

UNIVERSITY OF MYSORE



Estd. 1916

Vishwavidyanilaya Karyasoudha
Crawford Hall, Mysuru- 570 005

Dated: 03th September 2018

No.AC.6/32/2018-19

NOTIFICATION

Sub: Modification of LLM Syllabus from the academic year 2018-19.

Ref: 1. Decision of the Board of Studies in Law (UG) held on 09-12-2017.

2. Decision of the Faculty of Law Meeting held on 17.04.2018.

3. Decision of the Academic Council Meeting held on 19.06.2018.

The Board of Studies in Law (UG) which met on 09th December 2017 has recommended to modify the LLM Syllabus from the academic year 2018-19.

The Faculty of Law and the Academic Council at their Meetings held on 17th April 2018 and 19th June 2018 respectively have also approved the above said proposal and the same is hereby notified.

The Syllabus may be downloaded from the University Website i.e. www.uni-mysore.ac.in

DRAFT APPROVED BY THE REGISTRAR


Deputy Registrar (Academic)

To:

1. The Registrar (Evaluation), University of Mysore, Mysuru.
2. The Dean, Faculty of Law, Department of Studies in Law, Manasagangotri, Mysuru.
3. The Chairman, Department of Studies in Law, Manasagangotri, Mysuru.
4. The Chairman, Board of Studies in Law (UG) Manasagangotri, Mysuru- With a request to observe the contents uploaded in the University website with regard to the above proposals if any discrepancies, inform to the Academic section.
5. The Director, College Development Council, Moulya Bhavan, Manasagangotri, Mysuru.
6. The Deputy Registrar/Assistant Registrar/Superintendent, Administrative Branch and Examination Branch, University of Mysore, Mysore.
7. The PA to Vice-Chancellor/Registrar/Registrar (Evaluation), University of Mysore, Mysore.
8. Office Copy.

Proceedings of BOS in Law (PG)

The Board of Studies in Law Meeting had convened at the Department of Studies in Law, University of Mysore, Manasagangotri, Mysore at 10.30 am on 18th January 2017. The Chairman of the Board had welcomed all the members of the members.

Members Present

- | | |
|------------------------|----------|
| 1. Dr. Maruthi T R | Chairman |
| 2. Dr. Ramesh | Member |
| 3. Prof. Muzafer Asadi | Member |
| 4. Prof. Sairam Bhat | Member |
| 5. Dr. Janhavi . S S | Member |
| 6. Dr Sathish Gowda | Member |
| 7. Dr. Kalicharan M L | Member |

Members Absent:

- | | |
|-----------------|--------|
| a. Prof. Sudesh | Member |
|-----------------|--------|

Agenda:

1. Regarding the LLM Regulations
2. Regarding syllabus
3. Finalizing list of examiners
4. Any other discussion with the permission of the Chair

Resolution 1

The Board has unanimously discussed the regulations governing LL.M Degree

**LL.M Course Regulation under Choice Based Credit System (CBCS) Master of Law:
(4 semesters/ 2 years): LL.M**

1. Each semester shall extend over a minimum period of 18 weeks including examination days.
2. Eligibility for admission :

Candidates possessing a degree of University of Mysore or any other University equivalent thereto and complying with the eligibility criteria shown as detailed below:

LL.B 5 years / 3 years: Minimum 45% of marks of aggregate of 5 years / 3 years Examination (Minimum 40% for SC/STs)

3. Scheme of Instruction:

In each semester there will be 5 papers. The instruction method shall comprise of lecture method, Tutorial method and practical method depending on the requirement of each course. The LTP model of 3:1:0 or 2:1:1 may be adopted. There shall be 4 credits for each paper.

The Department offers a Dissertation / project work it shall be in lieu of a paper. Dissertation shall be offered during the Fourth Semester. The Dissertation shall carry 100 marks comprising of both Internal Assessment and Internal Evaluation. The Internal component is comprising of 2 presentations before submission of Dissertation and followed by Viva-Voce. The Internal component will carry 30 marks (Viva Voce will be conducted by the internal teaching only 30 Internal Assessment and 70 marks for theory).

In each paper the candidate is assessed internally by the course teacher for 30 marks comprising Internal Tests, Assignments, Seminars, Field study etc. During the 18th – 20th Week of the semester, a semester- end examination will be conducted.

In case of team work (Project work) there shall be 8 credits. The first unit may consist of identification of problem area and literature survey, the second unit may consist of study of specific literature in detail pertaining to the statement of the problem, the third unit may consist of developing a solution methodology or proposing a hypothesis to solve the problem, and fourth unit may consist of experimental analysis, results, discussions, conclusion and recommendations.

The Assignments for tutorial and practical sessions should be set by teachers based on the subject matter covered in the lecture classes. A separate set of supplementary and / or complimentary practical / tutorial exercise may also be assigned.

Improvement of Marks:

The students are allowed to improve their marks only once in theory papers. No improvement of marks in IA Tests.

Scheme of Evaluation :

Internal Assessment

One Test : 15

Assignment : 10

Seminar : 5

Theory Paper :70

Continuous Assessment

The course teacher shall assess the students' performance and it is he/she who sets the question papers evaluates the answer books and grades his students. Every tutorial / practical session provides a slot in which the candidate's performance is assessed and evaluated. Transparency shall be maintained in the assessment of the students. Teachers who offer a paper shall be responsible in assessing the candidate in that paper. The evaluation of the candidate shall be based on continuous assessment.

The examination will be conducted at the Department level. The department itself conducts and evaluates the answer scripts without having a formal BOE.

The duration of semester – end theory examination will be 3 hours per paper. The question paper should be set for semester – end examination would examine the candidate's creative, comprehending, problem solving critical ability and subject knowledge.

If a candidate has not successfully completed a paper, then the candidate is automatically assumed to have dropped the course. A candidate has to re-register the dropped paper when the paper is offered again by the department if it is a compulsory paper. A candidate who is said to have dropped term work/ project work has to re-register subsequently.

Under the following circumstances a candidate is said to have dropped a paper.

1. If a candidate has failed to obtain 75% of attendance
2. If a candidate decides to discontinue to study the paper
3. Based on continuous assessment of the candidate at the semester end examination, if the candidate is said to have been unsuccessful.
4. If a candidate withdraws the paper within a week after the final grades are notified, to improve the performance.
5. If it is not complied with University norms

Grading system:

Grades will be given to each paper as mentioned below:

- A. Marks secured in the paper above 80%
- B. Marks secured in the paper above 79 – 70%
- C. Marks secured in the paper above 69- 60%
- D. Marks secured in the paper above 59-50%
- E. Marks secured in the paper above 40 – 49%
- F. Marks secured in the paper above 40% - dropped

The evaluation process is kept transparent. Learning process is made student friendly through more tutorial / practical / practice sessions and by bringing a teacher closer to students

UNIVERSITY OF MYSORE

Department of Studies in Law, Manasagangotri, Mysore

I Semester

Degree	(1/2/3/4)	Title of the course/ paper	HC or SC or OE	L:T: P	Credits
LL.M	1 Semester	Jurisprudence-I (Compulsory Paper)	HC	3:1:0	4
LL.M	1 Semester	Constitutional Law Theory & Principles of Constitutional Interpretation	HC	3:1:0	4
LL.M	1 Semester	Comparative Constitutional Law-I (Constitutional of Govt.)	SC	3:1:0	4
LL.M	1 Semester	General International Law	HC	3:1:0	4
LL.M	1 Semester	International Relations and Law of Treaties	SC	3:1:0	4
LL.M	1 Semester	World Trade Law	HC	3:1:0	4
LL.M	1 Semester	Corporate, Finance and Investments Law	HC	3:1:0	4

II Semester

Degree	(1/2/3/4)	Title of the course/ paper	HC or SC or OE (To be Mentioned)	L:T: P	Credits
LL.M	2 nd Semester	Research methodology (Compulsory Paper)	HC	3:1:0	4
LL.M	2 nd Semester	Indian Constitutional Law-I (other than part III, IV & IV A)	SC	3:1:0	4
LL.M	2 nd Semester	International Economic Law and Law of the Sea	SC	3:1:0	4
LL.M	2 nd Semester	Human Resource Development	HC	3:1:0	4
LL.M	2 nd Semester	Intellectual Property Rights-I (Copyrights and patents)	HC	3:1:0	4

III Semester

Degree	(1/2/3/4)	Title of the course/ paper	HC or SC or OE	L:T: P	Credits
LL.M	3 rd Semester	Jurisprudence-II(Compulsory Paper)	HC	3:1:0	4
LL.M	3 rd Semester	Comparative Constitutional Law-III (Rights and Liberties)	SC	3:1:0	4
LL.M	3 rd Semester	Indian Constitutional Law-II (other than part III, IV & IV A)	SC	3:1:0	4
LL.M	3 rd Semester	Private International Law	SC	3:1:0	4
LL.M	3 rd Semester	International Human Rights Law and International Organizations	SC	3:1:0	4
LL.M	3 rd Semester	Intellectual Property Rights-II (Trade marks, Design etc.)	HC	3:1:0	4

IV Semester

Degree	(1/2/3/4)	Title of the course/ paper	HC or SC or OE	L:T: P	Credits
1	4 th Semester	Environmental Law (Compulsory Paper)	HC	3:1:0	4
2	4 th Semester	Law of writs & Service Matters	SC	3:1:0	4
3	4 th Semester	Comparative Administrative Law	SC	3:1:0	4
4	4 th Semester	International Humanitarian Law and Refugee Law	SC	3:1:0	4
5	4 th Semester	Air & Space Law	SC	3:1:0	4
6	4 th Semester	Dissertation	HC		4

Open Elective

Degree	(1/2/3/4)	Title of the course/ paper	HC or SC or OE	L:T: P	Credits
LL.M	2 nd Semester	Intellectual Property Rights-I (Open Elective)	OE	3:1:0	4
LL.M	3 rd Semester	Law on Human Rights and Duties (CBCS)	OE	3:1:0	4
LL.M	4 th Semester	Intellectual Property Rights-II (Open Elective)	OE	3:1:0	4

LL.M. Syllabus -2017-18 and Onwards

First Semester

Compulsory Paper: 1.0 JURISPRUDENCE- I (Schools and Concepts)

Unit I:

Analytical Views of Law:- Austinian Theory of Law, Criticisms of Command Theory; Pure Theory of Law, Criticisms of Pure Theory, Implications of the Theory; Historical School of Law; Savigny's View of Law; Theory of Volksgeist, Criticisms of Volksgeist. Henry Maine's view on the development of Law. Natural Law Theory: Thomas Aquinas Theory on Law. Feministic Approach. Marxist approaches, Foucault,

Unit II:

, Natural Law and Social Contract-Thomas Hobbes, John Locke and Rousseau, HLA Hart, John Rawls, - American Realism: Frank's rule- skeptics and 'fact skeptics'. Llewellyn's Concept of Law. Sociological School of Law: Theory of Social Engineering (Roscoe Pound) Criticisms on Social Engineering Theory. Marxian School of law

Unit III:

Concept of Person - Kinds of Legal Persons, Theories of Corporate Personality – Fiction Theory, Realistic Theory, Concession Theory, and Purpose Theory. Property-Concept of Property; Kinds of property, Corporeal property, Incorporeal property: Theories of property – Natural Law Theory, Metaphysical theory, Historical theory and Sociological Theory.

Unit IV:

Vicarious Liability- Master and Servants Relationship- Legal representatives and dead man's relationship. Strict liability- Absolute liability, Mistake of Law, Mistake of Fact and accidents, Mens rea (guilty mind), Exceptions to mens rea. Negligence – Theories of Negligence.

Books for study:

Julius Stone – The Province and Function of Law,
RWM Dias – Jurisprudence
Salmond – Jurisprudence
Julius Stone – Social Dimensions of Law,
Bodenheimer – Jurisprudence
Julius Stone – Lawyers Law & Lawyers Reasoning
Lloyd- Introduction to Jurisprudence (latest edition)
Roscoe Pound- Jurisprudence- Vol. 1 to 5
Roscoe Pound- Introduction to the Philosophy of Law
Kelson – The Pure Theory of Law,
D' Entreaves – Natural Law,
Summers- Essays on Law,
Maine – Ancient Law

Branch : Constitutional Law 1.1.1 CONSTITUTIONAL LAW THEORY AND PRINCIPLES OF CONSTITUTIONAL INTERPRETATION

Unit I :

Nature and importance of Constitution, Evolution of Constitutional values, Requisites of ideal Constitution; concept of Constitutionalism – its development and role in the legal system; Nature and limitations of constituent and amending power; Basic structure theory. State – Concept; Social contract theories; theories of Karl Marx, Bosanquet and T.H.Green;

Unit II:

Saptanga Theory of State in ancient India; Obligation of ruler; Modern Indian Political thoughts of Raja Ram Mohan Roy, Gandhiji, Nehru and Ambedkar about functions of the state, Model of Indian Constitution, Separation and Division of powers. Constitutional policies and practices relating to Pluralism; Concept of multiculturalism, Religious, Linguistic and ethnic challenges and Constitutional responses; Secularism, language rights, and protection of ethnic minorities (V and VI schedules under the Indian Constitution), Relation between society, state and individual.

Unit III:

Role of Internal and External Aids in the Interpretation of Constitution. Preamble; Headings, Marginal Notes. Non Abrogation and Non Derogation provisions, Inclusive and exclusive definitions use of Drafts, Constituent Assembly Debates, Legislative History, International Law Text Books, commentaries and dictionaries, Original Intention Theory. Values and approaches that influence constitutional interpretation

Unit IV:

Interpreting the Constitution as a value document; Purposive interpretation, Living Organism Approach, Reading Down and Reading up and Reading in, Inter-relationship of Fundamental Rights. Interpreting the Constitution as legal document Presumption of constitutionality, Literal Interpretation and its limitations. Interpretation of federal scheme: Doctrine of inconsistency, Doctrine of Pith and substance and colourable legislation, Doctrine of occupied field: Doctrine of Eclipse and severability, Harmonious construction- Avoiding the fallacies of Hyper- Integration and Disintegration, Ejus Dem Generis,.

The study is with reference to constitutional ideologies and experience of India, U.S.A., U.K. and Canada.

Books for study:

1. Karl Lowenstein. Political Power and Governmental Process.
2. Gettel, Readings in Political Science
3. K.C.Wheare, Modern Constituions
4. H.J. Laski, The State in Theory and Practice (Chapter-I)
5. B.A Masodkar, Society State and the Law.
6. R.M Mc Ivan, The Modern State
7. Nomos, Constitutionalism
8. P.V Kane, History of Dhamashastra Vol.III
9. M.Rama Jois, Constitutional and legal History, Vol. I & II
10. Carl J.Friedrich, Constituional Government and Politics.
11. Appadorai, Modern Indian Political Thought
12. M.Hidayatullah- Fifth and sixth Schedule to the Constitution
13. H.M.Seervai- Constitutional Law of Indian Vol. I
14. Lawrence Tribe & Michael Douf- On Reading the Constitution

15. Ely.J.H.- Democracy and Distrust
16. Rotunda and Nowak- Treatise on American Constitution Vol. IV.
17. P.K.Tripathi- Spotlights on Constitutional Interpretation.
18. Peter W.Hogg- Constitutional Law of India.
19. Joseph E.Magnet- Constittional Law of Canada; Cases and Materials, Vol. II
20. M.P.Jain,- Constitutional Law of Canada
21. Hidayatullah (ed.) – Constitutional Law of India Vol. I (relevant chapters)
22. G.P.Singh- Interpretation of Statutes.
23. Vepa P. Sarathi, Interpretation of Statutes 24.Laurence H. Tribe, American Constitutional Law

1.1.2. COMPARATIVE CONSTITUTIONAL LAW –I (Forms and Structure of Government)

Unit-I:

Concept of representative and responsible government, Constitutional Conventions; Nature, Scope and Role of Conventions; Presidential, Semi-Presidential, Collegiate system of Governments.

Unit-II:

Concept of Cabinet government, Mode of appointment of Prime Minister, Collective and Individual Responsibility; Hung Parliament. Treaty making power, Power to implement treaties, External affairs powers; Emergency power, War power.

Unit-III:

Martial Law, Nature and Significance of Legislative power, composition of Legislature, First and Second Chamber, Powers and Immunities of Legislatures, Chief Executive, his powers and functions.

Unit-IV:

Organization and Jurisdiction of the Higher Judiciary; Independence of Judiciary, Judicial Review and accountability.

The study is with reference to the Constitutions of UK, USA, Canada, France, Switzerland and Australia.

Books for Study:

1. Relevant Provisions of the Constitutions
2. Peter W.Hogg- Canadian Constitutional Law.
3. Ivor Jennings- The Cabinet Government.
4. A.H.Birch – Representative and Responsible Government
5. Colin Howard- Australian Federal Constitutional Law
6. Wade and Phillips – Constitutional Law and Administrative Law.
7. Tressolini- American Constitutional Law.
8. Mason & Beaney – American Constitutional Law.
9. Nowak, Rotunda and Young- Constitutional Law of US (Student Ed.)
10. W.A. Wynes- Legislative, Executive and Judicial Powers in Australia.
11. Hughes, Christopher- Swiss Constitution
12. Godfrey & Blondel – The French Constitution and Government.
13. Rodney Brazier – Constitutional Practice.

Branch II- International Law:

1.2.1: GENERAL INTERNATIONAL LAW

Unit- I:

Introduction – Evolution of international Law- Sources, Treaties, Customs, General Principles of Law, Judicial decisions and opinion of the publicists- other sources of law, law making through international organization- codification and progressive development – Role of International Law Commission. Subjects of International Law, Substantive principles of contemporary international law, sovereign equality of states - nonintervention - nonuse of force, international cooperation - peaceful settlement of disputes, -self determination

Unit- II:

Relationship between international law and municipal law – Application of international law in the municipal sphere- Application in the national sphere- State Practices, Customary laws and treaties with special reference to India- Influence of international law on in the World Court and other tribunals.

Unit-III:

Jurisdiction of State- Nationality, its acquisition, loss and proof- Double nationality and statelessness- Criminal jurisdiction – Basis of criminal jurisdiction – International Criminal law and International Criminal Tribunals- Aliens- Acquired rights of aliens- Sovereign immunity- Immunity of States- Immunity of State Organs and Property - State Responsibility – General Principles- Imputability- - Responsibility for injuries to aliens- Procedural enforcement of claims, espousal and nationality of claims, and exhaustion of local remedies. State Recognition

Unit-IV:

International Environmental Law- Introduction – Development of international environmental law- General Principles – Regulation of transboundary air pollution- Protection of ozone layer- Global warming and climate change- International rivers and lakes- Protection of wildlife and terrestrial resources – Conservation of Biological Diversity and its Convention.

Books for Study:

1. Oppenheim – International Law Vol. I – Law of peace
2. O'Connell – International Law Vols. I & II
3. Briery – The Law of Nations
4. Sorensen – A Manual of Public International Law
5. Brownlie – Principles of International Law
6. Harries, D.J – Cases and Materials on International Law
7. Green T.H. – International Law through Cases.
8. Hung M.Kindred (ed) – International Law

1.2.2 INTERNATIONAL RELATIONS AND LAW OF TREATIES

Unit- I:

Historical Approaches to International Relations, theories and concepts, Study of International Relations , Sovereignty – Nationalism – Their evolution, operation and new challenges, Imperialism, colonialism and Post modernism –international relations in transitions. **Global Civil Society: Non-Governmental Organizations in World Politics-Third World Negotiations**

Unit-II:

Elements of National Power – geographic element, Demographic element – Historical, sociological, Psychological and Economic element. Organizational, Administrative element – Military element and Diplomacy as an element of power.

Unit-III:

Foreign policy – theory – Different aspects of Foreign policy- - Negotiation - The art of Negotiation – ailments of modern diplomacy- Foreign policy of Great Powers, UK,USA, France, USSR- India's Foreign Policy

Unit-IV:

Patterns of power – Unilateralism – Collective security, Techniques of Balance of power – World conquest – World State – Case Studies in Balance of Power- Law of Treaties – Formation – Different aspects – Ratification - Reservation – Interpretation – Termination- General Principle of Treaties.

Books for Study:

1. F.H. Hartman – The Relations of Nations.
2. H.J.Morgenthau – Politics among Nations.
3. Q. Wright – A Study of International Relation.
4. Oppenheim – Law of Peace.
5. O'Connell – International Law Vol. I & II.
6. Brownlie – Principles of International Law.

Branch III: Business and Trade Law

1.3.1 WORLD TRADE LAW

Unit- I:

The policies and realities of International Economic Law in the global context; Evolution of World Trade Organization from 1947 to 1995; Organization, Structure, Power and Objective of World Trade Organization; Most – Favoured Nation treatment and National Treatment; Tariffs and safeguards

Unit- II:

Technical Barriers to Trade; Sanitary and Phyto- sanitary Measures; Trade Related Investment Measures; Subsidies and countervailing measures; Anti-Dumping; Agriculture; Textiles. Trade in Services (GATS); Trade Related Aspects of Intellectual Property Rights (TRIPS),

Unit- III:

Dispute Settlement Process; Comparison with ICC Court of Arbitration and other models; Impact of World Trade Organization on India – Emerging trends in WTO. International Sale of Goods: Various forms and standardization of terms; formation and performance of international contracts; acceptance and rejection of goods; passing of property;

Unit-IV:

Rights of unpaid seller; frustration of contract. Product liability; Insurance of exports; Marine and other insurance, Law on carriage of goods by sea, land and air, container transport; pre-shipment Inspection; Export and Import – Licensing; unification of international sales law.

Books for Study:

1. John H. Jackson – The Jurisprudence of GATT and the WTO, Cambridge University Press, 2000.
2. John H. Jackson – The World Trading System, The MIT Press, Cambridge 1998.
3. Bhagirath Lal Das – The World Trade Organisation, Earthworm Books 1999.
4. Clive M. Schmitthoff- The Law and Practice of International Trade, 10th edition, 2000.
5. Albert Jan Van den Berg- The New York Arbitration Convention 1958 towards a uniform judicial interpretation.
6. Arun Goyal- WTO in the New Millennium, 4th edition. 2000.
7. Christopher Arup- The New World Trade Organization Agreements. Cambridge University Press, 2000.
8. International Legal Materials - 33 ILM 13 (1994).

1.3.2 CORPORATE, FINANCE AND INVESTMENTS LAW

Unit-I:

Constitutional dimension of control over investments, incorporation, registration of companies – companies registered outside Indian, Corporate Ethics and code of conduct – mechanism to improve corporate image – Corporate social responsibility. Computation Law – CCI and functions investment policy of government of India, IDRA 1951. Corporate Restructuring – merger, amalgamation, takeover

Unit-II:

Importance of legal regime governing finance and investments - Securities, Regulation and Stock Market in India Protection of interests of investors in securities - Securities and Exchange Board of India Act, 1992 - Securities Contracts (Regulation) Act, and Rules 1956 - The Depositions Act 1996.

Unit-III:

The objectives of Foreign Exchange Management Act, 1999 - Improvements Over Foreign Exchange Regulation Act Regulation and Management of Foreign Exchange: Dealing in Foreign Exchange, holding of Foreign Exchange - Current Account transaction - Capital account transaction - Export of goods and services - Realization and repatriation of Foreign Exchange and exemptions - Authorized person - Contravention and Penalties Adjudication and appeal – Enforcement. Special Economic Zone

Unit-IV:

Finance of Exports - Bills of Exchange - Collection Arrangement - Letters of Credit - Bank Guarantees and other Contract guarantees in general - Factoring, Forfeiting, Financial leasing and other forms of merchant finance; Law relating to hire purchase.

Books for Study:

1. Rajiv Jain - Guide on Foreign Collaboration: Policies and Procedures (New Delhi. India Investment Publishers).
2. Leo D'Arcy et.al - Schmitthoffs Export Trade - The Law and Practice of International Trade, X Edn. Sweet & Maxwell, London,
3. C. Singhanian - Foreign Collaborations and Investments in India: Law and Procedures, Universal Law Publishing Co.Pvt.Ltd., Delhi 1999.
4. Taxmann's - New SEBI (Disclosure & Investor Protection) Guidelines,1999
5. Jayant M. Thakur- Comparative Analysis of FEMA - The Foreign Exchange Management Act, 1999 with FERA.
6. Bharat - Bharat's Manual of SEBI, Bharat Law House Pvt. Ltd., New Delhi, 2000.
7. S.M. Dugar - Law of Monopolistic Restrictive & Unfair Trade Practices, III Edn. Vadhwa and Company. Nagpur, 1997.
8. Sanjiv Agarwal - Bharat's Guide to Indian Capital Market, Bharat Law House. New Delhi. 2000.

SECOND SEMESTER LL.M

Compulsory Paper – 2.0 RESEARCH METHODOLOGY

Unit I:

Basics of Research- Concept and meaning of Research; Reflective Thinking; Characteristics of Scientific Methods; Kinds of research – Pure and applied, Need for objectivity and value- neutrality in research; Research qualities and traits.

Essentials of Legal Research- Nature and objectives of legal research; Doctrinal and non-doctrinal legal research; Law and Behavioral Studies; Law Reform and legal research; Socio – legal research in India; Problems and perspectives- Constitutional aspects of legal method- Procedural and Comparative legal method.

Unit II:

Formulation of the Research Problem Origin, selection and definition of research problem, Law – society interaction as an input for legal research; Evaluation of previous research and review of literature; Framing of research design for traditional and socio- legal research, working bibliography, research reading, agenda of procedure- Developments of research theme. Facts, Theory and Hypothesis; Formulation, Importance, types and testing of Hypothesis; characteristics of good hypothesis; Concepts, Variables and Definitions.

Unit-III

Techniques and tools for collection of data-Descriptive Method of Research- Library and documentary research for collection of legal materials–Analysis of Legal materials, statutes and delegated legislations; Criteria of customs-Survey of Juristic writing.

Use of historical and comparative research materials. Use of observation studies, Participant and non-participant observation- Questionnaires and Interview schedules. Use of case study-sampling Method

Unit-IV :

Classification and tabulation of data; Analysis and Interpretation – Styles and forms in research reporting; Use of computers in legal research use of Internet – Methods of citations.

Prescribed Books:

1. Whitney, F.L.- The Elements of Research Chapters 1.6 & 15- 16.
2. Goode, William J and Hatt, Faul, H.- Methods in Social Research (Relevant Chapters).
3. I.L.I – Legal Research and Methodology (Relevant Articles).
4. M.C.Price, H.Bitner and Pysiewiez, - Effective legal Research.
5. Rupert Cross- Precedent in English Law
6. A.Lakshminath- Precedent in India
7. C.K.Allen – Law in the Making
8. Carl F.Stychin – Legal Method – Text and Materials, Sweet & Maxwell, London, 1999.
9. Amy E Sloan – Basic Method Research – Tools and Strategies, (Aspen Law and Business, New York, 2000.)

10. Nick Holmes Delia Venables- Researching the Legal Web, 2nd Edition, Butterworths, 1999.

2.1.1 COMPARATIVE CONSTITUTIONAL LAW – II (Federalism)

Unit- I:

Concept and Objectives of Federalism – Historical background – Trends of development – development – From traditional approach to co-operative federalism – Concept and operation of Co-operative Federalism – Unity and Integration of Nation – Immunity against Secession – Centripetal and centrifugal forces – equality of federating units.

Unit-II

Methods and Criteria of Distribution of Legislative Power – Supremacy of Federal Power, Necessary and Proper Clause – Residuary Powers – Doctrine of Immunity of Instrumentalities – Role and Composition of Second Chamber.

Unit-III

Administrative Relations – Resolution of Federal Conflicts, Settlement of Inter – State Water – Boundary Disputes – Full faith and credit clause – Impact of War Power and Treaty Power on Federalism.

Unit-IV

Financial Relations – Distribution of Financial Resources – Grants – in –aid , Types of Transfer funds – Borrowing powers of Central Government – Distribution of Taxing Powers – Role of Judiciary in Federal System. Trade, Commerce and Intercourse throughout the Federation – powers of Federal and State Governments to regulate the Trade activities.

The study is with reference to the Constitutions of US, Canada, and Australia

Books for Study:

1. E.S.Venkataramaiah – Federalism Comparative Study.
2. K.C. Wheare- Federal Government.
3. Sarkaria Commission Report.
4. H.M. Seervai – Constitutional Law of India.
5. D.D.Basu – Comparative federalism
6. E.S. Corwin – Constitution of US: What it means.
7. Mason & Beany – Constitution of US.
8. Kauper & Beytaugh- Constitution of US.
9. Nowak, Rotunda & Young- Constitution of US
10. P.W. Hogg- Canadian Constitutional Law
11. Leon & Atkey- Canadian Constitution in Modern perspectives.
12. Colin Howard – Australian Federal Constitutional Law
13. W.A. Wynes – Legislature, Executive and Judicial Powers.
14. Lane, Commentary to the Australian Constitution.

2.2.2 INDIAN CONSTITUTIONAL LAW –I (Other than Parts III, IV & IVA)

Unit- I :

Concept and objectives of Federalism in India-Cooperative and Market linked Federalism-Territorial Organization of states – Distribution of Legislative Powers between the Union and State-Union and State Legislature – Composition- Legislative Power of the President and Governor – Powers, Privileges and immunities of the Members of Legislature.

Executive Power of the Union and State – Cabinet Government – Appointment of Prime Minister and Chief Minister. Composition of Council of Ministers – Concept of aid and advice – Collective and Individual Responsibility – Anti-defection law.

Unit-II:

Union Judiciary- Appointment of Judges – Jurisdiction of the supreme Court – Original, Appellate and Advisory - Independence of the Judiciary – High Courts in States – Appointment of Judges – Transfer of judges,- Judicial review.

Unit-III:

Administrative Relations between Union and states- Ensuring of Constitutional governance-proclamation of Emergency – Safeguards against abuse of emergency power-President's Rule in States.

Power of the President to grant pardons and to suspend, remit or commute sentences- Speaker – Powers of the Speaker-Full faith and credit clause-Constitutional Conventions.

Unit- IV:

Financial Relations – Distribution of revenue between the Union and States- Finance Commission, Power of borrowing – Inter- State Trade, Commerce and Intercourse, Public Service – Commissions – Election Commission, Inter- State Water Dispute – Working of Inter – State Council. – Sarkaria and Poonji Commission Report

Books for Study:

1. E.S.Venkataramaiah – Federalism Comparative Study.
2. K.C.Wheare – Federal Government.
3. Sarkaria Commission Report.
4. H.M.Seervai – Constitutional Law of India.
5. D.D. Basu – Comparative Federalism
6. M.P.Jain – Constitutional Law of India
7. M.C.J Kagzi- Constitutional Law of India
8. V.N.Shukla- Constitutional Law of India (ed. By M.P. Singh)

Branch II International Law:

2.2.1. INTERNATIONAL ECONOMIC LAW AND LAW OF THE SEA

Unit-I:

Introduction – Definition, Nature and Sources of International Economic Law – Extra- territorial jurisdiction in the economic sphere – Relationship between national and international economic laws – Contemporary developments in the context of de-colonization – Developing States and the Modern perspective of international economic relations –Resolution on Permanent sovereignty Over Natural Resources –Declaration on the New International Economic Order – The charter of Economic Rights and Duties – Problems connected with transfer of technology and multinational corporations. International Development Law – Introduction – Fundamental Concepts and Principles – Sustainable Development – International Development assistance and the World Bank Group - Functions of the World Bank Group – Institutional aspects of the World Bank Group – Financial obligation of the World Bank Group – International Investment Law – Expropriation – Stabilization Clauses – Bilateral investment treaties – A need for multilateral investment agreement.

Unit-II:

International monetary law- Introduction – International monetary and the I.M.F – International Monetary Problems Institutional aspects of IMF Interpretation & Dispute Settlement – Regulation of the external value of the money – Discretionary system of exchange rates under the I.M.F – The Code for multilateral system of Payments under Art. VIII of the I.M.F Articles of Agreement – Exchange- restrictions and national security- Regulation of capital movements – International liquidity and the S.D.R – Balance of payments adjustments and the I.M.F resources – Financing for balance of payments disequilibrium – The role of conditionality – Regular facilities, special facilities and concessional facilities – Debt reduction assistance – Legal characterization and nature of I.M.F Conditionality.

Unit-III:

Law of the Sea: Introduction – Customary law- Geneva Conventions The Third Law of the Sea Conference – the U.N Convention on the Law of the Sea –New challenges– Territorial Sea and the Contiguous Zone – Jurisdiction – innocent passage – Straits used for international navigation – Archipelagic states – Exclusive Economic Zone and the Continental Shelf- The High Seas and Jurisdiction hot pursuit-piracy – Right to access of land – locked states to and from the sea and freedom of transit –Protection and Reservation of the Marine Environment.

Unit-IV:

Declaration of Principles Governing the Sea- bed and the Ocean Floor, and the subsoil thereof, beyond the Limits of National Jurisdiction – The Area – Principles governing the Area – Development of the Resources of the Area – The International Seabed Authority – Marine Scientific Research and Development, and Transfer of Marine Technology – Settlement of Disputes under the Convention, Seabed Dispute Chambers – Agreement for the Implementation of the Seabed Provisions of the Convention on the Law of the Sea.

Books for Study:

1. Asif H.Qureshi – International Economic Law (London: Sweet & Maxwell, 1998)
2. Jackson and W.Davey er.al.- International Economic Relations (1995).
3. H.Fox (ed.)- International Economic Law and Developing States: Some Aspects (1992).
4. I.Seidi – Hohenveldern, International Economic Law (1992).
5. Bhandari and Sykes – Economic Dimensions in International Economic Law (1999).
6. Van Meorhaeghe – International Economic Institutions (1998).
7. Schwazzenberger – Foreign Investment and International law
8. Oxolic – Legal Aspects of International Transfer of Technology.
9. Wallace – Multinational Corporations.
10. O'Connell – International Law, Vol. I & II.
11. Harves D.D, - Cases and Materials on International Law
12. Geneva Conventions on the Law of the Sea, 1958.
13. U.N. Convention on the Law of the Sea 1982.
14. 1994 Agreement for the Implementation of the Seabed Provisions of the Convention on the Law of the Sea.

Branch III: Business and Trade Law

2.3.1 HUMAN RESOURCES DEVELOPMENT

Unit- I:

Law and Human Resources – Welfare and Security of Workers as policies of development – Constitutional Basis – Evolution of Labour Law, Role of Trade Unions, Collective Bargaining, Immunity of Trade Unions against Civil and Criminal Liabilities.

Unit- II:

Dispute Settlement Machinery and Mechanism under Industrial Disputes Acts- State Intervention in Industrial Disputes – Industrial Sickness and Rehabilitation.

Unit-III:

Managerial Prerogatives – Extent and Limitation; Lay – off, Lock-out, Retrenchment, closure, Concept of Social Security; International Labour Organization and Social Security –Employees State Insurance – Law.

Unit-IV:

Industrial Injuries and Law – workmen’s compensation Act – Factories Act Provisions relating to safety, Welfare, Cleanliness, Working conditions in Industrial Establishment, Factories Act. Role of Provident fund – Payment of Gratuity Act and Law relating to Superannuation benefits; Problems relating to Contract Labourer.

Books for Study:

1. Victor Feather – The Essence of Trade Unionism.
2. Shivachandra Jha – The Indian Trade Union Movement.
3. Karnik, V.B. – Indian Trade Union.
4. Weifred Jenks – Social Justice in International Law of Nations: The Impact of ILO after 50 years
5. Industrial Disputes Act and Rules thereunder.
6. Davis and Freeland – Labour Law – Text and Material (Relevant Chapters)
7. O.P.Malhotra – Law of Industrial Disputes
8. Munkman John – Employer’s Liability.
9. Ogul and Barendt – The Law of Social Security (Relevant Chapters).
10. Relevant Provisions of the Report of National Commission of Labour 1968.
11. Factories Act.
12. Workmen’s Compensation Act.
13. Maternity Benefit Act.
14. Plantation Labour Act.
15. Gratuity Act.
16. Employees Provident Fund and Farm Personnel Fund Act.
17. S.C.Sri.Vastava – Social Security and Labour Law.
18. H.N.Saramy – Industrial and Labour Law of India.
19. Harvy Calvest – Social Security Law.
20. S.Krishnamoorthy- Employees’ Provident, Pension and Insurance Funds.
21. G.B.Pai – Labour Law in India.
22. H.P.S Panwa – Sick Industries and BIFR.
23. M.S.Narayanan – Law Relating to Industrial Sickness in India.
24. R.N. Choudari – Commentary on the Workmen’s Compensation Act, 1923.

2.3.2 INTELLECTUAL PROPERTY RIGHTS – I

(Copy rights & patents)

Unit- I :

Concept of Intellectual Property, Origins, Policies and Justifications; Philosophy of Copyright and Patent laws; Intellectual property and monopoly – Economic approaches; Constitutional and Human Rights Dimensions of Intellectual Property – TRIPs and its impact on India – World Intellectual Property Organization – Functions and Policies. Historical perspectives of copyright – Patents.

Unit-II:

Meaning of Copyright – Its nature, scope, content and duration; Copyrightable works, Authorship, Ownership, Assignment and Licensing; Copyright in computer software; Literal and non –literal copying – with reference to Indian and English law and relevant International Convention on Copyright. Infringement of copyright; Acts not amounting to infringement, Fair use doctrine; International Copyright: International Treaties and Cross Border Litigation

Unit-III:

Compulsory licensing; Control of monopoly; Performer's and broadcaster's rights; Moral Rights; Sound recordings and Video films, relevant International copyright conventions, and Indian and English law to be discussed. Objectives of Patent Law; Balance of Interests – Requisites for Obtaining Patent – Patentable subject Matter

Unit- IV:

Grant of Patents – Formalities and Procedures, English, Indian and American law to be discussed. Rights of Patentees – Assignment, Licensing, Compulsory Licensing, Scope for governmental intervention – Infringement of Patents- Remedies – Patenting of Life forms and Plant varieties – Plant breeder's rights – International Conventions on Patents. English, Indian and American law to be discussed.

Books for Study:

1. W.R.Cornish – Intellectual Property Rights, 4th edn. Sweet & Maxwell, 1999.
2. Paul Torremans and Jan Holyoak- Intellectual Property Law, 2nd edn. Butterworths, 1998.
3. Catharine Colstone – Principles of Intellectual Property law, Cavendish, London, 1999.
4. R.G. Chaturvedi (ed.) Iyengar's The Copyright Act 1957, 6th edn. Butterworths, India 2000.
5. A.S. Srivastava (ed.) Lal's Commentary on Law of Copyright, 3rd edn. 1999. Delhi Law House.
6. Copinger & Skone James- Copyright, 13th edn. Sweet & Maxwell, London.
7. Donald S.Chishum, C.A. Nard. H.F. Schwartz et.al., Principles of Patent Law; Cases and Materials, foundation Press, New York, 1998.
8. P.Narayanan – Patent Law, 3rd edn. Eastern Law House.
9. K.V.Swaminathan – Guiding Principles in the Decisions on Patent Law, Bahari Brothers, Delhi, 2000.
10. N.R.Subbaram – Patent Law.
11. Bibek Debroy (ed). – Intellectual Property Rights.

THIRD SEMESTER LL.M

LAW ON HUMAN RIGHTS & DUTIES (Open Elective)

Unit-I:

Concept of human rights, theories and history, International conventions / Instruments / Documents on human Rights-Universal Declaration of Human Rights, 1948,International Convention on the Elimination of all Forms of Racial Discrimination (CEEDA) 1979,International Covenant on Civil and political Rights, 1966,International Covenant on Economic, Social and Cultural Rights, 1966,Convention against Torture and other Cruel Inhuman of Degrading Treatment or punishment, 1984, International Conventions on Women, Children, Disabled and others

Unit-II:

Fundament Rights & Duties

Concept of Equality – Article 14,15, 16, 17, Fundamental Freedoms: Protection in respect of conviction for offences protection of life and personal liberty; Judiciary and Unenumerated rights ; prohibition of Traffic in Human beings and forced Labour, Freedom of Religion, Fundamental Duties'. Protection of Human Rights Act 1993. Public Interest Litigation: Judicial Remedies: Role of Non-Governmental Organization.

Unit-III:

Women & Child

Child Labour Act, Dowry Prohibition Act, Domestic Violence Act, Maternity Benefit Act, Protection against sexual Harassment.

Unit-IV:

Vulnerable Communities

Protection of civil Rights Act, 1956: SC/ST (Prevention of Atrocities) Act 1989. Indigenous and Tribal Rights (Forest Dwellers Rights Act, 2006), Prenatal Diagnostic Technique (Regulation & Misuse) Act. 1994.

Books for Study:

1. International Documenters and Instruments – Black Stone's
2. Indian Constitutional Law - V.N.Shukla
3. Indian Constitutional Law – H.M. Seervai
4. Public Interest Litigation
5. Prohibition of Child Labour Act
6. Domestic Violence Act
7. Maternity Benefit Act
8. Human Rights Act 1993
9. Civil Rights Act, 1956
10. SC/ST (Prevention of Atrocities) Act 1989

Compulsory Paper-

3.0 JURISPRUDENCE – II (Judicial Process and Social Change)

Unit I:

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 – Indian Law relating to precedent.

Unit-II

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 – judicial activism. Nature of judicial process – search for the legislative intention – Methods of judicial interpretation – Role of philosophy (Logic), history, tradition and Sociology – Judge as legislator – Judicial creativity and its limitations.

Unit-III

Meaning of social change – Dimensions, extent and types of social change – Causes and agencies of Social change – Legal and non-legal factors responsible for social change – Relation between Law and Justice – Social Justice – Law, Morality and Social Change. Anti Superstition

Law

Unit-IV:

Conflicting theories of Kautilya, Hobbes, Max,Hegel and Darwin – Conciliation theories of Durkheim, Duguit, August Comte. Utilitarian theories of Bentham, Mill. Role of Social Reformers –Raja Rama Mohan Roy, Gandhiji Ambedkar, Savrgna.

Books for Study:

1. Roscoe Pound - Jurisprudence (1959) Parts, 3,5,6.
2. C.K.Allen - Law in the Making (1963) Chapters 3, 4,
3. Julius Stone - Legal System and Lawyer's reasonings (1964), Chapters 1,6,7&8
4. Julius Stone - Social Dimensions of Law and Justice (1966), Chapter 14 (Part & II).
5. Rupert Cross - Precedent in English Law (1968)
6. Jerome Hall (ed.) - Readings in Jurisprudence (1956), Chapters 9,12,13 & 24.
7. Cardozo - The Nature of Judicial Process (1921)
8. Rajeev Dhavan - The Supreme Court of India: A Socio – legal Critiques of its Juristic Techniques (1977), Chapter I.
9. A.Laxminath - Precedent in the Indian Legal System (1990)
10. Rupert Cross and - Precedent in English Law (1991) J.W.Harris
11. Julius Stone - Precedent and the Law, Butterworth (1985)
12. W.Friedman - Legal Theory, Chapters 3-6.
13. W.Friedman - Law in Changing Society, Ist Chapter.
14. Steven Vago - Law and Society
15. B.S.Gandhi - Law and Social Change .
16. K.Subba Rao - Law and Social Justice
17. K.Subba Rao - Law and Society
18. N.R.Madhava Menon (ed.)Social Justice and Social Practices.
19. Upender Baxi (ed.) – Law and Poverty
20. Appadorai - Modern Indian Political Thoughts.
21. K.Kuppuswamy - Social Change in India.
22. R.G. Sinha - Law and Social Change
23. Mare Galanter - Law and Modern Society.
24. Indian Law Institute Publication on Law and Social Change; Indo-American Reflections.
25. Poras Diwan – Legal protection of women's in India
26. G B.Reddy – Women & Law
27. Justice Anand – Women & Justice
28. Indra Jai Singh - Law and Domestic Violence

Branch I – Constitutional Law

3.1.1 COMPARITIVE CONSTITUTIONAL LAW- II (Rights & Liberties)

Unit-I:

Philosophy of rights and liberties – Historical overview – Methods of guarantee of basic rights – Common Law method – Constitutional bill of rights – Division of powers approach – Concept of State action – Right to Life – Traditional and Modern Concept – Positive rights of life – Rights to die – Right to personal liberty and Right to privacy.

Unit –II:

Right to Equality – Racial Equality – Non-discrimination – Reasonable Classification – Gender equality – Protective discrimination – method and extent. Due process of Law and its kinds – Rights of Accused– Immunity against Self- incrimination – Rule against double jeopardy – Protection against unreasonable search and seizure – Speedy Trial – Right to Counsel – Right to bail – Protection against Cruel and Unusual punishment – death penalty.

Unit-III:

Freedom of Speech and Expression – Content , and extent of restriction – Electronic Media – Law of Media – Freedom of Assembly, Association, Movement, Residence – Content and Extent of restrictions.

Unit-IV:

Freedom of Religion – Secularism –Right to property – Power of eminent domain – Freedom of business.

The study is with reference to the constitutions of the USA, Canada and the United Kingdom.

Books for Study:

1. Kauper and Beytaugh – Constitutional Law
2. Rotunda and Nowak – Treatise on American Constitution Vol.3 and 4.
3. Lockhart, Kamisar and Choper – American Constitution
4. Bernad Schwartz Commentary on American Constitution Part II & III,
5. Peter W. Hogg – Canadian Constitutional Law
6. Laskin – Canadian Constitutional Law
7. Leon & Atkey – Canadian Constitutional Law in Modern Perspective.
8. Wade and Philips – Constitutional and Administrative Law.
9. Bailey, Harries and Jones – Civil Liberties.
10. Hood Philips – Constitutional and Administrative Law
11. A.V.Dicey – Introduction to the Study of Constitution.

3.1.2 INDIAN CONSTITUTIONAL LAW –II (Parts III, IV and IVA)

Unit-I:

Objectives of Part III, IV & IVA- Historical genesis – Preamble to the Constitution – Concept of State – Art.13- Waiver of Fundamental Rights – Exceptions to Art. 13: Articles 31-A, 31- B, 31-C, 33 to 35.

Concept of ‘Equality’, Test of reasonable classification – Protection against arbitrariness prohibition of discrimination on certain grounds – Equality of opportunity in Public Employment - Protective Discrimination – Methods and Limitations – Prohibition of ‘Untouchability’.

Unit-II:

Freedoms: Freedom of Speech & Expression & Right to know – Freedom of Association or unions – Freedom of Movement and Freedom to Practice any profession or to carry on any occupation – trade or business – Reasonable restrictions – Protection in respect of conviction for offences (Art. 20)

Unit-III:

Right to Life and Personal Liberty: Judiciary and Unenumerated rights ; Protection against arrest & detention – Right against exploitation – Prohibition of Traffic in Human beings and forced labour – Right to freedom of Religion.

Unit-IV:

Minority’s Right to establish and administer educational institutions – Directive Principles of State policy: Nature and Scope, Social Security provisions, Community welfare provisions – Inter-relationship between Directive Principles and Fundamental Rights – Fundamental Duties. Art. 300-A Right to Property.

Books for Study:

1. H.M. Seervai – Constitutional Law of India – Vol. I and II.
2. D.D.Basu – Commentaries on Constitutional Law of India. Vols. A to E
3. D.D. Basu – Human Rights and Fundamental Rights.
4. Subhash C. Jain – The Constitution of India, Taxmann, 2000.
5. Kagzi – Constitution of India.
6. V.N. Shukla – Constitution of India.
7. T.K. Tope, Constitutional Law of India
8. M. Hidayatullah, (Ed.) Constitution of India
9. Prof. Ishwar Bhat, Fundamental Rights: Inter Relations

Branch II International Law :

3.2.1 PRIVATE INTERNATIONAL LAW

Unit-I:

Introduction – History – Definition – Need for application of the rules of private international law- Foreign elements and Foreign law Characterization – The incidental question and renvoi – Jurisdiction – Staying of Actions; Forum non convenience, lis alibi pendens and jurisdiction clauses –Exclusion of foreign law – Public policy, penal laws, revenue laws and other public laws– Personal connecting factors – Residence – Ordinary residence and habitual residence – Domicile, general principles – Acquisition of domicile of choice – Domicile of origin and Domicile of dependence – Domicile of Corporations – Domicile and nationality.

Unit-II:

Family Law- Marriage, formalities, Capacity and Polygamous marriages –Internet Marriages– Matrimonial Causes, Jurisdiction in respect of divorce and nullity of marriage – Choice of law in cases of divorce and annulment – Legitimacy, legitimation and inter- country adoption.

Unit-III:

Law of obligations – Contracts – Common law approach, the Proper law of Contract – The Rome Convention – The Choice of the governing law and the Scope of the applicable law – Special Contracts like Consumer contracts, individual employment contracts, E – Commerce – Torts – Theories – the Common law rule and the 1995 English Act.

Unit-IV:

Property and Succession – Immovables – Jurisdiction and Choice of law – Movables – Choice of law, Theories and the Modern law – Voluntary assignment of intangible movables – Succession, Intestate succession, testamentary succession and exercise of power by will- Foreign judgments recognition and enforcement of foreign judgments- Substance and procedure.

Books for study:

1. Cheshire and North – Private International Law
2. Dicey and Morris – Conflict of Laws
3. Morris- The Conflict of Laws
4. Graveson- Private International Law
5. Paras Diwan Indian and English Private International Law
6. Chavan – Indian Private International Law.

III Sem.

International Human Rights Law and International Organizations

Unit I

Introduction – Historical Development – Concept and Philosophy of Human Rights - Internationalization of Human Rights – the U.N Charter – The U.N Commission on Human Rights – Covenant on Civil and Political Rights and the Covenant as Economics, Social and Cultural Rights- Vienna Declaration and Programme of Action of Human Rights, 1993- Convention on Prohibition of All Forms of Racial Discrimination 1965 – Covenant on Elimination of All Forms of Discrimination Against Women 1979 – Convention on Rights of the Child – Declaration on Right to development –Globalization and human rights

Unit II

Regional Human Rights Conventions- European Convention for the Protection of Human Rights and Fundamental Freedoms – European Social Charter – The Inter – American Convention on Human Rights – The African Charter on Human and Peoples- Declaration on Right to development – Declaration on Rights of Minorities – Convention on Indigenous and Tribal Peoples, 1989. Protection of Human Rights in India-Bangalore Declaration.

Unit III

International Organizations-History- The Preamble, Purposes and Principles of UNO- Domestic Jurisdiction- Right of self Determination- Powers and Functions of General Assembly, Security Council, ECOSOC, Secretariat - Pacific Settlement of Disputes – International Court of Justice-Action with Respect to Threat to Peace, Breaches of the Peace and Act of Aggression– Right of Self Defense

Unit IV

Regional Organizations: Introduction- European communities – The Council of Europe – The three communities –Assembly and Council of European Communities- European Union- **Regional Supranationalism**-the Organization of American States – the Organization of African Union.

Books for Study

1. Janusz Symonides (ed.)- Human Rights: Concept and Standards, UNESCO Publishing, 2000
2. V.R.Krishna Iyer - Human Rights, Eastern Law House, 2000
3. S.K.Kapoor - Human Rights under International Law and Indian Law, Central Law Agency, Allahabad, 1999
4. Gokulesh Sharma - Human Rights
5. Paras Diwan - Human Rights
6. Goodrich and Hambro – The charter of the United Nations.
7. Bowett. D.W.- The Law of UN.
8. Kelsen – The Law of UN.
9. S. Rosemne – The International Court of Justice.
- 10.R. Higgins – The development of International Law through the Political Organs of the UN.
- 11.D.E. Sohn – Cases on United Nations and Basic Documents of the United Nations.
- 12.Robertson – The European Institution.
- 13.Lason and Bridge – An Introduction to the Law and Institutions of the European Communities.
- 14.Deman – The Common Market.
- 15.Valentine – The Court of Justice of the European Communities.
- 16.International Law Reports – for cases generally, particularly on Human Rights.

Branch III Business and Trade Law
3.3.1 INTELLECTUAL PROPERTY RIGHTS –II
(Trademarks, Industrial Designs etc.)

Unit-I:

Basic principles of Trade mark functions - Historical development of trademarks law – Indian and International –Impact of TRIPS – Definition, Kinds and use of Trade Mark – Property in trade mark – Certification Trade Mark – Textile Trade Marks, Collective marks. Global Intellectual Property: Fundamental Principles

Unit-II:

Registration of Trade Marks – Opposition, Procedure – Powers of Registrar – Concept of Deceptive Similarity – effects of Registration. Infringement of Trade Mark – action for infringement – Passing off Action – Remedies for Passing Off.

Unit-III:

Domain name – Cyber Squatting – Resolution of domain name disputes mechanism –• Appellate board – powers and functions of the Boards – Cyberspace Law: Internet Jurisdiction and Dispute Resolution UDRP (Uniform Domain-Name Dispute-Resolution Policy) and• INDRP – Rules and Procedure• Digital Intellectual Property Law Industrial Design – Registered and Un-Registered design – Geographical Appellation and Geographic Indication Act, 1999 – Integrated Circuits.

Unit-IV:

Confidential Information and Trade secret Historical development and conceptual basis – When is information confidential – Obligation of confidence – Good faith-fiduciary duty, Unauthorized use - remedies.

Books for Study

1. W.R.Cornish – Intellectual property Rights, 4th edn. Sweet & Maxwell, 1999.
2. Paul Torremans and Jan Holyoak – Intellectual Property Law, 2nd edn. Butterworths, 1998.
3. Catharine Colstone –Principles of Intellectual Property Law, Cavendish, London, 1999.
4. P.Narayanan – Intellectual Property Law, Eastern Law House, Calcutta.
5. P.Narayanan – Law of Trade Marks (Trade Marks Act 1999) and Passing off, Eastern Law House, House, Calcutta, 2000.
6. P. Narayanan – Trade Marks Trade Name and Passing of Cases, Easter Law House, Calcutta, 1977.
7. J.S. Sarkar – Trade Marks; Law and Practice, Kamal Law House, Calcutta, 2000.
8. S.Venkateshwaran – The Law of Trade Marks and Passing – off . Reprint 1999.

FOURTH SEMESTER LL.M

4.0.1 DISSERTATION

Compulsory Papers **4.0.2 ENVIRONMENTAL LAW**

Unit-I:

Concept of 'Environment': National and International Perspective- Evolution of Environmental Law – Approaches toward Environmental protection like Trust Theory, Common property, Inter-generation equity – polluters Pay Principle – Importance of Agenda 21 – Sustainable development – Constitutional dimensions of Environmental protection.

Unit-II:

Conservation, Protection and Use of 'Land' water and other natural resources – Specific Eco systems – Forests, Wild life and wet lands – Concept of pollution: Forms of pollution; Air, Water, Noise.

Unit-III

Waste Management Law: National and International concern – Specific Legal Regime – Air Act, Water Act and Environmental Protection Act, NGT Act, 2010 – Common Law and Criminal Law and Constitutional Remedies.

Unit-IV:

Pollution Control Boards: Its powers and functions under Water Act – Role of Central Government under Environmental Protection Act, 1986, Public Hearing.

The conflict of interests – Industrial accidents, Mega projects and their impact – Environmental Impact Assessment – Environmental Audit – Coastal Zone Management.

Books for Study:

1. Simon Ball And Stuart Bell - Environmental Law
2. Garner's- Environmental Law (Butterworth's Publication).
3. Commercial Environmental Law and Liability (Longman's Publication).
4. Salter, Corporate Environmental Responsibility – Law and practice (Butterworth's Publication)
5. Hughes - Environmental Law (Butterworth's Publication)
6. Bernie and Bayle – International and the Environment (Oxford).
7. Shyam Divan and Armin Rosencranz - Environmental Law and policy in India.
8. Lal – Commentaries on Water, Air pollution and Environment (protection Laws).
9. Chaturvedi & Chaturvedi – Law on protection of Environment and prevention of pollution.

Branch I Constitutional Law

4.1.1 LAW OF WRITS AND SERVICE MATTERS

Unit-I:

Importance of Constitutional remedies – Introduction to Art.32 and 226; Nature and Scope of Writs in UK and India ; Habeas Corpus, Mandamus, Certiorari, Prohibition and Quo-warranto; Directions and Monetary Compensation. Law relating to Exhaustion of Alternative Remedies; Delay and Laches.

Unit-II:

Locus Standi; Public Interest Litigation, Epistolary Jurisdiction , Res Judicata Interim Relief and injunctions with reference to India and UK. Human Rights Commission; Its powers and functions in the Protection of Human Rights – Scope of Article 32 and 226 of the Constitution of India as Constitutional Remedies – Provisions relating to Writ Procedure in order XXXV of Supreme Court Rules; Provisions relating to Writ Procedure in Karnataka; High Court Rules; Drafting of Writ Pleadings; Evidentiary Matters;

Unit-III:

Service Regulation under the Constitution; Constitutional Safeguards – The Rights of Civil Servants – Doctrine of Pleasure and its limitations – Domestic Inquiry – Compassionate Appointments – Voluntary Retirement – Compulsory Retirement.

Unit-IV:

Departmental remedies; Representation, Review, Revision and Appeal under CCA Rules – Procedure for imposing penalties – Remedy before the Administrative Tribunals ; Its jurisdiction, Scope and procedure – Administrative Tribunals Act. 1985 Articles 323 A and 323B – Exclusion of Judicial Review – Judicial Review of Service Matters – Limited Jurisdiction of Judicial Review against Disciplinary Proceedings.

Books for Study:

1. ILI – Judicial review through writ petitions.
2. S.A.De Smith – Judicial Review of Administrative Action (CHS, 1,3,8,11, appendix I & 2)
3. H.M. Seervai – Constitutional Law of India – Vol. II
4. Halsbury's Laws of England Vol. II.
5. Neville Brown. J.F Garner – French Administrative Law (Chs.3,4,5).
6. D.D.Basu - Commentaries on Constitutional Law of India. Vols. E & K
7. V.G. Ramachandran – Law of Writs.
8. Sharpe – Law of Habeas Corpus.
9. Rama Jois – Services under the State.
10. Hansaria – Law of Writs.
11. D.D. Basu – Human Rights and Fundamental Rights.
12. Chaudhury and Chaturvedi – Law of Writs.
13. Mallick – Service Law

14. G.B.Singh – Commentary on the CCS, CCA Rules.
15. M.R. Mallick, Writs; Law and Practice
16. Durga Das Basu, Constitutional Remedies and Writs
17. P.M.Baxi, Public Interest Litigations.

4.1.2 COMPARATIVE ADMINISTRATIVE LAW

Unit-I:

Impact of Rule of Law and Doctrine of Separation of Power upon Administrative Law – Delegation of legislative power – Judicial review on the question of Delegation – Types of control over Delegated Legislation – Judicial and Parliamentary control

Unit-II:

Principles of Natural Justice – Principle of hearing, Components – Effect of non-compliance – Rule against Bias – Administrative Direction – Identification- Nature of enforceability.

Unit-III:

Nature and Control over administrative Discretion-Governmental liability for torts committed by public servants – Doctrine of Legitimate Expectation – Its dimensions and application.

Unit-IV:

Doctrine of Promissory Estoppels, -Ombudsman – Powers and Functions – Right to Information – Governments Privilege to withhold documents and evidence. The study is with reference to the Administrative law in UK, USA, and France.

Books for Study:

1. Neville Brown & Garner – French Administrative Law.
2. RNK Wade – Administrative Law.
3. Bernard Schwartz – Administrative Law.
4. K.C. Davis – Administrative Law.
5. Garner – Administrative Law.
6. M.P.Jain & S.N. Jain – Principles of Administrative Law.
7. M.P.Jain – Treatise on Administrative Law.
8. S.P. Sathe – Administrative Law.
9. I.P.Massey – Administrative Law.
10. Michael Allen & Brian Thompson – Cases and Materials on Constitutional and Administrative Law.
11. Jerry L. Mashaw and et.al. Administrative Law – The American Public Law System (Cases and Materials).
12. C.K.Thakar – Administrative Law.
13. D.D. Basu – Administrative Law.

Branch II: International Law

4.2.1 INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

Unit-I:

Meaning – Origin – History – Definition of International Humanitarian law- Interface between International Humanitarian law & International Human Rights – Laws of neutrality – Laws relating to armed conflict in general- Protection of defenseless persons – Wounded, Prisoners of war & civilians.

Unit-II:

Regulations and restrictions upon armed conflict (international and non-international)- Prohibition against means and methods of warfare – Protection of cultural Property – Implementation of International Humanitarian Laws – national, regional and international – Internal Criminal Tribunals and International Criminal Court.

Unit-III:

Origin and development of the international regime for Refugees Protection – Definition of the term ‘Refugees’ – Principle of non-refoulement – Extradition and non-refoulement – The United Nations High Commissioner for Refugees (UNHCR) – Its structure and functions – UNHCR.

Unit-IV:

Causes of refugees flow and State responsibility – Durable solutions, Resettlement, Local integration and Repatriation – Special protection to women & Children – Internally Displaced Persons – The Problem of refugees in India, Tibetan, Bangladesh and Sri Lanka- NGOs- Role of ICRC.

Books for Study:

1. Oppenheim – International Law, Vol. II (Law of War).
2. Schwarzenberger – International Law, Vol. II (Law of Armed Conflict)
3. The Geneva Conventions of 1949.
4. Protocols Additional to the Geneva Conventions 1949.
5. M.K.Balachandra and Rose Verghese – Introduction to International Humanitarian Law (New Delhi, Indian Centre for Humanitarian Law and Research, International Committee of the Red Cross, 1997).

6. B.S. Chimni – International Refugee Law: A Reader (Sage Publications, 2000).

4.2.2 AIR AND SPACE LAW

Unit-I:

Introduction - Definition, scope, history, principles and standards – Institution and organs for the creation and administration of Air Law – International institutions – membership, organs and functions – The right to fly- Sovereignty over the Air Space – Air Transport agreements – Non-scheduled flights, Paris Agreement, 1956- Scheduled Air Services – Transit rights – Traffic and ancillary rights – Route planning, capacity control and rate fixing – Unauthorized entry, Air Ports and other navigation facilities – Licensing of aerodromes, customs aerodromes – Sanitary aerodromes - Provision of air and air navigation facilities

Unit-II:

The legal regime of aircraft – Definition and Classification of aircraft – Legal nature of aircraft – State aircraft – International recognition of rights in Air Craft – Nationality and Registration Certificates of airworthiness – International Standards and recommended practices – Documents to be carried and notices to be exhibited – Jurisdiction over aircraft – Crimes on Board Air craft – Customs, Seizure and arrest – The legal regime of Crew, Passenger and Cargo- licenses of personnel – International standards and recommended practice – Owners of aircrafts – Operators – Crew, entry and clearance regulations – Cargo restriction, mails and sanitary regulations- Air Transport and Carriage by air – The establishment and licensing on air transport services – Warsaw Convention – Related instruments – Non-international carriage, conditions of Carriage and conditions of Contract – Carriage by Air Act, Liabilities arising from operation of aircraft and air services, trespass, nuisance, collision.

Unit-III:

Space Law: Introduction – From Air law to Space law- International Control and Cooperation – Extraterrestrial application of international law – The U.N and outer space – The U.N. and development of international Law relating to outer space – the U.N Treaties on outer space.

Unit-IV:

Outer space and the international legal framework – the International legal status of outer space objects, Satellites and Spacemen- the Legal regime of outer space – the Legal status of astronauts, Space crafts and space objects, military uses of outer space-Commercial uses of outer space, Data gathering by Remote Sensing.

Books for Study:

1. Mc.Nair – Law of the Air (London, Steens and)
2. Bin Cheng – The Law of International Air Transport (London, Stevens and sons).
3. Avatar Singh – The Law of Carriage (Lucknow, Eastern Book Company).

4. Shawcross and Beaumont – The Law of Air.
5. Bin Cheng – Studies in International Space Law (Clarendon Press, Oxford).
6. C. Wilfred Jenks – Space Law (London, Stevens & Sons).

2.3.2 INTELLECTUAL PROPERTY RIGHTS – I

(Copy rights & patents) (Open Elective Paper)

Unit- I:

The meaning of Intellectual Property; the main forms of Intellectual property; Copy rights, Trade Marks, Patents, Industrial Design- International instruments concerning Intellectual Property Rights – TRIPS and its impact on India -World Intellectual Property Organization (WIPO).

Unit-II:

Meaning of Copyright – Its nature, scope, content and duration; Copyright in literary dramatic and musical works, Ownership of copy right, Assignment, Author's special rights – Infringement of copyright, Fair use doctrine – Remedies.

Unit-III:

Grant of Patents – Acquiring patent - Formalities and Procedures- Term of patent – compulsory Licensing- Licensee's right-obligations of patentee- patenting of Life forms and Plant varieties- Plant breeders rights – International convention on patents – Infringement & remedies.

Unit- IV:

Trade Mark- Basic principles of Trade mark functions- Definition, Kinds and use of Trade mark- Certification Trade Mark, Textile Trade Mark, collective marks- Registration of Trade Marks- procedure – Term of protection – Infringement of Trade mark – Remedies. Geographical appellations.

Books for Study:

1. W.R.Cornish – Intellectual Property Rights, 4th edn. Sweet & Maxwell, 1999.
2. Paul Torremans and Jan Holyoak- Intellectual Property Law, 2nd edn. Butterworths, 1998.
3. Catharine Colstone – Principles of Intellectual Property law, Cavendish, London, 1999.
4. R.G. Chaturvedi (ed.) Iyengar's The Copyright Act 1957, 6th edn. Butterworths, India 2000.
5. A.S. Srivastava (ed.) Lal's Commentary on Law of Copyright, 3rd edn. 1999. Delhi Law House.
6. Copinger & Skone James- Copyright, 13th edn. Sweet & Maxwell, London.
7. Donald S.Chishum, C.A. Nard. H.F. Schwartz et.al., Principles of Patent Law; Cases and Materials, foundation Press, New York, 1998.
8. P.Narayanan – Patent Law, 3rd edn. Eastern Law House.
9. K.V.Swaminathan – Guiding Principles in the Decisions on Patent Law, Bahari Brothers, Delhi, 2000.

10. N.R.Subbaram – Patent Law.
11. Bibek Debroy (ed). – Intellectual Property Rights.
12. P.Narayana – Law of Trade Marks (Trade Marks Act 1999) and passing off, Eastern Law House, Calcutta 2000
13. J.S.Sarkar – Trade Marks : Laws and practice, Kamal Law House, Calcutta, 2000.

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