



Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-101

Marks: 30 Internal + 70 End Sem

Course Title: LEGAL PHILOSOPHY I

Course Outcomes:

Credit- 4

- C.O. 1:** Grasp the fundamentals of different schools and their dominant ideas.
- C.O.2:** Understand the concept of law and legal order in the backdrop of the theories of different schools.
- C.O.3:** Apply their understanding of law in different legal systems;
- C.O.4:** Identify and analyze problems of legal order and their analysis with multiple perspectives.
- C.O.5:** To appreciate establishment of an egalitarian legal order.

Programme Outcomes

- P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- P.O.2:** Demonstrate the ability scientific, critical and comparative inquiry of the theory and ideas;
- P.O.3:** Identify legal issues and application of legal ideas thereto;
- P.O.4:** Inculcating the value of research;
- P.O.5:** Demonstrate the ability to solve problems with an holistic approach

UNIT I Introduction: Jurisprudence & Legal Theory

(12 Lectures)

Definition, Scope & Utility of Jurisprudence

Jurisprudence and Legal theory distinguished

Jurisprudence: A priori & A posteriori, Deductive & Inductive method

Inter-relationship: Jurisprudence & other social sciences

Hindu Legal Theory- Theory of Dharma, Law & State, Conception of Law-Law as duty, Law & morality, Law & Equality

UNIT II Schools of Legal Theory- Natural Law school, Analytical School

(12 Lectures)

Natural Law School- Ancient theories, Renaissance Theories, Modern

Ancient theories-Socrates, Aristotle, Ancient Hindu system.

Renaissance Theories-Social Contract theory- Grotius, Hobbes, Locke, Rousseau.

Modern Theories- Hart, Finnis

Natural Law principles under the Indian Constitution.

Analytical Positivism- Austin, Kelsen & Hart

Austin's Imperative Theory of Law, Austin's Contribution to Law.

Pure Theory of Law – Kelsen's The Grund Norm, Normative Character of Law, Implication of Pure Theory, Contribution & Criticism

Hart's Conception of Law, Hart's view on Law & Morality

Analytical Positivism- An Indian Perspective.

UNIT III Schools of Legal Theory-Historical School, Sociological School & Philosophical School(12 Lectures)

Historical School- Savigny & Maine

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Savigny-Theory of Volksgeist; Henry Maine-Theory of Status to contract; Stages of Development of Law

Historical School-Indian Perspective

Sociological School- Ihering, Ehrlich, Duguit & Pound

Ihering- Theory of Interests

Ehrlich-Theory of Living Law

Duguit- Doctrine of Social Solidarity

Pound-Theory of Interests & Theory of Social Engineering

Doctrine of Social Justice-Indian Perspective.

Sociology of Law & Sociological Jurisprudence

Philosophical School -Kant, Hegel

Kant-Theory of Categorical Imperative

Hegel's philosophy of Law

Unit IV Realist school, Critical Studies & Feminism

(12 Lectures)

Basic features of Realist School

Karl Llewellyn, Jerome Frank, Cardozo- Their Contribution to Legal Realism

Scandinavian Legal Realism

Realism in Indian context

Critical Legal Studies

Feminism: Liberal & Radical Approach

UNIT V Modernism, Post Feminism and Post Modernism School

Modernism & Deconstructionism

Post Feminism and Post Modernism Discourse

Contemporary Discourse

Books:

1. Bodenehimer, Jurisprudence-The Philosophy & Method of Law, Universal, Delhi
2. R.W.M. Dias, Jurisprudence, Indian Reprint-Adithya Books, Delhi
3. Fitzgerald, Salmond on Jurisprudence, Tripathi, Bombay
4. Dhyan S N, Jurisprudence-A Study of Indian Legal Theory.
5. Wayne Morrison, Jurisprudence, Cavendish Publication.
6. Llyod, Introduction to Jurisprudence, Sweet and Maxwell.
7. N.E. Simmonds, Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell) .
8. Brian Bix, Jurisprudence: Theory and Context, Carolina Academic Press, 1999.
9. Roger Cotterrell, Politics of Jurisprudence.

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Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-102

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: LAW AND SOCIAL TRANSFORMATION

Course Outcomes:

- C.O. 1 :** To assess the concept of social transformation and its impact on the legal culture.
- C.O. 2 :** To evaluate the social problems affecting the Indian nation state and its legal solutions.
- C.O. 3 :** To critically evaluate the existing legal structure and its efficacy in solving the current social evils of the nation state .
- C.O. 4 :** To assess the legal culture of India in a post globalized era

Program Outcomes

P.O.1: To foster an inter disciplinary approach in order to assess the social reality of law in India **P.O.2:** To assess the changing nature of law in India in the era of „Right Based Jurisprudence“. **P.O.3:** To encourage a Critical method of thinking among the students to assess the legal situation **P.O.4:** To assess the social impact and outcome of law.

UNIT I : Law and Social Change

(12 Lectures)

1. Meaning of Social Change and Social Transformation.
2. Relation between Law and Society : The Consensus and Conflict model
3. Social, Economic and Educational Corollary
4. Law and Morality.

UNIT II: Constitution and Social Change

(12 Lectures)

1. The normative method and sociological mode of change.
2. Constitutional Amendments and Social change
3. Basic Structure theory as a balancing factor
4. Women Empowerment and Social Dichotomy
5. Liberty and Social Acceptance

UNIT III: Globalization and Constitution of India (12 Lectures)

1. Impact of Globalization on the vision of Article 38 and Article 39 (b), (c) of the Constitution.
2. Impact of Globalization on the legal aspects of Industries and Agriculture in India.
3. Impact of Human Rights on Indian Legal Culture.
4. Status of Welfare state in a Globalized Economy.

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UNIT IV: Social Transformation & Modern India (12 Lectures)

1. Regionalism and Law : Right to Movement, Residence and Business
2. Language Policy and Indian Constitution : Official, State and Court Language
3. Freedom of Religion and Religious Minorities
4. Reservation Policy in India : Schedule Caste, Schedule Tribe and Backward Class

UNIT V: Contemporary Issues in Indian Legal Culture(12 Lectures)

1. Citizenship Law of India and Identification Documents in India .
2. Right to Privacy and Supreme Court of India.
3. Alternate Dispute Resolution Mechanism and Social Upliftment
4. Good governance and RTI

Resources:

1. Marc Galanter (ed.) Law and Society in Modern India, Oxford.
2. Robert Lingat, The Classical Law of India,
3. U. Baxi, The Crisis of the Indian Legal system,
4. Duncan Derret, The State, Religion and Law in India,
5. H.M.Seervai, Constitutional Law of India.
6. Tarngini Sriraman, *In Pursuit of Proof: A History of identification Documents in India* , Oxford publications
7. Chris Thornhill, *A Sociology of Constitutions: Constitution and State legitimacy in Historical – Sociological Perspective* ,Cambridge Publications .
8. Anupama Roy, *Mapping Citizenship in India*, Oxford Publication.
9. Gautam Bhatia, *The Transformative Constitution : A Radical Biography in Nine Acts* , Harper Collins India

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Master of Laws LL.M.

Semester – I

Paper: Core **Course Code:** LLM CC-103

Credit- 4 **Marks: 30 Internal + 70 End Sem**

Course Title: CONSTITUTIONAL LAW- NEW CHALLENGES

Course Outcome:

- C.O. 1: The objective of this paper is to study the nature of constitutional governance.
- C.O. 2: It is intended to highlight the role of constitution to face new challenges of society.
- C.O. 3: This paper further intends to expose the intricacies of challenges of constitutional governance.
- C.O. 4: To Understand the concept of Constitutional Morality.

Programme Outcome:

- P.O. 1: To understand and distinguish the role of Constitution to tackle the problems of society
- P.O.2 : To understand the impact of Constitution in making public opinion.P.O.3: To Inculcate the value of legal research

Unit I: Indian Federal Structure

(12 Lectures)

1. Federalism : Creation of New States, Special status of certain States & Article 370,
2. Federal Comity-Relationship of trust and faith between Centre and State,
3. Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
4. Separation of Power : Doctrine of Separation of Powers and checks and balances,

Unit II: Judicial Framework & Constitutional Governance(12 Lectures)

1. Constitutional framework-Judicial interpretation and practice, Judicial activism andjudicial restraining, PIL : Implementation, Judicial autonomy and independence,
2. Accountability of Executive, Legislature and Judiciary.
3. Democratic Process : Election and Electoral reforms, Election Commission.
4. The Rule Of Law: The independence of judiciary as an aspect of separation of powers/Division of functions.
5. Constitutional Morality, Right to Dissent, Doctrine of Legitimate Expectation, Inclusiveand Egalitarian Governance.

Unit III : State & Constitutional Governance

(12 Lectures)

1. The Executive : Constitutional status, Powers and functions of the President vis-a visform of Government.
2. The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation On Privileges.
3. The Judiciary: Status, Power, functions and contemporary developments, Power of Judicial Review.
4. Constitutional torts and compensatory Jurisprudence, Contractual Liability of State Fundamental Duties & Citizenship


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Unit IV: Equality, Liberty & Constitutional Governance (12 Lectures)

1. Liberalization & Social Justice
2. Right to Equality: Privatization and its Impact On Affirmative Action.
3. Empowerment of Women.
4. Freedom of Press and Challenges of New Scientific Development,
5. Data Protection & Privacy

Unit V: Constitutional Governance & Emerging Trends (12 Lectures)

1. Emerging regime of new rights and remedies.
2. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
3. Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
4. Implementation of International Obligation : Human Rights, Environmental protection and International trade.

Books:

1. D.D. Basu, Shorter Constitution of India
2. M.P. Jain, Constitution of India
3. M.P. Singh, Comparative Constitutional Law
4. T.K. Tope, Constitution of India

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**Master of Laws LL.M.
Semester – I**

Paper: Core Course Code: LLM CC-104

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: CONSTITUTIONALISM, PLURALISM AND GOOD GOVERNANCE

Course Outcomes:

- C.O. 1 :** To Understand the concept of Constitution.
- C.O. 2 :** Understand the concept of Constitutionalism
- C.O. 3 :** Understand the concept of Constitution with relation to Federalism
- C.O. 4 :** Understand the concept of Constitution and Good governance.

Program Outcomes:

The Student will learn a critical and collaborative approach to constitution.

Unit I : Constitutionalism.

(12 Lectures)

1. Authoritarianism-Dictatorship,
2. Democracy-Communism,
3. Limited Government -concept, Limitations on Governmental Power,
4. What is a Constitution? Development of a democratic government in England-Historical, evolution of Constitutional Government.
5. Conventions of Constitutionalism-law and conventions,
6. Written Constitutions: : U.S.A., Canada, Australia, Sweden, South Africa and India.

UNIT II: Separation of Powers & Rule of Law.

(12 Lectures)

1. Separation of Powers: Montesquieu
2. Rule of Law: Concept and new horizons,
3. Marxist concept of constitutionalism,
4. Dictatorship of the proletariat,
5. Communist State from Stalin to Gorbachov,
6. Fundamental Rights and Rule of law.

Unit III: Federalism

(12 Lectures)

1. What is a federal government? Difference between confederation and federation?
2. Conditions requisite for federalism,
3. Patterns of federal government- USA, Australia, Canada, India, Judicial review-for federal umpiring
4. New trends in federalism: Co-operative federalism,

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5. India-Central Control v. State Autonomy,
6. Political factors influencing federalism,
7. Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam, Dynamics of federalism.

Unit IV : Pluralism

(12 Lectures)

1. What is a pluralistic society? Ethnic, linguistic, cultural, political pluralism,
2. Individual rights, Right to dissent, Freedom of speech and expression, Freedom of the press,
3. Freedom of association, Rights to separateness, Rights of the religious and linguistic minorities,
4. Compensatory discrimination for backward classes,
5. Scheduled Tribes,
6. Distinct identity- Protection against exploitation,
7. Uniform Civil Code-Non- State Law(NSLS) and State Law Systems - Problem of a Uniform
8. Equality in Plural Society : Right to equality and reasonable classification.
9. Prohibition of discrimination on ground of religion, caste, sex, language, abolition of untouchability .
9. Pluralism and International Concerns : International Declaration of Human Rights

Unit V: Good Governance: Rule of Law.

(12 Lectures)

Concept and Meaning of Good Governance. Significance of Good Governance

Evolution of Good Governance: Historical Perspective(Kautilya's Arthshashtra, Gandhi's concept of "Su Raj")

Elements of Good Governance: Participation, Transparency and Accountability, Rule of Law etc.

Indian Constitution and Governance Principles.

Good Governance Initiatives in Indian Context.

Governance Vs. Good Governance: Conceptual Distinctions.

Good Governance and Rule of Law.

References:

1. Baxi, Upendra, "Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph 1975.
2. Cohen, Morris L., "Legal Research", Minnesota, West Publishing Co. 1985.
3. Ghosh, B.N., "Scientific Method and Social Research", New Delhi, Sterling Publishers Pvt. Ltd, 1984.
4. Johari J.C. (ed), "Introduction to the Method of Social Sciences", New Delhi, Sterling Publishers Pvt. Ltd, 1988.
5. Kothari C.K., "Research Methodology: Method and Techniques", New Delhi, Wiley Eastern Ltd., 1980.
6. Stone, Julius, "Legal System and Lawyer's Reasoning", Sydney, Maitland Publications, 1968.

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Master of Laws LL.M.

Semester – I

Paper: Core Course Code: LLM CC-105

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: JUDICIAL PROCESS

Course Outcome:

C.O. 1: The objective of this paper is to study the nature of judicial process as an instrument of social ordering.

C.O. 2: It is intended to highlight the role of court as policy maker participant in the power process and as an instrument of social change.

C.O. 3: This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques.

C.O. 4: Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.

C.O.5: This paper, therefore, intends to familiarize the students with various theories different aspects and alternative ways of attaining justice.

Programme Outcome:

P.O. 1: To understand and distinguish the law making process.

P.O.2 : To understand the impact of judiciary in law making.

P.O.3: To understand the role of judicial process in social order.

Unit I: Nature of Judicial Process

(12 Lectures)

1. Judicial process as an instrument of social change.
2. Judicial process and creativity in law-common law model,
3. Legal Reasoning and growth of law change and stability.
4. The tools and techniques of judicial creativity precedent.

Unit II: Legal Development And Creativity Through Legal Reasoning

(12 Lectures)

1. Legal development and creativity through statutory and codified systems.
2. Role of judiciary in constitutional adjudication-various theories of judicial role.
3. Judicial Behaviour and constitutional adjudication.

Unit III: Judicial Process in India :

(12 Lectures)

1. Judicial accountability-Problems and Prospects.
2. Indian debate on the role of judges and on the notion of judicial review.
3. The “Independence” of Judiciary “Political” nature of judicial process.

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Unit IV: Judicial Activism And Creativity Of the Supreme Court: (12 Lectures)

1. The tools and techniques of creativity.
2. Judicial process in pursuit of constitutional goals and values.
3. Judicial Delay, Docket Explosion, Court Management & Litigation Management, and Performance of the Judges.

Unit V: Development of Human Rights Jurisprudence By Judiciary: (12 Lectures)

1. New dimensions of judicial activism and structural challenges.
2. Institutional liability of courts scope and limits.
3. The expansion of Human Rights jurisprudence by Interpretational tools.

Resources

1. Julius Stone, The Province and Function of Law, Part II, Chs. 1-8-16, Universal, New Delhi.
2. Cardozo : The Nature of Judicial Process, Universal, New Delhi 21.
3. Henry J. Abraham : The Judicial Process , Oxford.
4. J.Stone : Precedent and the Law : Dynamics of Common Law Growth .
5. Butterworths W. Friedmann : Legal Theory , Stevens, London.
6. Bodenheimer : Jurisprudence - The Philosophy and Method of the Law , Universal.
7. Delhi J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi.
8. U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
9. Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques .
10. Tripathi, Bombay John Rawls : A Theory of Justice , Universal, Delhi Edward.
11. H. Levi : An Introduction to Legal Reasoning , University of Chicago

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Master of Laws LL.M.

Semester – I

Paper: Value Added Course Course Code: LLM VC-101

Right to Information and Good Governance

Credit- 4 Marks: 30 Internal + 70 End Sem

A Common man or an Activist or an Academician requires knowledge of access to justice and this paper in LL.M course is an endeavor in this direction. The objective of this paper is to understand that Right to Information is an effective tool of Good Governance. Right to information (RTI) Act 2005 have been implemented for subtle change in the administration of the governmental process. Across the world, there are many initiatives which are implemented for realizing the need of Good Governance. Right to information (RTI) is being recognized as potential tool of empowerment. Right to information Act 2005 has been enacted with a view to promote openness, transparency and accountability in public administration. To achieve these objectives, this paper in LL.M is a right step in this direction. This paper highlights the importance of right to information as a tool to achieve good governance. It also discusses that a government which operates in greater secrecy is more prone to corruption as compared to a government which operates in greater openness. This paper tries to explain the conception of Right to Information and its utility in good governance. Hence, this course is being added as a Value Added Course in the Curriculum.

UNIT- 1

Right to Information Act, 2005

- Definitions.
- Right to information and obligations of public authorities.
- How can a person obtain information under the Act?.
- What information may not be given?.
- The Central Information Commission.
- The State Information Commission.
- Powers and functions of Information Commissions, Appeal and Penalties.

UNIT-2

Drafting RTI

- RTI application drafting, drafting of right questions, filling and submitting of application.
- Role of judiciary and Central information Commission in implementation of the Act.
- Public Authority.

UNIT-3

Good Governance and Challenges.

- Right to Information as an instrument of change.
- Role of RTI in reducing corruption in India.
- Challenges in attaining good governance by way of RTI

UNIT-4

RTI and Activism

- Challenges and obstacles faced by RTI activists.
- Policy framework for their protection.
- Right to Information Amendment Act, 2019.

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UNIT-5

Misuse of RTI

- RTI not a means of Grievance redressal.
- RTI and File Notings.
- Misuse of Right to Information.

Bibliography:

1. Brooks, Heather., “*Your Right to Know: A citizen Guide to the Freedom of Information Act*”, Pluto Press (U.K.) 2006.
2. Brady Ronan and Smithpatrik., “*Democracy Blindfolded: The Case of a Freedom of Information Act*”, Cork University Press, 1994.
3. Carey, Peter and Turle, Marcus., “*Freedom of Information Handbook*”, The Law Society; 2nd Revised Edn., 2008.
4. Dhaka, R.S., “*Right to Information and Good Governance*”, 2010.
5. Martin, Shanon E., “*Freedom of Information: The News the Media Use*”, Peter Lang Inc., 2008.
6. Mishra, S.S., “*Right to Information (RTI) and Rural Development in India*”, New Century Publications, 2009.
7. Mustafa, Faizan., “*Constitutional Issue in Freedom of Information: International and National Perspective*”, Kanishka Publishers and Distributors, 2003.
8. Sathe, S.P., “*The Right to Know*”, 1991.
9. Seervai, H.M., “*Constitutional law of India*”, 3 Vols., Universal Law Publishers, 2007.
10. Singleton, Susan “*The Freedom of Information Act*”, Thorogood Publications 2010.
11. Shukla, V.N., “*Constitution of India*”, 11th Edition, Eastern Book Company, Lucknow, 2008.
12. Smith, Kelvin, “*Freedom of Information: A Practical Guide to Implement the Act*”, Facet Publishing 2004.
13. Wadia, Angela., “*Global Sourcebook on Right to Information*”, Kanishka Publishers and Distributors, 2006.
14. Chhachhar. Varun, “*Right to Information and Administration of Justice*”, Published by ACUMEN Publishers, The Netherlands, First Edition (2019), ISBN: 978-9-83024-21-9.
15. Chhachhar. Varun, “*Misuse of Right to Information in India*”, Published in the Journal of the Campus Law Centre, University of Delhi, Vol IV & V of 2017, ISSN : 2321-4716. P.86-99.

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Master of Laws LL.M.

Semester – III

Paper: Core Course Code: LLM CC-301

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Human Rights

Course Outcomes:

C.O. 1 : Human Rights

C.O. 2 : human rights protection scheme

C.O. 3 : Human Rights Protection in International Order

Program Outcomes

To inculcate the value of protection of Human Rights.

Unit I : Panoramic View of Human Rights

(12 Lectures)

1. Human Rights in Non-Western Thought, Awareness of Human Rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process,
2. Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)
3. Fundamental Rights Jurisprudence as Incorporating Directive Principles The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

Unit II : Right not be Subject to Torture, Inhuman or Cruel Treatment (12 Lectures)

Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform- proposed and pending. Minority Rights : Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of rights.

Unit III

(12 Lectures)

Rights to Development of Individuals and Nations : The U.N. Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint. People's Participation in Protection and Promotion of Human Rights : Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

Unit IV

(12 Lectures)

1. Development Agencies and Human Rights : Major International funding agencies and their operations in India,
2. World Bank lending and resultant violation/promotion of human rights,
3. Should development assistance be tied to observance of human rights (as embodied in various UN declarations)
4. Comparative Sources of Learning : EEC Jurisprudence,

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5. The Green Movement in Germany,
6. The International Peace Movement,
7. Models of Protection of the rights of indigenous peoples : New Zealand (Maoris), Australia, Aborigines and Canada (Indians).
8. Freedom : Free Press-its role in protecting human rights,
9. Right of association, Right to due process of law,
10. Access and Distributive justice.

Unit V

(12 Lectures)

1. Independence of Judiciary : Role of the Legal Profession,
2. Judicial appointments-tenure of judges,
3. Qualifications of judges,
4. Separation of judiciary from executive.
5. European Convention of Human Rights : European Commission/Court of Human Rights,
6. Amnesty International, PUCL, PUDR,
7. Citizens for Democracy,
8. Minorities Commission, Human Rights Commission,
9. Remedies Against Violation of Human Rights.

Select Bibliography

1. M.J. Akbar, Riots after Riots, 1988
2. U. Baxi (ed.) The right to be Human, 1986
3. U. Baxi, The Crisis of the Indian Legal System, 1982
3. F. Kazmi, Human Rights, 1987
4. L. Levin, Human Rights, 1982
5. H. Beddard, Human Rights and Europe, 1980
6. Nagendra Singh, Human Rights and International Co-operation, 1969
8. S.C. Kashyap, Human Rights and Parliament, 1978
7. Moskowitz, Human Rights and World Order, 1958
8. J.A. Andrews, Human Rights in International Law, 1986



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**Master of Laws LL.M.
Semester – III**

Paper: Core Course Code: LLM CC-302

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Public International Law

Course Outcomes:

- The paper focuses on international branch of public law and its fundamental principles and Application.
- The paper enables student to develop understanding and application of various concepts and Principles of Public International Law like recognition, state territory, succession and Intervention

UNIT-I: Definition , Scope and Sources of International Law (12 Lectures)

- Definition & Scope of International Law
- Nature of International Law
- International Law is a Weak Law
- Differences between Public & Private International Law
- International Customs, International Treaties, General Principles of Law, Judicial Decisions & Juristic Works Resolutions of General Assembly

UNIT- II Subjects of International Law (12 Lectures)

- Status of International Organizations
- Place of Individuals in International Law
 - Holder of Rights
 - Duties of Individuals
 - Procedural Capacity of Individuals
- Relationship between International Law & Municipal Law

UNIT-III Recognition, Law of the Sea (12 Lectures)

- Meaning & Theories of Recognition
- De Facto & De Jure Recognition
- Express, Implied & Conditional Recognition
- Withdrawal & Retroactivity of Recognition
- Territorial Sea, Contiguous Zone, Continental Shelf & Exclusive Economic Zone, High Seas

UNIT-IV Extradition, Asylum , International Organizations (12 Lectures)

- Meaning definition and basic principle of extradition
- Consequence of no-extradition of political crimes


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- Meaning and definition of asylum
- Types of asylum; territorial & non- territorial
- Relationship between extradition and asylum

UNIT-V International Organizations

- The United Nations & its Organs
- The International Court of Justice
- International Criminal Court

Prescribed Books:

1. Oppenheim, International Law, Biblio Bazaar, LIC, 2010
2. James Crawford Brownlie, Principles of International Law, Oxford University Press, 2013
3. Starke, Introduction to International Law , Oxford University Press, 2013
4. Shaw, International Law, Cambridge University Press, 2008 (6th Edn)
5. A. Boyle & C. Chinkin, The Making of International Law, Foundations of Public International Law, Oxford University Press, 2007
6. R. P. Dhokalia, The Codification of Public International Law, United Kingdom: Manchester University Press, 1970
7. Mark Villiger, “The Factual Framework: Codification in Past and Present”, in Customary International Law and Treaties, Mark Villger, pp.63-113, The Netherlands: MartinusNijhoff, 1985
8. S.K. Kapoor, International Law, Human Rights, Central Law Agency, 2009
9. Brownlie, International Law and the Use of Force by States, Oxford: Clarendon Press, 1991
10. H.O. Agarwal, International Law & Human Rights, Central Law Agency 1st Ed. (Rep) 2014

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Master of Laws LL.M.

Semester – III

Paper: Elective Course Code: LLM EL-301 C

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Criminology and Criminal Justice System

Course Objective

To acquaint students with concepts of psychological factors related to questions of social and criminal deviant behavior.

Programme Outcome

On completion of course, students will be able to develop the ability to analyze exact reasons for criminal activity/ behavior, means and ways to curb its rate.

Unit –I

Introduction: Nature and scope of criminology; Social, psychological and legal approaches; Relation with other social sciences; Relevance of criminology to contemporary society; School of Criminology; Classical, Biological Cartographic; Sociological and Socialist.

Unit –II

Concept of Crime: Definition & Nature; Crime in ancient medieval society; Crime in modern society; Crime and sense of security.

Unit –III

Impact on the Society: Social change; social deviance and social disorganization; Individual disorganization; Group disorganization; Community disorganization; Social control and crime prevention.

Emerging trends in Criminology: Phenomenology; postmodernism and Feminism Crime and Feminism.

Unit –IV

Human Rights and Criminal Justice System: Prison administration and Human Rights, Police accountability and Custodial Violence; Police Reforms and implementation; Judicial pronouncements.

Role of various Protection Agencies/Institutions: National Human Rights Commission, State Human Rights Commissions, Human Rights Courts; International Criminal Court, International norms on administration of criminal justice.

Unit –V

Jurisprudential Approach: Human Rights in correlation to the Reformatory theory of punishment; Human Rights of Prisoners and status of Custodial homes; Corrective Techniques adopted by Indian Criminal Justice System in light of Human Rights.

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Reference Books:

1. Sutherland Edwin H. and Cressey Donald R., *Principles of Criminology*, J.B. Lippincott Co., Philadelphia.
2. Siddique, Ahmad, *Problems and Perspective of Criminology*, Eastern Book Company.
3. Paranjape Dr.N.V., *Criminology and Penology*, Central Law publication.
4. Maniyar, Mridula, *Women criminals and their life-style*, Kaveri Books, New Delhi.
5. Swamy Dr. N. Maheshwara.: *Criminology and Criminal Justice System*, Asia Law House.
6. Burke Roger Hopkins, *An Introduction to Criminological Theory*, Routledge Taylor and Francis Group.
7. Williams Katherine S., *Textbook on Criminology*, Oxford University Press.
8. Coleman Clive and Norris Clive, *Introducing Criminology*, Willan Publication.
9. Lombroso Cesare; *Crime, Its cause and remedies*; Boston – Little, Brown and Company.
10. Gaur K.D., *Criminal Law and Criminology*; Deep and Deep Publication.

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Paper: Internship (Compulsory)
Course Code: LLM IN-303
Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Summer Internship

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Paper: Inter Departmental Course **Course Code:** LLM IER-301

Credit- 4 **Marks: 30 Internal + 70 End Sem**

Course Title: Cyber Law

Course Outcomes:

- C.O. 1 : To understand the dimensions of cyber space and its legal regulation.
- C.O. 2 : To be able to understand the legal issues in jurisdiction of cyber disputes.
- C.O. 3 : To understand the various cybercrimes.
- C.O. 4 : To be able to understand the role of intellectual property in cyber space.

Program Outcomes

To inculcate the value of inter-disciplinary study with reference to technology and law. To assess the importance of forensic investigation and adjudication.
To encourage to find out legal issues electronic governance and regulation. To train in comprehensive comparative legal research.

UNIT I: Cyber Space & Cyber Law

(12 Lectures)

1. Cyber Space& Legal Regulation
2. Cyber Law & UNCITRAL-Information Technology Act,
3. Definition: Electronic Data Interchange, computer, computer network, computer system, communication device, addressee, originator
4. Cyber Authorities & E-Commerce-E-Governance
5. Electronic Signature & Digital Signature

UNIT II: Cyber Adjudication

(12 Lectures)

1. Cyber Adjudication; Traditional Rule & Problems
2. Jurisdiction: Rule of International Law and private international law,
3. Party autonomy - Hague convention on Choice of court agreements, 2005;
4. Cyber Forensic
5. Cyber Adjudication

UNIT III: Electronic Contracts

(12 Lectures)

1. Concept of E-Contract
2. E-Contract: International Perspective
3. Formation of E-Contract
4. Enforcement of E-contract
5. Standard Form Contracts & Cryptanalysis

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UNIT IV: IPR & Cyber Law

(12 Lectures)

1. Copyright & Cyber Law
2. Trademark and Domain Name
3. Cyber Crimes
4. Obscenity and Pornography, Voyeurism & Stalking

UNIT V: Cyber War

(12 Lectures)

1. Freedom of Expression in Internet;
2. Privacy Issues – Information Privacy; interception, monitoring; Data Protection
3. Computer emergency response team (CERT)
4. Cyber Terrorism
5. Cyber War

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Master of Laws LL.M.

Semester – III

Paper: Elective Course Code: LLM EL-302 A

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Federalism and Comparative Power Sharing

Course Outcomes:

- C.O. 1 : to introduce federal structure.
- C.O. 2 : To Introduce the comparative federal structure.
- C.O. 3 : Different Federal Structure.

Program Outcomes

To understand and develop a comparative and collaborative federal structure.

UNIT I:

1. Conceptual position of federation and confederation.
2. Rights and Duties of the states in confederal union.
3. Nature and scope of cooperative federalism.
4. Is India quasi-federal?
5. Relationship of trust and faith between centre and state in federalism.

UNIT II:

1. Federalism in USA, Canada, Australia and Switzerland.
2. Views of Thomas Jafferson about federalism.
3. Comparative analysis of federalism of Government of India Act 1935 and Constitution of India.
4. Role of concurrent list in federal structure of India and Australia.
5. Lujan v. Defenders of wildlife, 504 U.S. 555(1992).
6. Analysis of United States v. Munoz-Flores, 495 U.S. 385, 394 (1990) with search light case.

UNIT III:

1. Concept of Checks and balances in India, USA, Canada and Australia.
2. Separation of powers is a corner-stone of federalism or not?

UNIT IV

1. Administrative relations of centre and state/cantons in India and Switzerland.
2. Allocation of Taxing powers in India, USA and Canada.
3. Concept of Grants-in-Aid.

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Prof. Manish Singh

Dr. Amit Singh

Prof. Masood Alam



UNIT V:

1. The Official Languages Act, 1963 and the concern amendments.
2. Concept of Legislative relation between centre and state in South Asia.
3. Distribution of powers in USA, Canada, Australia and Switzerland.
4. Article 352 v. Article 356 (Indian Constitution).

BOOKS

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
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)

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**Master of Laws LL.M.
Semester – III**

Paper: Elective Course Code: LLM EL-301 A

Credit- 4 Marks: 30 Internal + 70 End Sem

Course Title: Mass Media Law

Course Outcomes:

- C.O. 1 :To develop media awareness.
- C.O. 2 : to apprise the students about media.
- C.O. 3 :to apprise the incumbents about digital rights.

Program Outcomes

To make students understand the role of media in constitutional governance.

Unit I : Mass media-Types of-Press Films, Radio and Television (12 Lectures)

1. Ownership pattern-Press-Private-Public, Ownership pattern-Films-Private, Ownership patterns Radio & Television, Public,
2. Difference between Visual and non-Visual Media-impact on People's minds.
3. Press-Freedom of Speech and Expression-Article 19 (1) (a)
4. Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition.

Unit II

1. The law relating to employees' wages and service conditions,
2. Price and Page Schedule Regulation,
3. Newsprint Control Order,
4. Advertisement-is it included within freedom of speech and expression?
5. Press and the Monopolies and Restrictive Trade Practices Act.

Unit III : Films-How far included in freedom of speech and expression? (12 Lectures)

1. Censorship of films-Constitutionality,
2. The Abbas Case,
3. Difference between films and Press-why pre-censorship valid for films but not for the press?
4. Censorship under the Cinematograph Act.

Unit IV : Radio and Television-Government Monopoly (12 Lectures)

1. Why Government department? Should there be an autonomous corporation?
2. Effect of television on people,
3. Report of the Chanda Committee,
4. Government policy,
5. Commercial advertisement, Internal Scrutiny of serials etc. Judicial Review of Doordarshan decisions: Freedom to telecast.

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Unit V : Constitutional Restrictions

(12 Lectures)

1. Radio and Television subject to law of defamation and obscenity,
2. Power to legislate-Article 246 read with the Seventh Schedule.
3. Power to impose tax-licensing and licensing fee.

Select Bibliography

1. H.M.Seervai, Constitutional Law of India,
2. M.P.Jain, Constitutional Law of India,
3. John B.Howard, The Social Accountability of Public Enterprises,
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India,
6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends, 1984
7. D.D.Basu, The Law of Press of India,
8. Rajeeve Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

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