

**Master of Laws (LL.M.)  
(EXECUTIVE)**

*Applicable to the students admitted during Academic Session 2017-2018*

**TEACHING AND EXAMINATION SCHEME  
FOR  
LL.M. (EXECUTIVE PROGRAMME)**

**SEMESTER I**

<b>Core/ Elective</b>	<b>Title of the Course</b>	<b>Course Code</b>	<b>MM</b>
Core	Legal Methods & Research Methodology	Paper I	100
	Comparative Jurisprudence	Paper II	100
Elective	Family Patriarchy and Gender Justice or Criminal Justice Administration	Paper I	100
Core	Research Paper	RP 1	100

**SEMESTER II**

<b>Core/ Elective</b>	<b>Title of the Course</b>	<b>Course Code</b>	<b>MM</b>
Core	Judicial Process	Paper III	100
	Law and Social Transformation	Paper IV	100
Elective	Conflict of Laws or Human Rights and Humanitarian Law	Paper II	100
Core	Research Paper	RP 2	100

### SEMESTER III

Core/ Elective	Title of the Course	Course Code	MM
Core	Comparative Constitutional Law	Paper V	100
	Law and Justice in a Globalised World	Paper VI	100
Elective	Law of Succession and Inheritance or Cyber Laws	Paper III	100
Core	Research Paper	RP 3	100

### SEMESTER IV

Core	Dissertation	300 Marks
	Teaching Assignment	100 Marks

#### Objective of the Course

The Two Year LL.M (Executive) programme offers graduates in law an opportunity to expand their knowledge of Comparative law and legal processes. The programme is especially designed to cater to the needs of practicing lawyers and law graduates who are interested in expanding the horizons of their knowledge of Constitutional Law, Family Laws, Criminal Law, Human Rights, Cyber Laws etc.

### **Scheme of the Course:**

The classes of LLM (Executive) will be conducted on weekends i.e., Saturday and Sunday from 9:30 a.m. to 5:00 p.m. The course shall be spread over four semesters in a period of two years.

### **Duration of the Course:**

Two Years (2 years)

### **Eligibility and Total Intake**

BA.LL.B (Hons.) or equivalent degree (with not less than 50% marks) from any University/Institution recognized by Bar Council of India as eligible for enrolment as an Advocate in India.

Total Intake: Thirty (30)

### **Admission:**

As per University Rules.

## **LL.M. (Executive) Examination Rules**

### **Core/Elective Papers 100 Marks Each**

The main components of the core and elective papers (except Legal Methods and Research Methodology and Research Paper) along with the marking scheme shall be as follows:

<b>Internal Assessment</b>	25 Marks	[(i) 20 marks- Research Assignment (ii) 5 marks - Presentation)]
<b>Theory Paper</b>	75 Marks	

## **Legal Methods and Research Methodology**

**100 Marks**

The main components of the Legal Methods and Research Methodology paper along with the marking scheme shall be as follows:

<b>Internal assessment</b>	25 Marks	[(i) 10 marks - Synopsis (ii) 10 marks - Book Review (iii) 5 marks - annotated bibliography]
<b>Theory paper</b>	75 Marks	

## **Research Paper**

**100 Marks**

Besides the core and elective papers, there shall be a research paper each in the first three semesters of the LLM (Executive Programme). Each student would choose a topic for the research paper from the elective papers he/she has chosen at the start of the first semester or any other area of law (Corporate Laws/Environmental laws/Civil Laws etc.) he/she is interested in specializing. The topic for the research paper shall be submitted to the office of the Dean. Within 15 days of approval of the topic, the student shall submit a synopsis of their proposed research paper to the concerned Faculty in-charge. Within a month of approval of synopsis, the student shall submit the first draft of his/her research paper to the Faculty in-charge. The second draft of the research paper shall then be submitted to the Faculty in-charge on approval of which, the student shall submit the research paper to the office of the Dean. Students shall attach Similarity Report generated by UGC approved software Turnitin with less than 20% similarity index along with the final draft of the research paper.

### **Tentative Schedule**

#### **Semester-I Research Paper-1**

Submission of Proposed Topic	Second Saturday of September
Display of approved topics	Third Saturday of September
Synopsis Submission	Second Saturday of October
Submission of First Draft	Last Saturday of November

Submission of Second Draft	First Saturday of December
Final Submission	Second Saturday of December

### **Tentative Schedule**

#### **Semester-II Research Paper-2**

Submission of Proposed Topic	Last Saturday of January
Display of approved topics	First Saturday of February
Synopsis Submission	Last Saturday of February
Submission of First Draft	Third Saturday of March
Submission of Second Draft	Third Saturday of April
Final Submission	First Saturday of May

### **Tentative Schedule**

#### **Semester-III Research Paper-3**

Submission of Proposed Topic	Third Saturday of August
Display of approved topics	First Saturday of September
Synopsis Submission	Third Saturday of September
Submission of First Draft	Third Saturday of October
Submission of Second Draft	Third Saturday of November
Final Submission	First Saturday of December

The research paper shall be between 7000-10000 words on A-4 size paper with 1.5 line spacing, 12 font size for the body and 10 font size for footnotes in Times New Roman. ILI Style of citation is to be followed for the footnotes (available at: <http://www.ili.ac.in/cstyle.pdf>).

#### **Marking Scheme for Research Paper:**

Synopsis	20 Marks
Research Paper	60 Marks
Presentation	20 Marks

## **Dissertation**

**300 Marks**

Students appearing for the Post-Graduate Degree Programme in Law (Executive Program) Examination shall submit a Dissertation prepared under the guidance of a Research Supervisor [Allotted by the Office of the Dean]. The student shall select the topic for Dissertation in consultation with the Research Supervisor and submit the topic along with the research proposal for the approval of the Dean. Within 15 days of the approval of the topic, the student shall submit a synopsis of their proposed Dissertation to the supervisor concerned. Within a month of approval of synopsis, the student shall submit the first draft of his/her Dissertation to the supervisor concerned. The second draft of the Dissertation shall then be submitted to the supervisor on approval of which, the student shall submit the final dissertation to the office of the Dean.

The Dissertation shall be submitted to the Office of Dean One Month prior to the date of viva-voce of the Dissertation Work or as notified by the Office of the Dean.

The Dissertation shall be between 120-150 type written pages on A4 size papers with 1.5 line spacing, 12 Font size for the body of the text and 10 Font size for the footnotes in Times New Roman and submitted in 4 copies. ILI Style of citation is to be followed for the footnotes (available at: <http://www.ili.ac.in/cstyle.pdf>).

Students shall attach Similarity Report generated by UGC approved software Turnitin with less than 15% similarity index along with the final submission.

### **Tentative Schedule:**

Submission of Proposed Topic:	Third Saturday of November
Allocation of Supervisor:	Second Saturday of December
Synopsis submission:	Last Saturday of January
Submission of First Draft:	Third Saturday of March
Submission of Second draft:	Third Saturday of April
Final Submission:	First Saturday of May

## **TEACHING ASSIGNMENT**

**100 Marks**

Since semester IV has been devoted towards practical-oriented understanding of Law in general, giving the students an opportunity to practice one's teaching skills is critical, the student would therefore be given teaching assignments. Each student will be assigned two topics in advance to deliver classroom teaching. Each student has to take up five teaching assignments of B.A.LL.B (H) course. Each class will be of one hour duration and shall be assessed on the basis of his/her teaching performance. The class taken will be supervised, observed and evaluated by the Course teacher. Students are supposed to prepare a teaching plan and take the classes accordingly. Students are also required to prepare teaching material on the basis of the classes taken.

### **Marking scheme for Teaching Assignment**

Teaching Plan	20 Marks
Classroom Teaching	80 Marks



# COURSE CONTENT

## [CORE PAPER]

**Paper I    LEGAL METHODS & RESEARCH METHODOLOGY    100 Marks**

### UNIT- I

**Understanding Research:** Meaning of Research-Legal Research and Socio Legal Research-Nature and Characteristics of Legal Research-Objectivity and Utility of Legal Research-Types of Research: Doctrinal, Non-Doctrinal, Empirical, Inter/Multidisciplinary & Historical

### UNIT- II

**Formulation of Research Problem:** Research Design-Hypothesis: Kinds of Hypothesis-Hypothesis Testing; Literature Review-Sampling in Legal Research-Methods and Tools for Data Collection in Legal Research

### UNIT- III

**Data Processing and Data Analysis:** Use of Library, Internet and Legal Databases-Writing Techniques and Methodology: Reports Writing-Article Writing-Thesis/Dissertation Writing-Use of Citations, Foot Notes, Reference, Bibliography, Indexes & Appendixes-Research Ethics

### UNIT- IV

**Law Reforms and Legal Research:** Role of Judges and Jurists-Reflective Thinking and Value Neutrality in Research-Legal Reform Committee and Commissions-Research Funding and Rights of Funding Agency of Research-Publication and Copyright Issues in Research

#### **Suggested Readings:**

1. A. Bradney *et. al.*,: *How to Study Law*, Thomson, Sweets and Maxwell, London.
2. A. K. Koul: *Legal Education in India in 21st Century*, AILTC, Delhi.

3. Andrea B. Yelin and Hope Viner Samborn: *Legal Research and Writing Handbook: A Basic Approach for Paralegals*, Aspen Publishers, New York.
4. B. N. Ghosh: *Scientific Method and Social Research*, Sterling Publishers Pvt. Ltd., New Delhi.
5. C. K. Kothari: *Research Methodology: Method and Techniques*, Wiley Eastern Ltd., New Delhi.
6. C. K. Sharma: *Research Methodology*, Shree Publication, New Delhi.
7. Chris Hart: *Doing Your Masters Dissertation*, Vistaar Publications, New Delhi.
8. D. Thakur: *The Research Methodology in Social Sciences*, Deep and Deep Publications, New Delhi.
9. J. C. Johari (ed.): *Introduction to the Method of Social Sciences*, Sterling Publishers Pvt. Ltd., New Delhi.
10. John Khowles: *Effective Legal Research*, Thomson, Sweet and Maxwell, London.
11. Joseph Gibaldi: *MLA Handbook for Writers of Research Papers*, East West Press, New Delhi.
12. Julius Stone: *Legal System and Lawyer's Reasoning*, Maitland Publications, Sydney.
13. Mary Miler Prince: *The Blue Book: A Uniform System of Citation*, The Harvard Law Review Association, USA.
14. Morris L. Cohen: *Legal Research*, Minnesota, West Publishing Co., St. Paul, Minnesota, USA.
15. Nicholas Walliman: *Your Research Project*, Vistaar Publications, New Delhi.
16. P. K. Majumdar: *Research Methods in Social Science*, Viva Books Pvt. Ltd., New Delhi.
17. R. K. Verma: *Research Methodology*, Commonwealth, New Delhi.
18. Ranjit Kumar: *Research Methodology*, Pearsons Education Limited, New Delhi.
19. S. K. Verma and M. Afzal Wani (eds.): *Legal Research and Methodology*, Indian Law Institute, New Delhi.
20. Sushma Gupta: *History of Legal Education*, Deep and Deep Publications, New Delhi.
21. Upendra Baxi: *Socio-Legal Research in India-A Programschrift*, ICSSR, Occasional Monograph, New Delhi.
22. W. J. Goode and P. K. Hatt: *Methods in Social Research*, McGraw Hill Book Co., Singapore.
23. W. L. Neuman: *Social Research Methods: Qualitative and Quantitative Approaches*, Pearson Education Inc., New Delhi.
24. Y. K. Singh: *Research Methodology*, APH Publication, New Delhi.

## [CORE PAPER]

Paper II

COMPARATIVE JURISPRUDENCE

100 Marks

### UNIT- I

**Introduction to Legal Theory & Jurisprudence:** Legal Theory-Nature of Law- Natural Law Theory-Legal Positivism (Positivist Theories of Law)-Theoretical Alternatives to the Command Models of Law-Utilitarianism-Introduction to Comparative Jurisprudence-Schools of Jurisprudence

### UNIT- II

**Philosophy of Law:** Problem of Rights-Freedom-Equality-Justice-Happiness and Welfare-Political Community-Theories of Justice-Jurisprudence of Difference, Caste, Class and Race-Class Character of the State and the Law

### UNIT- III

**Post-Modern Jurisprudence:** Feminist Jurisprudence-Gender Justice and Feminism-Dalit Jurisprudence: Characteristic Features of Dalit Jurisprudence-Equality and Affirmative Actions

### Unit- IV

- **Human Rights Jurisprudence:** Universalism and Cultural Relativism-Jurisprudential Foundations of Liberal Democracy

### Suggested Readings

1. A. M. González (ed.): *Contemporary Perspectives on Natural Law*, Ashgate Publishing Ltd., Aldershot.
2. B. Marquesinis & J. Fedtke: *Engaging with Foreign Law*, Hart Publishing, Oxford.
3. B. Marquesinis: *The Gradual Convergence*, Clarendon Press, Oxford.
4. C. Mallat: *Introduction to Middle Eastern Law*, OUP, Oxford.
5. D. B. Goldman: *Globalisation and the Western Legal Tradition: Recurring Patterns of Law and Authority*, Cambridge University Press, Cambridge.
6. E. Örüçü: *The Enigma of Comparative Law*, Martinus Nijhoff Publishers, Leiden.

7. G. Teubner (ed.): *Global Law without a State*, Dartmouth Publishing Co. Ltd., Aldershot.
8. G. Yu (ed.): *The Development of the Chinese Legal System: Change and Challenges*, Routledge, New York.
9. H. P. Glenn: *Legal Traditions of the World*, OUP, Oxford.
10. J. Coleman and S. Shapiro (eds.): *The Oxford Handbook of Jurisprudence & Philosophy of Law*, OUP, Oxford.
11. J. Finnis: *Natural Law and Natural Rights*, Clarendon Press/OUP, Oxford
12. J. Goldsworthy: *Interpreting Constitutions: A Comparative Study*, OUP, Oxford.
13. J. Gordley and A. T. von Mehren: *An Introduction to the Comparative Study of Private Law*, Cambridge University Press, Cambridge.
14. J. W. Harris: *Legal Philosophies*, OUP, Oxford.
15. J. W. Head: *Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective*, Carolina Academic Press, Durham, North Carolina.
16. K. Zweigert and H. Kötz: *An Introduction to Comparative Law*, Clarendon Press, Oxford.
17. M. Gagarin and D. Cohen (eds.): *The Cambridge Companion to Ancient Greek Law*, Cambridge University Press, Cambridge.
18. M. Gagarin: *Writing Greek Law*, Cambridge University Press, Cambridge.
19. M. Reimann and R. Zimmermann (eds.): *The Oxford Handbook of Comparative Law*, OUP, Oxford.
20. M. D. A Freeman: *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London.
21. N. Davies: *Europe: A History*, OUP, Oxford.
22. N. MacCormick: *Institutions of Law: An Essay in Legal Theory*, OUP, Oxford.
23. P. De Cruz: *Comparative Law in a Changing World*, Cavendish, London.
24. P. du Plessis: *Borkowski's Textbook on Roman Law*, OUP, Oxford.
25. R. Cotterrell: *Law, Culture and Society*, Ashgate Publishing Ltd., Aldershot.
26. R. David and J. E. C. Brierley: *Major Legal Systems in the World Today*, Stevens, London.
27. R. Domingo: *The New Global Law*, Cambridge University Press, Cambridge.
28. R. Youngs: *English, French & German Comparative Law*, Routledge-Cavendish, London.
29. R. P. George (ed.): *Natural Law, Liberalism and Morality*, OUP, Oxford.

30. R. W. Lee: *The Elements of Roman Law*, Thompson/Sweet & Maxwell, London.
31. T. J. Hochstrasser and P. Schröder (eds.): *Early Modern Natural Law Theories*, Kluwer, Berlin.
32. U. Mattei: *Comparative Law and Economics*, University of Michigan Press, Ann Arbor.
33. W. Menski: *Comparative Law in a Global Context: The Legal Systems of Africa and Asia*, Cambridge University Press, Cambridge.
34. W. Twining: *General Jurisprudence: Understanding Law from a Global Perspective*, Cambridge University Press, Cambridge.
35. W. Twining: *Globalisation & Legal Theory*, Cambridge University Press, Cambridge.
36. W. B. Hallaq: *An Introduction to Islamic Law*, Cambridge University Press, Cambridge.
37. W. B. Hallaq: *Sharī'a: Theory, Practice, Transformations*, Cambridge University Press, Cambridge.
38. W. W. Buckland: *The Main Institutions of Roman Private Law*, Cambridge University Press, Cambridge.

## [ELECTIVE PAPER]

### Paper I    FAMILY PATRIARCHY AND GENDER JUSTICE    100 Marks

#### UNIT- I

**Concept of Patriarchy:** Notions of Discrimination and Paternalism-Different Forms of Patriarchy-Patriarchal Character of Legal Administration-Problems of Access, Custodial Institution-Perspective on Women and Law-Law as Protector and Law as an Instrument of Patriarchal Oppression

#### UNIT- II

**Family Patriarchy and Law:** Patriarchal Aspects of Indian Law with regard to the Family-Sexuality, Patriarchy and Social Reproduction-Patriarchy in Hindu, Christian, Islam and Parsi Law and Traditions-Matrilineal Systems

#### UNIT- III

**Gender Equality and Constitution:** Continuation of Separate Discriminatory Personal Laws-Conflict between the Right to Religion and the Right to Equality-Women's Right to Property-Spousal Property-Protective Legislations for Women-State Agencies and Women-National Commission for Women-Police-Judiciary

#### UNIT- IV

**Family and its Changing Patterns:** New Emerging Trends-Working Women and their Impact on Spousal Relationship-Retention of Restitution of Conjugal Rights as a Matrimonial Remedy-Concept of Matrimonial Home-Domestic Violence-Gender based Specifications of Offences-Adultery-Rape-Marital Rape-Wife Beating-Dowry Death

#### **Suggested Readings:**

1. Bina Aggarwal: 'Patriarchy and the Modernizing State: An Introduction', in Aggarwal Bina (ed.) *Structures of Patriarchy*, Kali for Women, New Delhi.

2. Sushila Aggarwal: *Status of Women*, Printwell Publishers, Jaipur.
3. Flavia Agnes: 'Protecting Women against Violence? Review of a Decade of Legislation 1980-89' 27 (17) *Economic and Political Weekly* WS 19-WS 33 (25<sup>th</sup> April, 1992).
4. Ram Ahuja: *Violence against Women*, Rawat Publication, Jaipur.
5. Olive Banks: *Faces of Feminism: A Study of Feminism as a Social Movement*, Martin Robertson, Oxford.
6. Kamla Bhasin: *What is Patriarchy*, Kali for Women, New Delhi.
7. Monica Chawla: *Women, and Law in India*, Deep & Deep Publications Pvt. Ltd., New Delhi.
8. S. K. Ghosh: *Women in Changing Society*, Ashish Publishing House, New Delhi
9. Julia Cleves Mosse: *Half the World, Half A Chance: An Introduction to Gender Development*, Oxfam, UK.
10. Ratna Kapur (ed.): *Feminist Terrains in Legal Domain : Interdisciplinary Essays on Women and Law in India*, Kali for Women, New Delhi
11. Ratna Kapur and Brenda Crossman: *Subversive Sites: Feminist Engagements with Law in India*, Sage Publications, New Delhi.
12. Maithreyi Krishnaraj (ed.): *Feminist Concepts : Part 1,2 and 3, Contribution to Women's Studies Series-7*, Research Centre for Women's Studies, SNDT Women's University, Bombay.
13. Gerda Lerner: *The Creation of Patriarchy*, Oxford University Press, New Delhi.
14. Maria Mies: *Indian Women and Patriarchy*, Concept Publishing Company, New Delhi.
15. Monica Chawla: *Gender Justice-Women and Law in India*, Deep & Deep Publications, New Delhi.
16. Ann Oakley and Mitchell, Juliet (ed.): *Who's Afraid of Feminism Seeing Through the Backlash*, Penguin, London.
17. Pam Rajput & Manvinder Kaur: 'Women's Studies in Higher Education in India: Some Reflections', 3(1) *Samyukta* (January 2003).
18. Sheila Ruth: *Issues in Feminism: An Introduction to Women's Studies*, Mayfield Publishing Company, California.
19. R. K. Sapru: *Women and Development*, Ashish Publishing House, New Delhi.
20. Shamusuddin Shams: *Women, Law and Social Change*, Ashish Publishing House, New

Delhi.

21. Shulamith Firestone: *The Dialectic of Sex*, Bantam Books, N.Y.
22. M. N. Srinivas: *The Changing Position of Indian Women*, Oxford University Press, New Delhi.



## [ELECTIVE PAPER]

**Paper I**      **CRIMINAL JUSTICE ADMINISTRATION**      **100 Marks**

### **Unit I**

#### **Theoretical Foundations and Perspectives**

Conceptual understandings of Crime, Criminal Law and Criminal Justice Administration; Growth and Development of Criminal Justice Administration in India; CJA and the Indian Constitution  
Models of CJA: Due Process and Crime Control; Systems of Trial: Adversarial & Inquisitorial  
Human Rights and CJA: Various conceptions of the Concept of Justice

### **Unit II**

#### **Pre-Trial Administration and Investigation**

FIR, Arrest, Medical Examination, Rights of the Accused: Theoretical underpinnings and comparative perspectives  
Rights of the Under-trial; Bail  
Role of Investigating Agencies: Police, CBI, NIA *etc.*

### **Unit III**

#### **Administration during Trial**

Trial, Appreciation of Evidence during Trial: Contemporary perspectives on documentary, testimonial and electronic evidence  
Review Procedure  
Decision on Punishment: Concept of Maximum Punishment, Minimum Punishment, Mitigating and Aggravating Factors *etc.*

### **Unit- IV**

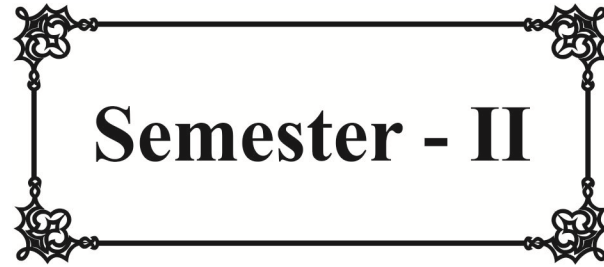
#### **Punishment and Prison Administration**

Custodial Measures: Punishments; Theories of Punishment; Forms of Punishment: Life Imprisonment, Capital Punishment, Solitary Confinement *etc.*  
Prison Administration in India; Rights of Prisoners; Prison Reforms; Open Prisons; Women Prisoners; Juvenile Homes  
Non-Custodial Measures: Probation of Offenders; Parole; Merits of Non-Custodial Measures

#### **Suggested Readings:**

1. Chris Crowther: *Introduction to Criminology and Criminal Justice*, Pargrave, New York.
2. Dean J. Champion: *Research Methods for Criminal Justice and Criminology*, Prentice Hall, New Jersey.
3. H.C. Daudistel: *Criminal Justice*, Holt Publisher, New York.

4. ManiyarMridula: *Women Criminals and their Life-Style*, Kaveri Books, New Delhi.
5. Mehraj-ud-din Mir: *Crime and Criminal Justice System in India*, Deep & Deep Publications, New Delhi.
6. Mike Brogden: *Crime, Abuse and the Elderly*, Lawman (Inc.) Pvt. Ltd, New Delhi.
7. MrinmayaChoudhuri: *Languishing for Justice: Being a Critical Survey of the Criminal Justice System*, Dattsons Printing Press, Nagpur.
8. Nirmal Kant Chakrabarti: *Probation System in the Administration of Criminal Justice*, Deep & Deep Publications, New Delhi.
9. Obi N. Ignatius Ebbe: *Comparative and International Criminal Justice System: Policing, Judiciary and Corrections*, Butterworth, Boston.
10. P. K. Atri: *Policy and Planning in Criminology*, Anmol Publications, New Delhi.
11. Prabhat Chandra Tripathy: *Crime against Working Women*, APH Publishing Co., New Delhi.
12. R. Deb: *Criminal Justice*, Law Book Company, Allahabad.
13. R. K. Bag: *Supreme Court on Criminal Justice*, Second Edition, Asia Law House, Hyderabad.
14. Roger Hopkins Burke: *Introduction to Criminological Theory*, Lawman (Inc.) Pvt. Ltd., New Delhi.
15. S. S. Srivastava: *Criminology and Criminal Administration*, Central Law Agency, New Delhi.
16. S. Saxena: *Crimes against Women and Protective Laws*, Deep & Deep Publications, New Delhi.
17. Victor Jupp, Pamela Daries& Peter Francis: *Doing Criminological Research*, Sage Publications, New Delhi.



**Semester - II**

# COURSE CONTENT

## [CORE PAPER]

Paper III

JUDICIAL PROCESS

100 Marks

### UNIT- I

**Nature of Judicial Process:** Judicial Process as an Instrument of Social Ordering-Tools and Techniques of Judicial Creativity and Precedent: *Ratio Decidendi* and *Obiter Dicta* of a Case-Method of Determining *Ratio Decidendi-Stare Decisis* and Exceptions-Precedents in Common Law and Civil Law Countries

### UNIT- II

**Legal Development and Creativity through Legal Reasoning under Statutory and Codified Systems:** Notions of Judicial Review-Dimensions of Judicial Process in Constitutional Adjudications; Institutional Liability of Courts: Scope and Limits

### UNIT- III

**Rule of Law:** Doctrine of Independence of the Judiciary as an aspect of Separation of Powers-Notion of the Independence of the Judiciary and the Legal Profession: Appointment of Judges-Transfer of Judges; Judicial Accountability: Problems and Perspectives

### UNIT- IV

**Judicial Reasoning:** Judicial Activism-New Dimensions of Judicial Activism and Structural Challenges-Judicial Overreach and Judicial Restraint-Interpretation of Statutes and Legal Reasoning-Principles of Constitutional Interpretation

#### **Suggested Readings:**

1. A. S. Anand: 'Judicial Review: Judicial Activism-Need for Caution', 42 *Journal of Indian Law Institute* 149 (2000).
2. A. R. Blackshield, 'Fundamental Rights and the Economic Viability', 10 *BLIJ* 120 (1968).

3. A. R. Blackshield, 'Fundamental Rights and the Institutional Viability of the Indian Supreme Court', 8 *JILI* 139 (1966).
4. Benjamin Cardozo: *The Nature of Judicial Process*, Yale University Press, USA.
5. Edgar Bodenheimer: *Jurisprudence-The Philosophy and Method of the Law*, Universal Law Publishing-An imprint of LexisNexis, Delhi.
6. G. Gadbois, 'Supreme Court Decision-Making', 10 *Banaras Law Journal* 1 (1974)
7. Henry J. Abraham: *The Judicial Process*, OUP, USA.
8. John Rawls: *A Theory of Justice*, Harvard University Press, Cambridge.
9. Julius Stone: *Legal System and Lawyer's Reasoning*, Universal Law Publishing Co., New Delhi.
10. Julius Stone: *Precedent and the Law: Dynamics of Common Law*, Butterworth, Sydney.
11. Julius Stone: *The Province and Function of Law*, Universal Law Publishing Co., New Delhi.
12. Rajeev Dhavan: *The Supreme Court of India-A Socio-Legal Critique of its Juristic Techniques*, N. M Tripathi, Bombay.
13. S. P. Sathe: *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, Oxford University Press, New Delhi.
14. Upendra Baxi: 'On How not to Judge the Judges: Notes towards Evaluation of the Judicial Role', 25 *Journal of Indian Law Institute* 211 (1983).
15. Upendra Baxi: *The Indian Supreme Court and Politics*, Eastern Book Company, Lucknow.
16. Virendra Kumar: 'Basic Structure of the Indian Constitution: Doctrine of Constitutionally Controlled Governance', 49 *Journal of the Indian Law Institute*, 365-395, (2007).
17. W. Friedmann: *Legal Theory*, Stevens & Sons, Ltd., London.

## [CORE PAPER]

**Paper IV**      **LAW AND SOCIAL TRANSFORMATION**      **100 Marks**

### UNIT- I

**Law and Social Change:** Law as an Instrument of Social Change-Law as a Product of Traditions and Culture-Common Law System and Institutions in India-Impact on the Indian Social and Legal Order-Limits of Law in Bringing Out Social Change

### UNIT- II

**Religion, Community and the Law:** Responses of Law to Religion through Secularism-Secularism in India; Response of Law to Language through Constitutional Guarantees-Constitutional Provisions and Judicial Response-Constitutional Protections to Religious and Linguistic Minorities; Response of Law to Community through Non-Discrimination-Caste as a Divisive Factor & Non-discrimination on the Ground of Caste-Acceptance of Caste as a Factor to undo Past Injustices-Protective Discrimination-Scheduled Castes, Tribes and Backward Classes-Reservation

### UNIT- III

**Modernization and the Law:** Modernization as a Value-Constitutional Perspective Reflected in the Fundamental Duties; Modernization of Social Institutions through Law: Agrarian Reforms-Industrialization of Agriculture; Industrial Reforms: Free Enterprise v. State Regulation-Industrialization-Privatization-Displacement of Persons; Reform of Family Laws

### UNIT- IV

**Constitutional Ideals:** Responses of Law to Regionalism through Unity-Concept of India as one Unit-Regionalism as a Divisive Factor-Directive Principles of State Policy-Women and the Law-Gender Injustice and the Constitution-Children and Law

#### **Suggested Readings:**

1. D. D. Basu: *Constitution of India*, Prentice Hall of India (Pvt.) Ltd., New Delhi.

2. Duncan Derret: *The State, Religion and Law in India*, Oxford University Press, New Delhi.
3. Flavia Agnes: *Law and Gender Inequality: The Politics of Women's Rights in India*, Oxford University Press, New Delhi.
4. H. M. Seervai: *Constitutional Law of India*, N. M. Tripathi, Bombay.
5. J. B. Kripalani: *Gandhi-His Life and Thought*, Ministry of Information and Broadcasting, Government of India, New Delhi.
6. M. P. Jain: *Outlines of Indian Legal History*, N. M. Tripathi, Bombay.
7. M. P. Singh: *Constitution of India*, Eastern Book Company, Lucknow.
8. Marc Galanter (ed.): *Law and Society in Modern India*, Oxford University Press, New Delhi.
9. R. F. Meagher: *Law and Social Change: Indo-American Reflections*, Indian Law Institute, New Delhi.
10. Robert Lingat: *The Classical Law of India*, Oxford University Press, New Delhi.
11. Savitri Gunasekhare: *Children, Law and Justice*, Sage Publications, New Delhi.
12. Sunil Deshta and Kiran Deshta: *Law and Menace of Child Labour*, Anmol Publications, New Delhi.
13. Upendra Baxi (ed.): *Law and Poverty: Critical Essays*, N. M. Tripathi, Bombay.
14. Upendra Baxi: *The Crisis of Indian Legal System*, Vikas Publication, New Delhi.
15. Ved Kumari: 'Offences against Women', in Kamala Sankaran and Ujjwal Kumar Singh (ed.) *Towards Legal Literacy-An Introduction to Law in India*, Oxford University Press, New Delhi.
16. Virendra Kumar: 'Minorities' Right to Run Educational Institutions: T.M.A Pai Foundation in Perspective, 45 *Journal of the Indian Law Institute* 200-238 (2003).
17. Virendra Kumar: Dynamics of Reservation Policy: Towards a More Inclusive Social Order, 50 *Journal of the Indian Law Institute* 478-517 (2007).

## [ELECTIVE PAPER]

Paper II

CONFLICT OF LAWS

100 Marks

### UNIT- I

**General:** Conflict of Law-Private International Law-Definition and Scope- Theories of Private International Law-Characterization-Renvoi-Exception to Private International Law-Jurisdiction-Basis and Limitation-Classification and Waiver of Foreign Law-Procedure in Private International Law-Foreign Judgments and Arbitral Awards

### UNIT- II

**Domicile & Nationality:** General Rules-Domicile of Origin-Domicile of Choice-Domicile of Married Woman-Domicile of Dependant-Consecutive Stages in Conflicts-Law Proceedings-Choice of Law-Jurisdiction of Courts-Forum Shopping-Stays-Injunction

### UNIT- III

**Marriage:** Nature of Marriage-Governing Law-Choice between Law of the Place of Celebration and Law of Domicile-Validity of Marriage-Classification of Rules of Marriage into Formal and Essential Conditions-Theories-Dual Domicile Theory-Intended Matrimonial Home Theory-Alternate Approaches-Matrimonial Causes-Divorce-Annulment-Recognition of Foreign Divorce Decrees

### UNIT- IV

**Recognition and Enforcement of Foreign Judgments:** Conflict of Laws in Relation to Adoption-Jurisdiction-Recognition of Foreign Adoptions-Inter Country Adoption; Conflict of Laws in Relation to Guardianship and Custody of Minors: Recognition and Enforcement of Foreign Judgments-Child Custody and Guardianship Orders-Child Abduction-Legitimacy-Legitimation; Law of Property including IPR and Succession: Jurisdiction-Choice of Law

#### **Suggested Readings:**

1. Atul M Setalvad: *Setalvad's Conflict of Laws*, LexisNexis India, New Delhi.



2. Chris Clarkson & Jonathan Hill: *Conflict of Laws*, Oxford University Press, Canada.
3. David Pearl: *Inter-Personal Conflict of Law- India, Pakistan and Bangladesh*, N.M. Tripathi, Bombay.
4. Flavia Agnes: *Family Law and Constitutional Claims*, Oxford University Press, New Delhi.
5. Geoffrey Chevalier Cheshire: *Private International Law*, Clarendon Press, Oxford.
6. J. H. C. Morris: *Conflict of Laws*, Sweet & Maxwell, London.
7. John P. Tiernan: *Conflict of Laws*, Callaghan & Co, Chicago.
8. Kumud Desai: *Indian Law of Marriage and Divorce*, LexisNexis, Gurgaon.
9. Laura E. Little: *Conflict of Laws*, Wolters Kluwer Law & Business, New York.
10. Paras Diwan: *Indian and English Private International Law*, Deep & Deep, New Delhi.
11. Robert A. Leflar: *The Law of Conflict of Law*, Bobbs-Merrill Company, Inc., Indianapolis.
12. Dean Symeon C. Symeonides: *Choice of Law*, Oxford University Press, USA.
13. Maebh Harding: *Conflict of Law*, Routledge, UK.

#### **Case Laws:**

1. *Anokha v. State of Rajasthan*, AIR 2004 SC 2829.
2. *Apt v Apt*, [1948] P. 83.
3. *Arathi Bandi v. Bandi Jagdrakshara Rao*, AIR 2014 SC 918.
4. *Armitrage v Att-Gen*, [1906] p. 135.
5. *Bell v Kennedy*, (1868) LR 1 Sc & Div 307.
6. *Berkovits v Grinberg*, [1995] fam. 142.
7. *Berthiaume v Dastous*, [1930] AC 79.
8. *Boys v Chaplin*, [1971] AC 356
9. *Central Bank of India v. Ram Narain*, AIR 1955 SC 36
10. *Chaudhary v Chaudhary*, [1985] Fam. 19.
11. *D & D*, [2008] EWHC 403 (Fam).

12. *D P Joshi v. State of Madhya Bharat*, AIR 1955 SC 334.
13. *Hussain v Hussain*, [1983] Fam. 26.
14. *Hyde v Hyde* (1866) LR 1 P & M 130.
15. *Indyka v. Indyka*, (1967) 2 All. E.R. 689.
16. *Kyle Spencer Allen v. Soban Singh*, 2014(3) UC 2335.
17. *Lakshmi Kant Pandey v. Union of India*, AIR 1984 SC 469.
18. *Le Mesurier v Le Mesurier*, [1895] AC 517.
19. *Louis De Raedt v. Union of India*, AIR 1991 (3) SC 1886.
20. *May v May*, [1943] 2 All ER 146.
21. *McCabe v McCabe*, [1994] 1 FLR 410.
22. *McKee v. McKee*, [1950] SCR 700.
23. *MN (Non-Recognised Adoptions: Unlawful Discrimination?) India*, UKAIT 00015.
24. *Mrs. M v. Mr. A*, AIR 1993 Bom. 110.
25. *Narsimha Rao Y. v. Venkata Lakshmi Y*, (1991) 3 SCC 451.
26. *Neha Saini v State of Uttrakhand*, AIR 2010 Utt 36.
27. *Ogden v. Ogden*, (1947) All E.R. 86.
28. *Perumal v. Ponnuswami*, AIR 1971 SC 2352.
29. *Philips v Eyre*, (1870) LR 6 QB.
30. *Pradeep Jain v Union of India*, AIR 1984 SC 1420.
31. *Prem Singh v. Dulari Bai*, AIR 1973 Cal. 425.
32. *Pugh v Pugh*, [1951] P 482.
33. *Quazi v Quazi*, [1980] AC 744.
34. *Ramsay v Liverpool Royal Infirmary*, [1930] AC 588.
35. *Ravichandran v. Union of India*, AIR 2010 SC (Supp) 257.
36. *Re. Evans*, [1947] Ch. 695
37. *Re. Jones' Estate*, 192 Iowa 78.
38. *Reynold Rajamani v Union of India*, AIR 1982 SC 1261.
39. *Robasa Khanum v. Khudabad Bomanji Irani*, AIR 1947 Bom. 272.

40. *Ruchi Majoo v. Sanjeev Majoo*, AIR 2011 SC 1952.
41. *Sandip Shankerlal Kedia v. Pooja Kedia*, 2013 (4) Mh Lj 673.
42. *Sanjay Mishra v. Eveline Jobe*, AIR 1993 H.P. 7.
43. *Satya v. Teja Singh*, AIR 1975 SC 105.
44. *Shabnam Hashmi v. Union of India*, AIR 2014 SC 1281.
45. *Shaw v Gould*, (1868) L.R 3 HL 55.
46. *Singh v Entry Clearance Officer New Delhi*, [2004] Ewca Civ 1075.
47. *Sinha Peerage Claim*, (1946) 1 All E.R. 248.
48. *SK (“Adoption” not recognised in UK) India*, [2006] UKAIT 0068.
49. *Smt. Surinder Kaur Sandhu v. Harbax Singh Sindhu*, AIR 1984 SC1224.
50. *Sondur Gopal v Sondur Rajini*, (2013) 7 SCC 426.
51. *Sottomayor v De Barros*, (No. 1) (1877) 3 PD 1.
52. *Starkowski v Att-Gen*, [1954] AC 155.
53. *Sulaiman v Juffali*, [2002] 1 FLR 479.
54. *Taczanowka v Taczanowki*, [1957] P. 301.
55. *Udny v Udny*, (1869) LR 1 Sc & Div 441.
56. *Vinisha Jitesh Tolani v Jitesh Kishore Tolani*, AIR 2010 SC1915.
57. *Winans v Att-Gen*, [1904] AC 287.
58. *Y. Narasimha Rao v. Y. Venkatalakshmi*, (1991) 3 SCC 451.

## [ELECTIVE PAPER]

### Paper II    HUMAN RIGHTS AND HUMANITARIAN LAWS    100 Marks

- **Human Rights:** Concept, Meaning, Nature and Scope-Historical Developments- - First, Second, and Third Generation Human Rights -Human Rights in Relation to Politics, Culture and Religion-Universalism and Cultural Relativism
- **Introduction to International Humanitarian Law:** History and Development of IHL- Application of IHL-IHL and Human Rights-Human Rights under UN Charter-Universal Declaration of Human Rights-International Covenants-Regional Conventions-International Human Rights Institutions
- **Disadvantaged Groups and Human Rights:** Rights of Vulnerable Groups-Women-Children-Disabled Persons-Minorities-Refugees-Migrants-Displaced Person -Indigenous Persons
- **Protection and Enforcement of Human Rights in India:** Development of Human Rights Movement and Law-Constitutional Guarantees and Legislative Measures-Fundamental Rights under the Constitution-Derogation of Fundamental Rights-Directive Principles of State Policy-Contribution of Judiciary to Human Rights Law-Role of Human Rights Commissions and NGOs; Technology and Human Rights: Developments and Challenges

#### **Suggested Readings:**

1. Abhimanyu Singh: *Public International Law*, Mahaveer Publications, Dibrugarh.
2. Christopher McCrudden: 'Human Dignity and Judicial Interpretation of Human Rights', Vol. 19 (4) *The European Journal of International Law* 655-724 (2008).
3. Cranston Mourice: *What are Human Rights?*, Basic Books, Inc., Publishers, New York.
4. Dr. H. O. Agarwal: *A Concise book on International Law and Human Rights*, Central Law Publications, Allahabad.
5. Dr. Jyoti Rattan & Dr. Vijay Rattan: *Public International Law*, United Nations & Human Rights, Bharat Law House, Jaipur.
6. Dr. S. K. Kapoor: *Human Rights under International Law & Indian Law*, Central Law Agency, Allahabad.
7. Dr. S. R. Myneni: *Human Rights*, Asia Law House, Hyderabad.

8. Dr. S. R. Myneni: *Public International Law*, LexisNexis India, Gurgaon.
9. Gunnar Beck: 'The Idea of Human Rights between Value Pluralism and Conceptual Vagueness', *25 Penn State International Law Review* 615 (2008).
10. Ian Brownlie & James Crawford: *Brownlie's Principles of Public International Law*, Oxford University Press, Oxford.
11. Ian Brownlie & Guy S. Goodwin-Gill: *Brownlie's Documents on Human Rights*, Oxford University Press, Oxford.
12. Jayna Kothari: *The Future of Disability Law in India*, Oxford University Press, New York.
13. Jonathan Todres: 'Women's Rights and Children's Rights: A Partnership with Benefits for Both', *10 Cardozo Women's L. J.* 603 (2004).
14. Kara Abramson: 'Beyond Consent, Towards Safeguarding Human Rights: Implementing the United Nations Trafficking Protocol', *44 (2) Harvard International Law Journal* 473 (2003).
15. Knut Dörmann: 'Detention in Non-International Armed Conflicts', *88 International Law Studies* 347-366 (2012).
16. N.K. Jayakumar: *International Law and Human Rights*, LexisNexis India, Gurgaon.
17. R. P. Kataria & Salah Uddin: *Commentary on Human Rights*, Orient Publishing Company, Allahabad.
18. Rakesh Kumar Singh: *Textbook on Public International Law*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.
19. Rashee Jain: *Textbook on Human Rights Law and Practice*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
20. Rhona K.M. Smith: *Textbook on International Human Rights*, Oxford University Press, Oxford.
21. Richard Stone: *Textbook on Civil Liberties & Human Rights*, Oxford University Press, Oxford.
22. S. K. Verma: *An Introduction to Public International Law*, Satyam Law International, New Delhi.
23. S. R. A. Rosedar: *Public International Law*, LexisNexis India, Gurgaon.
24. Sumbul Rizvi: *International Dimensions of Refugee Law*, ISIL Yearbook of International Humanitarian and Refugee Law (2004).
25. Upendra Baxi: *The Future of Human Rights*, Oxford University Press, Oxford.
26. V. K. Ahuja: *Public International Law*, LexisNexis India, Gurgaon.

27. Surya Deva: 'Globalization and its Impact on the Realization of Human Rights: Indian Perspective on a Global Canvas', in C. Raj Kumar & K. Chockalingam (eds.) *Human Rights, Justice and Constitutional Empowerment*, OUP, New York.
28. Thomas Farer: 'Humanitarian Law and Armed Conflicts: Towards the Definition of 'International Armed Conflict'', 71 (1) *Columbia Law Review* 37-61 (1971).



**Semester - III**

# COURSE CONTENT

## [CORE PAPER]

Paper V

COMPARATIVE CONSTITUTIONAL LAW

100 Marks

### UNIT- I

**Introduction:** Concept of the Comparative Constitutional Law-Importance of the Study of Comparative Constitutional Law-Aims & Functions of Comparative Constitutional Law-Sources of the Comparative Constitutional Law-Constitutional Design, Drafting and Main Features of the United Kingdom, USA and India-Constitution and Its Relationship with Statehood, Territoriality and Citizenship

### UNIT- II

**Forms of Government:** Federal and Unitary-USA, India, Australia, Canada, UK & France-Constitutionalism and the Rule of Law in the 21st Century-Transitional Justice and the Transformation of Constitutionalism-Supremacy of the Constitutions, Rule of Law & Due Process-Rights Regime and their Protection

### UNIT- III

**Separation of Powers:** Executive, Legislature and Judiciary-Doctrine of the New Separation of Powers-Democratic Legitimacy-Functional Specialization-Fundamental Rights and the New Separationism; Judicial Review: Form of Judicial Constitutional Review and the Rise of Weak-Form of Judicial Review-Independence of Judiciary-Judicial Activism-Constitutional Provisions for the Protection of the Judiciary

### UNIT- IV

**Constitutional Law and Millennium Development Goals:** Globalization and Constitutional Law-Amending Powers-Constitutional Amendment Rules in a Comparative Perspective-Functions of Amendment-Comparative Conundrum of



Amendment and Secession-Limits-Basic Structure Doctrine-Governance in Transition to Democracy in a Global World

**Suggested Readings:**

1. Alexander M. Bickel: *The Least Dangerous Branch: The SC at the Bar of Politics*, Yale University Press, New Haven.
2. Anata Kumar Giri: 'The Rule of Law and Indian Society: From Colonialism to Post Colonialism', in P. Costa and D. Zolo (ed.) *The Rule of Law: History, Theory and Criticism*, Springer, Netherlands.
3. Archibald Cox: *Court and the Constitution*, Houghton Mifflin, Boston.
4. B. Z. Tamanaha: 'Rule of Law in United States', in Randall Peerenboom (ed.) *Asian Discourses of Rule of Law*, Routledge, London.
5. Charles Fried: *Saying What the Law Is: The Constitution in the Supreme Court*, Universal Publishing Co. Pvt. Ltd., New Delhi.
6. Charles L. Black: *The People and the Court: Judicial Review in a Democracy*, The Macmillan Company, New York.
7. D. D. Basu: *Comparative Constitution Law*, LexisNexis India, Gurgaon.
8. D. D. Basu: *Introduction to the Constitution of India*, LexisNexis India, Gurgaon.
9. Donald Kommers: 'The Value of Comparative Constitutional Law', 9 *J. Marshall J. Prac. & Pro.* 685 (1976).
10. Douglas V. Verney: 'The Struggle over Judicial Review: Supreme Court and Limited Government', in M. P. Singh *et. al.*, (eds.), *Indian Judiciary and Politics: The Changing Landscape*, Manohar Book, New Delhi.
11. Ernest A. Young: 'Foreign Law and the Denominator Problem', 119 *Harv. L. Rev.* 148 (2005).
12. Goolam E. Vahanvati: *Rule of Law-The Sieges Within*, in *Constitutionalism, Human Rights and the Rule of Law: Essays in Honour of Soli J Sorabjee*, Universal Book Publishing Co., New Delhi.
13. Granville Austin: *The Indian Constitution: Cornerstone of a Nation*, OUP, Oxford.
14. Gustavo Fernades De Andrade: 'Comparative Constitutional Law: Judicial Review', 3(3) *University of Pennsylvania Journal of Constitutional Law* 989-997 (2001).
15. Jan Erk: *Explaining Federalism: State, Society and Congruence in Austria, Belgium, Canada, Germany and Switzerland*, Routledge, New York.

16. Jan M. Smits (ed.): *Elgar Encyclopedia of Comparative Law*, Edward Elgar, Cheltenham, UK.
17. Jeffrey Jowell: 'The Rule of Law Today', in Jeffrey Jowell and Dawn Oliver (ed.) *The Changing Constitution*, OUP, Oxford.
18. M. P. Jain: *Indian Constitutional Law*, LexisNexis India, Gurgaon.
19. M. P. Singh: *V. N. Shukla's Constitutional Law*, Eastern Book Company, Lucknow.
20. Mark Tushnet: *The Constitution of the United States of America: A Contextual Analysis*, Hart Publishing Ltd., UK .
21. Mark Tushnet: The Possibilities of Comparative Constitutional Law, 108 *Yale. L. J.* 1225 (1999)
22. Martha A. Field: 'The Differing Federalisms of Canada and the United States', 55 *Law and Contemp. Probs.* 107 (1992)
23. Mathias Reimann and Reinard Zimmermann: *The Oxford Handbook of Comparative Law*, OUP, Oxford.
24. Michael Burgess: *Comparative Federalism, Theory and Practice*, Routledge, New York.
25. Nicholas Aroney: *The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution*, Cambridge University Press, Cambridge.
26. Nuzhat Parveen Khan: *Comparative Constitutional Law*, Satyam Law International, New Delhi.
27. Roger P. Alford: 'In Search of a Theory for Constitutional Comparativism', 52 *UCLA L. Rev.* 639 (2005).
28. S. P. Sathe: *Judicial Activism in India: Transgressing Borders and Enforcing Limits*, OUP, Oxford.
29. Sujit Choudhry: 'Globalisation in Search of Justification: Toward a Theory of Comparative Constitutional Interpretation', 74 *Ind. L. J.* 819 (1999).
30. Tom Ginsburg: *Judicial Review in New Democracies: Constitutional Courts in Asian Cases*, Cambridge University Press, Cambridge.
31. Tony Blackshield and George Williams: *Australian Constitutional Law and Theory Commentary and Materials*, Federation Press, Sydney.
32. Upendra Baxi: 'Rule of Law in India: Theory and Practice', in Randall Peerenboom (ed.), *Asian Discourses of Rule of Law*, Routledge, London.
33. Vicki C. Jackson and Mark V. Tushnet: *Comparative Constitutional Law*, Foundation Press, New York.

## [CORE PAPER]

**Paper VI LAW AND JUSTICE IN GLOBALISED WORLD 100 Marks**

### UNIT- I

**Globalization and Its Impact:** Meaning of Globalization-Facets of Globalization-Factors Effecting Globalization-Theory of Justice and State Sovereignty-Impact of Globalization on States and its Subjects-Meaning and Concept of Global Justice-Issues of Implementation of Law and Dispensation of Justice in a Globalized World

### UNIT- II

**Understanding Law from a Global Perspective:** Crimes under International Criminal Law-Genocide, War Crimes, Crimes against Humanity and Aggression; Globalization and International Environmental Law: Historical Evolution-Principles; Emergence of Transnational Law in a Globalizing World-Money Laundering and Drug Trafficking

### UNIT- III

**Role of States in a Globalised World:** Impact of Globalization on Sovereignty of States-Globalization and Social Justice-Global Distributive Justice-Impact of Globalization on Judicial Process and Administration of Justice

### UNIT- IV

**Reformation of Global Institutions:** Role and Impact of Economic, Labour and Trade Institutions-World Trade Organisation-International Monetary Fund-United Nations & International Court of Justice; Multi-National Corporations and Corporate Social Responsibility

#### **Suggested Readings**

1. Ajit Pal Singh: 'Globalization and its Impact on National Policies with Reference to India: An Overview of Different Dimensions', 42 (1-2) *Journal of Constitutional and Parliamentary Studies* 62-78 (2008).

2. Amit Kumar Sinha: 'Human Rights in the Era of Globalization', 245 (6) *Madras Law Journal* 124-136 (2010).
3. Andrew Kuper: *Democracy Beyond Borders: Justice and Representations in Global Institutions*, OUP, New York.
4. Anthony McGrew & David Held (eds.): *Governing Globalization: Power, Authority and Global Governance*, Polity Press, Cambridge.
5. Anupam Hazra: 'Indians in Need of Rehabilitation', 8(3) *Indian Journal of Public Administration* 29-35 (2009).
6. Avani Bansal: 'Comparative Study of Special Economic Zones and Land Acquisition: Magical Similarity or Mere Eyewash', 4(2) *Company Law Journal* 49-58 (2010)
7. B. S. Chimni: 'A Just World under Law: A View from South', 22 (2) *Am. U. Int. Law. Rev.* 199-220 (2007).
8. B. S. Chimni: 'International Institutions Today: An Imperial Global State in the Making', 15 *E.J.I.L.* 1 (2004).
9. Boaventura de Sousa Santos & Cesar A. Rodriguez-Garavito (eds.): *Law and Globalization from Below*, Cambridge University Press, Cambridge.
10. D. R. Saxena: *Law, Justice and Social Change*, Deep and Deep Publications, Pvt. Ltd. New Delhi.
11. David B. Goldman: *Globalization and the Western Legal Tradition: Recurring Patterns of Law and Authority*, Cambridge University Press, Cambridge.
12. David Kinley: *Civilizing Globalization: Human Rights and the Global Economy*, Cambridge University Press, Cambridge.
13. David Schzeiderman: *Constitutionalizing Economic Globalization: Investment Rules and Democracy's Promise*, Cambridge University Press, Cambridge.
14. Ismail Farooqi: 'Changing Paradigms of Development: Assessment', 28 *IASSI Quarterly* 5-26 (2009).
15. James Kraska: 'Global and Going Nowhere: Sustainable Development, Global Governance and Liberal Democracy', 34(2) *Denver Journal of International Law* 1127-1200 (Summer 2006).
16. James Thuo Gathii: 'Neo-liberalism, Colonialism and International Governance Decentering the International Law of Governmental Legitimacy', 98 *Michigan Law Review* 1996 (2000).
17. Jean-Marc Coicaud, Michael W. Doyle *et. al.*, (eds.): *The Globalization of Human Rights*, United Nations University Press, Tokyo.

18. John Baylis, Steve Smith, *et. al.*, (eds.): *The Globalization of World Politics: An Introduction to International Relations*, OUP, New York.
19. Julius Stone: *Social Dimensions of Law and Justice*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.
20. Laura Valentini: *Justice in a Globalizing World: A Normative Framework*, OUP, New York.
21. M. Abouharb & David Cingranelli: *Human Rights and Structural Adjustment*, Cambridge University Press, Cambridge.
22. P. W. Birnie and A. E. Bogle: *International Law and the Environment*, Oxford University Press, New York.
23. Pablo De Greiff and Ciaran Cronin (eds.): *Global Justice and Transnational Politics: Essays on the Moral and Political Challenges of Globalization*, MIT Press, Cambridge.
24. S. N. Sangita and T. K. Jyothi: 'Globalization, Participatory Democracy and Inclusive Governance: Experiences in India', 55(4) *Indian Journal of Public Administration* 813-828 (2009).
25. Shivani Singh: 'Globalization and the Issue of Social Citizenship', 55(2) *Indian Journal of Public Administration* 145-151 (April-June 2009).
26. Simon Coney: *Justice Beyond Borders: A Global Political Theory*, Oxford University Press, New York.
27. Swapna Banerjee: 'Contemporary Globalization and the Politics of Space', 46(52) *Economic and Political Weekly* 41-44 (December 2011).
28. Timsthy Hillies: *Principles of Public International Law*, Cavendish Publishing Limited, UK.
29. Upendra Baxi: *The Future of Human Rights*, OUP, New Delhi.
30. W. Friedmann: *Law in a Changing Society*, Universal Law Publishing Company, New Delhi.
31. Warner Menski: *Comparative Law in Global Context: The Legal Systems of Asia and Africa*, Cambridge University Press, Cambridge.
32. William Twining: *General Jurisprudence: Understanding Law from a Global Perspective*, Cambridge University Press, Cambridge.

## [ELECTIVE PAPER]

**Paper III      LAW OF SUCCESSION AND INHERITANCE      100 Marks**

### UNIT- I

**Testamentary & Intestate Succession:** Distinction between Testamentary & Intestate Succession-Wills and Codicils-Probate-Letters of Administration-Deed-*Donatio Mortis Causa*-Wasiyat-Laws of Intestate Succession & Inheritance in India

### UNIT- II

**Muslim Law of Succession and Inheritance:** Testamentary-Intestate Succession-Succession & Administration-Inheritance-General Rules-Sunni Law of Inheritance & Shia Law of Inheritance-Criteria for their Applicability-Religion, Domicile, Sex & Forms of Marriage-Effect of Conversion on the Applicability of Laws of Inheritance

### UNIT- III

**Hindu Law of Inheritance and Succession:** Ancient Concept of Inheritance-Aim and Object of the Hindu Succession Act, 1956-Succession-Testamentary & Intestate-Succession to the Property of a Hindu Male-Succession to Mitakshara Coparcener's Interest-Succession to the Property of a Hindu Female-Disqualification to Succession-General Rules of Succession-Section 14 of the Hindu Succession Act 1956 and Its Effects-Distribution of Property after the Hindu Succession Act 1956-State Amendments-Amendment of 2005 and Its Impact- Hindu Women's Right to Property Act, 1937

## UNIT- IV

**Succession and Inheritance:** Parsi Law of Intestate Succession-Indian Succession Act, 1925-Christian Law-Applicability-Testamentary Capacity-Definition of Wills, Codicil, Executor, Administration, Probate and Letters of Administrations-Distinction between Will, Deed and *Donatio Mortis Causa*-Execution of Unprivileged and Privileged Wills-Attestation, Revocation, Alteration and Revival of Wills-Construction of Wills and Technical Words-Lapse of Legacies, General Specific and Demonstrative Legacies-Representative Titles to the Property of a Deceased and Succession Certificate

### Suggested Readings:

1. K. B. Agrawal: *Family Law in India*, Kluwer Law International, Netherlands.
2. Kulwant Gill: *Hindu Women's Right to Property in India*, Deep & Deep Publications Pvt. Ltd., New Delhi.
3. Kumud Desai: *Law of Marriage and Divorce*, N.M. Tripathi Pvt. Ltd., Bombay.
4. M. A. Qureshi: *Muslim Law*, Central Law Publication, Allahabad.
5. P. K. Das: *Handbook on Hindu Succession (Property Rights of Women and Daughters)* Universal Law Publishing Co. Pvt. Ltd., Delhi.
6. P. K. Das: *New Law on Hindu Succession*, Universal Law Publishing Co. Pvt. Ltd., Delhi  
.Paras Diwan: *Law of Marriage and Divorce*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.
7. Paras Diwan: *Modern Hindu Law*, Allahabad Law Agency, Faridabad.
8. Poonam P. Sexena: *Family Law Lectures-Family Law II*, LexisNexis India, Gurgaon.
9. Prof Kusum: *Family Law Lectures-Family Law I*, LexisNexis India, Gurgaon.
10. R. K. Aggarwal: *Hindu Law*, Central Law Agency, Allahabad.
11. Ranganath Misra: *Mayne's Treatise on Hindu Law & Usage*, Bharat Law House, New Delhi.
12. Satyajeet A. Desai: *Mulla's Principles of Hindu Law, Vol. I & II*, LexisNexis India, Gurgaon.
13. Sir Dinshaw Fardunji Mulla: *Principles of Mahomedan Law*, LexisNexis India, Gurgaon.
14. Tahir Mahmood: *Fyzee's Outlines of Muhammedan Law*, Oxford University Press, New Delhi.

### Statutory Enactments

1. The Constitution of India, 1950

2. The Hindu Succession Act, 1956
3. The Married Women's Right to Property Act, 1874
4. The Muslim Personal Law (Shariat) Application Act, 1937
5. The Indian Succession Act, 1925
6. The Family Courts Act, 1984



## [ELECTIVE PAPER]

### [ELECTIVE PAPER]

#### Paper III

#### CYBER LAWS

100 Marks

- **Introduction to the Cyber World and Cyber Law:** Scope of Cyber Laws; E-Commerce: Issues and Provisions in Indian Law-Online Contracts & Its Validity in India; E-Taxation issues in Cyberspace; E-Governance: Concept and Practicality in India-Digital/ Electronic Signature; Cyber law in India with Special Reference to Information Technology Act, 2000: Jurisdiction in Cyberspace- Regulatory Framework- International Legal Regime
- **Constitutional & Human Rights Issues in Cyberspace:** Freedom of Speech and Expression in Cyberspace- Right to Access Cyberspace-Access to Internet-Right to Privacy-Right to Data Protection
- **Cyber Crimes & Their Regulation:** Cyber Crimes against Individuals-Women-Children-Institutions-State; Types of Cyber Crime- Hacking-Cyber Stalking-Cyber Bullying-Cyber Pornography Digital Forgery, Identity Theft & Fraud-Cyber Terrorism; Regulation of Cyber Crimes: Adjudicating Officer-Appointment and Qualification-Powers of Adjudicating Officer-Constitution, Powers & Jurisdiction of Cyber Appellate Tribunals; Cyber Torts: Cyber Defamation- Cyber Torts- Types of Civil Wrongs under the IT Act
- **Intellectual Property & Forensics Issues in Cyber Space:** Interface with Copyright Law-Patent Law-Trademarks & Domain Names Related Issues-Cyber Squatting-Uniform Domain Name Dispute Resolution Policy; Digital Forensics: Computer Forensics-Mobile Forensics-Forensic Tools-Anti-Forensic Techniques

#### **Suggested Readings:**

1. Advocate Prashant Mali: *Cyber Law and Cyber Crimes (Information Technology Act, 2000 with IT Rules, 2011)*, Snow White Publications Pvt. Ltd., Maharashtra.
2. Alwyn Didar Singh: *E-Commerce in India: Assessments and Strategies for the Developing World*, LexisNexis India, Gurgaon.
3. Anirudh Rastogi: *Cyber Law of Information Technology and Internet*, LexisNexis India, Gurgaon.

4. Apar Gupta (Revised by Akshay Sapre): *Commentary on Information Technology Act- Along with Rules, Regulations, Orders, Guidelines, Reports and Policy Documents*, LexisNexis India, Gurgaon.
5. Aparna Viswanathan: *Cyber Law (Indian & International Perspectives on key topics including Data Security, E-commerce, Cloud Computing and Cyber Crimes)*, LexisNexis India, Gurgaon.
6. Barkha Bhasin & Rama Mohan Ukkalam: *Cyber Law & Crimes*, Asia Law House, Hyderabad.
7. Chris Reed & John Angel: *Computer Law*, OUP, New York.
8. Jonthan Rosenoer: *Cyber Law*, Springer, New York.
9. Justice Yatindra Singh: *Cyber Laws*, Universal Law Publishing Co. Ltd., New Delhi.
10. Karnika Seth: *Computers, Internet and New Technology Laws (A Comprehensive Reference Work with Special Focus on Developments in India)*, Lexis Nexis India, Gurgaon.
11. Karnika Seth: *Protection of Children on Internet*, Universal Law Publishing - An Imprint of LexisNexis; New Delhi
12. Pavan Duggal: *Cyber Law-An Exhaustive Section Wise Commentary on the Information Technology Act along with Rules, Regulations, Polices, Notifications etc.*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.
13. S. R. Bhansali: *Information Technology Act, 2000*, University Book House Pvt. Ltd., Jaipur.
14. Sudhir Naib: *The Information Technology Act, 2005: A Handbook*, OUP, New York.
15. Vakul Sharma: *Information Technology Law and Practice*, Universal Law Publishing Co. Pvt. Ltd., New Delhi.
16. Vasu Deva: *Cyber Crimes and Law Enforcement*, Commonwealth Publishers, New Delhi.

## **RESEARCH PAPERS**

Every student would choose a topic for research paper from the elective paper he/she has chosen for the semester and submit the same topic to the office of the Dean. On approval of the topic, the student would be allotted a Supervisor under whose guidance the student would write the paper. The Research paper shall be between 25-30 type-written pages on A4 size papers with 1.5 line spacing, 12 Font size for body of the text and 10 Font size for footnotes in Times New Roman.

The Research paper shall be submitted to the Office of the Dean two weeks prior to the date of viva-voce on the Research paper as notified by Office of the Dean.



**Semester - IV**

# **COURSE CONTENT**

## **[CORE PAPER]**

**Semester IV**

**DISSERTATION**

**300 Marks**

To make the LL.M. Executive Program research oriented every student has to carry out Dissertation work selecting any topic from the subjects taught in the last three semesters applying Legal Research Methodology which is to be submitted for evaluation internally externally has to appear for viva-voce.

The evaluation of the Dissertation and Viva Voce will be conducted by a Board of Examiners comprising of Dean, Supervisor and an External Examiner

Students appearing for the Post-Graduate Degree Programme in Law (Executive Program) Examination shall submit a Dissertation prepared under the guidance of a Research Supervisor [Allotted by the Office of the Dean]

The student shall select the topic for Dissertation in consultation with the Research Supervisor and submit the topic along with the research proposal for the approval of the Dean

The Dissertation shall be between 125-150 type written pages on A4 size papers with 1.5 line spacing, 12 Font size for the body of the text and 10 Font size for the footnotes in Times New Roman and submitted in 4 copies.

Since semester IV has been devoted towards practical-oriented understanding of Law in general, giving the students an opportunity to practice one's teaching skills is critical, the student would therefore be given teaching assignments. Each student will be assigned two topics in advance to deliver classroom teaching. Each student has to take up five teaching assignments of B.A.LL.B (H) course. Each class will be of one hour duration and shall be assessed on the basis of his/her teaching performance. The class taken will be supervised, observed and evaluated by the Course teacher. Students are supposed to prepare a teaching plan and take the classes accordingly. Students are also required to prepare teaching material on the basis of the classes taken.