept of wage – Constitutional perspective – right to work – right to livelihood – right to equal pay for equal work
- 2) Types of wages – fair wage, living wage, minimum wage – denial of minimum wage as forced labour – theories on wage fixation
- 3) Payment of wage – legislative mandate – its scope – wage fixation – wage period – permissible deduction – dispute relating wage fixation and deduction – ILO mandate
- 4) Minimum wage – legislative mandate – its scope – fixation of minimum wage – minimum rate – procedure for fixation – working hours – disputes – ILO mandate
- 5) Equal pay for equal work – legislative mandate – notion of ‘remuneration’ – difference with wage other under statutes – notion of ‘same or similar work’ – statutory responsibility of employers

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

1. *Report of the National Labour Commission on Labour* (1969)
2. *Report of the National Labour Commission on Labour* (2002)
3. ILO – *Wages* (1968)
4. ILO – *Poverty and Minimum Living Standards* (1970)
5. ILO – *Equal Pay* (2013)
6. ILO – *General Survey on Protection of Wages* (2003)
7. ILO – *General Survey on Minimum Wages* (1992)
8. J.-Y. Boulin, M. Lallement, J. C. Messenger and F. Michon (eds.) – *Decent Working Time : New Trend, New Issues* (2006)
9. K. D. Srivastava, *Commentaries on Payment of Wages Act, 1936* (2003)
10. Maheswara Swamy. M., (ed.), *Impact of ILO Standards on Indian Labour*, (2007)

## **FLC L 4- Monetary Benefits**

- 1) Bonus – concept – qualifications and disqualifications for receiving bonus – minimum bonus – maximum bonus – calculation of bonus – set on and set off of allocable surplus – disputes
- 2) Gratuity – concept – eligibility for gratuity – notion of ‘continuous service’ – calculation of gratuity – its payment – recovery – protection of gratuity
- 3) Employees provident fund – establishment of provident fund – employees required to join – exemption from joining – contributions by employer and employee – PF Account
- 4) Employees pension fund – establishment of pension fund – membership and its eligibility – contribution – calculation of pension – national pension scheme – difference from earlier mechanism – desirability

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

1. *Report of the National Labour Commission on Labour* (1969) – Chapters 10, 11 & 17
2. K. D. Srivastava, *Commentaries on Payment of Bonus Act, 1965* (2003)
3. S. B. Rao, *The Concept of Bonus* (1977)
4. K. D. Srivastava, *Commentaries on Payment of Gratuity Act, 1972* (2005)
5. V. K. Kharbanda, *Commentaries on Payment of Gratuity Act, 1972* (2008)
6. S. Krishnamurthi, *Employees’ Provident & Insurance Funds* (1999)
7. R. R. De, *Commentaries on Employees’ Provident & Miscellaneous Provisions Act, 1952* (1997)
8. Dr. R. G. Chaturvedi, *Law of Employees’ Provident Funds* (2000)

## **FLC L 5- Social Security Laws**

- 1) Social security – concept – evolution – guiding principles – social assistance – social insurance – Constitutional perspective – ILO mandate
- 2) Employees compensation – legislative mandate – employer’s liability – eligible employees – injuries covered – dispute settlement and its mechanism – ILO mandate
- 3) Maternity Benefit – legislative mandate – employer’s liability – benefits available – other privileges available – duration of benefits – ILO mandate
- 4) Employees Insurance – legislative mandate – its scope – ESI fund – its utilization – contributions to fund – benefits available and its nature – eligibility to avail benefits – ESI hospitals – claims and dispute settlement – ILO mandate
- 5) Unorganised labour – meaning and magnitude of the work force – extension to new sectors – centrally funded social assistance programmes – social insurance schemes – social assistance through welfare fund – public initiatives

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

1. *Report of the National Labour Commission on Labour* (1969)
2. *Report of the National Labour Commission on Labour* (2002)
3. Victor George, *Social Security and Society* (1973)
4. K. D. Srivastava, *Commentaries on Workmen’s Compensation Act, 1932* (2003)
5. K. D. Srivastava, *Commentaries on Employees State Insurance Act* (2003)
6. PE Bangasser , *ILO and the Informal Sector: an Institutional History* (2000)
7. Michael D. Tanner [Ed.], *Social Security and its Discontent: Perspective on Choice* (2004)
8. Debi S. Saini, *Social Security Law in India*, (2011)

## **FLC L 6- Law relating to Public Servants**

- 1) Public servant – Constitutional perspective – doctrine of pleasure – limitations – other privileges
- 2) Recruitment – methods: direct, transfer, compassionate, absorption – agencies – reservation – contractual employment – promotion – seniority
- 3) Pay and allowances – pay fixation – DA – bonus – gratuity – PF – Pension – other benefits – leaves
- 4) Conduct – performance of duties – neutrality – institutional decision making – civil and criminal immunities – private employment – politics – criticism of government
- 5) Disciplinary proceeding – authority – conduct of inquiry – principles of natural justice – penalties – appeal – Constitutional remedies

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

1. Muthuswamy and Brinda, *Swamy's Manuel on Disciplinary Proceedings for Central Government Staff* (2006)
2. P. V. Ramakrishna, *Guide to Departmental Enquires against Government Servants* (2005)
3. R. Rangarajan, *Service Law: A Case Law Overview* (2005)
4. Nirmal Singh, *Services and Disciplinary Action* (2003)
5. V. K. Kharbanda, *Cases & Materials on Resignation and Retirement* (2003)
6. K. D. Srivastava, *Disciplinary Action against Government Servants and its Remedies* (1990)
7. Samaraditya Pal, *Law relating to Public Services*, (2011)
8. Doabia & Doabia, *The Law of Services and Dismissals*, (2015)

## **ANNEXURE II M- Maritime Law**

### **FLC M 1- Admiralty and Maritime Jurisdiction**

- 1) Admiralty and Maritime Jurisdiction- Historical overview- Nature and Unique aspects of Admiralty Jurisdiction- Admiralty Courts- Immunity of government ships - Admiralty Jurisdiction in India
- 2) Subject matter of admiralty Jurisdiction- Ships and Air crafts- Mortgage claims and liens - Enforcement of Admiralty Jurisdiction- Claims in rem and Claims in personam
- 3) Arrest of ships-Claims in respect of which ship may be arrested- Types of Arrest- Concept of beneficial ownership, Associated ship arrest, Multiple ship arrest and Re- Arrest- Procedure for arrest - Safeguards against unlawful arrest
- 4) Jurisdiction in Maritime Ports- Right of access to maritime ports- UNCLOS III - International convention on access to maritime ports- Indian law- The Maritime Zones Act, 1976- Civil and Criminal jurisdiction over ships- Administrative Jurisdiction- Protection against violation of revenue and customs laws- Indian Ports Act- Ship owner's liability for damage to ports
- 5) Coastal state jurisdiction over ships inside its Contiguous zone, EEZ and Continental Shelf-Jurisdiction in matters of collisions- Extra territorial jurisdiction over crimes committed on the High Seas-Piracy and Hot pursuit

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

M.M.Cohen, Admiralty Jurisdiction: Law and Practice, Kessinger Publishing, (2008)

1. David.C. Jackson, Enforcement of Maritime Claims, LLP (2005)
2. Francesco Berlingeri, Arrest of Ships : A Commentary on the 1952 and 1999 Arrest Conventions, Informa (2011)
3. Aleka Mandaraka, Sheppard, Modern Admiralty Law, Cavendish Publishing, (2007)

4. Mahanty Samareshwar, Maritime Jurisdiction and Admiralty Law in India, Universal Publishing, (2009)
5. Rhidian Thomas, Ship Arrest, Sweet & Maxwell (2001)
6. Lindy S.Johnson, Coastal State Regulation of International Shipping, Oxford University Press (2004)
7. 151st Law Commission Report on Admiralty Jurisdiction (1994)
8. Erastus.C.Benedict, The American Admiralty, The Law book exchange (2009)

### **FLC M 2- Ownership and Management of Ships**

- 1) Concept of ships and public control over ships -Role of ships flag- Genuine link theory- Statutory control over ownership and registration of ships- Role of Classification societies.
- 2) Acquisition of ships- Ship Building Contracts, Sale and Transfer of ships- Negotiation and Terms of contract, Inspection by buyer, Completion of contract, Legal and commercial risk management- Demise charter.
- 3) Law of ship mortgages- Legal and equitable mortgages- Registration of mortgages, Priority of mortgages, Rights and obligations of parties, Effect of mortgage on third parties
- 4) Management of Ships- Authority of ship Managers and ISM Code-Risk management and indemnity – Legal effects of ISM Code- SOLAS Convention- ISPS Code- STCW 95- 2010, and Maritime Labour Conventions
- 5) Limitation of Ship owners liability- Entitlement for limitation, Excluded Claims, Limits of liability, Constitution of limitation fund etc.

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

1. Christodoulou-Varotsi & Pentsov D.A, Maritime Law Fundamentals : Responsible Shipowners, Reliable Seafarers, Springer (2007)
2. Nicolai Lagoni, The Liability of Classification Societies, Hamburg Studies on International affairs, Springer (2007)
3. Christopher Hill, Maritime Law, Informa (2003)
4. Aleka Mandaraka Shepperd, Modern Maritime Law and Risk Management, Routledge-Cavendish (2007)



5. Gero Brugmann, Access to Maritime Ports, Books on Demand GmbH, Nordstedt (2003)
6. D.C Jackson, Enforcement of Maritime Claims, LLP (2005)
7. Southampton on Shipping Law, Informa (2008)
8. T.P. Mukherjee, The Customs Act, 1962 Vol. I & II, (1996)
9. Indian Port Handbook, Trans World (1996)
10. J.S. Gill, The Merchant Shipping Act 1958, Bhandarkar Publications (1994)
11. Nagendra Singh, Maritime Law of India, Bhandarkar Publications (1979)
12. Lindy S.Johnson, Coastal State Regulation of International Shipping,  
Oxford University Press (2008)

### **FLC M 3- Carriage of Goods by Sea**

- 1) Contracts of affreightment- - Charter parties and Bills of lading- Voyage Charter Parties- Types, Owner's and charterer's obligations, conditions, warranties, innominate terms, and representations.
- 2) Time Charter Parties- Nature, description of ship, delivery date & canceling clause, charter period, early or late delivery, payment of hire, off-hire, deductions, withdrawal of ship, employment & indemnity clause, owner's lien, Lay time, demurrage and freight.
- 3) Bill of lading- nature & functions- as a contract, as a receipt, as a document of title, provisions regarding documents of transport under the Carriage of Goods by Sea Act- Rights and obligations of parties in Bills of lading contract – Hague, Hague – Visby , Hamburg and Rotterdam Rules.
- 4) Breach and remedies- Breach of implied undertakings- liability for loss or damages to goods - Limits of liability – Exclusion of liability for loss.

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

1. John F.Wilson, Carriage of Goods by Sea , Pearson (2010)

2. Martin Dockray, Cases and Materials on the Carriage of Goods by Sea, Cavendish Publishing Co (2004)
3. Meltem Deniz Guner Obzek, The United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea : An Appraisal of the “Rotterdam Rules”, Springer (2011)
4. Girvin, Carriage of Goods by Sea, Oxford University Press (2007)
5. Chorley & Giles, Shipping Law, Pitman, London (1987) Chapter IV & V, pp. 84-214
6. Payne & Ivamy, Carriage of Goods by Sea, Butterworth’s, London (1989)
7. Scrutton, Charter Parties and Bill of Lading, Sweet & Maxwell, London (2008)
8. Carver, Carriage by Sea, Vol.I & II, Butterworth’s, London (1983)
9. David M. Sasson, C.I.F & F.O.B Contracts, London (1995)
10. William Tetley, Marine Cargo Claims, Carswell (2008)
11. T.Kochuthomman, Bills of Lading in International Law and Practice, Eastern Book Company (1986)
12. Summerskill, Laytime, Taylor and Francis (1989)
13. Southampton on Shipping Law, Informa (2008)

#### **FLC M 4- Marine Insurance**

- 1) Marine Insurance – historical overview- Subject matter of Marine insurance -Insurable interest, General principles of insurance law applicable to marine insurance contracts
- 2) Marine insurance contracts- its formation, Types- Hull & Machinery, Cargo Insurance, Liability Insurance – role of brokers and agents, policy, express and implied conditions in marine insurance policy, construction of marine insurance contracts
- 3) Attachment- duration and areas of risk under marine policy, loss for which insurers are liable, effect of deviation and delay, proximate cause of loss

- 4) Avoidance of liability under marine insurance, measure of indemnity, losses and other incidence of liability, inter relationship between general average and marine insurance
- 5) Recovery of losses and return of premium, abandonment, subrogation, double insurance and re-insurance, mutual insurance associations, risks involved, UNCTAD Standard Clauses

***Suggested Readings:***

1. Jonathan Gilman QC, Arnould's Law of Marine Insurance and Average, Sweet & Maxwell (2008)
2. Howard Bennet, The Law of Marine Insurance, OUP-Oxford (2006)
3. Halsbury's Laws of England, Butterworth's, London (4th edn) (1992)
4. Chorley & Giles, Shipping Law, Pitman, London, (1987), Ch. VII
5. Chalmers, Marine Insurance Act, 1906, Butterworth's, London
6. Insurance Institute of India, Marine Insurance Claims (1991)
7. N.G. Hudson, Marine Claims Handbook, Lloyd's of London Press(1996)
8. B.C. Mitra, The Law Relating to Marine Insurance, University Book Agency(1993)
9. Capt. D.E. Driver, Guide to Marine Hull Insurance, Navaneet Publications (1995)
10. Budgar, Elements of Cargo Insurance, Wood head (1983)

**FLC M 5- International Maritime and Commercial Arbitration and Conciliation**

- 1) International Commercial and Maritime Arbitration – Nature, Meaning and scope - Emergence of Maritime Arbitration as a dispute settlement mechanism – Historical overview
- 2) 2.Arbitration agreements – Arbitration Clauses in Maritime transportation documents - formal requirements, Effect on third parties, Unfair terms-Arbitration Tribunals– Composition and Jurisdiction – Arbitrators -Appointment - Qualifications

- 3) Arbitral Proceedings – Rules of procedure, Place, Language – Commencement and default of a party – Appointment of experts
- 4) Arbitration awards – termination of proceedings, correction and interpretation of award, recourse against award – Costs – Recognition and enforcement of Domestic awards and Foreign awards – Grounds for refusal to recognize award.
- 5) 5. Judicial review of Arbitration Awards – Rules for Conciliation – UNICITRAL Rules on Conciliation, –Guidelines of UNCTAD, IMO, WTO – Procedure under national laws

***Suggested Readings:***

1. Georgios.I. Zekos, International Commercial and Maritime Arbitration , Routledge Cavendish (2008)
2. Carlos Esplugues Mota, Some Current Developments in International Maritime Arbitration, in J.Basedow et al.,(eds), Hamburg Lectures on Maritime Affairs 2007 & 2008, Springer (2010), Chapter VI, PP 119-175
3. London Maritime Arbitration, Informa (2009)
4. A.K.Bansal, Law of International Commercial Arbitration (with supplement), Universal Law Publishing Co. Pvt. Ltd.(2003)
5. Rahari, Commentory on Arbitration and Conciliation Act, Kamal Law House (1996).
6. Mark Huleatt- James and Nicholas Gould, International Commercial Arbitration (Dispute Resolution guides): A Hand book, LLP (1996)
7. Redfurn,Hunter et.al., Law and practice of International Commercial Arbitration, Oxford University Press (2009)
- A. Brown & A Marriot, ADR Principles and Practice- Sweet & Maxwell (1993)
8. Emilia Onyema, International Commercial Arbitration and the Arbitrator's Contract, Rotuledge (2010)

9. Harsh Sethi and Arpan Kr. Gupta, International Commercial Arbitration and Its Indian perspective, Universal law Publishers (2011)

### **FLC M 6- Maritime Safety and Security Law**

- 1) Law of Marine Collision- Basis of collision liability, Brussels Convention 1910 & COLREGS, 1972- Incidents of collision, Apportionment, Vessel Traffic schemes
- 2) Vessel safety and Cargo safety-SOLAS 1974, LL 1996, SOLAS(CDG) &IMDG
- 3) Safe manning, Crew Accommodation Regulations and Navigation safety- seaworthiness and unsafe ships, SOLAS Chapter V, navigational aids and nautical charts, international code of signals, ships in distress, SAR 1979, & ISM code
- 4) Maritime Security – SUA Convention, 2005 Protocol & later developments
- 5) Port Security – ISPS Code & SOLAS Chapter XI

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

1. A.N. Cockroft & J.N.F Lameijer, A guide to Collision Avoidance Rules: International Regulations for Preventing Collisions at Sea, Elsevier Butterworth Heinemann, (2003)
2. Southampton on Shipping Law, Informa (2008)
3. IMO, Code of Safe Practice for Cargo Stowage and Securing, (2003)
4. Iliana Christodoulou-Varotsi & Dmitry A. Pentsov, Maritime Work Law Fundamentals: Responsible Ship Owners and Reliable Seafarers, Berlin: Springer-Verlag, (2008)
5. ILO, Accident Prevention on Board ship at Sea and in Ports ( 2002)
6. James Kraska, Contemporary Maritime Piracy, Praeger (2011)

ANNEXURE III  
ELECTIVE COURSES

ANNEXURE III A

ELECTIVE COURSES IN LAW (Course Code FLE-)

Sl. No.	Course Code	Name of Course	Credit
1	FLE1	Judicial Process	2
2	FLE2	Jurisprudence and Legal Theory	2
3	FLE3	Law and Social Transformation in India	2
4	FLE4	Law in Society	2
5	FLE5	Legal Education	2
6	FLE6	International Law	2
7	FLE7	Law of International Organisations	2
8	FLE8	Law of Armed Conflicts	2
9	FLE9	Private International Law	2
10	FLE10	International Labour Organisation	2
11	FLE11	Constitutionalism	2
12	FLE12	Constitutionalism: Pluralism and Federalism.	2
13	FLE13	Centre - State Relations	2

14	FLE14	Parliamentary Government	2
15	FLE15	Emergency and Defense Power	2
16	FLE16	Protection of life and personal liberty	2
17	FLE17	Fundamental Rights and Constitutional Protection	2
18	FLE18	Indian Constitutional Law: The New Challenges.	2
19	FLE 19	International Humanitarian Law & Refugee Law	2
20	FLE20	Collective bargaining and industrial democracy	2
21	FLE21	Coastal Zone Management	2
22	FLE22	Legal Control of Industrial Pollution	2
23	FLE23	Legal Control on Marine Pollution	2
24	FLE24	Law of Agency	2
25	FLE25	Law of Carriages	2
26	FLE26	Banking and Insurance Laws	2
27	FLE27	Law on International Sales	2
28	FLE28	Law on International Trade Finance	2

29	FLE29	Remedies under Contract Law	2
30	FLE30	Sale and supply of goods`	2
31	FLE31	Marine Insurance	2
32	FLE32	Competition Law	2
33	FLE33	International Commercial Arbitration and Conciliation	2
34	FLE34	Socio -economic offences and the Criminal Justice Process	2
35	FLE35	Criminal Justice Standards for Police	2
36	FLE36	International Criminal Justice and Children	2
37	FLE37	International Standards on Pre-trial Detention Procedure	2
38	FLE38	International Standards on Sentencing Procedure	2
39	FLE39	International Norms on Treatment of Prisoners	2
40	FLE40	Law and Medicine	2

### ANNEXURE III B

#### SYLLABUS OF ELECTIVE COURSES IN LAW (COURSE CODE FLE)

##### **FLE1-Judicial Process**

- 1) Doctrine of precedent - ratio decidendi and obiter dictum - methods of determining ratio - stare decisis and its exceptions - precedent in common law and civil law countries.



- 2) Logic and growth in law (both under code system and common law) - categories of illusory reference - legal reasoning (judicial as well as juristic) - new rhetoric's - role of judicial concepts and judicial discretion in judicial reasoning.
- 3) Nature of judicial process - search for the legislative intention - methods of judicial interpretation - role of philosophy (logic), history, traditional and sociology - judge as legislator - judicial creativity and its limitations.
- 4) Judicial process in Indian legal system - operation of precedent in India - constitutional interpretations by the Supreme Court.
- 5) Prospective overruling - basic structure theory and limitations to constitutional amendments - judicial activism vis-à-vis judicial self restraint.

***Suggested Readings:***

1. Roscoe Pound, Jurisprudence (1959) Parts 3, 5, 6
2. K. Allen, Law in the Making (1963) Chs. 3, 4
3. Julius Stone, Legal System and Lawyer's reasonings (1964) Chs. 1,6,7 & 8
4. Julius Stone, Social Dimensions of Law and Justice (1966) Ch. 14 (Part I & II)
5. Julius Stone, Precedent and the Law, Butterworth (1985)
6. Rupert Cross, Precedent in English Law (1968)
7. Rupert Cross and J.W.Harris, Precedent in English Law (1991)
8. Von Mehren, The Civil Law System (1957) Ch. 16
9. Levi, Introduction to Legal Reasoning (1970)
10. Cardozo, The Nature of Judicial Process (1921)
11. Rajeev Dhavan, The Supreme Court of India : A Socio-legal Critiques of its Juristic Techniques (1977) Ch. 1
12. Laxminath, Precedent in the Indian Legal System (1990)

## **FLE2- Jurisprudence and Legal Theory**

- 1) Law and Justice-Scope of Jurisprudence: The concept of Law-The Relation of Justice to Law and Ethics, Ethical and Legal Theory-Law and Morals - Mills, Hart Devlin Debate-Natural Law Theories-Historical Development in Ancient, Medieval and Renaissance Period-Twentieth Century Natural Law Revival-Hart on Natural Law-Fuller and Morality of Law-Finnis and Restatement of Natural Law-Positivism and Analytical Theories of Law-Jeremy Bentham's Utilitarianism and Analytical Positivism-Austin's Theory of Law-The Pure Science of Law:-Kelson's Theory-Positivism-Meaning by Prof. Hart and Dworkin-Analytical Positivism and the Indian Legal System.
- 2) Sociological Jurisprudence-Roscoe Pound's Theory of Social Engineering and Theory of Interest-Laswell and Mcdaugal, Parsons, Selznick-Jhering, Max Weber, Durkheim, Ehrlich-Unger and the Development of Modern Law-Historical and Anthropological Theories-The German Historical School - Savigny and Volkgeist-The English Historical School - Sir Henry Maine.
- 3) Feminist Jurisprudence-Origin-Main Enquires Equality and Defference, Feminist Legal Method-The Critical Legal Studies Movement, Post-Modernist Jurisprudence.
- 4) Concept of Rights-Classification and Categorisation of Rights, Constitutional Rights-Unenumerated Rights-Correlation of Rights with Duties, Hohfeld's Analysis-Human Rights-Generation of Rights-French Revolution and Declaration of the Rights of Man-Debate on British Bill of Rights, American bill of Right-Declaration of Human Rights-The Judicial Process and Theories of Adjudication-The nature of judicial process and the institution of adjudication-Doctrine of Precedent-Stare Decisis, Ratio Decidendi and Obiter Dicta -Precedent as a Source of Law-Nature of Contemporary Judicial Process-Rule of Law, Doctrine of Independence of Judiciary as an aspect of Separation of Powers.
- 5) Legal Concepts-Concept of Liability, moral, political and legal-Theories of liability -Fault Liability-No-Fault Liability and Strict

Liability-Concept of Property-Ownership and Possession-  
Corporate Personality / Legal Person.

***Suggested Readings:***

1. Friedman W., Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
2. Wayne Morrison, Jurisprudence from the Greek to Post-Modernism (1997).
3. Holland Sir R.W.M., Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
4. Freeman M.D.A. Lloyd's, Introduction to Sweet and Maxwell Jurisprudence (7th Edition).
5. Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
6. P.J. Fitzgerald, Salmond on Jurisprudence (12th Edition) Universal Law Publishers
7. Rajeev Dhawan and Alice Jacob, Selection and Appointment of Supreme Court Judges-a Case Study (1978
8. Bodenheimer, Edgar, Jurisprudence The Philosophy and Method of the Law, (Revised Edition ) 1996 Universal Book Traders, New Delhi.

**FLE3- Law and Social Transformation in India**

- 1) Law and Social Change-Law as an instrument of social change-Law as a product of traditions and culture-Introduction of common law system and institutions in India and the impact of received law on the Indian Social and Legal Order-Limits of Law in bringing out social change.
- 2) Religion, Community and the Law-Indian Secularism: Constitutional Provisions and Judicial Responses-Constitutional Protections to Religious and Linguistic minorities-Affirmative Action (Reservation)
- 3) Women and the Law-Gender Injustice and its various forms-Empowerment of Women: Constitutional and Statutory Provisions-Women's Commission.

- 4) Crimes Against Women: legislative and judicial initiatives.
- 5) Children and the Law-Child Labour-Sexual Exploitation of Children-Adoption and Related Problems-Children and Education.

***Suggested Readings:***

1. Marc Galanter (ed). *Law and Society in Modern India*. (1997). Oxford, New Delhi.
2. Baxi, Upendra,. *The Crisis of Indian Legal System*. (1982). Vikas Publication.
3. Baxi, Upendra (ed). *Law and Poverty: Critical Essays*. (1988). Tripathi, Bombay.
4. Manushi, A Journal About Women and Society.
5. Duncan Derret. *The State, Religion and Law in India*. (1999). Oxford. New Delhi.
6. M.P.Singh, *Constitution of India* (2008). 11th Ed. Eastern Book Co., Lucknow.
7. Sunil Deshta and Kiran Deshta. *Law and Menace of Child Labour*. (2000). Anmol Publications, New Delhi.
8. Savitri Gunasekhare. *Children, Law and Justice* (1997) Sage Publications.
9. Indian Law Institute, *Law and Social Change: Indo-American Reflections*. Tripathi, (1988).
10. M. P.Jain. *Outlines of Indian Legal History*. (1993). Tripathi, Bombay.
11. Agnes Flavia, *Law and Gender Inequality: The Politics of Women's Rights in India* (1999) Oxford, New Delhi.
12. Ved Kumari, *Offences Against Women in Kamala Sankaran and Ujjwal Kumar Singh* (ed) Towards Legal Literacy An Introduction to Law in India PP.78-94 (2008) Oxford, New Delhi.
13. Virendra Kumar: *Dynamics of Reservation Policy: Towards a More Inclusive Social Order* 50, Journal of the Indian Law Institute PP 478-517 (2007).

14. Virendra Kumar, '*Minorities' Right to Run Educational Institutions: T.M.A Pai Foundation in Perspective* 45, *Journal of the Indian Law Institute* PP 200-238 (2003)

#### **FLE4- Law in Society**

- 1) Natural Law - Positivism -Law and Morality-Revived Natural Law- Idealist Schools - Marxian School.
- 2) Historical and Evolutionary Theories-Sociological Jurisprudence-Realist Jurisprudence-Law and Social Change.
- 3) Concept of individual and social justice in the Indian context - Constitution and social justice - preamble fundamental rights and directive principles of the Constitution.
- 4) Law and poverty - Access to justice - Legal aid to the poor and indigent, objectives and programmes - Legal literacy and law reform.
- 5) Judicial activism and public interest litigation.

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

1. Roscoe Pound, *Introduction to Philosophy of Law* (1954) Chs. 1, 2 & 3.
2. Roscoe Pound, *Jurisprudence*, (1959) Vol. I, Parts I & II.
3. Bodenheimer , *Jurisprudence* (1974) Part I
4. Friedmann, *Legal Theory* (1967)
5. W. Friedmann , *Law in a changing society* (1972)
6. Julius Stone, *Social Dimensions of Law and Justice* (1966) Ch. 1
7. Cappelletti and Garth (Ed.), *Access to Justice*, (1978) Vol. I, Book I, Part I
8. B. Sivaramayya, *Inequalities and the Law* (1984)
9. Upendra Baxi , *The crisis of Indian Legal System*, (1982) Chs. 1, 2, 3, 8 & 10 Upendra Baxi, *Law and Poverty* (1988) Chs. 1, 2, 3, 5, 19, 20 & 21
10. Government of India, *Report of the Expert Committee on Legal Aid: Processual Justice to the People* (1973)

11. Government of India, Report on National Juridicare :  
Equal Justice - Social Justice, (1977)
12. Lon.L.Fuller , The Morality of Law (1995) Reprint
13. H.L.A.Hart, The Concept of Law (1993) Reprint
14. M.D.A.Freeman, Lloyd's Introduction to Jurisprudence  
(1994)
15. John Rawls, A Theory of Justice, Oxford (1972)

### **FLE5- Legal Education**

- 1) Methods of Teaching, Evaluation and Supervision-Legal Education in India: Trends-Role of a Law Teacher-Teaching Methods in Law-Lecture Method-Case Method-Problem Method-Discussion Method-Simulation and Role Play-Collaborative Teaching-Seminar Method-Other methods.
- 2) Learning Objectives and Curriculum Planning-Curriculum Planning-Developing Teaching Plans-Teaching Professional Values and Skills-Identifying Professional Values and Skills-Employing Clinical Methods in Law Teaching-Practical Training Courses and Skills Training-Client Counseling-Negotiation and Mediation.
- 3) Evaluation of Student's Performance-Examination System-Problems in Evaluation-Methods of Evaluation –Continuous Evaluation and End-term Exams and Assessment-Supervision-Research Supervision and Inculcation of Good Practices-Extension Services-Legal Aid and Legal Awareness-Internships-Placements.
- 4) Legal Profession and Social Justice Legal Profession and Ethics-Bar, Bench and Academia-Relationship between Legal Education and Legal profession-Legal Profession in India: Issues-Challenges and Recent trends-Social Justice-Necessity, Origin and Relevance -Constitutional Philosophy of Social Justice-Obstacles and Impediments in Realization of Social Justice-Contribution of Legal Profession in Enlivening Social Justice-Access to justice and Legal Aid-Role of Law School Legal-Aid Clinics-Pro bono Lawyering-Legal Services Authorities-Continuing Legal Education

- 5) Ideas of Justice-Ideas of Justice-Libertarianism-Utilitarianism-Egalitarianism and Distributive Justice-Capabilities Approach to Justice-Relationship between Law and Justice-Justice Education-Legal Education in India: Focus and Emphasis-Need for a Shift from Legal Education to Justice Education-Clinical Legal Education-Justice Oriented Approach in Clinical Methods-Issues in Implementing the Clinical Curricula

***Suggested Readings:***

1. David J. McQuoid-Mason (Ed.), *Legal Aid And Law Clinics In South Africa* (School of Law, Howard College, University of Natal, 1985).
2. Louise G. Trubek (Edt.), *Educating for Justice Around the World: Legal Education, Legal Practice and the Community* , (Ashgate Publishing Company, USA 1997)
3. Madhava Menon, *Legal Education for Professional Responsibility-An Appraisal of the New Pattern, Legal Education in India Status and Problems* (BCI Trust, New Delhi 1983).
4. P.L. Mehta, Sushma Gupta, *Legal Education and Profession in India* (2000).
5. N. R. Madhava Menon (ed.) *Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education* (Eastern Book Co., 1998)
6. S. Agrawala, *Legal Education in India* (West Publishing Company, 1973).
7. S.P. Sathe, *Access to Legal Education and the Legal Profession in India*, (Rajeev Dhavan Ed., Butterworths, London, 1989).
8. S.K. Sharma, *Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients* (Rawat Publications, Jaipur, 1984).
9. S.S. Sharma, *Legal Aid to the Poor: The Law and Indian Legal System* (Deep & Deep Publications, New Delhi, 1993).

## REPORTS

1. American Bar Association, Section of Legal Education and Admissions to the Bar, Legal Education and Profession Development-An Educational Continuum, Report of the Task Force on Law Schools and the Profession: Narrowing the Gap, (ABA 1992).
2. Government of India, Ministry of Law, Justice and Company Affairs, Department of Legal Affairs, Report of Expert Committee on Legal Aid : Processual Justice to the People (1973).
3. Government of India, Ministry of Law, Justice and Company affairs, Department of Legal Affairs, Report on National Juridicare: Equal Justice-Social Justice (1977).
4. Law Commission of India, 14th Report on Reform of Judicial Administration (1958).
5. Law Commission of India, 184th Report on The Legal Education and Professional Training and Proposal for Amendments to the Advocates Act 1961 and the University Grants Commission Act 1956.
6. M.R.K.Prasad and M. Pinheiro, Report on Access to Justice for Marginalized People-A Study of Law School Based Legal Services Clinics UNDP (2011).

## FLE6- **International Law**

- 1) Nature and Sources of International Law-Historical Background and Theoretical Foundation of International Law-Definition and Character of International Law-Historical Evolution and Development of International Law
- 2) Basis of International Obligation-Concept of Source of Law and Methods of Law Formulation-Meaning of Source of Law-Sources of International Law-Hierarchy of the Sources-Codification and Progressive Development of International Law and Role of International Law Commission and International Agencies-jus Cogens



- 3) Relationship between International Law and Municipal Law- Theories of Relationship-Merits and Demerits of the Theories with regard to the Relationship between International Law and Municipal Law-American, English and French Approaches towards the Relationship between Municipal Law and International Law-Indian Practice and role of Indian Judiciary
- 4) Subjects of International Law-States-Non - State Entities- Individuals-State-Nature and Functions of State under International Law-Different kinds of states and Non-State Entities-Associations or groups of States-State territory-acquisition & loss of territory-State jurisdiction, Territorial and Extra-territorial jurisdiction, Criminal jurisdiction and Universal jurisdiction in International Law Recognition-Recognition of State and Government in General-Recognition De jure and De Facto-Legal effects of Recognition
- 5) State Responsibility-Nature and Kind of State Responsibility- Responsibility for breach of treaty, contractual obligation and expropriation of foreign property-Responsibility for International delinquencies-Claims-State Succession-Definition of state succession-Kinds and Theories of State Succession- Rights and obligations arising out of State Succession

***Suggested Readings:***

1. O, Connel, D. P., International Law Vol. I & II.
2. S. K. Agrawal (Ed.), Essays on the Law of Treaties (1972).
3. Roselyn Higgins, The Development of International Law through the
4. Political Organs of the UN (1963).
5. D. J. Harris, Cases and Materials on International Law (Third Ed. 1983).
6. Francis M. Sekandi (ed.), New Horizons in International Law (Second Revised Edition).
7. George Schwarzenberger, International Law.
8. Brownlie, Principles of Public International Law, 4th Edn. 1990.
9. Rebecca M, Wallace: International Law.
10. Melcolm N. Shaw: International Law.

11. Martin Dixon and Robert: Cases and Material on international law Mc. Corquodale.
12. Shabled Rosemat, Developments in the law of Treaty

### **FLE7- Law of International Organisations**

- 1) Evolution and growth of International Organisations-Nature and Scope of International Organization- Nature and Legal personality: Public & Private-Types of International Organisations: Private International Organisations (NGOs)
- 2) Universal International Organisation-League of Nations-United Nations-Principles and Purposes of United Nations-Structure Composition and functions of organs of United Nations-Law making process in the United Nations-Resolutions.
- 3) UN Peace Keeping Function-Need for structural changes in United Nations Organisation -Executive Powers and Functions of the Secretary General of the UN-Specialised Agencies of the United Nations and their functions.
- 4) Regional International Organisations-Council of Europe, OAS., OAU., NATO., SAARC., Arab League.
- 5) Judicial Institutions-Historical Evolution-Permanent Court of Arbitration-Permanent Court of International Justice-International Court of Justice-Composition, jurisdiction and functions-India and the United Nations

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

1. S. S. Goodspeed, The Nature and Function of International Organization.
2. Edward Yewin, Legislative Powers in the UN and Specialized Agencies (1969).
3. Ingrid Deter, Law Making by International Organization.
4. Higgins, The Development of International Law through the Political Organs of the United Nations (1963).
5. D. W. Rowett, The Law of International Institution.
6. Buth Russell, A History of UN Charter.

7. A Cassess (Ed.), United Nations Peace Keeping Legal Essay (1978).
8. Meurice Rertrend, The Third General World Organisation (1989).
9. M. Moskowitz, The Roots and Readhes of United Nations-Action and Decisions (1980).
10. 1Dr. J. N. Saxena (Ed.), United Nations for a Better World, Lancers Book,P. B. 4236 New Delhi-110 048.
11. Dr. Rahmatullah Khan, Implied Powers of the United Nations.
12. Sir Gerald Fitz Maurice, The Law and Procedure of the International Court of Justice, 1986.
13. Sabltai Rosenne, The World Court, What it is and how it works? 1995.
14. Felice Morgen Stern, Legal Problems of International Organisation, 1986.
15. Dr. S. K. Kapoor, International Law and Human Rights, Fourteenth edition (2002)

## **FLE8- Law of Armed Conflicts**

- 1) Settlement of International Disputes-Peaceful and coercive methods of settlement of international disputes-Role of United Nations in settlement of international disputes-Concept of Disarmament-Disarmament and world security, military alliances, Arms Trade-Test Ban treaties-The Partial test ban treaty-Non Proliferation Treaty-The Comprehensive Test Ban Treaty-Legality of use of Nuclear Weapons
- 2) War in General-Conception of war, total war and economic warfare-Proxy War-Star War-Legal Position of war under-Pact of Paris-League of Nations-United Nations-Methods of Termination of war-Laws of War-Historical Development-Hague Convention 1899 & 1907-Air Warfare, Martens Clause, Military necessity and limitations on the rights of the belligerents to injure the enemy.
- 3) Effects of the outbreak of war-Effect of war on-Diplomatic Relations-Consular Relations-Treaty-Enemy Property: Public &

Private-Contracts-Belligerent subjects on enemy territory-War Crime, Crimes against Peace and Humanity-Enforcement of International Criminal Law, recent trends-Trials for war crimes- Statute of the International Criminal Court.

- 4) Law of Neutrality-Meaning of Neutrality-Development of Law of Neutrality-Neutrality Prior to League of Nations-Neutrality under the Covenant of League of Nations-Neutrality under the Pact of Paris-Neutrality under the United Nations Charter.
- 5) Rights and Duties of Neutral and Belligerent States-Unneutral Services- Contraband and Blockade-Right to self-determination- Declaration on the grant of independence to colonial countries and peoples, humanitarian treatment of people living under colonial rule and trusteeships.

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

1. H. Lauterpacht (Ed.) Oppenheim: International Law, Vol. II, 7th Edn. (1952).
2. Schwarzenberger, The Law of Armed Conflicts, Vol. II.
3. D. Schlinder and J. Toman, The Law of Armed Conflicts 2nd Edn. 1981.
4. D. Fleck, The Handbook of Humanitarian Law in Armed Conflicts, 1995.
5. Yoram Dinstein War, Aggression and Self-Defence: 1988 Grotius Publishers.
6. Theodor Menon, Human Rights and Humanitarian Norms as Customary Law Oxford, Clarendon Press, 1989.
7. Balchandran & Rose Vergese (Ed.) Introduction to Humanitarian Law

### **FLE9- Private International Law**

- 1) General Principles, Choice of Jurisdiction and Choice of Law- Scope and Nature of Private International Law-Theories of Private International Law-Consecutive stages in conflicts, law proceedings, characterization, Renvoi and Choice of Law

- 2) Jurisdiction-Jurisdiction of Courts-Domicile and Nationality-Stay of suits and forum convenience clauses-Exclusion of Foreign Law and Sovereign Immunity-Recognition and Enforcement of Foreign Judgment and Foreign Arbitral Awards
- 3) Family Law-Marriages-Matrimonial Causes-Legitimacy and Legitimation-Adoption-Guardianship and Custody
- 4) Law of Property-Movable and Immovable Property-Transfer of Tangible Movables-Assignment of Intangible Movables-Insolvency-Succession
- 5) Law of Obligations-Contracts-Torts

***Suggested Readings:***

1. Dicey: Conflict of Laws.
2. Cheshire: Private International Law.
3. Paras Diwan : Private International Law, Indian & English.

**FLE10- International Labour Organisation**

- 1) Aims and purposes of ILO - structure of ILO
- 2) Tripartite character of the ILO and its significance - impact of tripartism on the general theory of international law
- 3) Conventions and recommendations on freedom of association, forced labour and discrimination
- 4) Credentials procedure - adoption of conventions and recommendations - obligations of members - representation and complaint procedures.
- 5) India and ILO

***Suggested Readings:***

1. Report of the National Commission on Labour (1969) Chapter 32
2. Wilfred C. Jenks, The International Protection of Trade Union Freedom (1957)
3. Wilfred C. Jenks, Human Rights and International Labour Standards (1960)

4. ILO, Constitution of the International Labour Organisation
5. ILO, Conventions and Recommendations
6. ILO, Structure of the ILO (1974)
7. S. N. Dhyani, ILO and India (1977)
8. Vaidyanathan, International Labour Standards (1992)
9. ILO, The Right to Organise (1977)

## **FLE11- Constitutionalism**

- 1) The Concept of Constitutionalism-Essential Principles of Constitutionalism-Constitutionalism and Rule of Law-Functions of Rule of Law and Constitutionalism-Constitutionalism in the Indian Legal Order
- 2) Federalism as an aspect of Constitutionalism-The Federal principle: Classical and Modern-An overview of the Canadian and American Position-Main features of Indian federalism-Federalism and Constitutionalism
- 3) New challenges to Constitutionalism: some social issues-Equality and Affirmative actions (Dalits, and Backward Classes)
- 4) Human Rights of the Marginalized Groups-An Evaluation of Role of Courts.
- 5) Justice Delivery System In India-PIL movement : Promises and Perils-Independence of Judiciary-Judicial Reforms.

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

1. C. H. Mell Wain, *Constitutionalism: Ancient and Modern*. (1947).
2. A. V. Dicey, *Introduction to the Study of Law of the Constitution*. (1982) Edition.
3. Lary Alexander (ed). *Constitutionalism: Philosophical Foundations*. Cambridge. (1998)
4. M. P. Singh ‘*Constitution of India*. 11th Ed. 2008, Eastern Book Co.

5. K. C. Wheare. *Federal Government*. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. *Federalism, Democracy and Human Rights*. 47 J.I.L.I. 47 (2005).
7. Parmanand Singh 'Social Rights and Good Governance In C. Raj Kumar and D. K. Srivastava (ed.) *Human rights and Development: Law, Policy and Governance* Ch.24 pp.437-54. Lexis Nexis. Hong Kong. (2006).
8. Parmanand Singh 'Hunger Amidst Plenty: Reflections on Law, Poverty and Governance. 48, J.I.L.I. PP 57-77. (2006).
9. Virendra Kumar. *Dynamics of Reservation Policy: Towards a More Inclusive Social Order*, 50, J.I.L.I. PP 478-517. (2007).
10. Virendra Kumar, *Minorities' Rights to Run Educational Institutions: T. M. A. Pai Foundation in Perspective*. 45, J.I.L.I. PP 200-238. (2003).
11. Parmanand Singh 'Equality and Compensatory Discrimination: The Indian Experience, In Choklingam and C. Raj Kumar (ed) *Human rights, Criminal Justice and Constitutional Empowerment*, Chapter 7, Oxford, Delhi. (2006).
12. Parmanand Singh. *Protecting the Rights of the Disadvantaged Groups Through Public Interest Litigation*, in M. P. Singh et al (ed), *Human Rights and Basic Needs: Theory and Practice*, Universal Law Publishing Company, New Delhi, PP 305-329. (2008).
13. Balakrishnan, K. G. 'Judiciary in India: Problems and Prospects. 50, J.I.L.I. PP 461-467 (2008).

## **FLE12- Constitutionalism: Pluralism and Federalism.**

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

- 1) Constitutionalism-Meaning and nature of the concept of Constitutionalism--Historical Background of the concept-Liberal View, and Constitutionalism in Developing Societies-What is Constitution? Meaning, Nature and Importance of Constitution-Sources of strain in the Modern Constitutional Practice-Globalization and its impact on Constitutionalism

- 2) Definition of 'State' with Reference to Public Undertakings and Control Mechanism Vertical and Horizontal application of Fundamental Rights-Judicial Review -Meaning, Basis and Constitutional significance-American Supreme Court on Judicial Review - Marbury V. Madison-Limits of Judicial review-Parliamentary Privileges-Supreme Court as an umpire in the federal system-Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se.
- 3) Indian Federalism-Essential features and requisites of federal government-Differences between Confederation and federation-Pattern of Federal Government -USA, Australia, Canada, India-Historical background of the federal structure of Government in India-Why Federal government was chosen by the Constituent Assembly?-Recent trend from competitive to Co-operative Federalism-from two- to three-tier government, from National to World Federalism-Panchayat Raj, Decentralisation of power and federal structure-Tribal Autonomy and Constitution
- 4) Parliamentary Form of Government-Choice of Westminster Model - Presidential Vs. Parliamentary form of Government-President of India and his constitutional status-The Cabinet and the Doctrine of collective responsibility-Governor and his role in Indian Federalism-Party system and Anti-Defection Law.
- 5) Pluralism-Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination -Religious, Ethnic, linguistic, cultural and political pluralism-Right to dissent in plural society-Role of Law in Pluralistic society.

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

1. Jain, Kashyap and Srinivasan (Ed.) ,The Cases and Materials on the Union and State Relations.
2. M.P. Jain, Indian Constitutional Law.
3. D.D. Basu, Comparative Constitutional Law.
4. D.D. Basu, Legal Control of limited Government ( Tagore Lectures).
5. H.M. Seervai, Constitutional Law of India (1993)



6. K.C. Wheare, Federal Government (1963)
7. Granville Austin, the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
8. Justice E.S. Venkataramaiah and P.N. Bakshi, Indian Federalism – A Comparative Study (1992)
9. Subash C. Jain, The Constituion of India, Select Issues and Perceptions (Taxmann - 2000).
10. D. J. De, The Constitution of India, Vol I & II, Asia Law House ( Hyderabad) , (2002)

### **FLE13- Centre - State Relations**

(Comparative study in the light of the provisions of the Constitutions and relevant case laws of India, U.S., Australia, Canada and Switzerland with special emphasis on India)

- 1) Prerequisites and leading features of federal Constitutions position of the units -
- 2) Amendment of federal Constitutions.
- 3) Division of powers and residuary power - resolution of conflicts in exclusive and concurrent spheres - pith and substance - repugnancy - ancillary power - cooperative federalism.
- 4) Treaty making power - commerce power - taxing power - doctrine of immunity of instrumentalities - financial relations.
- 5) Administrative relations - federalism and role of judiciary

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

1. A.V. Dicey, An Introduction to the Law of Constitution Ch.3 (10th edn., Indian Rpt.1994).
2. K.C.Wheare ,Federal Government (1947).
3. Edward Mc Whinney, Comparative Federalism (Edn. 2,1965).
4. Bowie and Friedrich (Eds.), Studies in Federalism (1954).
5. Wynes, Legislative, Executive and Judicial Powers In Australia (3rd edn.1962).
6. Laskin, Constitutional Law (1966).

7. Indian Administrative Reforms Commission - Reports on Centre-State relationships Volumes 1 & II (1967).
8. H.M. Seervai, Constitutional Law of India(3rd edn.) Vol. 1, Ch.5 (1983).
9. Sarkaria Commission, Report on Center-State Relations,
10. Report of Finance Commission,
11. Report of Planning Commission
12. National Commission for Review of working of the Constitution, Consultation paper on Treaty Making Power
13. Ghosh, Government of the Swiss Republic.
14. Alexander Smith, Commerce Power in Canada and the U.S.(1963)Chs.1 and 2.
15. Victor Mackinnon, Comparative Federalism (1964) Chs.1 to 5, 9 to 12.
16. Mason & Beaney, American Constitutional Law (Edn.3., 1964) Chs.1 to 8 .
17. S.K. Agarwala (Ed.), Essays on the Law of Treatises.
18. Sebastian, V., Indian Federalism: The Legislative Conflicts (1980)
19. M.P.Jain, Indian Constitutional Law, (Rpt.1994) Ch.14.
20. Nowak, Rotunda and Young, Constitutional Law (1978) Ch.1 to 11.
21. Krishna Shetty, K.P, The Law of Union - State Relations and Indian Federalism (1981).
22. Setalvad, Union and State Relations under the Indian Constitution(1974).
23. Basu, Comparative Federalism (1987).
24. Tribe, Treatise on American Constitutional Law (1988)Chs. 3, 5 and 6.

#### **FLE14- Parliamentary Government**

(Emphasis on India and the U.K. - knowledge of Parliamentary Government in other countries like Australia, Canada, France and West Germany is expected)

- 1) Organisation of the Executive - Parliamentary and Presidential forms - Salient features - Doctrine of separation of power
- 2) Evolution of parliamentary government in India.
- 3) Cabinet Government and the position of the Prime Minister - prerogatives of the executive - the power of dissolution. Conventions governing Cabinet Government - the Doctrine of Ministerial Responsibility.
- 4) Parliamentary privileges
- 5) Procedure in Parliament in legislative and other matters - impeachment, joint sitting, financial matters, committees.

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

1. May, Parliamentary Practice (1976) Chaps. 5-11, 26, 27
2. Keir and Lawson, Cases in Constitutional Law, Chaps. 2 & 3
3. Hood Philips, Constitutional and Administrative Law Ch. 2 - 17.
4. Wade and Philips, Constitutional Law, Chaps. 1 to 14
5. Basu, Commentary on the Constitution of India, Vol.2.
6. Seervai, Constitution of India (3rd edn.) Vol.2 Chaps.20.
7. Kaul and Shakhder, Practice and Procedure of Parliament. Chaps. 3,4, 22,29,30.
8. Pollard, Evolution of Parliament
9. M Hidayathullah, Constitution Law of India (1984) vol. 1 pp.736 to 786, 835 to 897.
10. M.P.Jain, Indian Constitutional Law, Chaps. 2 and 3
11. Anson, Law and Custom of Constitution Vol.1 Chap.2.
12. Jennings, Cabinet Government, Chaps. 8 & 9.
13. Jennings, Parliament, Chaps. 3, 9.
14. Finer, Theory and Practice of Modern Government, Chaps. 6, 21, 23 to 26

### **FLE15- Emergency and Defense Power**

(Based on English, Indian, U.S. Canadian, Australian Swiss, French and West German Constitutions with special emphasis on India).

- 1) Martial law: state of seige, proclamation of emergency and indemnity Acts.
- 2) Scope of war power - during peace, during war and on cessation of war.
- 3) Fundamental rights and emergency (war) power.
- 4) Rule of law, judicial review and emergency power
- 5) Breakdown of constitutional machinery in states, financial emergency and legislative and executive control of emergencies.

***Suggested Readings:***

1. Basu, Commentary on the Constitution of India, Vol.5, Part 18
2. Seervai, Constitution Law of India (3rd edn.) Vol.1, Appx.1 to IV, Vol.2, Chap.29
3. Minattur, Martial Law
4. M.P.Jain, Indian Constitutional Law, Chap.13
5. ILI, Indian Constitution: Trends and Issues (1978) Part II
6. Keir & Lawson, Cases in Constitutional Law
7. Wynes, Legislative, Executive and Judicial Powers in Australia
8. Laskin, Canadian Constitutional Law
9. Arnold Heidenheimer, The Government of Germany
10. Dorothy Pickles, The Fifth French Republic
11. J.A. Laponce, The Government of the Fifth Republic
12. Nakade, Emergency under the Indian Constitution

**FLE16- Protection of life and personal liberty**

- 1) Constitutional history of Article 21, content of life, liberty and personal liberty - procedure established by law and due process clause of U.S.Constitution - pre-Maneka period.
- 2) Maneka case and after - prisoner rights, legal aid, right against cruel and unusual punishment, privacy, right to cease to exist.
- 3) Illegal arrest, detention, custodial death and preventive detention, emergency.
- 4) Health, education and environment.
- 5) Development - livelihood, shelter, access to road - tribals, women and children- international law - compensation.

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

1. H.M. Seervai, Constitutional Law of India, Vol.I
2. Nowak et al, Constitutional Law (1998) Chs.12 & 13.
3. B.P. Dwivedi, The Changing Dimensions of Personal Liberty in India (1998).
4. B.L. Hansaria, Right to Life and Liberty under the Constitution (1993).
5. S.G.B. Reddy, Judicial Activism in India, Ch.V(2001).
6. B.N. Kirpal et al, Supreme but not Infallible (2000).
7. S.K. Verma & Kusum, Fifty Years of the Supreme Court of India: Its Grasped Reach (2000).

### **FLE17- Fundamental Rights and Constitutional Protection**

(With special emphasis on India but to be studied comparatively in the light of the provisions in the U.S. Constitution)

- 1) State action - eclipse - waiver - severability - right to constitutional remedies - fundamental rights vis-a-vis directive principles
- 2) Right to equality (Articles 14 to 18)
- 3) Right to freedom (Articles 19 to 21)
- 4) Protection of personal liberty (Articles 21 & 22)
- 5) Right against exploitation - freedom of religion - cultural educational and property rights (Articles 23 - 31).

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

1. Seervai, Constitutional Law of India (3rd edn.,1983) Vol.1,Chs.7 to 13,Vol.II, (1984) Ch.16 and Appendix I.
2. Dorsen, Bender and Neuborne (Eds.), Emerson, Haber and Dorsen's Political and Civil Rights in the United States.Vols.1 and II (1979).
3. Mason and Beaney, American Constitutional Law (Edn.3, 1964) Chs. 9 to 13.

4. Hidayathullah, Constitutional Law of India (1984) Vol. 1.
5. M.P. Jain, Indian Constitutional Law (eds.4, rpt.1994)Chs.20 to 25 .
6. Mahendra P. Singh, Comparative Constitutional Law (1989) Part III.
7. Nowak, Rotunda and Young, Constitutional Law (1978) Chs.12 to 19.

### **FLE18- Indian Constitutional Law: The New Challenges.**

- 1) Nature and Scope of Rights-Historical Background of Fundamental Rights in India-Scope and Definition of Human Rights and Fundamental Rights-Role of NHRC and Human Rights Courts-Scope of Art.12 and Definition of 'State'-Art. 13 and Rules of Interpretation with regard to Fundamental Rights-
- 2) Doctrines- Equality and Social Justice- freedom under the Constitution- New Dimensions of freedom-Reasonable Restrictions
- 3) Safeguards to persons accused of crime under the Constitutional Scheme-Preventive Detention
- 4) Right to life and personal liberty- Expanding horizons of the scope of life & liberty-Right to Freedom of Religion and Secularism- Cultural and Educational Rights of Minority Communities
- 5) Constitutional Remedies- Nature and Scope of Art.32- Locus Standi - Public Interest Litigation- Fundamental Duties and Directive Principles of State Policy-Interaction and Relationship between Fundamental Rights and Directive- Fundamental Rights and Emergency

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

1. H. M. Seervai. Constitutional Law of India. (1996) Tripathi.
2. M. Galanter, Competing Equalities: Law and the Backward Classes in India (1984).

3. Dr. Thrity Patel, Personal Liberty under The Constitution of India (B. Jain Publishers Delhi, 1993).
4. D. D. Basu, Constitution of India. (1996).
5. M. P. Jain, Constitutional Law of India.
6. V. N. Shukla, Constitution of India 9th Ed. 1994.
7. Ravi Prakash, Constitution, Fundamental Rights & Judicial Activism in India,
8. 1997.
9. Justice Palok Basu, Law Relating to Protection of Human Rights Under the
10. Indian Constitution and Allied Laws, (2002)

### **FLE19- International Humanitarian Law & Refugee Law**

- 1) International Humanitarian Law-Historical Development of IHL-The origin and growth of IHL-Definition of IHL-Sources of IHL-The Four Geneva Conventions, 1949-b) Additional Protocols-International Humanitarian Law and Human Rights
- 2) ICRC-Growth and Development of ICRC-b) Additional Protocols-International Measures for Implementation of IHL-International Criminal Court, War Crime Trials-National Measures for the Implementation of IHL. (The Geneva Convention Act, 1960)
- 3) International Refugee Law-Historical Development of Refugee Law-Definition of Refugee-Right to seek Asylum-Principle of non-refoulement-
- 4) Rights and responsibilities of refugees-International Instruments and Regional Mechanism-Statute of the UNHCR-1951 Convention Relating to the Status of Refugees-1967 Protocol Relating to the Status of Refugees-OAU Convention-Cartegena Declaration-Link between Human Rights Instruments and Rights of Refugees-International Strategies for Refugee Protection-Early warning-Burden sharing-Safety Zones-Right to remain and right to return-Temporary asylum-Refugees " surplace "- Internally Displaced Persons
- 5) Protection of Refugees in India-Protection without legislation-Indian Critique of UNHCR and the Refugee Convention-Status

of Refugees in India under UNHCR-Model National Law for Refugees

***Suggested Readings:***

1. Balchandran, Rose Varghese, Introduction to IHL.
2. Goodwin Gill, The Refugee in International Law, 1983.
3. B.S. Chimni, International Refugee Law: A Reader, 2000.
4. Bulletin on IHL and Refugee Law.
5. Indian Society of International Law - Year book on IHL and Refugee Law

**FLE20- Collective bargaining and industrial democracy**

- 1) Concept of collective bargaining - merits and demerits of collective bargaining -
- 2) Collective bargaining : international dimensions - collective bargaining in India
- 3) Impact of statutory dispute settlement machinery on collective bargaining - collective bargaining and consumer interest
- 4) Concept of industrial democracy - workers' participation in management as a means for industrial democracy - workers' participation in management : constitutional perspectives
- 5) Workers' participation in management - in foreign countries - workers' participation in management in India - works committees - joint management councils

***Suggested Readings:***

1. Indian Law Institute, Labour Law and Labour Relations (1987) Part I
2. Mary Sur, Collective Bargaining (1965) Pages 1-141
3. ILO, Collective Bargaining (1976)
4. Badruddin, Worker's participation and the Law (1991)
5. S.P.Singh Som & Surendranath, Worker's Participation in Public Enterprises (1992)



## **FLE21- Coastal Zone Management**

- 1) Concept of coastal zone - Coastal zone protection in India -
- 2) State coastal zone management authority - National coastal zone management authority
- 3) Judicial response to coastal zone management
- 4) The future of coastal environment in India.
- 5) Coastal zone management in U.K. and U.S.A.

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

1. Centre for Environmental Education, National Law School, Bangalore, Cases and Materials concerning the Coastal Environment (1999)
2. Kerala state Land Use Board, Coastal Eco-System - an overview (1996)
3. P.B.Sahasranaman, The Law Relating to Protection of Coastal Areas (1998)
4. P.J.S. Broedens R.Seed, Introduction to Coastal Ecology (1985)
5. S.Z.Qasim, Glimpses of the Indian Ocean (1998)

## **FLE22- Legal Control of Industrial Pollution**

- 1) Industrial pollution : sources and effects - constitutional perspectives
- 2) Industrial pollution: Statutory perspectives
- 3) Judicial control of industrial pollution -
- 4) International policies and industrial pollution
- 5) Sustainable industrial development

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

1. Agarwal,S.L., Legal Control of Environmental Pollution (1980)
2. Armin Rosencranz, Environmental Law and Policy in India (2000)

3. Jain S.N., Legal Control of Environmental Pollution (1980)
4. Leelakrishnan, P. Law and Environment
5. Paras Diwan, Environment Protection : Problems, Policy, Administration, Law (1987)
6. Patricia Birnie and Alen Boyle, International Law and the Environment (1992)
7. Pramod Singh, Environmental Pollution and Management (1985)
8. Ross R.D., Air Pollution and Industry (1972)
9. Sapru R.K., Environmental Management in India, Vols. 1 and 2 (1987)
10. Upendra Baxi, Inconvenient forum and Convenient Catastrophe : The Bhopal Case (1986)
11. World Commission on Environment and Development, Our Common Future (1987)

### **FLE23- Legal Control on Marine Pollution**

- 1) Meaning of Marine Pollution - sources of marine pollution - evolution of law regulating marine pollution
- 2) Oil pollution from ships - OIL POL and MAR POL conventions - liability of ships for oil pollution damages
- 3) Marine pollution by sea bed and subsoil explorations - pollution by accidents at sea - pollution by atomic weapon testing in High sea - Marine pollution from land based sources - dumping of wastes -nuclear wastes disposal - carriage of hazardous wastes.
- 4) Enforcement of pollution control laws - flag state and port state jurisdiction - Indian Legislation on marine pollution Liability for marine pollution damage - trans boundary pollution
- 5) Conservation of marine eco-system - conservation of endangered and migratory species - National obligation - international co-operation for conservation.

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

1. Simmonds, United National Conference on the Law of the Sea, 1982 (1983)

2. F John Vernberg, Winona B.Vernberg - Pollution and Physiology of Marine Organisms ", Academic Press

### **FLE24- Law of Agency**

- 1) Meaning of agency - Nature of the relationship between agent and principal - distinction from other relationships - Creation of agency and type of agents
- 2) Right, powers and duties of agent and Principal - contract by agents, torts committed by agents - right of third parties - termination of agency
- 3) Agency in partnership law and company law
- 4) Agency in Negotiable instruments
- 5) Agency in international trade

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

1. "Bowstead and Reynolds on Agency", Sweet & Maxwell (1996)
2. V.G.Ramachandran, "Law of Agency", Eastern Book Company, Lucknow.
3. "Lindley and Banks on Partnership", Part Four, Sweet and Maxwell (1995)
4. Pollock and Mulla, "Indian Contracts and Specific Relief Act"., N.M.Tripathi (1994)
5. "Gower's Principles of Modern Company Law", Sweet & Maxwell (1997)
6. "Chitty on Contracts" , Vol.2, Chapter 1, Sweet and Maxwell, London
7. "Fridman's Law of Agency", Butterworths, London (1983)

### **FLE25- Law of Carriages**

- 1) Carriers as a class of baseless - Public carriers - duties and liabilities - exclusion and limitation of carriers liability
- 2) Carriage by Road and Rail. Functions of Road Receipt and Railway Receipt - Responsibility for cargo - International conventions on carriage by Rail and Road

- 3) Carriage by air - safety of passengers - liability for goods - International conventions on carriage by air - Exclusion and limitations of liability
- 4) Carriage by sea - contracts of affreightment liability under charterparty. Implied and express terms in charterparty contracts
- 5) Carriage under Bills of lading and multimodal transport documents - functions of bill of lading - liability of carriers - exempted perils - trading, Discharge and delivery of cargo - carriers liens.

***Suggested Readings:***

1. Raoul Colinvaux, "Carver's Carriage by sea", Stevens and Sons, London (1982)
2. Dr. Justice T.Kochu Thommen, "Bills of Lading in international Law and Practice", Eastern Book Company, Lucknow
3. B.C.Mitra, "The Law Relating to Bills of Lading and Charterparties Contract of Affreightment" University Book Agency, Allahabad (1996)
4. Charles Debattista, "Sale of Goods Carried by Sea" Butterworths (1990) "Scrutton on Charterparties and Bills of Lading" Sweet and Maxwell, London
5. William Tetley, "Marine Cargo Claims", Butterworths, Toronto.

**FLE26- Banking and Insurance Laws**

- 1) The Evaluation of Banking Services and its History in India-History of Banking in India-Bank nationalization and social control over banking-Variety of Banks and their functions-Contract between banker and customer: their rights and duties-Role and functions of Banking Institutions
- 2) Lending by Banks and Recent Trends of Banking System in India-Advances, Loans and Securities-Direct, collateral and miscellaneous Securities-Default and recovery-Bank Debt Recovery Tribunals-The

Securitization and Reconstruction of Financial Assets and Enforcements of Security-Interest Act, 2002 (Definitions, Section 13 – Enforcement of security interest, Section 17 - Right to appeal.)

- 3) General Principles of Law of Insurance-Definition, nature and history-Contract of insurance and principles-The Risk-commencement, attachment, assignment-Types of insurances- Policy and its Legal Status.
- 4) Recent Trends in Insurance-Insurance against third party risks (relevant provisions from Motor Vehicles-Act, 1988.)-Liability Insurance-Consumer Protection and Banking and Insurance Services-The Insurance Act, 1938 and the Insurance Regulatory & Development Authority Act, (IRDA), 2000-Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediclaim, Sickness).

***Suggested Readings:***

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

10. Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishan
11. Prakashan Rangarajan, C., Handbook of Insurance and Allied Laws.

### **FLE27- Law on International Sales**

- 1) UNIDROIT principles of International Commercial Contracts - formation of contracts validity of contracts - interpretation, content of contracts - performance and Breach EEC convention on Law applicable to contractual obligations.
- 2) Contract for international sale of goods - general principles and forms of contract - formation of sales contract - fundamental breach and modification of contract - Effect of avoidance.
- 3) Obligation of sellers and buyers - Remedies for breach by Buyer and Seller - passing of property and passing of risk.
- 4) CIF, FOB and other forms of international sale
- 5) W.T.O agreements relating to trade in goods - Tariff and Non-Tariff barriers - sanitary and phyto-sanitary measures.

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

1. David M. Sirson, "CIF and FOB contracts" Stevens and Sons, London (1968)
2. "W.T.O. In the New Millennium", Academy of Business studies (4th Edn.)
3. Dr.O.P. Motiwal and H.K.Awanthi, International Trade Law and Process", Bhowmik & Co.
4. Derrick Wyatt and Alan Dashwood - The substantive law of the EEC, Sweet & Maxwell.

### **FLE28- Law on International Trade Finance**

- 1) Government incentives for international trade - export credit guarantees - export credit insurance - foreign trade development and management.

- 2) International Bill of Exchange - requirements - negotiation and transfer - international conventions.
- 3) Documentary credit for international trade - Bankers' Letter of Credit - irrevocable letter of credit - negotiation confirmed and standby letters of credit. Uniform customs and practice for documentary credit.
- 4) Forfeiting and counter trade - international factoring - International bank guarantees - International conventions on factoring.
- 5) Impact WTO on International Trade Finance.

***Suggested Readings:***

1. Richard Schaffer et.al., International Business Law and its Environment, West Publishing Co., Ohio (1999).
2. Clive M. Smithoff, International Trade Law.
3. B.C.Mithra, The Law Relating to Bankers Letters of Credit and Allied Laws, University Book Agency, Allahabad (1998).

**FLE29- Remedies under Contract Law**

- 1) Type of remedies - basis for deciding compensation - remedies for breach of terms in contract. Distinction from tort based remedies
- 2) Remedies for misrepresentation, mistake undue influence and fraud - effect of vitiating elements on contract remedies
- 3) Specific remedies - specific performance - injunction - rectification and cancellation of instruments
- 4) Damages for breach of contract - quantification of damages - remoteness of damage - damage and penalty
- 5) Quasi - contractual remedies - concept quantum-merit, unjust enrichment under public and private law.

***Suggested Readings:***

1. A.S. Burrows, "Remedies for Torts and Breach of Contract", Butterworths (1987)

2. M.P.Furmston, "Cheshire, Fifoot and Furmston's Law of Contract", Butterworths (1991)
3. Pollock and Mulla, "Indian Contracts and Specific Relief Act"., N.M.Tripathi (1994)
4. P.S. Atiyah, An Introduction to the Law of contract, Clarendon Press, Oxford (1995)
5. G.H.Treitel, Law of contracts, Sweet and Maxwell (1995)
6. "Chitty on Contracts" , Vol.1, Sweet and Maxwell
7. Sir Edward Fry, "A Treatise on the specific performance of Contracts", Universal Law Publishing Co.(Indian reprint) (1997).
8. G.C.V.Subba Rao, "Law of specific relief", Orient publishing Co. (2000)

### **FLE30- Sale and supply of goods**

- 1) Essential features of contract of sale - subject matter of sale - supply of goods otherwise than by sale - bailment - hire purchase - gift - exchange
- 2) Terms in sale and supply contracts - Express and Implied
- 3) Performance of the contract - Breach and remedies
- 4) Government - regulation on sale and supply of goods - safety of products - protection of economic interest a regulation to promote competition
- 5) Control over pricing of goods - administrative fixation of prices and price control by competition - control over misleading and false claims.

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

1. P.S.Atiyah, "The Sale of Goods", Pitman Publishing Ltd., London
2. A.Ramaiya's 'The Sale of Goods Act', Law Book Company (1995)
3. Brian W.Harvey, "The Law of Consumer Protection and Fair Trading"
4. Michael Mark, "Chalmer's Sale of Goods" Butterworths, London



5. P.Ramanatha Aiyar, "The Sale of Goods Act", University Book Agency (1997)
6. "Benjamin's Sale of Goods", Sweet and Maxwell, London (1981).

### **FLE31- Marine Insurance**

- 1) Evolution of Marine Insurance Law - Protection and indemnity clubs - General principles of Insurance Law applicable to marine insurance contracts
- 2) Formation of Marine Insurance Contracts - Insurance brokers and agents - Insurance policy - Express and implied conditions in Marine Insurance Policy - Construction of Marine Insurance Contracts
- 3) Allotment - duration and areas of risk under marine policy. Loss for which insurers are liable - effect of deviation and delay - proximate cause of loss.
- 4) Avoidance of liability under marine insurance - Measure of indemnity - losses and other incidence of liability - Insurance coverage for general average losses and contribution.
- 5) Recovery of losses and return of premium - Abandonment - subrogation - double insurance and re-insurance - Mutual insurance associations.

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

1. Arnold, The Law of Marine Insurance and Average, Vol.I & II, London (1981)
2. Arnold, The Law of Marine Insurance and Average, Vol.I & II, London (1981)
3. Chalmers, Marine Insurance Act, 1906, London, (1976)
4. Chorley and Gile, Shipping Law (6th Ed., 1970), London, Ch.VII, pp.280-351
5. Chorley and Giles, Shipping Law (6th Ed., 1970), London, Ch.VII, pp.280-351
6. Francis D.Rose, The Modern Law of Pilotage, London (1984)
7. Geoffrey Brice, Maritime Law of Salvage, London, (1983)

8. Halsbury's Law of England , Butterworths,. London, (4th Edn., 1978) pp. 31-200.
9. Law relating to General Average and Ancillary Shipping Contracts
10. Mc Dougal and T Burke, Public Order of the Oceans, Yale University Press (1986)
11. Nagendra Singh, "British Shipping Laws" - International Maritime Law Conventions" (1983) Vol. IV Part IV
12. Particular charges - particular average and general average - incidents of liability - Adjustments of general average
13. Pilotage services - Liability of pilots in voluntary and compulsory pilotage cases - Duties of shipowners - Recovery of Pilotage charges by Port authorities
14. Principles of General average - York - Antwerp rules
15. Salvage services - International obligation to render salvage services - responsibilities of salvour - Salvage rewards.
16. Towage contracts - Responsibilities of tug and tow vessels - Towage amounting to salvage

### **FLE32- Competition Law**

- 1) Meaning, purpose and development of competition law. Competition policy - its necessity in the changing economic scenario. Goals of competition law. Trade and competition policy under WTO.
- 2) Control over market dominance - concept of dominance - abuse of dominant position - regulation of dominance.
- 3) Controls over mergers amalgamation and take-overs - Securities and Exchange Board of India, Reserve Bank of India, Company Law Board and Competition Commission.
- 4) Anti-competitive agreements - vertical and horizontal - legal controls - concepts of relevant market, product market and geographic market - exempted agreements.
- 5) Enforcement agencies under competition law establishment powers and functions.

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

1. Mark Furse, Competition Law of the U.K. and E.C., Blackstone Press, London (1999).
2. Philip Clarke and Stephen Corones, Competition Law and Policy: Cases and Materials, Oxford University Press, Oxford (1999).
3. Robert Merkin and Karen Williams, Competition Law: Antitrust Policy in the United Kingdom and the EEC, Sweet and Maxwell, London (1984).
4. Ramaiya, Guide to Monopolies and Restrictive Trade Practices Act, Wadhwa and Company, Nagpur (1982).
5. S.M.Dugar, Law of Monopolistic, Restrictive and Unfair Trade Practices, Wadhwa and Company, Nagpur (1997).
6. S.Krishnamurthi, Principles of Law Relating to MRTP, Orient Law House, New Delhi (1991).

### **FLE33- International Commercial Arbitration and Conciliation**

- 1) International commercial arbitration - Meaning and definition  
Arbitration agreement - composition of Arbitration tribunal  
jurisdiction of Arbitral tribunals.
- 2) Conduct of arbitral proceedings - rules of procedure, place and language - commencement and default of a party - experts appointed by tribunal
- 3) Arbitration awards - termination of proceedings correction and interpretation of award and recourse against award - costs
- 4) Recognition and enforcement of awards - grounds for refusal to recognise award or refuse enforcement
- 5) Rules for conciliation - UNICITRAL Rules conciliation, Procedure under Indian Law.

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

1. A.K.Bansal, "Law of International Commercial Arbitration", Universal Law Publishing Co.Pvt.

2. Rahari, Commentory on Arbitration and Conciliation Act 1996,  
Kamal Law House

### **FLE34- Socio -economic offences and the Criminal Justice Process**

- 1) Concept of socio-economic offences and white collar offences -
- 2) Cause growth of socio-economic offences
- 3) Investigation, special machinery for investigation of socio-economic offences
- 4) Trial and punishment of socio-economic offences - special rules of evidence and treatment
- 5) Prevention of socio-economic offences - role of judiciary, mass media and social organisation.

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

1. Santhanam Committee Report (1963)
2. 29th Report of the Law Commission
3. 47th Report of the Law Commission
4. Prevention of Corruption Act 1988
5. Food Safety Act,
6. Customs Act
7. Foreign Exchange Management Act

### **FLE35- Criminal Justice Standards for Police**

1. The role of police and other law enforcement officials-Integrity- Use of force and fire arms-The prohibition of torture and other cruel, inhuman or degrading treatment-Crimes-Genocide- Crimes against humanity- War crimes
2. Investigation-A. Right to privacy of all persons- Rights of persons charged with a criminal offence-
3. Arrest- The right to liberty and freedom of movement-Rights of persons under arrest- Conducting an arrest-Detention and

imprisonment- Rights of detained persons and imprisoned persons- Conditions of detention and imprisonment-

4. Trials- The rights of the accused- Evidence-Extralegal, arbitrary and summary execution
5. Protection-Victims- Witnesses -Child victims and witnesses- Children in conflict with the law- Refugee protection and the protection of internally displaced persons

***Suggested Readings:***

1. Aparna Srivastava, *Role of Police in a Changing Society*, APH Publishing House, New Delhi, 1999
2. Chandr Mohan Upadhyay, *Human Rights in Pre-trial Detention*, APH Publishing, New Delhi, 1999
3. Dr. Ashutosh, *Rights of Accused*, Universal Law Publishing Co., New Delhi, 2009
4. Henry M. Wroblewski, Kären M. Hess, *Introduction to Law Enforcement and Criminal Justice*, West Pub. Co., 1997
5. Jaishree Jaiswal, *Human Rights of Accused and Juveniles: Delinquent / In Conflict With Law*, Kalpaz Publications, Delhi, 2005
6. James Vadackumchery, *The Police and Delinquency in India*, APH Publishing House, New Delhi, 1996
7. John M. Scheb, John M. Scheb, II, *Criminal Law and Procedure*, Wadsworth, Cengage
8. Kären M. Hess, Christine Hess Orthmann, *Introduction to Law Enforcement and Criminal Justice*, Delmer Cengage Learning, USA, 2012
9. Krishna Deo Gaur, *Criminal Law and Criminology*, Deep & Deep Publications, New Delhi, 2002
10. Mohammad Farajih Ghazvini, *Police Protection to Victims of Crime*, Deep & Deep Publications, New Delhi, 2002.
11. N.V. Paranjpe, *Criminology & Penology with Victimology*, Central Law Publications, 2015
12. S.M.A. Qadri, *Criminology, Penology and Victimology*, EBC, Lucknow, 2016.

13. Shiv Kumar Dogra, *Criminal Justice Administration in India*, Deep and Deep Publications, 2009
14. Shiv Kumar Dogra, *Criminal Justice Administration in India*, Deep & Deep Publications, New Delhi, 2009.
15. Sunil Goel, *Courts Police Authorities & Common Man*, Shrishti Books, New Delhi, 2011.
16. Catherine Phuong, *The International Protection of Internally Displaced Persons*, Cambridge University Press, 2004.
17. Thomas J. Gardner, Terry M. Anderson, *Criminal Law*, Cengage Learning, USA, 2015.
18. Vikas H. Gandhi, *Judicial Approach in Criminal Justice System: An Experience of India*, Readworthy Publications, New Delhi, 2010
19. Vinayak D Kakde, *Criminal trials: Practice and Procedure*, Universal Law Publishing Co., New Delhi, 2009.
20. William J. Chambliss, *Police and Law Enforcement*, SAGE Publications, London, 2011.

### **FLE36- International Criminal Justice and Children**

1. Definition of the ‘child’-principles of children’s rights-Special protection for children during armed conflict-Use of child soldiers-
2. Protection of children as victims and witnesses-International standards for protection of children in judicial proceedings-Special needs of children in judicial proceedings
3. Protection of children ‘in conflict with the law’-minimum age for criminal responsibility-Children and legal responsibility for crimes under international law-International legal standards relating to child perpetrators
4. Child-specific crimes in International criminal law-War crime: Using, conscripting or enlisting children as soldiers-Intentionally attacking schools-Attacks on humanitarian staff and objects-

Genocide: Forcibly transferring children of a group to another group-Crimes of sexual violence

5. Child victims and witnesses before the ICC-Specific provisions relating to victims and witnesses-Special measures for child victims and witnesses

**Suggested Readings:**

1. Jane Morgan, Lucia Zedner , Child Victims: Crime, Impact, and Criminal Justice, OUP, 2003.
2. Diane R. Martell, Criminal Justice and the Placement of Abused Children, LFB Scholarly Pub. LLC, 2005.
3. Karin Arts, Vesselin Popovski, International Criminal Accountability and the Rights of Children,
4. Sonja C. Grover , Child Soldier Victims of Genocidal Forcible Transfer, Springer Science & Business Media, 2012.
5. Sonja C. Grover, Prosecuting International Crimes and Human Rights Abuses Committed Against Children, Springer, 2010.
6. Protection of Children During Armed Political Conflict: A Multidisciplinary .Perspective, Intersentia, Belgium, 2006.
7. Philipp Ambach, Frédéric Bostedt, Grant Dawson, Steve Kostas, The Protection of Non-Combatants During Armed Conflict and Safeguarding the Rights of Victim in Post-Conflict Society.
8. Jenny Kuper, International Law Concerning Child Civilians in Armed Conflict, Oxford University Press, 2007.
9. Aisling Parkes , Children and International Human Rights Law: The Right of the Child to be Heard, Routledge, 2013.
10. Carsten Stahn, The Law and Practice of the International Criminal Court, OUP, 2015.
11. Tali Gal, Child Victims and Restorative Justice: A Needs-Rights Model, OUP, 2011.

## **FLE37- International Standards on Pre-trial Detention Procedure**

1. Right to Liberty and Security of the Person-deprivations of liberty- security of person- awful Arrests and Detentions- Reasonable Cause- notions of lawfulness and arbitrariness-
2. detain people without charges and without the possibility of bail-unacknowledged detentions, abductions and involuntary disappearances-Detention after conviction-detention must be the exception-meaning of reasonableness -Detention in order to prevent flight-Administrative detention-deprivation of liberty for the purpose of educational supervision-
3. deprivation of liberty for reasons of mental health-renewal of the detention orders-deprivation of liberty of asylum seekers and for purposes of deportation and extradition-preventive detention and detention for reasons of ordre public-
4. the right to be promptly informed of reasons for arrest and detention and of any charges against oneself-the right to be promptly brought before a judge or other judicial officer-legitimate decision-making organ-the Right to Trial within a Reasonable Time or to Release pending Trial
5. alternatives to detention on remand-guarantees to appear at trial-reasonableness of pre-trial detention-the Right to Have the Lawfulness of the Detention Decided Speedily or Without Delay by a Court -principle of equality of arms-Periodic review of lawfulness of detention-the Right of Access to and Assistance of a Lawyer-the Right to Compensation in the Event of Unlawful-Deprivation of Liberty-Incommunicado detention-

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

21. Ilaria Bottigliero, *Redress for Victims of Crimes Under International Law*, Springer, 2004.
22. Nigel Rodley, Matt Pollard, *The Treatment of Prisoners under International Law*, OUP, 2009.
23. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.



24. Bartram S. Brown, *Research Handbook on International Criminal Law*, Edward Elgar, USA, 2011
25. Catherine S. Namakula, *Language and the Right to Fair Hearing in International Criminal Trials*, Springer, 2014.
26. William A. Schabas, Nadia Bernaz, *Handbook of International Criminal Law*, Routledge, 2011.
27. William Schabas, Yvonne McDermott, Niamh Hayes, *International Criminal Law*, Ashgate, 2013.
28. R. H. Helmholz, *The Privilege Against Self-Incrimination: Its Origins and Development*, University of Chicago Press, 1997.
29. Constantine Theophilopoulos, *The Right to Silence and the Privilege Against Self-incrimination*, University of South Africa, 2001
30. Andrew L-T Choo, *The Privilege Against Self-Incrimination and Criminal Justice*, Hart Publishing, US, 2013.
31. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.
32. Thorsten Bonacker, Christoph Safferling, *Victims of International Crimes: An Interdisciplinary Discourse*, Asser Press, Springer, Netherlands, 2002.
33. Vladimir Tochilovsky, *Jurisprudence of the International Criminal Courts and the European Court of Human Rights*, Martinus Nijhoff, London, 2008.
34. William A. Schabas, *An Introduction to the International Criminal Court*, Cambridge University Press, 2011.
35. José Doria, Hans-Peter Gasser, M. Cherif , *The Legal Regime of the International Criminal Court*, Martinus Nijhoff, Boston, 2009.
36. Machteld Boot, *Nullum Crimen Sine Lege and the Subject Matter Jurisdiction of International Criminal Court*, Intersentia, Belgium, 2002.
37. Neil Boister, Robert Cryer, *The Tokyo International Military Tribunal: A Reappraisal*, Oxford University Press, 2008.
38. Shane Darcy, Joseph Powderly, *Judicial Creativity at the International Criminal Tribunals*, Oxford University Press, 2010.
39. Dominic McGoldrick, Peter J. Rowe, Eric Donnelly, *The Permanent International Criminal Court: Legal and Policy Issues*, Hart Publishing, USA, 2004.

40. Kai Ambos, *Treatise on International Criminal Law*, Oxford University Press, 2013.

### **FLE38- International Standards on Sentencing Procedure**

1. The sentencing Phase-Types of punishment-Corporal Punishment-Capital Punishment-Imprisonment-International norms controlling types of punishment-Considerations in Choosing a Penalty
2. Detention While Awaiting Sentence-restore liberty while awaiting sentencing-pretrial detention should not be automatic-Consideration of Time Spent on Remand-Non-Retroactivity of punishment-
3. Deprivation of liberty-a sanction of last resort-community sanctions- non-custodial measures-factors to be considered in making a sentencing decision.- rehabilitation of the offender-the protection of society- the interests of the victim-Uniformity in sentencing-Sentencing should nondiscriminatory- reasoned decisions-relevant social information on the offender-sentences to be imposed by a judge-re-sentence investigation-reform and social re-adaptation of the offender- acceptability of deterrence and retribution- Sentencing courts discretion-individual characteristics of the offender- sentencing guidelines-
4. Alternatives to Incarceration-avoid the unnecessary use of imprisonment-Non-custodial dispositions-verbal sanctions-admonition-reprimand-warning-conditional discharge-status penalties- economic sanctions-monetary penalties-confiscation -expropriation order- restitution to the victim-compensation order- suspended or deferred sentencing-probation and judicial supervision- community service orders-referral to an attendance center- house arrest- modification or revocation of non-custodial treatment
5. Challenging a Sentence-Right to Appeal-right to legal representation-Right to Review of Legality-Executive Clemency-Considerations During Detention-Review by a Competent Tribunal-Right to Counsel-the right to defend one's self- the right to be informed of the right to counsel- the right to choose

one's counsel - legal counsel appointed and paid for by the state-  
Right to Effective Participation-right to be present at all court  
hearings- right to an interpreter-adequate opportunity to prepare  
his case-right to equality of arms

***Suggested Readings:***

1. Terance D. Miethe, Hong Lu, Punishment: A Comparative Historical Perspective, Cambridge University, 2005.
2. M.A. DuPont-Morales, Michael K. Hooper, Judy H. Schmidt, Handbook of Criminal Justice Administration, Marcel Dekker Inc., New York, 2001.
3. Kenneth J. Peak, Introduction to Criminal Justice: Practice and Process, SAGE, 2015.
4. William A. Schabas, Nadia Bernaz, Handbook of International Criminal Law, Routledge, 2011.
5. William Schabas, Yvonne McDermott, Niamh Hayes, International Criminal Law, Ashgate, 2013.
6. R. H. Helmholz, The Privilege Against Self-Incrimination: Its Origins and Development, University of Chicago Press, 1997.
7. Constantine Theophilopoulos, The Right to Silence and the Privilege Against Self-incrimination, University of South Africa, 2001
8. Andrew L-T Choo, The Privilege Against Self-Incrimination and Criminal Justice, Hart Publishing, US, 2013.
9. Robert Cryer, Prosecuting International Crimes, Cambridge University Press, 2005.
10. Thorsten Bonacker, Christoph Safferling, Victims of International Crimes: An Interdisciplinary Discourse, Asser Press, Springer, Netherlands, 2002.
11. Vladimir Tochilovsky, Jurisprudence of the International Criminal Courts and the European Court of Human Rights, Martinus Nijhoff, London, 2008.
12. William A. Schabas, An Introduction to the International Criminal Court, Cambridge University Press, 2011.

1. The concept of prisoner rights- origin and development-United States of England-America- Prisoners Rights in India- International norms-
2. Classification of prisoners-Mentally Disordered in Prisons- juvenile inside the Prisons-Female Prisoners- under trial prisoners- prohibited Discrimination-
3. Prisoners' right-Contact with a lawyer-Right to Communication- Sex and Family Life in a Prison Setting-Access to Courts and Legal Service- Health of Prisoners-Recreational Facilities- Exercise of Religious Beliefs and Practices-psychiatric services-
4. Preparation for life after release-aftercare-Community-oriented prison life-Reintegration goal-Links with family-Contact with friends-Information about transfer-Placement near home-Letters and telephone calls –Visits-Intimate visits-Prison leave-remission and commutation-parole-
5. Prohibition of torture and other cruel inhuman or degrading treatment or punishment

***Suggested Readings:***

1. Andrew L-T Choo, The Privilege Against Self-Incrimination and Criminal Justice, Hart Publishing, US, 2013.
2. Bartram S. Brown, Research Handbook on International Criminal Law, Edward Elgar, USA, 2011
3. Catherine S. Namakula, Language and the Right to Fair Hearing in International Criminal Trials, Springer, 2014.
4. Constantine Theophilopoulos, The Right to Silence and the Privilege Against Self-incrimination, University of South Africa, 2001
5. Denis Abels, Prisoners of the International Community, Springer, 2012.
6. Gerhard Werle, Florian Jessberger, Principles of International Criminal Law, OUP, 2015.

7. Ilaria Bottigliero, *Redress for Victims of Crimes Under International Law*, Springer, 2004.
8. Ilias Bantekas, Susan Nash, *International Criminal Law*, Cavendish – Routledge, London, 2003.
9. J. L. Murdoch, *The Treatment of Prisoners: European Standards*, Council of Europe, 2006.
10. Nigel Rodley, Matt Pollard, *The Treatment of Prisoners under International Law*, OUP, 2009
11. Nigel Rodley, Matt Pollard, *The Treatment of Prisoners under International Law*, OUP, 2009.
12. R. H. Helmholz, *The Privilege Against Self-Incrimination: Its Origins and Development*, University of Chicago Press, 1997.
13. Ralph D. McPhee, *The Treatment of Prisoners: Legal, Moral Or Criminal?*, Nova Science Publishers Inc., USA, 2006
14. Robert Cryer, *An Introduction to International Criminal Law and Procedure*, Cambridge University Press, 2010.
15. Robert Cryer, *Prosecuting International Crimes*, Cambridge University Press, 2005.
16. Róisín Mulgrew, Denis Abels, *International Penal System*, Edward Elgar, 2016.
17. William A. Schabas, Nadia Bernaz, *Handbook of International Criminal Law*, Routledge, 2011.
18. William Schabas, Yvonne McDermott, Niamh Hayes, *International Criminal Law*, Ashgate, 2013.

FLE 40- Law and Medicine

### **Law and Medicine**

1. Regulation of medical profession- legal and ethical dimensions- ethical code for medical professionals – international and national documents on professional standards for medical man- regulatory bodies of medical professionals- Medical Council of India & Pharmacy Council of India
2. Liability of doctors under common law – nature of doctor-patient relationship- criminal liability and liability under tort law – principle of duty towards neighbour-consumer protection and medical profession- law relating to medical negligence

3. National health policy- regulation of medical institutions (health care institutions)-traditional health care system and its preservation-Control of drugs - manufacture – distribution-regulation of misbranded and harmful medicines- access to essential drugs
3. Human experimentation legal and ethical control - national and international scenario – vulnerable populations and their rights-patent regime and its impact on health sector- clinical research and bioethics- informed consent in experimentation and therapeutic care
4. Access to medical care and health services - cost of health care - measures to make the facilities accessible - aspects of social justice in this regard- law relating to health care records- ownership and access to health care records- right to healthcare constitutional law dimension and judicial responses-autonomy, dignity, privacy and healthcare system
5. Critical medical care, law and ethics- law relating to organ transplantation- reproductive technologies- life ending decisions-refusal of treatment and refusal to treat- legal and ethical controversies

***Suggested Readings:***

- 1 Shaun D. Pattinson, *Medical Law and Ethics*, Sweet and Maxwell, London
- 2 James R. Richardson, *Doctors Lawyers and the Courts*, W. H. Anderson Company, Cincinnati
- 3 *Bioethics, Medicine and The Criminal Law*, (Edited Book in 3 Volumes), Cambridge University press
- 4 S.K. Varma (Ed.), *Legal Framework for Health Care in India*.
- 5 George P. Smith, *Human Rights and Biomedicine*, Nijhoff Publications
- 6 William Roach, *Medical Records and the Law*, Jones & Bartlett Publishers
- 7 Jonathan Montgomery, *Health Care Law*, Oxford University Press, Oxford.
- 8 Jonathan Herring, *Medical Law and Ethics*, Oxford University Press.
- 9 Emily Jackson, *Medical Law: Texts Cases and Materials*, Oxford University Press.
- 10 Bonnie F. Fremgen, *Medical Law and Ethics*, Prentice Hall.

## ANNEXURE III C

### OPEN ELECTIVE COURSES IN LAW (Course Code SLOE-)

Sl. No.	Course Code	Name of Course	CREDIT
1	FLOE1	Constitutional rights and criminal Justice process	3
2	FLOE2	Criminal Procedure and Rights of the Accused	3
3	FLOE3	Fair Trial	3
4	FLOE4	Human Rights: Conceptual Foundation	3
5	FLOE5	Human Rights: Historical Development	3
6	FLOE6	Protection of Environment: Role of Law	3

## ANNEXURE III D

### SYLLABUS OF OPEN ELECTIVE COURSES IN LAW

#### (COURSE CODE SLOE)

#### **FLOE1- Constitutional rights and criminal Justice process**

1. Equality before the Law and Equal Treatment by the Law-Non-Retroactivity of Criminal Law- Legality of Crimes and Sanctions- Presumption of Innocence-Freedom from Arbitrary Detention- The Right to Remain Silent- The Right to Counsel-
2. Access to Courts- Independence and Impartiality of Judges- Trial without Undue Delay- The Public Conduct of the Trial
3. The Right to an Adequate Defence- The Right to Call and Examine Adverse Witnesses- Trial in Absentia- Interpreters and Translation
4. Decision, Sentencing, and Punishment- Prohibition of Double Jeopardy-Appeal or other Review in Higher Courts

5. The Treatment of Persons with Mental Disabilities- The Treatment of Juveniles

## **FLOE2- Criminal Procedure and Rights of the Accused**

1. Pre-trial Phase-investigation-powers of police in Investigation-role of defense lawyer during investigation-right to bail.
2. Accusatorial-Criminal Procedure Law-Judicial Impartiality-functions of 'Judging' and 'Prosecuting'-Role of the Judge-
3. Public Hearing-Rights of the Accused-Presence of the Accused at trial-Participatory Rights of the Accused-Assistance of Counsel-
4. Equality of Arms-The Right to be Present at Trial-Knowledge of the Other Side's Submissions -Opportunity to Comment on the Other Side's Submissions-
5. Right to remain silent-right to be presumed innocent-burden of proof-rule against double jeopardy-rule against double prosecution-

## **FLOE3- Fair Trial**

1. Right to be Presumed Innocent-Right to Equality before the Law and Equal Treatment by the Law-Right to Remain Silent-*Nullum Crimen Sine Lege*: Principle of Non-Retroactivity
2. Right to Freedom from Arbitrary Arrest and Detention-Right to be Brought Promptly before a Judge or Judicial Officer- Alternatives to Detention: Guarantees to Appear at Trial-Right to Legal Counsel
3. Right to Freedom from Torture-Right to Respect for One's Private Life-Duty to Keep Records of Investigation Without Unnecessary Delay
4. Right to be Tried by a Competent, Independent and Impartial Tribunal-Right to a Public Hearing-Right to be Tried Without Undue Delay-Right to a Lawyer of Choice Right to Free Legal Aid



5. Right to be Notified of Charges/Framing of Charge-Right to be Present at One's Trial-Right to Examine Witnesses-Right to the Free Assistance of an Interpreter -Ne Bis In Idem: Prohibition of Double Jeopardy-Right to a Reasoned Judgement and Availability of Judgement

#### **FLOE4- Human Rights: Conceptual Foundation**

1. Concept of humanity-oneness of humanity-philosophical and religious roots of this thinking-concept of dharma-natural law in ancient Greek thought and Roman Jurisprudence-
2. Renaissance-concept of equality-equal dignity and worth of all-principles of autonomy-consent theory of origin of authority-limited power-sanctified inviolable private sphere of individual freedom
3. Values protected under the liberal social order-right to equality-free speech and expression-movement-association-religious rights-cultural rights-educational rights-protection of life and liberty
4. Socio economic rights-justiciability-combined reading of DPSP with FR-development is law-emergence of new rights-scope and extent of newly emerged derivative/implied rights-
5. Enforcement of fundamental rights-writ jurisdiction of Supreme Court and High Courts-Human Rights Commission-other Commissions like Sc & ST commission, backward class commission, women's commission-child rights commission-minority commission etc-role of NGO's in actualization of fundamental rights

#### **FLOE5-Human Rights: Historical Development**

1. Historical roots of human rights- ancient concepts rooted in religion- concept of dharma-advaitic world outlook-the concept of oneness in humanity- Universal brotherhood of mankind-Christian concept of equality
2. Hellenistic philosophical tradition-natural normative order-conflict between laws of the King and God- natural law- concept

of *ius gentium*- Thomas Aquinas-Hugo Grotius- de-theologized higher normative order- Hobbes- Immanuel Kant- John Locke- natural rights- Jacques Rousseau-

3. American Declaration of Independence- French Declaration of rights of man-American Bill of Rights and Judicial Review of Legislative and executive actions- structural limitation on governmental power-concept of state action-Public Private divide and limited application of Bill of Rights guarantees-
4. Indian Constitutional Scheme of protection of Fundamental Rights-Directive Principles of State Policy-relation between Fundamental Rights and Directive Principles of state Policy-welfare state-Clanneges of globalization to the constitutional values-
5. International protection of Human Rights-Concept of State Sovereignty in International Law-historical background of UDHR-normative structure of UDHE-legal implications of UDHR-Signing of ICCPR and ICESCR-normative structure created by these documents-legal implications of this developments-consequences of noncompliance-international enforcement mechanism-development of the nition of international crimes and collective enforcement.

#### **FLOE6- Protection of Environment: Role of Law**

1. Ecology –science and society-Concept of Environment-interconnectedness of humans and their environment - interactions of biology and culture-sacredness of Mother Earth-ecological unity and the interdependence of all species-livelihoods-
2. Ecological destruction- ethical, balanced and responsible uses of land and renewable resources-justice for The Poor-

3. Industrial pollution -Asbestos Activism-environmental disaster- asbestosis-mesothelioma-Concentration of elements in food chains- mercury poisoning- Minamata disease-Pesticides-bio-magnification-silent spring- Survival of Organic Production-one straw revolution-back to nature- Environmental Justice Activism-fundamental right to clean air, land, water, and food
4. environmental self-determination of all peoples- peoples participation at every level of decision-making- right of all workers to a safe and healthy work environment- principles of informed consent- consume as little of Mother Earth's resources and to produce as little waste as possible-ensuring health of the natural world for present and future generations
5. Biological diversity-protection of bio diversity-indigenous peoples interests-forest conservation-colonial model of forest conservation-local peoples participation in forest management- Environmental Justice and "Free Trade" Agreements-communities fighting for environmental justice-Public Debate on Genetic Modification- Water Rights- Global Warming Debate-global environmental governance- climate change regime-Direct Action Environmental Protest- Environmental Education-global movementsfor environmental conservation-'*Environment*' and '*Sustainable Development*'- the common heritage of humanity-
6. Environmental values in a globalising world- Environmental values and the nation state- Environmental values, nationalism, global citizenship and Relational resonance with nature-Reconceiving environmental justice- - Interdependence, pluralism and globalization-implications for climate change regime

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