

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR



**RULES, REGULATIONS, AND SYLLABUS FOR TWO YEARS
POST-GRADUATION LL.M COURSE (FOUR SEMESTERS)**

**CHOICE BASED CREDIT SYSTEM (CBCS) WITH CUMULATIVE GRADE
POINT AVERAGE (CGPA) FROM ACADEMIC YEAR 2022-23 AND ONWARDS**

w.e.f. 2022-23

PUNYASHOLK AHILYADEVI HOLAKAR SOLAPUR UNIVERSITY SOLAPUR
CHOICE BASED CREDIT SYSTEM (CBCS)
WITH CUMULATIVE GRADE POINT AVERAGE (CGPA) FROM ACADEMIC
YEAR 2022-23 AND ONWARDS
w.e.f. 2022

1. **Duration of the Programme of LL.M Post Graduate Degree Course:** - The duration of the programme is of two academic years which spread over four semesters with the University Examination at the end of each semester. Each Academic year shall be divided into Two Semesters. The academic session for odd semester (1st & 3rd) will commence as far as possible from 1st July, while for even semester (2nd & 4th) will commence from 1st January every year. The courses/papers and credits assigned to each course shall be as given in the LL.M. Post Graduate Course Structure
2. **Medium of instruction:** The medium of instruction and Examination shall be in English.
3. **Eligibility for admission:** -
 - A. LL.M. 1st Year – For admission to the LL.M. I, the candidate must have passed, the LL.B three years degree course after graduation, or five years B.A.,LL.B course after 12th standard or equivalent qualifications, of this university or any other recognized university. Admission will be in accordance with the merit in the qualifying examination (LL.B. or B.A.LL. B) or CET.
 - B. LL.M. Course shall be a full-time and of semester pattern. The LL.M. course cannot be done externally i.e., without keeping regular terms in Law Department.
 - C. No two regular courses (i.e., LL.B. + Graduate /Post Graduate/Diploma Courses) shall be done simultaneously.
 - D. Admissions are completely governed by rules and regulations made by the university made by time to time.
4. **Attendance:** -
 - i.Regular 100% attendance is expected for all students for the LL.M. course and shall be monitored in the semester rigorously. Students shall be informed at the end of every month if they are falling short of attendance requirements.
 - ii.A Maximum of 25% absence for the attendance may be permitted only on valid grounds such as illness, or other emergency reason which is beyond the control of a student and shall be approved by the Department.
5. **Rules of Promotion/ ATKT: - LL.M Course.**
 1. **To promote a student to 2nd, 4th Semester:** A student is being eligible for promotion to the 2nd, 4th Semester must have successfully kept the terms for

the 1st, 3rd Semester respectively, irrespective of the result of these Semester examinations.

2. **To promote a student into the 3rd Semester:** A student is being eligible for admission to the 3rd Semester must have either passed in the 1st and 2nd Semester or must have got exemption in at least five Papers of the 1st and 2nd Semesters.

6. **Interpretation Clause:** Unless the context otherwise requires, the following words shall have the meaning as assigned to them in this clause.

a. Choice Based Credit System (CBCS):

Choice Based Credit System provides choice for students to select from the prescribed courses (core, elective or minor, or soft skilled courses).

b. Credit: Credit means the unit by which the course work is measured. It is measured in terms of weekly class hours assigned to a Course. In this Direction, one Credit means one hour of teaching work or two hours of practical work per week for 15 weeks in a semester.

c. Credit Point (CP): It is the value obtained by multiplying the Grade Point by the Credit i.e. No. of Credits assigned for the course x Grade Points secured for that course.

d. Cumulative Grade Point Average (CGPA): CGPA means the value obtained by dividing the total number of credit points in all the semesters by the total number of credits in all the semesters.

e. Grade Letter: Grade Letter means an index to indicate the performance of a student in a particular course/Paper. It is the transformation of actual marks secured by a student in a course/paper into a letter grade i.e. O, A, B, C, D, E and F. There shall be a range of marks for each Grade

a. Grade Point: Grade Point means weightage allotted to each grade letter.

b. Programme: It means the Two Year Post Graduate Programme of study and examination spread over four semesters, the successful completion of which would lead to the award of a Master of Laws (LL.M) degree

g. Semester Grade Point Average (SGPA): It means the value obtained by dividing the total credit points earned by a student in all the courses of a given semester by the total number of credits assigned to that semester.

h. Course: It is equivalent to a paper/subject in a programme. It is a complete unit of learning which will be taught and evaluated within a Semester. All courses need not carry the same weight. A course may be designed to comprise lecturing /tutorial/ laboratory work/field work/ outreach activities/ project work/ vocational training/ viva/seminars/ term papers/ assignments/ presentations/ self-study etc. or a combination of some of these.

The UGC guidelines on CBCS system prescribe three kinds of courses: Core, Elective, and foundation in a programme.

Core Course:

This is the course/subject which is to be compulsorily studied by a student as a core requirement to complete the programme. It shall be related to the discipline of the study.

Elective Course:

Elective course is a course that can be chosen from a pool of prescribed papers. An elective course may be “*Generic Elective*” focusing on those courses which add generic proficiency to the students. An elective may be “*Discipline Centric*” or may be chosen from an unrelated discipline. It may be called an “*Open Elective*”.

Foundation Course:

The Foundation Courses may be of two kinds, *Compulsory Foundation*, and *Elective Foundation*. “*Compulsory Foundation*” courses are the courses based upon the content that leads to Knowledge enhancement. They are mandatory for all disciplines. “*Elective Foundation*” courses are value-based and are aimed at man-making education.

7. Scheme of evaluation: -

The students have to appear external evaluation (University Exam) for 80 Marks and an Internal evaluation of 20 marks for each paper except the Dissertation. The internal evaluation is a process of continuous assessment. The nature of internal evaluation is decided by the Head of the department/concerned faculty with the consent of the head of the department at the beginning of the semester. The distribution of 20 marks (any two components) internal evaluation shall be as follows.

- | | | |
|----|--|-----------|
| a. | Seminar & Presentation - | 10 Marks. |
| b. | Project Work (Doctrinal/Non-Doctrinal) - | 10 Marks |
| c. | Writing Case Comment (Two Cases) - | 10 Marks |
| d. | Any other activity - | 10 Marks. |

DISSERTATION: - 200 MARKS

Phase-I Synopsis Submission: At the beginning of the 3rd Semester students shall be expected to carry out an intensive literature survey for a period of one month in the field of interest and to select a topic for dissertation in consultation with the assigned teacher. After one month. The student shall then submit a report and deliver a seminar on the problem chosen by him/her to the panel of P.G. recognized faculty members.

Phase-II Term Work and Progress of the Research Work and Presentation: It is based on the efforts put by the student to carry out his / her work and submit a

progress report and presentation of progress seminar before a panel of P.G faculty members at the beginning of fourth-semester

Phase III Final Evaluation: After completing the dissertation work to the satisfaction, the student shall submit three copies of dissertation in prescribed format along with a soft copy to the college. Open defense or viva of the student shall be arranged by the university in front of a panel of examiners appointed by the university authority.

Evaluation System on the basis of Credit-based Award Pattern:

The academic performance of a student during a semester shall be graded on a Seven- point scale. The grade awarded to a student shall depend on his/her performance in external and internal examinations. The academic performance of a student during a semester and at the end of the programme, shall be evaluated on the basis of: **(i) Grade Point (GP) obtained in each subject (ii) Semester Grade Point Average (SGPA), (iii) Cumulative Grade Point Average (CGPA)** At the end of each semester examination, a student shall be awarded a Semester Grade Point Average (SGPA). A Cumulative Grade Point Average (CGPA) shall be awarded to each student at the end of the Final Semester of the Programme. The details regarding the method of calculating SGPA & CGPA are explained in Para 8.

8. Award of Grade Letter, Grade Points, Credit Points, SGPA, CGPA:

a. Award of Grade Letter and Grade Points:

Each course/paper shall be valued in Seven Grades. The letter grades and their equivalent grade points are listed below.

Conversion of Marks into Grades

S. No.	Range of Marks	Grade	Grade Points	Description of performance
1	80 onwards	O	10	Excellent / Outstanding
2	70 - 79	A+	9	Very Good
3	60 - 69	A	8	Good
4	55 - 59	B+	7	Fair
5	50 - 54	B	6	Above Average
6	45 - 49	C+	5	Average
7	40 - 44	C	4	Below Average
8	< 40	F	0	Fail
9	-	XX	0	Detained
10	-	DR	-	Dropped Out

b. Calculation of Credit Points: -

Credit Points for the course = (No. of Credits assigned for the course x Grade Point secured for that course.)

c. Semester Grade Point Average (SGPA):-

SGPA indicates the performance of a student in a given Semester. SGPA is based on the **total credit points earned by the student in all the courses and the total number of credits assigned to the courses/papers in a Semester.**

$$SGPA = \frac{\text{Total Credit Points Obtained in the Semester}}{\text{Total Number of Credits for the Semester}}$$

Provided that SGPA is computed only if the candidate passes in all the courses (gets a minimum 'E' Grade in all Courses).

d. Cumulative Grade Point Average (CGPA): CGPA refers to the Cumulative Grade Point

Average weighted across all the semesters.

$$CGPA = \frac{\text{Total Credit Points Obtained in all semesters}}{\text{Total Credits of All Semesters}}$$

The CGPA is calculated only when the candidate passes all papers of all semesters. The final Grade Sheet shall show the Grade and Grade Points only.

9. Mode of University Examination Question Paper

- 1. Maximum Marks – 80**
- 2. Time – Three Hours**
- 3. Students should answer any FIVE out of EIGHT questions**
- 4. Out of EIGHT questions, Q. NO. 1 is Compulsory (Multiple Choice Questions)**
- 5. All questions carry equal marks (5 X 16 = 80)**

10. Standard of Passing:

A. A candidate shall be declared 'Pass' in the examination of a Semester if he has secured at least an aggregate of 50 marks in each paper in the semester examination. And a minimum of 10 marks in internal examination and 40 marks in external (University) examination in each of the subjects in the semester examination.

B. The student has to secure a minimum of 5-grade points (Grade E) in the examination prescribed for a particular semester.

C. A student who failed the University semester examination (Theory) and passed the internal examination of paper (subject) shall be given FU Grade. Such students will have to appear for term end examination only. A student who failed an internal examination and passed in University Examination (Theory) shall be given FI Grade. Such student will have to appear for term end examination as well as an internal examination.

11. Award of the Degree:

A student will be eligible for the award of the Degree of Master of Laws (LL.M) with his chosen specialization/s after he has successfully completed all the four semesters i.e.18 courses with a total 60 credits and obtained minimum CGPA of 5 out of 10 The degree shall specify the division and CGPA of successful candidates as per the following criterion:

Conversion of Average grade points into grades

SGPA/ CGPA	Letter Grade
9.5 – 10	O
8.5 – 9.49	A+
7.5 – 8.49	A
6.5 – 7.49	B+
5.5 – 6.49	B
4.5 – 5.49	C+
4.0 - 4.49	C
< 3.99	F / FC

CONSTITUTIONAL LAW

PART: I LL.M-FIRST SEMESTER

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex + Int = Total	Duration of External Exam
1	Compulsory Foundation Course-I	Constitutional Law – Rights & Duties	6	6	80+20=100	3.00-Hrs
2	Compulsory Foundation Course-II	Introduction to Legal Theory	6	6	80+20=100	3.00-Hrs
3	Core Course – I	Law and Social Transformation in India	6	6	80+20=100	3.00-Hrs
4	Core Course – II	Media Law and Censorship (Incl. Self-Regulation)	6	6	80+20=100	3.00-Hrs

PART: I LL.M-SECOND SEMESTER

S. No.	Course and Paper No.	Subject	Lectures	Credits	Total Marks Ex+ Int = Total	Duration of External Exam
5	Compulsory Foundation Course-III	Comparative Constitution Law and Governance (Comparative Study limited to U.S., U.K and India)	6	6	80+20=100	3.00-Hrs
6	Compulsory Foundation Course-IV	Theory of Legislation and Interpretation of Statutes	6	6	80+20=100	3.00-Hrs
7	Core Course – III	Research Methods and Legal Writing	6	6	80+20=100	3.00-Hrs
8	Elective Course – I	A] International Law and Human Rights OR B] Gender Justice and Feminist Jurisprudence	6	6	80+20=100	3.00-Hrs

PUNYASHLOK AHILYADEVI HOLKAR SOLAPUR UNIVERSITY, SOLAPUR

LL.M SYLLABUS

Semester-I

Paper I: Compulsory Foundation Course

Indian Constitutional Law - Rights and Duties

Credits: 6

Lectures:90

Objectives of the Course:

Constitution is the Grundnorm and all other norms flow from it. Constitution is the Supreme law of the land. Constitution being the fundamental law of any country, the objective of this paper is to introduce the basic concepts of the Constitution of India to the students and to make them aware some of the important aspects of the contemporary issues in the working of the Constitution. This will enable the students to integrate the perspectives of the Constitution in various other disciplines and branches that they study in their LL.M. programme.

1. Constitutional developments.

10 Lectures

- 1.1 Making of Indian constitution
- 1.2 Debates of Constituent Assembly relating to drafting of Constitution
- 1.3 Constitutionalism
- 1.4 Supremacy of Constitution

2. Preamble- Reflection of Constitution

10 Lectures

- 2.1 Significance of Preamble
- 2.2 Source, aim and objective of Preamble
- 2.3 Amendments relating to the Preamble

3. State, Law and Fundamental rights

10 Lectures

- 3.1 State definition, public function test
- 3.2 Law and the fundamental rights
 - 3.2.1 Definition of law
 - 3.2.2 Personal law and violation of fundamental rights
 - 3.2.3 Waiver of fundamental rights

3.3. Fundamental Rights: Nature and scope

3.3.1 Horizontal and Vertical application of Fundamental Rights

3.3.2 Social rights and individual rights

4. Fundamental rights and Directive Principles

15 Lectures

4.1 Right to equality

4.1.1 Doctrine of reasonable classification

4.1.2 Doctrine of non-arbitrariness

4.1.3 Doctrine of manifest arbitrariness

4.2 Equality and Social Justice

4.3 Equality and rule of law

4.4 Protective discrimination

4.5 Special protection to SC/ST and backward classes, women

5. Freedoms and Social control

10 Lectures

1.1 Speech and expression

1.2 Freedom of assembly, association, movement, to reside and settle, profession and business

1.3 Constraints on these freedoms

6. Personal Liberty

10 Lectures

6.1 Rights of an accused – double jeopardy – self- incrimination

6.2 Right to life and personal liberty

6.3 Due process of law

6.4 Article 21-Ocean of rights

6.5 Compensatory Jurisprudence

6.6 Right to Education

7. Judiciary under the Constitution

10 Lectures

7.1 Judicial Process

7.2 Separation of Powers

7.3 Independence of Judiciary

7.4 Judicial Activism

7.5 Judicial Accountability

8. Secularism

10 Lectures

8.1 Freedom of Religion in India

8.2 Uniform Civil Code

8.3 Personal laws and Minority Rights

9. Part IV-A Fundamental Duties: Meanings and possibilities of its enforcement **05 Lectures**

Suggested Readings:

1. Constituent Assembly Debates vol. 1 to 12 (1989)
2. H M Seervai, constitution of India vol. 1-3 (1992), Tripathi, Bombay
3. G. Austin, History of Democratic Constitution, the Indian Expenditure(2000), Oxford
4. G. Austin, Indian constitution: cornerstone of a Nation(1972)
5. M. Galanter, competing equalities – law and the backward classes in India (1984), Oxford
6. D.D. Basu, Shorted constitution of India (1996), Prentice Hall of India Delhi
7. M.P. Singh (ed.) V.N. Shukla, constitutional Law India (2000), Oxford

Paper II: Compulsory Foundation Course

Introduction to Legal Theory

Credits: 6

Lectures:90

Objectives of the Course:

The course aims at developing and insight into the juristic foundations of a legal system-an understanding of the law as it exists and functions in society. Further, this course gives a clear understanding about the nuances of law and its nature function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice.

1. Introduction

15 Lectures

- 1.1 Meaning and concept of Jurisprudence
- 1.2 Relevance of Jurisprudence in the contemporary era
- 1.3 Meaning and definition of Law
- 1.4 Law and Morals, Value of Judgments

2. Relevance of Natural Law: theoretical Perceptions

20 Lectures

- 2.1 The Origin and Significance of Natural Law
- 2.2 Theoretical Perceptive of Natural Law
- 2.3 ST Thomas Aquinas; Grotius; Hobbes; Locke; Rousseau
- 2.4 German Transcendental Idealism-Immanuel Kant
- 2.5 Revival of Natural Law-Stammler; Fuller; John. Finnis
- 2.6 Semi-sociological Natural Law-H.L.A. Hart
- 2.7 Liberty and Civil disobedience

3. Legal positivism

10 Lectures

- 3.1 Austin's analytical theory of Law
- 3.2 Pure Theory of Law-Hans Kelson

4. Sociological Jurisprudence

10 Lectures

- 4.1 Prof. Pound-Social Engineering Theory
- 4.2 Prof. Patterson
- 4.3 Prof. Selznick

5. American legal Realism

10 Lectures

- 5.1 Jerome Frank
- 5.2 Karl Lewellyn
- 5.3 Indian Judicial process & relevance to American legal realism

6. Post Modern Theories

10 Lectures

- 6.1 Hart's concept of Law
- 6.2 Rawls theory of Justice
- 6.3 Amartya Sen's theory of Justice

7. Basic Concepts

15 Lectures

- 7.1 Legal Rights and Morals
- 7.2 Doctrine of Precedent
- 7.3 Possession
- 7.4 Person
- 7.5 Obligation
- 7.6 Liability

Suggested Readings:

1. Basi Mitchell – Law morality and religion in a secular society
2. C. K. Allen – Law In the Making
3. Catherine Mackinnon – Difference & Dominance on sex discrimination
4. Catherine Mackinnon – Towards a Feminist Theory of State
5. Dias – Text on Jurisprudence
6. H.L.A. Hart – Law, Liberty and Morality
7. Hohfeld – Fundamental Legal Conceptions
8. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence
9. John Rawls – Political Liberalism
10. John Rawls – Theory of Justice
11. Julius Stone – Social Dimension of Law & Justice
12. K. Barlett & Kennedy Feminist Legal Theory
13. K. Weis Berg – Feminist Legal Theory Foundation
14. Lloyd – Introduction to Jurisprudence
15. Lord Devlin – The Enforcement of moral
16. Patton – Text on Jurisprudence

17. Precedent in Indian Legal System - Prof. A. Lakshminath
18. Prof. Julius Stone – Human Law and Human Justice
19. Prof. Julius Stone – Province & functions of Law
20. Prof. Roscoe Pound – Jurisprudence Vol. I to IV
21. R. Warrenton – Post modern Jurisprudence
22. Ronald Dworkin – Laws Empire
23. Ronald Dworkin – Morality principle
24. W. Friedmann – Legal Theory

Paper III: Core Course

Law and Social Transformation in India

Credits: 6

Lectures:90

Objectives of the Course:

This course is designed to create awareness in the student who is the future generations of India about the Indian approach to social and economic problems and to address the remedial measures through Law as an instrument of social control and change.

Further, it aims to create awareness in the minds of the students and taught to explore and exploit the significance of law and legal institutions as a means of development within the framework of law. Such an approach certainly creates not only an in depth understanding about the mechanism of law but also able to appreciate the nuances of the Constitution of India and the philosophy with which the Constitutional Framers made a Sovereign, Democratic and Republic.

1. Introduction

10 Lectures

- 1.1. Meaning and concept of Social Transformation
- 1.2. Law as an Instrument of Social Change
- 1.3. Law as the product of traditions and culture

2. Tools of Social Transformation

10 Lectures

- 2.1. Religion as a divisive factor – Secularism as a solution
- 2.2. Language Policy of India
- 2.3. Linguistic States-Problems and Perspectives
- 2.4. Regionalism-Problems and perceptions-Constitutional Philosophy

3. Constitution and Protective Groups

15 Lectures

- 3.1 Concessions to Women and Children
- 3.2 Reservations to Scheduled Castes and Tribes
- 3.3 Status of Physically Challenged People
- 3.4 Religious Minorities
- 3.5 Legislative Measures to uplift the Protective Groups

4. Social Transformation and Democratic Process

10 Lectures

- 4.1 Political Parties -Constitutional and Legal Position

- 4.2 Trends in the Growth and Functioning of Political Parties
- 4.3 Problems in the Functioning of Political Parties , Corruption, Nexus with anti-social elements, Inner Party Democracy
- 4.4 Role of the Election Commission
- 4.5 Democratic Decentralization and Role of Local Self Government
- 5. Role of Legal Institutions, Law and Social Transformation** **15 Lectures**
- 5.1 The Role of Law Commission in Transforming the Law
- 5.2 The Role of Judiciary in Expanding the horizons of Law, New Rights Philosophy, Public Interest Litigation
- 5.3 Role of Legislature and Executive in reforming the Law, Agrarian Reforms, Industrial Reforms, Prison Reforms, Plea Bargaining
- 5.4 Lok Adalats and Legal Aid Cells
- 5.5 Right to Information, Problems and Perspectives
- 6. Alternate Approaches to Law** **10 Lectures**
- 6.1 The jurisprudence of Sarvodaya,-Gandhiji, Vinoba Bhave, Jayaprakash Narayan
- 6.2 Socialist Thought on Law and Justice, The philosophy of M.N.Roy
- 6.3 Naxalite and Anti Insurgent Movements, Causes and Cure
- 6.4 Effectuation of Fundamental Duties
- 6.5 Concept of Gram Nyayalayas
- 7. Women and the law** **10 Lectures**
- 7.1 Crimes against women
- 7.2 Gender injustice and its various forms
- 7.3 Women's Commission
- 7.4 Empowerment of women: Constitutional and other legal provisions
- 8. Children and the law** **10 Lectures**
- 8.1 Child labour
- 8.2 Sexual exploitation
- 8.3 Adoption and related problems
- 8.4 Children and education

Suggested Readings:

1. Marc Glanter: Law and Society in Modern India, 1977
2. Indian Law Institute ; Law and Social Change
3. Ishwar Bhat: Land Social Transformation, 2009
4. University of Madras: Sarvodaya, 1972
5. Reports of the National Commission to Review the functioning of the Consitution Volu-II, Book-I 2002
6. Duncan Derret: The State, Religion and Law in India ,1999
7. Granville Austin: Working a Democratic Constitution: The Indian Experience, 2000

Paper IV: Core Course

Media Law and Censorship (Incl. Self-Regulation)

Credits: 6

Lectures:90

Objectives of the Course:

Mass media such as the press, radio, television, films, social media, and the internet play a vital role in the indoctrination, socialization, culturalisation, modernization, and commoditization of a society. The visual media are bound to have a much more significant impact on the conditioning of the human mind and- the brain. But while these media have such a potential value as many educators, they are also susceptible to destructive and harmful uses for promoting criminal anti- social, anti-cultural, immoral, and selfish escapist tendencies. In this IT age in the transnational world, information plays a critical role in ordering the ideology and conceptual reconstruction. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative, harmful potential has to be curbed in the public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them, on the other, it has to regulate them so as to avoid their possible abuse. In the post-gulf war era, the issues of information imbalance are also an emerging threat for third world countries, especially after the advent of WTO, where the role of media is crucial from a futuristic point of view. This paper will deal with such interaction between law and mass media.

1. Different forms of Media, Theories, History of Legislative Efforts

10 Lectures

- 1.1. Forms-Print media; Broadcast media; Social media
- 1.2. Theories of media
- 1.3. History of legislative efforts in India

2. Media, Free Speech and the Constitution

15 Lectures

2.1. Freedom of speech and expression under Article 19 (1) (a) and the Reasonable restrictions under Article 19 (2); Derivative rights - right to know/right to receive information, right to advertise, right to broadcast; Hate Speech (2 Lectures)

1. Bennett Coleman & Co. v. Union of India, AIR 1973 SC 106
2. Prabha Dutt v. Union of India, 1982 SCR (1) 1184
3. Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161

4. ABP Pvt Ltd. v. Union of India, (2014) 3 SCC 327 01

5. Shreya Singhal v. Union of India, (2015) 5 SCC 1 23

2.2. Privacy, defamation and the sting operations (7 Lectures)

Privacy: Define “privacy”; right to privacy versus freedom of expression; Differentiating between right to privacy of a public figure and private figure; information in the public domain; is there an expectation of reasonable amount of privacy; Paparazzi; Publishing information obtained illegally; Right of Publicity

6. Rajagopal v. State of Tamil Nadu, 1994 SCC (6) 632 44

Media and acts of defamation: Against public person; Publishing with knowledge of falsity or with reckless disregard for the truth; Right to Reply

7. Swatanter Kumar v. The Indian Express Ltd, 207 (2014) DLT 221 57

Sting Operations: Investigative Journalism; Leveson Report

8. R.K.Anand v. Registrar, Delhi High Court, (2009) 8 SCC 106 78

9. Rajat Prasad v. CBI, (2014) 6 SCC 495 94

Ref: Consultation Paper-cum-Questionnaire on Undercover Sting Operations, Law Commission of India

2.3. Right to Information (2 Lectures)

How far does public access to information go; Is there a right to gather news or attend meetings; Fairness doctrine and access to the media; Compelling journalist to disclose information related to crime and source

10. CPIO, Supreme Court of India v. Subhash Chandra Aggarwal, AIR 2010 Delhi 159 101

2.4. Trial by media and fair trial (2 Lectures)

Pre-trial publicity; Cameras in Courtroom; Restrictive Orders

11. M P Lohia v. State of West Bengal, (2005) 2 SCC 686 118

12. Naveen Jindal v. Zee Media Corporation Ltd, (2014) 2 SCC 1 120

Ref: Trial by Media: Free Speech and Fair Trial under Criminal Procedure Code, 1973, 200th Report, Law Commission of India

3. Contempt of Court

10 Lectures

Scandalising, vilification of institution of Court; Unverified reporting; Fair comment and criticism

13. In re S. Mulgaokar v. Unknown, 1978 SCR (3) 162 135

14. Rajendra Sail v. Madhya Pradesh Bar Association, (2005)6 SCC109 155

15. Sanjoy Narayan Editor-in-Chief Hindustan v. Hon. High Court of Allahabad through R.G.,

2011 (9) SCALE 532 167

16. Rajeev Dhawan v. Gulshan Kumar Mahajan, (2014) 41 SCD 785, Contempt P. (Crl.)2/1994
169

Ref: Articles 129, 142 (2), 215; entry 77, List I, Seventh Schedule, Constitution of India, The Contempt of Court Act, 1971 (as amended) Department-Related Parliamentary Standing Committee on Personnel, Public Grievances, Law and Justice, the Contempt of Courts (Amendment) Bill, 2004 (Twelfth Report) Paras 3.8.1 and 7.4, Report of the National Commission for the Review of Working of the Constitution

4. Media & Its Regulation

15 Lectures

Regulation can occur at the Central, State, local or self-regulatory level

4.1. Regulation of the print media

Ref: Press Council of India Act, Resolution for a Media Council, Press Council of India, 2012

4.2. Regulation of the Broadcasting sector (Public and Private)

Secy., Ministry of Broadcasting v. Cricket Association of Bengal, (1995) 2 SCC 161

17. In re Destruction of Public and Private Properties, (2009) 5 SCC 119 174

Ref: Prasar Bharti Act 1990; Report of the Prasar Bharati's Expert Committee, 2013; Cinematography Act 1952; Cable T.V. Networks (Regulation) Act of 1995 Consultation Paper on the Proposed Draft of the Broadcasting Services Regulation, MI&B, Self -Regulatory Measures-BCCC Guidelines on Self - Regulation; BCCC Report to the MI&B; BCCC Orders and Advisories; NBSA Regulations; NBA Code of Ethics

4.3. Regulation of the Social Media

Sections 6,7, 8 and other relevant provisions of Information Technology Act, 2001

Shreya Singhal v. Union of India, (whether it would be asserted again- a need of such power)

Ref: Section 66A, Information Technology Act of 2001;

- 52nd Report of the Parliamentary Standing Committee on Information Technology
- 31st Report of the Parliamentary Standing Committee on Subordinate Legislation, 2012-13
- Advisory on Implementation of Section 66-A of the Information Technology Act, 2000, Department of Electronics and Information Technology, 9 January, 2013
- Convergence Bill; Regulatory commissions of new media; Indian Telegraph Act of 1885

5. Media, Advertisement & the Law

10 Lectures

5.1. Commercial speech: Commercial Speech Doctrine and protection provided under Art 19(1) (a);

Regulating what is false or misleading / may regulate even truthful advertising

5.2. Government advertisements and the media: broadcasting political messages

18. Ajay Goswami v. Union of India, AIR 2007 SC 493 178

19. Common Cause v. Union of India, (2015) 42 SCD 686 199

Ref: Advertisement Act of 1954, Indecent Representation (Prohibition) Act, 1986, The Drugs and Magic Remedies (Objectionable) Advertisements Act of 1954

6. Media, Censorship and the Gag Orders

10 Lectures

Pre- and Post Restraint; Cinema and censorship; Variable obscenity - differing standards for obscenity - adults/minors; Gag orders, print/broadcasting/social media; restraint on reporting of judicial proceedings; Reporting on Women/ Juveniles

20. Odyssey Communications Pvt Ltd. v Lokvidayan Sanghatana, 1988 SCR Supp. (1) 486 210

21. S. Rangarajan v. P. Jagjivan Ram, 1989 SCR (2) 204 213

22. Bobby Art International v. Om Pal Singh Hoon, (1996) 4 SCC 1 229

23. Union of India v. Motion Picture Association, AIR 1999 SC 2334 238

24. Devidas Ramachandra Tuljapurkar v. State of Maharashtra, 14 May 2015 (Criminal Appeal No. 1149 of 2010) Shreya Singhal v Union of India, 24 March 2015 (whether it would be asserted again-need for such power)

25. Reliance Petrochemicals Ltd v. Proprietors of Indian Express Newspapers, Bombay Pvt Ltd., 1988 SCR Supp. (3) 212 247

26. Sahara India Real Estate Corp. Ltd. v. Securities & Exchange Board of India, (2012) 10 SCC 603 262

Ref: The Dramatic Performances Act, 1876, Section 5D of the Cinematograph Act relating to the establishment and functioning of Film Certification Appellate Tribunal, Section 228 A, Indian Penal Code, 1860; Sections 4 and 7, Contempt of Courts Act, Section 151, Civil Procedure Code; Section 14, Official Secrets Act, 1923, Section 22, Hindu Marriage Act, 1955; Section 53, Indian Divorce Act, 1869 Section 33, Special Marriages Act, 1954; Section 33, Parsi Marriage and Divorce Act

7. Reporting of Legislative Proceedings

10 Lectures

27. Jatish Chandra v. Hari Sadhan, AIR 1951 SC 613

28. MSM Sharma v. Krishna Sinha, AIR 1959 SC 395

29. C K Dapthary v. O P Gupta, (1971) 1 SCC 626

30. Jawaharlal Darda v. M G Kapsikar, (1998) 4 SCC 112

Ref: Article 361 A, Constitution of India, Parliamentary Proceedings (Protection of Publication) Act, 1977

8. Media and other contemporary issues

10 Lectures

8.1. Paid news

31. Ashok Shankarrao Chavan v. Madhavrao Kinhalkar, (2014) 7 SCC 99 281

Ref: Report on Paid News, PCI, 2010, Report of the Committee on Electoral Reforms, MoL&J, 2010
47TH Report of the Parliamentary Standing Committee on Information Technology,
Issues Related to Paid News

8.2. Poll surveys

Ref: Guidelines on Pre-Poll and Exit Poll, PCI, 1996

8.3. Cross ownership: diversification of ownership

Ref: Recommendations on Issues relating to Media Ownership, TRAI, 12 August 2014,
Recommendations on Cross Media Holdings, TRAI, 25 February 2009, TRAI Consultation Paper on
Cross Media Ownership, 15 March 2013, Report of the Administrative Staff College of India, July,
2009 (MI&B)

8.4. Competition issues

8.5. Licensing issues; responsibility of licensee

8.6. Copyright issues

The List of statutes and references are indicative of the scope of the subject.

Suggested Readings:

1. Basu, Dr. Durga Das, Law of The Press, 5th Ed, Lexis Nexis, 2010
2. Bloy, Duncan & Hadwin, Sara, Law and the Media, 2nd Ed., Sweet & Maxwell, 2013
3. Divan, Madhavi Goradia, Facets of Media Law, Eastern Book Company, 2010
4. Paul, Sebastian, Ethics and The Media, 3rd Ed., Lexis Nexis, 2015
5. Prasad, Kiran, Media Law in India, Kluwer Law International, 2011
6. Shukla, V.N., Constitution of India, 11th Ed., Eastern Book Company, 2011
7. Sorabjee, Soli J., "Constitution, Courts and Freedom of the Press and the Media", B.N. Tirpak etal (eds.), Supreme But Not Infallible : Essays In Honour Of The Supreme Court Of India, 2000
8. Offend, Shock, or disturb free speech under indian constitution, Gautam Bhatiya, Oxford.

Semester-II

Paper V : Compulsory Foundation Course

Comparative Constitution Law and Governance

(Comparative Study limited to U.S., U.K and India)

Credits: 6

Lectures:90

Objectives of the Course:

A Constitution is being the Supreme Law of the Land; it derives its directives from various aspects. The paper is designed to give an overall picture of Constitution and constitutionalism and to examine the different types of governments in U.S., U.K., and India. The three functions of the state are also given importance so that the students will be able to appreciate the Constitutional functions of the state in a comparative environment.

Since the Constitution is a dynamic document, timely modification is a necessity, but often results in challenges raised before the superior courts. It is important to understand how the judiciary strikes a balance between the political efforts and stability of the Constitution while ensuring the dynamic character of the Constitution. The various issues of governance affecting the people and the remedies available to them are also part of this paper. The aim of the paper, it introduces to the student the differences that exist in the basic structural patterns in the constitutional perspective in the world.

1. The Concept of Constitution & Constitutionalism

10 Lectures

- 1.1 Meaning and Idea of Constitution
- 1.2 Constitution as a Dynamic and Supreme Law
- 1.3 Concept of Constitutionalism
- 1.4 Distinction between Constitution and Constitutionalism

2. Study of Comparative Constitutional Law

10 Lectures

- 2.1 Relevance
- 2.2 Problems and Concerns in Using Comparison

3. Some Constitutional Principles

15 Lectures

- 3.1 Rule of law
 - 3.1.1 Modern Concept of Rule of Law
 - 3.1.2 Social and economic rights as part of rule of law

3.2 Separation of powers

3.2.1 The doctrine of Checks and Balances

3.2.2 Position of Rule of Law and Separation of Powers in the Indian Constitution

4 Constitutional foundations of powers

15 Lectures

4.1 Legislative Power

4.2 The Executive Power

4.3 The Judicial Power

4.3.1. Appointment of Judges and Judicial Accountability

4.3.2. Role of Courts and Fundamental Rights

4.3.3 Role of the Courts in ensuring Good Governance

5 The State and Governance

10 Lectures

5.1 The concept of Good Governance

5.2 The methods to ensure Good Governance

5.3 State and Civil Liberties

6 Forms of Governments

10 Lectures

6.1 Federal and Unitary Forms

6.1.1 Features, Advantages and Disadvantages

6.1.2 Models of Federalism Quasi - federalism

6.2 Parliamentary and Presidential Forms of Government

7 Amendment of the Constitution

10 Lectures

7.1 Methods of Amendment

7.2 Limitations on the Amending Power: Comparative Perspective

7.3 Theory of Basic Structure: Origin and Development

8 Constitutional Review

10 Lectures

8.1 Concept and Origin of Judicial Review

8.2 Methods of Constitutional Review

8.2.1 Judicial and Political Review

8.2.2 Concentrated and Diffused Review

8.2.3 Anticipatory and Successive Review

8.3 Limitations on Judicial Review

Suggested Readings:

1. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A

- Cornerstone of Good Governance (Oxford University Press, 2010)
2. D.D. Basu, Comparative Constitutional Law (2 nd ed., Wadhwa Nagpur)
 3. David Strauss, The Living Constitution (OUP, 2010)
 4. Dr. Subash Kashyap, Framing of Indian Constitution (Universal Law, 2004)
 5. Elizabeth G iussani, Constitutional and Administrative Law (Sweet an d Maxwell, 2008)
 6. Erwin C hemerinsky, Constitutional Law, Principles and Policies (3 rd ed., Aspen, 2006)
 7. M.V. Pylee, Constitution of the World (Universal, 2006)
 8. Mahendra P. Singhy, Comparative Constitutional Law (Eastern Book Company, 1989)
 9. Neral Devins and Louis Fisher, The Democratic Constitution (OUP, 2010)
 10. S.N. Ray, Judicial Review and Fundamental Rights (Eastern Law House, 1974)
 11. Sudhir Krishna Swamy, Democracy and Constitutionalism in India – A study of the Basic Structure Doctrine (POUP, 2009)
 12. Sunil Khilnani, Vikram Raghavan, A run Thiruvengadam, Comparative Constitutionalism in South Asia (POUP, 2013)
 13. Vikram David Amar, Mark Tushnet, Global Perspectives on Constitutional Law
 14. (OUP, 2009)
 15. Zachery Elkins, Tom G insburg, J ames M elton, The Endurance of National Constitutions (Cambridge University Press, 2009)
 16. D.D. Basu, Comparative Constitutional Law (2 nd ed., Wadhwa Nagpur, 2008)
 17. D.D.Basu, Comparative Federalism (Lexis Nexis, 2007)
 18. D .D.Basu, Introduction to the Constitution of India (Lexis-Nexis- Butterworth- Wadhwa, 2008)
 19. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008)
 20. M.P.Singh, Comparative Constitutional Law (Eastern Book Company, 2011)
 21. M.P.jain, Indian Constitutional Law (6 th ed., Wadhwa, Nagaur)
 22. Pier Giuseppe Monateri, Methods of Comparative Law (Edward Elgar Publishing, 2012)
 23. Vicki C. Jackson, Mark V. Tushnet, Comparative Constitutional Law (2nd ed. Foundation Press, 2006)

Paper VI : Core Course

Theory of Legislation and Interpretation of Statutes

Credits: 6

Lectures:90

Objectives of the Course:

The objective of this study is to give a clear understanding of the nature, scope of the theory of legislation & interpretation of Statutes. The study of any legal system at postgraduate level necessitates its basic foundations to enable students to acquaint with the nature of legal system and its role in the development of society.

The object of the paper is to understand & analyze the legislative intent of statute and various principles pertaining to that. The paper increases the understanding of the role of courts and guided principles for interpretation of any statutes. The course further increases the understanding of the provisions of law, the growth of judicial boundaries and limitations

The paper discusses the theoretical foundation of the law making process & factors impacting, shaping the legislative process.

As it is difficult to have legislation without ambiguous provisions, there is a need to make proper study of the rules and principles relating to interpretation of statutes. Legislation is the major source of law of modern era. Legislatures enact laws after much deliberation. No doubt in this process they have to take into account the present and future needs of the people. What are the matters to be reckoned with by legislature while enacting laws? With the emergence of legislation, interpretation of statutes became a method by which judiciary explores the intention behind the statutes. Judicial interpretation involves construction of words, phrases and expressions. In their attempt to make the old and existing statutes contextually relevant, Courts used to develop certain rules, doctrines and principles of interpretation. Judiciary plays a highly creative role in this respect. What are techniques adopted by courts in construing statutes? How far are they successful in their strategy? With the above problems and perspectives in view, this paper is framed.

1. Bentham's general principles of legislation

15 Lectures

1.1 Principle of Utility

1.2 Individualistic Utilitarianism – Pleasures and pains – their knowledge and measurement – The extensity of Pleasures and Pains –

1.3 Rational and Irrational criteria of Legislation – Morals and Legislation - their separation – Reasons for erecting certain acts into offences-Principles of the Civil code – objects of the Civil Law – Subsistence, Abundance, Equality, and Security.

1.4 Principles of the Penal Code – Classification of offenses – Remedies against the evil of offenses – punishments, Assessment of Benthamite theory – The period of Benthamism – Revival of Benthamism.

2. Relation between public opinion and legislative formulation **15 Lectures**

2.1 The growth of collectivism – twentieth-century legislative trends – judicial legislation – effect of Judge-made law on Parliamentary legislation – Relevance of John Rawls and Robert Nozick – Individual interest to community interest.

2.2 Lawmaking for social change – the interactions of legal and social change. Limitations on Legislative Authority – Doctrine of Laissez Faire – Doctrine of Natural Rights – Doctrine of Reasonableness – Doctrine of the Basic structure of the Constitution – The views of Positivists and Naturalists.

3. Law-Making Processes **15 Lectures**

3.1 Constitutional Law Making

3.2 Statutory law making & general scheme of legislative drafting

3.3 Objective of civil, criminal, commercial & international law

3.4 Sub-ordinate law-making

4. Doctrine of precedent **15 Lectures**

4.1 Nature and Scope

4.2 Authority of Precedent

4.3 Bindingness of Precedent

4.4 Precedent in British legal system, Ratio decidendi, Obiterdicta, Theories of ratio decidendi

4.5 Article 141 of the Indian Constitution, Doctrine of prospective overruling, Advisory Jurisdiction, and Precedent

5. Statutes and Interpretations **15 Lectures**

5.1 Meaning & Kinds of Statute. Commencement, operation, expiry, and repeal of statutes –

5.2 Meaning of Interpretation- Need and purpose of Interpretation of Statutes. The subject matter of Statutory Interpretation

5.3 Internal and external Aids to interpretation – General Rules of construction under the General Clauses Act, 1897.

5.4 Basic rules of Statutory interpretation – Literal Rule – Golden Rule – Mischief Rule – rule of Harmonious construction – secondary rules – Noscitur a sociis- Ejusdem generis, Reddendo singula singulis – expressio unius rule.

6. Restrictive and Beneficial construction –

15 Lectures

6.1 Interpretation of Welfare Legislations -Interpretation of Penal Statutes – – Interpretation of Taxing Statutes – Interpretation of Statutes conferring powers- Interpretation of codifying and consolidating statutes – Interpretation of directory and mandatory provisions – Interpretation of substantive and procedural statutes.

6.2 Presumptions in Statutory Interpretations;

Principles of Constitutional Interpretation – Harmonious Construction – Doctrine of Pith and substance – Colourable legislation – Ancillary powers – occupied field – Residuary power – Doctrine of Repugnancy – Doctrine of Eclipse – Doctrine of Severability – Doctrine of Immunity of Instrumentality – Doctrine of Implied Rights - Doctrine of Prospective Overruling – Doctrine of Basic Structure.

Suggested Readings: -

1. Jeremy Bentham : The Theory of Legislation, N.M. Tripathi Pvt. Ltd., Bombay, 1986.
2. W. Friedmann: Law in a changing Society, 2nd Ed., Universal Book Traders, Delhi, 1996 (First Indian Reprint)
3. A.V. Dicey : Law and Public Opinion I England, 2nd Ed. Universal Book Traders, Delhi, 1996 (First Indian Reprint).
4. W. Jethro Brown : The Underlying Principles of Modern Legislation, Maxwell on the Interpretation of Statutes : 12th Ed. Edited by P.St.J. Lagan, N.M. Tripathi Pvt. Ltd., Bombay, 1976
5. Sir Rupert Cross: Statutory Interpretation, 2nd Ed. Edited by John Bell and Sir George Engle, Butterworths, London, 1987.
6. G.P. Singh: Principles of Statutory Interpretation, 4th Ed. Wadhwa and Company, Nagpur, 1988
7. Vepa P. Sarathi, Interpretation of Statutes (second edition).

Paper VII: Core Course

Research Methods and Legal Writing

Credits: 6

Lectures:90

Objectives of the Course:

The growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner. Legal Writing and Methods of Legal Research aims to equip students with skills of conducting legal research and expressing legal analysis effectively in writing. By the end of the course, students are expected to gain the following knowledge and skills, understand how to use key research methods and approaches, understand how to collect, analyze and interpret the data, to explain and justify the methodological approaches used, to explain the methods of data collection. Understand the main requirements and the structure of a thesis or a dissertation. The aim is to help students develop critical knowledge of fundamental concepts, elements and processes of legal research. To help them develop research-based professionalism. To encourage involvement in multi-faceted research of laws, and to help thereby development of laws and justice in India

1. Research Ethics and Plagiarism

10 Lectures

2. Introduction to Research

15 Lectures

2.1 What is Research? Meaning and Objectives

2.2 Research methods vis a vis Research Methodology

2.3 Legal Research - Meaning, scope and purpose. Relation between law and society

2.4 Types/kinds: Doctrinal and Non-Doctrinal (empirical); Applied, fundamental; Library research, field research and laboratory research, analytical, descriptive, conceptual; Participatory and Non-Participatory; Comparative, historical, statistical, critical, socio-legal; Mono disciplinary and trans disciplinary; quasi disciplinary, inter-disciplinary (multi- disciplinary) research; Quantitative and qualitative, one time and longitudinal, clinical or diagnostic research; Research for legal reform

3. Research Methods

15 Lectures

3.1 Research Design

3.2 Various Steps in Research: Research Process

3.3 Research Problem: Identification and Formulation

- 3.4 Hypothesis
- 3.5 Use of Library
- 3.6 Use of Modern Technology/ Computer Assisted Research
- 4. Tools and Techniques for Collection of Data 20 Lectures**
- 4.1 Primary and Secondary Sources
- 4.2 Literature Review
- 4.3 Observation Method
- 4.4 Questionnaire
- 4.5 Interview
- 4.6 Case study
- 4.7 Sampling
- 4.8 Jurimetrics
- 5. Analysis and Interpretation of Data 10 Lectures**
- 5.1 Use of Deductive and Inductive Methods in Research
- 5.2 Preparation of Research Report and Writing of Research report
- 5.3 Budgeting of Research
- 5.4 Ethical and Legal Issues: Plagiarism and Copyright Violation
- 6. Legal Writing 15 Lectures**
- 6.1 Essentials of Good Legal Writing
- 6.2 Structured Legal Writing: Organization of Legal Materials
- 6.3 Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and Case Laws, Analysis, Discussion, Recommendations and Conclusion
- 6.4 Sources of Authority
- 6.5 Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for Court Purposes: Briefs, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing
- 6.6 Citation, Reference and Footnoting
- 6.7 Editing and Proof reading
- 6.8 Writing of Research Proposal
- 6.9 Dissertation/ Thesis Writing
- 7. Rules of Citation 05 Lectures**

Suggested Readings

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research –Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hill Book Co., 1985).
6. Harvard Law Review Association, *The Bluebook: Uniform system of Citation* (Harvard Law Review, Harvard).
7. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
8. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
9. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
10. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi: Prentice Hall of India Pvt. Ltd., 1984).
11. S. K. Verma and Afzal Vani, *Legal Research and Methodology*, ILI, New Delhi Selltiz, Jahoda et.al., *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
12. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995).

Paper VIII: Elective Course

A) International Law and Human Rights

Credits: 6

Lectures:90

Objectives of the Course:

International law commonly is defined as the rules, principles, and norms which govern the interaction among states. This course explores the institutional structures, political processes, and impact of international organizations within the larger context of world politics. International organizations play an important role in the contemporary international scenario in addressing the contemporary International Problems. The importance of diplomacy in international relations cannot be underestimated. The course will dwell on structural inequalities and geopolitical realities which shape national policies. Nations individually and collectively have been involved in division methods for disarmament and non-proliferation of nuclear weapons. The U.N. has been fully absorbed for the last several decades in initiating dialogues on disarmament.

1. Nature, Scope & Basis of International Law

15 Lectures

- 1.1. Nature & Basis of international law
- 1.2. Source of law with special references to GA Resolutions
- 1.3. Relationship of International Law & Municipal Law
- 1.3.1. Indian practice – its constitutional provisions & judicial trend

2. State

10 Lectures

- 2.1. State, Nation & Nation-State
- 2.2. Statehood, Acquisition & Loss of territory
- 2.3. Recognition
- 2.4. State succession
- 2.5. Sovereign Immunity

3. State Responsibility

10 Lectures

- 3.1. Concept of state responsibility
- 3.1. Fault liability – No fault liability
- 3.2. Treatment of aliens & expropriation of property

4. Pacific Settlement of Disputes

05 Lectures

4.1 Negotiation, good offices, mediation, conciliation, Arbitration and Judicial settlement

5. Individuals, NGOs & MNCs

10 Lectures

5.1. Individual as a subject of international law

5.2. Nationality, Extradition, Asylum

5.3. Role of NGOs & MNCs in shaping international law

6. Human Rights

10 Lectures

6.1. U.N. Charter

6.2. UDHR

6.3. Covenants on Civil, Political - Economic, Social & Cultural Rights

6.4. Right to self determination

6.5. Globalization & Human rights

7. Diplomacy

15 Lectures

7.1. Traditional Notions of diplomacy and significance of diplomacy to International law of peace

7.2. Transformation from old to new diplomacy

7.2.1. Cold –War and its impact on diplomacy

7.2.2. Contemporary international stratification, Neo-colonialism, dependence and domination

7.2.3. Diplomacy in international conferences

7.3. Development ideology and related diplomacy

7.4. Diplomatic personal – Their significance, diplomatic privileges and immunities – violence against diplomats

8. Threats to International Peace, Peace Strategies & Disarmament

15 Lectures

8.1. Hijacking

8.2. Terrorism

8.3. Science & Technology for peace & violence – Jurisdictional problems

8.3.1. Organized crimes

8.3.2. Nuclear technology

8.4. Disarmament as peace strategy

8.4.1. History & outcome of disarmament efforts, UN Disarmament Decade

8.4.2. International Regulations of Biological & Chemicals weapons, weapons of mass destruction

Suggested Readings:

1. Burns H. Weston, *Toward Nuclear Disarmament and Global Security: a Search for Alternatives* (1980)
2. J. Schell, *The Fate of the Earth* (1982)
3. J.N. Singh, *Use of Force Under International Law* (1984)
4. Julius Stone, *Legal Controls of International Law* (1954)
5. M. Walzer, *Just and Unjust Wars* (1979)
6. R. Kothari, *Transformation and survival: In Search of Human World Order* (1988)
7. R. Falk, et al., *International Law: A Contemporary Perspective* pp.473-519 (1985)
8. R. Falk, *The End of World Order* pp.155-276 (1983)
9. Report of the Secretary General: *Chemical and Bacteriological (Biological weapons and the effects of their Possible Use.* (UN Doc.A/7575 Rev.1 S/9292 Rev. I (1969)
10. Prof. B.S.Murthy, *International Law of Diplomacy; the Diplomatic Instruments and world order*, New Haven Press & Dordrecht; Martinus Nijhoff Publishers, 1989
11. A.Ball, *Modern Intentional Negotiations* (1969)
12. L.Clark, *Reform and Resistance in International Order* (1980)
13. L.Clark, "The Satisfied and' the Dissatisfied States Negotiate International Law: A Case Study," 18 *World Politics* 20-41 (1965)
14. H.Nicolson, *Diplomacy* (1969)
15. J.Stone, *Law and Nations* (1974)
16. L.Hanken, *How Nations Behave* (1968)
17. RL.Friedheim, *Parliamentary Diplomacy - A Survey* (1976)
18. RP.Anand, *International Courts and Contemporary Conflict* (1979)

OR

B) Gender Justice and Feminist Jurisprudence

Credits: 6

Lectures:90

Objectives of the Course:

This course aims at questioning the understanding that law is universal, protects everybody equally and is accessible to all equally. It uses gender, particularly in relation to women and persons with non-heterosexuality as examples to show discrimination perpetuated by law and legal processes. This course aims to focus on discrimination on the ground of sex and non- heterosexuality in the extant law and judicial decisions. It also explores the jurisprudential explanations for the existing state of affairs. It focuses on the patriarchal nature of state and family and contemporary feminist and queer debates.

1. Introduction

10 Lectures

- 1.1. Gender justice, Notions of sex and gender
- 1.2. Deconstructing 'Man', 'Woman', 'Other', Private-Public dichotomy
- 1.3. Women in ancient, medieval and modern India: An overview
- 1.4. Indicators of Status: Difference in - likelihood of survival; female feticide, assigned human worth; and control over property, valued goods and services, working conditions, knowledge and information, political processes, symbolic representation, one's body, daily lifestyles, reproductive processes

2. Patriarchy and Feminist Jurisprudence

15 Lectures

- 2.1 Understanding Patriarchy
- 2.2 Issues and contradictions in feminism
- 2.3 Sameness and difference debate
- 2.4 Liberal feminism
- 2.5 Radical feminism
- 2.6 Socialist/Marxist feminist approaches

3. International Instruments on Gender Justice

15 Lectures

- 3.1 UDHR, ICESCR, ICCPR
- 3.2 UN Convention for the Elimination of Discrimination against Women
- 3.3 The Yogyakarta Principles 2007

3.4 UN Human Rights Council Resolution on Human rights, Sexual Orientation and Gender Identity, 2011

3.5 Human Rights Council Resolution on sexual orientation and gender identity (2014)

4. Gender Justice: Constitutional and Legal Perspective **10 Lectures**

4.1 Gender Justice: Constitutional and Legal Perspective

4.2 Equality provisions in the Constitution of India

4.3 Preamble, Fundamental Rights and Directive Principles

5. Sexuality and Morality in Law **10 Lectures**

5.1. Indian Penal Code 1860

5.2. Immoral Traffic Prevention Act, 1956 read with section 379o IPC

5.3. Indecent Representation of Women(Prohibition) Act, 1986

6. Economic Empowerment and Law **10 Lectures**

6.1. Labour Laws:

6.1.1. Gender protective laws

6.1.2. Gender neutral laws

6.1.3. Gender corrective laws

6.2. Law Protecting Women against Sexual Harassment at Workplace

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

7. Reproductive Rights **10 Lectures**

7.1. Indian Penal Code, 1860

7.2. Medical Termination of Pregnancy Act, 1971

7.3. Maternity Benefits Act, 1964

7.4. PC & PNDT Act 1994

8. Law Protecting Women Against Violence at Home: Domestic Violence, Dowry Harassment, Sati **10 Lectures**

8.1. Protection of Women against Domestic Violence Act 2005

8.2. Dowry Prohibition Act 1961

8.3. Commission of Sati (Prevention) Act 1829

Suggested Readings:

1. Sarla Gopalan, TOWARDS EQUALITY – THE UNFINISHED AGENDA – STATUS OF WOMEN IN INDIA 2001. National Commission for Women.
2. Amita Dhanda, Archana Parashar (ed) ENGENDERING LAW ESSAYS IN HONOUR OF LOTIKA SARKAR (1999). Eastern Book Depot.
3. Ratna Kapur and Brenda Cossman, SUBVERSIVE SITES: FEMINIST ENGAGEMENTS WITH LAW IN INDIA (1996).
4. TOWARDS EQUALITY Report of the Committee of Status in India Government of India(1974).
5. Kalpana Kannabhiran (ed), WOMEN AND LAW CRITICAL FEMINIST PERSPECTIVES (Sage Publications India 2014)
6. Usha Tandon (ed), Gender Justice: A Reality or Fragile Myth (2015)
7. Rajesh Talwar, The Third Sex and Human Rights (2016)
8. National Family Health Survey-4 (2017)