



Academic Session 2020-21

LL.M. First Semester

Course Contents



Dr. Ram Manohar Lohiya National Law University,

Lucknow

Distribution of Subjects and Teachers

Subject List of LL.M. First Semester 2020-21

S.No.	Subject	Faculty Name
1	Comparative Constitutional Law with special reference to Constitution of India	Prof. C.M. Jariwala/ Dr. Shashank Shekhar
2	Research Methods and Legal Writing	Prof. Sanjay Singh/ Mrs. Ankita Yadav
*Optional Groups		
<i>Constitutional and Administrative Law</i>		
	Media Law	Dr. A.P.Singh/ Dr. Aman Deep Singh
	Administrative Law	Dr. Rajneesh Kumar Yadav
	Fundamental Rights	Dr. A.K. Tiwari
<i>Corporate Law</i>		
	Company Law	Dr. Manish Singh
	Contract Law	Dr. V.Visalakshi
3	Banking and Insurance	Dr. Shashank Shekhar/ Dr. Manoj Kumar
4		
5	<i>Criminal and Security Law</i>	
	Criminology and Penology	Mr. Malay Pandey
	Criminal Justice Administration	Dr. Prem Kumar Gautam
	Juvenile Justice Law	Dr. Shakuntala/ Dr. Samreen Hussain
<i>International Law</i>		
	International Organisations	Dr. A. P. Singh/ Ms. Priya Anuragini
	International Human Rights Law	Dr. Aparna Singh
	International Humanitarian Law	Dr. Prasenjit Kundu/ Dr. Abdullah Nasir

Comparative Constitutional Law with Special References to the Constitution of India

UNIT-I: Comparative Federalism

- Concept and Components
- **Orthodox to Dynamism**
- Appreciations and Drawbacks
- **Where India Stands?**

UNIT-II: Legislative Relations

- Comparative Position
- **Central Dominance in India**
- Residuary Power: A Comparative Study
- **Indian Judicial and Constituent Power Directions**

UNIT-III: Guardian of Federalism

- Comparative Directions
- Appointment of Judges
- **Independence v. Dependence in India**
- Challenges and Reforms

UNIT-IV: Constituent Power

- Comparative Vision
- **Unlimited to Limited Power: The Indian Story**
- Directions in India
- What we Need Now?

REFERENCES:

- H. M. Seervai, *Constitutional Law of India*, Vols 1-3, 2006.
- D.D. Basu, *Commentary on the Constitution of India*, (9th Edi) Vols 9, 12, 14 2017.
- Granville Austin, *Indian Constitution: Corner Stone of a Nation*, 1999.
- M.V. Pylee, *Constitutions of the World*, Vols 1 & 2, 2007.
- Erwin Chemerinsky, *Constitutional Law: Principles & Policy*, 2006 (USA)
- Blackshield & Williams, *Australian Constitution Law & Theory*, 2006
- Macklem & Des Rosiers, *The Canadian Constitution*, 2017
- Rosenfeld & Sajo, *Comparative Constitutional Law*, 2013
- A. V. Dicey, *Introduction to the Study of Law of the Constitution*, 2008
- D. D. Basu, *Comparative Federalism*, 2008

RESEARCH METHODOLOGY

Unit-I:

Philosophy of Social and Legal research, Research strategies, Research Design

Unit-II:

Nature of quantitative research, Sampling, Method of data collection, Methods for the collection of statutory and case materials, Use of comparative and historical research materials, Case study, Structured observation, Self completion questionnaire, Content analysis, Scaling techniques, Jurimetrics, Quantitative data analysis.

Unit-III:

Nature of qualitative research, Ethnography and participant observation in legal research, Methods for the collection of statutory and case materials, Interview in qualitative research, Projective techniques, Documents as source of data: personal diaries, letters, autobiographies, official documents, and mass media. Interpreting documents: hermeneutics, qualitative content analysis, semiotics, Qualitative data analysis

Unit IV:

Integrating qualitative/ quantitative research, Mixed Methods Research, E- research: using the internet as object and method, computerized research- study of legal research program such as LexisNexis etc., Citation rules, Doing and writing of research project, Ethics and politics in legal research.

Reference:

1. Michael S. Lewis-Beck, Alan Bryman, *Sage Encyclopedia of Social Science Research*, Sage Publications (2004).
2. Paul Atkinson, Amanda Caffey, Sara Delamont, John Lofland, *Hand book of Ethnography*, Sage publications (2001).
3. John A. Hall, Joseph M. Bryant, *Historical Methods in the Social Sciences: Sage Benchmarks in Research Methods*, Sage publications (2005).
4. Alan Bryman, *Ethnography: Sage Benchmarks in Research Methods*, Sage Publications(2008).
5. Carol M. Bast, Margie Hawkins, *Foundations of Legal Research and writing*, Thomson Delmer learning: west legal studies series (2006).
6. Martin Hollis, *Philosophy of social Science*, Cambridge University Press.
7. Pauline V. Young, *Scientific Social Survey and Research*, Prentice Hall of India Limited(1988)
8. William J. Goode, Paul k. Hatt, *Methods in Social Research*, McGraw Hill Book Company.
9. Morris L. Cohan, *Legal Research in Nutsell*, West Publishing Company(1996).
10. Alan Bryman, *Social Research Methods*, Alan Bryman, Oxford University Press(2004).
11. Robert Watt, *Concise Legal Research*, Universal law publishing company Private Limited.
12. David Stott, *Legal Research*, Lawman (India) Private Limited(2001).
13. Geoff Payne, Judy Paynee, *Key Concepts in Social Research*, Sage Publications(2004).
14. Judy A. Long, *Computer aided Legal Research*, Thomson Delmer Learning (2003).
15. Judy A. Long, *Legal Research Using the Internet*, West Thomson Learning (200).
16. Carol Garbich, *New Approaches in Social Research*, Sage Publications (2004).
17. Plano Clark, Vicki L & Nataliya V. Ivankova, *Mixed Methods Research: A Guide to the Field*, Sage Publications (2016).

MEDIA LAW

UNIT-I: Constitutional Foundations

- Freedom of Speech & Expression
- Rights & Responsibilities of Media
- **Right to Privacy**
- **Print Media (Old Media and New Media)**

UNIT-II: Morality, Obscenity, Censorship and Cinema

- Morality, Obscenity & Censorship
- Radio, Television & Broadcasting
- **Cinema/100 years of Cinema-**
- **Social Media**

UNIT-III: Media, State & Legislature

- **Privileges of Parliament and the State Assemblies**
- Case Law

UNIT-IV: Media Ethics & Judiciary

- Reporting of Judicial Proceedings
- **Media & Criminal Justice Administration**
- **Media Ethics and Regulation**

REFERENCES:

PRESCRIBED TEXTS

1. Facets of Media Law- Madhavi Divan
2. Telecom, Media & Press Laws Manual

REFERENCE BOOKS

1. H. M. Seervai, Constitutional Law of India
2. M. P. Jain, Constitutional Law of India

FUNDAMENTAL RIGHTS

UNIT-I: Right to Equality and Freedom

- **Test in USA and India**
- **Discrimination based on sexual orientation.**
- **Equality in Educational Institutions**
- Freedom of speech and expression Analysis
 - Issues related to free expression.
 - Prior restraints and political speech.

UNIT-II: Right to Religion

- **Theories and Tests in USA and India**
- Concept of Religion : Freedom of Conscience and Right to profess, practice and propagate religion
- **Conversion and freedom of religion: Recent Issues.**

UNIT-III: Cultural and Educational Rights

- **Rights of Minorities – Rights of a group to retain its distinct identity**
- Constitutional and legal challenges faced by religious minorities
- **Minorities right to establish educational Institutions**

UNIT-IV: Right to life and Constitutional Remedies

- Right to life and Personal Liberty under Constitution
- **Expanding Horizon of Life and Personal Liberty With Judicial Interpretation Of Article-21**
- Constitutional Remedies

REFERENCES:

1. H.M.Seervai, *Constitutional Law of India*
2. D.D.Basu, *Commentary on the Constitution of India*
3. M.P. Jain, *Indian Constitutional Law*
4. M.P.Singh (Ed) V.N.Shukla, *Constitutional Law of India* Eastern Book Co
5. Granville Austine, *The Indian Constitution -Cornerstone of a Nation*
6. Granville Austin, *Working a Democratic Constitution : A History of Indian Experience.*
7. B Shiva Rao, *Framing of India's Constitution*
8. Erwin Chemerinsky, *Constitutional Law: Principles and Policies*

ADMINISTRATIVE LAW

UNIT-I: Delegated Legislation in various Jurisdictions

- **French**
- **England and U.S.**
- Other systems

UNIT-II: Comparative Study of Various Doctrines

- **Separation of Powers**
- **Judicial Review**
- **Doctrine of Legitimate Expectation**
- Doctrine of Standing
- Doctrine of Promissory Estoppel

UNIT-III: Liability of Administration- England, U.S. and Indian Practices

- **Contractual liability & Tortious Liability**
- **Federal Tort Claim Act,1946**
- **Crown proceeding Act, 1947**
- New Emerging Liabilities and Indian attempts at Legislation

UNIT-IV: Controls on Maladministration of Public Authorities and Power Holders: An Indian Context

- **Ombudsman**
- **Commission of Inquiry,**
- **CVC, CBI**
- **Inquiries by Legislative Committees, Judicial Inquiries**
- Financial Control- Comptroller and Auditor General

REFERENCES:

1. D.D.Basu- Comparative Administrative Law
2. H.W.Wade- Administrative Law
3. Hood Philip-Constitutional Law and Administrative Law
4. P.P. Craig- Administrative Law
5. Davis- Discretionary Justice

CRIMINOLOGY AND PENOLOGY

UNIT-I: Dimensions of Crime in India

- **Nature and extent of crime in India: An Appraisal through NCRB data**
- **General approaches to crime control**
- Crimes of the powerful
- **The situational criminal**
- Young and Female offenders
- Organized Crimes

UNIT-II: Crime Causation Approaches

- Nature of the problem: Some unscientific theories viz. the constitutional School of Criminology- Lombroso and others (heredity and mental retardation as causes of crime)
- **Modern sociological theories viz. Sutherland's differential association theory; Reckless's social vulnerable theory**
- Environment, home and community influences
- **Multiple causation approach to crime**

UNIT-III: Approaches to Sentencing

- Penological Theories
- The Death Penalty debate and its direction
- **Alternatives to Imprisonment**
- **Probation**
- Fines
- **Reparation by the offender/by the court**

UNIT-IV: Issues in Penal Servitude

- **The state of India's jails today**
- The disciplinary regime of Indian prisons
- **Classification of prisoners**
- **Rights of prisoner and duties of custodial staff**
- Deviance by custodial staff
- **Open prisons**

REFERENCES:

- 1- Teeters, Negley and Harry Elmer Barnes (1959), *New Horizons in Criminology*. New Delhi: Prentice Hall of India.
- 2- Edwin. H. Sutherland and Donald R. Cressey (1968), *Principles of Criminology*. Bombay: Times of India Press.
- 3- William H Parsonage (1979), *Perspectives on Criminology*. London: Sage Publications.
- 4- Herbert L. Packer (1968), *The Limits of Criminal Sanction*. Stanford: Stanford University Press.
- 5- Alf Ross (1975), *On Guilt, Responsibility and Punishment*. Berkeley: University of California Press.
- 6- S.S. Gill (1998), *The Pathology of Corruption*. New Delhi: Harper Collins Publishers (India).
- 7- Sue Titus Reid (1976), *Crime and Criminology*. Illinois: Deyden Press.
- 8- K.S. Chhabra (1970), *The Quantum of Punishment in Criminal Law in India*. Chandigarh: Punjab University Publication Bureau.
- 9- H.L.A. Hart (1968), *Punishment and Responsibility*. Oxford: Oxford University Press.
- 10- K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986).
- 11- Tapas Kumar Banerjee (1990), *Background to Indian Criminal Law*. Calcutta: R.Campray & Co.
- 12- K.A. Pandey (2017), *B.M. Gandhi's IPC, (Appendix-II "Penology")*. Lucknow: EBC.
- 13- Kiran Bedi (1998), *It is Always Possible*. New Delhi: Sterling Publications Pvt. Ltd.
- 14- Law Commission of India, *Forty-Second Report (1971), Ch. 3*.
- 15- *Crime in India (Annual Reports of National Crime Records Bureau, New Delhi)*.
- 16- S.M.A. Qadri (2014), *A. Siddique's Criminology &Penology (6th ed., R/P)*. Lucknow: Eastern Book Co.

CRIMINAL JUSTICE ADMINISTRATION

Unit-I

- Development of Criminal Justice Administration
- **Crime Control Model vs. Due Process Model**
- Adversarial System vs. Inquisitorial System
- **Comparative Criminal Justice Administration**

Unit-II

- Constitution of Criminal Courts and their Powers
- Criminal Justice Administrator's Power, Duties and Responsibilities
- **Arrest Detention and Rights of Arrested Person**
- Summons and Compel a Person to appear before a Criminal Court
- **Rights of the Accused and Victims**

Unit-III

- Trial by Session Judge and Magistrate
- **Bail and Anticipatory Bail**
- **Judgment and judges role in dispensation of justice**
- Sentence in proportion to crime

Unit-IV

- **Maintenance of Public Order and Tranquility**
- Submission of Death Sentences for Confirmation
- Transfer of Criminal Cases
- **Inherent Power of the High Court**

REFERENCES:

1. Ratanlal & Dherajlal: Code Of Criminal Procedure
2. Sexena R.N.: Criminal Procedure
3. Kelkar R.V.: Outline Of Criminal Procedure Code
4. Tondan M.P.: Criminal Procedure Code
5. Paranjape: Law Relating To Probation of Offenders
6. Mishra S.N.: Code of Criminal Procedure
7. Ganguly: Criminal Court, Practice And Procedure
8. Sarkar: Criminal Procedure
9. D.D. Basu: Code Of Criminal Procedure
10. K.N. Chandrasekharan Pillai: R.V. Kelkar's Criminal Procedure
11. Chandrasekharan Pillai Ed.: Kelkar's Outline Of Criminal Procedure (2001) Eastern, Lucknow

JUVENILE JUSTICE LAW

Unit-I: Introduction: Concepts and Historical Development

- **Concept of Juvenile Justice and Juvenile Delinquency.**
- Nature and Causes and extension of Juvenile Delinquency, justice in other countries.
- **International Efforts for Juvenile Justice.**
- Historical Development of Juvenile Justice in India.

Unit-II: Legal Issues and Conflicts with Juvenile Offenders

- **Definitions of 'Child', Distinct Apprehensions, Adjudication and Custodial Agencies.**
- **The conception of 'child' in Indian Constitution and Penal Code.**
- Delinquent juvenile & neglected juvenile. .
- Rehabilitation and After-care of Juvenile Delinquents and Children in need of care and protection.

Unit-III: Legislative Approaches and Measures

- **Legal Measures to Control Juvenile Delinquency.**
- Special Juvenile Police Units: apprehending function-informal and social investigatory role
- **Juvenile Justice Board instead of Juvenile Court and Child Welfare Committee to distinct categories of children Procedure and powers etc.**
- Observation Homes, Children's Home instead of Prisons: contemplated under juvenile justice Act for pre-adjudication custody.

Unit-IV: Judicial Contribution and Preventive Strategies

- Role of the community, Family, Police, voluntary bodies and individuals in Juvenile Justice.
- **Role of Judiciary in dispensing Juvenile Justice**
- **Role of Media to expose instances of child exploitation and abuse in public domain as well as remain sensitive to privacy of children and their families.**

REFERENCES:

1. Barry Krishery James F. Austin - Reinventing Juvenile Justice
2. N.K.Chhakrabarti - Juvenile Justice
3. R.N.Choudhry - Law Relating to Juvenile Justice in India.
4. Sheldon, Glusk - Unraveling Juvenile Delinquency
5. Sethna - Society and the Criminal
6. Sophia M. Robinson, The Juvenile Delinquency: Its Nature and Control
7. Denis Stott, Delinquency the problem and its Prevention
8. S.K. Mukherjee, Administration of Juvenile Correctional Institutions
9. hipra Lavonia, Juvenile Delinquency
10. UN Convention on Right of the Child, 1989
11. UN Standard Minimum Rules for Juvenile Justice (Beijing Rules) 1985
12. Juvenile Justice Act, 1986.
13. Juvenile Justice (Care and Protection of Children) Act,

BANKING AND INSURANCE LAW

Unit-1:- Introduction to Banking

- **Banking business; history of banking business; different kinds of banks and their functions; regulation of banking business; Banking Regulation Act, 1949; Role of Reserve Bank of India and their powers and functions; Relation of banker and customer and their rights and duties; Bank guarantee; E-banking**

CASES:

1. R.C. Cooper v Union of India, (1970) 1 SCC 248
2. Joseph Kuruvilla Vellukunnel v RBI, AIR 1962 SC 1371
3. ICICI Bank Ltd. v Official Liquidator of APS Star Industries Ltd., (2010) 10 SCC 1
4. Bhavesh D. Parish v Union of India, (2000), SCC 471.
5. Canara Bank v P.R.N. Upadhyaya, (1998) 6 SCC 526
6. Sajjan Bank (P) Ltd. v Reserve Bank of India, AIR (1961) Mad 8
7. Shivabhai Zaverbhai Patel v Reserve Bank of India, AIR (1986) Guj 19
8. Janata Sahakari Bank Ltd. v State of Maharashtra, AIR (1993) Bom 252
9. Canara Bank v P.R.N. Upadhyaya, (1998) 6 SCC 526

Articles:

- a) "The dual facades of internet banking perspectives on banker customer relationship", Company Law Journal, Vol VI, 2008

Unit-2:- Debt Recovery and Securitization

- Establishment, organization, powers, **functions and Procedure of Debt Recovery Tribunal; Asset Securitization in Banks; Banking offences; Role of Banking Ombudsman; SARFAESI Act**

CASES:

1. M/S Transcore v Union of India, AIR (2007), SC 712
2. Core Ceramics v Union of India, AIR (2008), Cal 88
3. Greater Bombay Co-operation Bank Limited v United Yark Tex Ltd. (2007) 6 SCC 236

Articles:

- a) "Securitisation- An overview" The Chartered Accountant, 2005, p 978
- b) "Issues relating to Debt Recovery Tribunals- An overview", Company Law Journal, Vol IX, 2006, p 478

Unit-3:- Insurance Agreement

- Nature and meaning of Insurance; **General principles of insurance:** - Utmost good faith, premium, warranties and representations, indemnity, subrogation and contribution, proximate cause and insurable interest, risk management; Different kinds of insurance; Marine insurance: - Conditions of marine insurance; **Life insurance:**-nature and meaning, **Role of LIC of India;** Health insurance: - nature and meaning, **law relating to health insurance;** Fire insurance; **General insurance**

CASES:

1. Medical Defence Union Ltd. v Department of Trade, (1979) 2 WLR 686
2. Mark Rowlands Ltd. v Berni Inns Ltd., (1985) 3 WLR 964
3. Anthony Feasey v Sun Life Assurance Company of Canada, (2003) KWCA Civ 885
4. Fuji Finance Inc v Aetena Life Insurance Co. Ltd., (1994) 3 WLR 1280
5. Hobhouse and Morrit and Sir Ralph Gibson, (1996) 3 WLR 871
6. M. Mohan Lal Kalia v Wood Trading Co., (1961) Pun 2341
7. National Insurance Co. Ltd. v Sky Gems, (2002) 2 SCC 273
8. New India Assurance Co. Ltd. v Protection Manufacturers Pvt. Ltd., (2010) 7 SCC 386
9. Peacock Plywood (P) Ltd. v Oriental Insurance Company Ltd., (2006) 12 SCC 673

Articles:

- a) "Subrogation in insurance law- A critical evaluation", Oxford Journal of Legal Studies, Vol 5, No. 3, p 416
- b) "The doctrine of uberrima fides in insurance law- A critical evaluation", Modern Law Review, Vol 32, 1969, p 31
- c) "Subrogation and indemnity", Cambridge Law Journal, Vol 71, 2012, p 1

Unit-4:- Regulation of Insurance

- **Meaning of regulation; need for regulation; Insurance Act, 1938; role of IRDA in insurance sector; Claim Procedure; Motor Vehicle Act, 1988**

Recommended Books:-

1. Law of banking by Pagets
2. Review of current banking theory and practice by A. Bani
3. The law of banking and bankers by L.C. Goyal
4. Principles of banking law by Ross Cranston
5. Tannan's Banking law and practice in India
6. Principles of insurance law by M. N. Srinivasan
7. The law of marine insurance by Arnold
8. Cases and materials on law of insurance by E.W. Patterson
9. Modern law of insurance by K.S.N. Murthy and Dr. K.V.S. Sharma
10. Modern insurance law by Birds

Note: - The list of the cases and materials is not exhaustive. Much more cases and materials may be discussed in classes by the teacher.

CONTRACT LAW

UNIT-I: Real Estate:

- Consumer/Customers and RERDA
- Sale of Plot or Apartment
- **Real Estate Agent**
- **The Real Estate (Regulation and Development) Act, 2016**

UNIT-II: Technology Transfer Agreements

- Kinds of Technology Transfer Agreement

UNIT-III: International Contract

- **Underlying Principles**
- **Formation of Contract**
 - a. **Offer/ Acceptance**
- Good Faith and Fair Dealing
- Role of International Chamber of Commerce

UNIT-IV: Electronic Agreement

- **Formation and Scope**
- **Enforceability of Rights**
- **Online Medium for Disputes settlement Mechanism**

REFERENCES:

1. Neal R. Bevans, J.D., Real Estate and Property Law for Paralegals, ASPEN Publishers, New York.
2. Ajar Rab, Real Estate (Regulation and Development) Act, 2016 – A Practitioner’s Guide, Eastern Book Company, Lucknow.
3. CA Srinivasan Anand G, Taxmann’s RERA Check Lists for Buyers/Builders/Real Estate Agents.
4. Mark Anderson, Technology Transfer – Law, Practice and Precedents, Butterworths LexisNexis.
5. Amelia H. Boss and Wolfgang Kilian, The United Nations Convention on the Use of Electronic Communications in International Contracts – An In-Depth Guide and Sourcebook, Wolters Kluwer Law & Business.
6. Albert H. Kritzer, International Contract Manual, Thomson Reuters, New Delhi (2013).
7. Faye Fangfei Wang, Online Dispute Resolution - Technology, management and legal practice from an international perspective, Chandos Publishing, Oxford.
8. Marta Poblet (*Ed.*), Mobile Technologies for Conflict Management – Online Dispute Resolution, Governance, Participation, Springer, London.

COMPANY LAW

UNIT-I: Corporate Finance

- Capital structure
- Sources of capital
 - Debt capital
 - Equity capital
 - Hybrid and other new instruments
- Prospectus

UNIT-II: Corporate insolvency and corporate restructuring

- Corporate Insolvency –
Models of Corporate Salvage: ‘Creditor in control’ and ‘Debtor in possession’
SICA and BIFR (Functioning and Reasons for change in regime)
Insolvency and Bankruptcy Code, 2016
- Corporate Restructuring – Acquisition and Divestiture,
Merger and Takeover – principles and Legal provisions

UNIT- III: Investor Protection and Insider Trading

- Meaning of investor
- Areas of investor protection
- Regulatory framework on investor protection
- Insider trading and regulatory framework

UNIT- IV: Corporate Governance and Corporate Social Responsibility

- Meaning of Corporate Governance
- Corporate Social Responsibility
- Corporate and Industrial Environmental Responsibilities

Suggested material

1. Anjum Adeem , Issue of Shares and Capital Disclosure Requirement ,2010
2. G.K Kapoor, Corporate Laws, (Taxmann)
3. Bainbridge, Stephen M New, Corporate Governance in Theory and Practice, 2008 .
4. V.D Dudeja ,Corporate Finance and Global Perspective,2008
5. Geoffrey Fuller , Corporate Borrowing Law and Practice,2006
6. Stephen, Constitutional Corporation: Rethinking Corporate Governance ,2007
7. Cadbury, Adrian Corporate Governance and Chairmanship: A Personal View ,2003
8. Campbell, Trends and Developments in Corporate Governance: Comparative Law Yearbook of International Business,2004
9. G.B Bhandari, M.C and Rao, Guide to Company Law Procedures ,2008
10. Corporate Laws Manual
11. S. Ramanujam, Mergers et al, Lexis Nexis
12. Insolvency and Bankruptcy Code, 2016, Lexis Nexis.

INTERNATIONAL ORGANISATIONS

UNIT-I: Introduction to International Organizations

- Definition, types and rationale for International Organizations
- The goals and purpose
- Evolutionary development of International Organizations
- Legal nature of International Organizations

UNIT-II: The United Nations System

- Historical origins and organisational structure
 - a. Principal Organs
 - b. Subsidiary organs and bodies
 - c. The specialized agencies
- Membership and participation
- Roles and functions
- The Future of the United Nations system
 - a. Reorganization of the United Nations Security Council
 - b. Enforcement mechanism

UNIT-III: International Organizations and Economic Management

- The creation and role of Bretton Woods Organizations
- WTO as an institution
 - a. Functions and decision making
 - b. Key features of the dispute settlement process
- Regional Trade Groups and Agreements
- International Centre for Settlement of Investment Disputes

UNIT-IV: International Organizations and global challenges

- International framework for protection of environment
- Protection and promotion of human rights
- Ensuring justice: International Courts and Tribunals
 - a. The International Court of Justice
 - b. International Criminal Court

Readings:

1. Karnst & Mingst, *“International Organizations, the politics and processes of Global Governance”*, 3rd Ed., Lynne Rienner, 2015
2. Vinogradoff, Paul & Butler, William Elliott, *“On the history of International Law and International Organization”*, 1st Ed., Lawbook Exchange, 2009
3. Brian Frederking & Paul F. Diehl, *“The politics of global governance: International Organizations in an interdependent world”*, 5th Ed., Lynne Rienner, 2015
4. Dan Sarooshi, *“International Organizations and their exercise of Sovereign Powers”*, 1st Ed., Oxford University Press, 2007
5. Peter Van den Bossche, Werner Zdouc, *“The Law and Policy of the World Trade Organization”*, Cambridge University Press, 3rd Ed., 2013
6. Mituso Matsushita, Thomas J. Schoebaum,., *“The World Trade Organization-Law, Practice and Policy”*, Oxford University Press, 2nd Ed., 2006
7. Sebastian von Einsiedel, David M. Malone & Ugarte, *“The UN Security Council in the 21st Century”*, 1st Ed., Lynne Rienner, 2016
8. Joachim Muller, *“Reforming the United Nations: The Quiet Revolution”*, Kluwer Law International, 2001
9. Dr. Majid Reza Momeny, *“The United Nations in the era of Globalization”*, 1st Ed., KK Publications, 2013

10. Gayl D. Ness & Steven R. Brechin, "*Bridging the Gap: International Organizations as Organizations*", *International Organization*, vol.42, 1988, available at <http://www.jstor.org/stable/2706676>
11. Terrence L. Chapman, "*Audience beliefs and International Organization Legitimacy*", *International Organization*, vol.63, 2009, available at <http://www.jstor.org/stable/pdf/40345954.pdf?refreqid=search%3A37aa02deae73d2adef76d6283fb9c398>
12. Mukund G. Untawale, "*Global Environmental degradation and International Organizations*", *International Political Science Review*, vol.11, 1990, available at <http://www.jstor.org/stable/pdf/1600950.pdf?refreqid=search%3A37aa02deae73d2adef76d6283fb9c398>

INTERNATIONAL HUMAN RIGHTS LAW

UNIT-I: HUMAN RIGHTS: ORIGIN AND EVOLUTION

1. The International Bill of Human Rights

- (i) The Universal Declaration of Human Rights 1948: Ideals and working
- (ii) International Covenant on Economic, Social and Cultural Rights, 1966
- (iii) International Covenant on Civil and Political Rights, 1966

UNIT-II: INTERNATIONAL HUMAN RIGHTS NORMS AND STANDARDS

1. The Framework of the UN Charter, and the General Perception of the Role of the United Nations.

2. Normative and Institutional framework of the United Nations

3. Role and functions of Treaty Based Organs: Monitoring and Enforcement:

UNIT-III: REGIONAL HUMAN RIGHTS NORMS AND STANDARDS

1. European Convention on Human Rights

- (i) Monitoring and Enforcement: European Court of Human Rights, European Commission of Human Rights, Council of Europe

2. American Convention on Human Rights 1969

- (i) The Statute of the Inter-American Commission on Human Rights 1960
- (ii) History (OAS) and development of Human Rights Institutions in Latin America
- (iii) American Commission and Court of Human Rights

3. ORGANIZATION OF AFRICAN UNITY

- (i) OAU Charter 1963(ii) African Charter of Human and Peoples' Rights 1981
- (iii) Mechanism of implementation: African Commission and Court of Human And Peoples' Right

UNIT- IV: INTERNATIONAL ACTIONS AND PROTECTION OF HUMAN RIGHTS

1. Convention on Elimination of Discrimination Against Women; UN Convention on the rights of the child and disabled : UNESCO Conventions ; ILO Conventions

- 2. Determination of Refugee Status; International Refugee Law; Refugee Protection, UN High Commissioner on Refugees

RECOMMENDED READING:

- 1. Amartya Sen, *The Idea Justice*, New Delhi: Penguin Books, 2009.

2. Conor Gearty and Adam Tomkins (Eds). *Understanding Human Rights*, London: Manshell, 1996.
3. James Nickel, *Making Sense of Human Rights: Philosophical Reflections on the Universal*
4. *Declaration of Human Rights*, Berkeley: University of California Press, 1987.
5. John Rawls, *Law of the People*, Cambridge: Harvard University Press, 2001.
6. Michael Freeman, *Human Rights: An Interdisciplinary Approach*, Oxford: Polity, 2002.
7. SAHRDC, *Human Rights and Humanitarian Law*, New Delhi: South Asian Human Rights Documentation Centre, 2002
8. Stephen Shute and Susan Herley (Eds), *On Human Rights*, New York: Basic Books, 1993
9. Waldron, Jeremy. *Theories of Rights*, Oxford; Oxford University Press, 1984
10. Upendra Baxi *The Future of Human Rights*, New Delhi: Oxford University Press.
11. P.M. Katare and B.C. Barik, *Development, Deprivation and Human Rights Violation*, New Delhi: Rawat, 2002,
12. B. Goswami, *Human Rights and reforming the law: A compendium of articles of Human Rights and Legal Reforms*, Jaipur: Raj Pub., 2008.
13. Buergenthal, Thomas : *International Human Rights in Nutshell*, 2nd ed., West Publishing Co., 1995
14. Davidson, Scott : *Human Rights* (Buckingham, 1993)
15. Donnelly, Jack : *The Concept of Human Rights* (London, 1985)
16. Donnelly : *Universal Human Rights in Theory and Practice*, 3rd ed., (Ithaca, 2003)
17. Lawson, Edward : *Encyclopaedia of Human Rights* (Washington, 1996)
Mahmood, Tahir (ed.) : *Human Rights in Islamic Law* (New Delhi, 1993)
18. Robertson, A.H., J.G. Merrills : *Human Rights in the World: An Introduction to the Study of the International Protection of Human Rights*, 4th ed., Manchester, 1996)
19. UNESCO : *Philosophical Foundations of Human Rights* (Paris; UNESCO, 1986)
20. Vijapur, Abdulrahim P. : *UN at Fifty--Studies in Human Rights* (New Delhi, 1996)
21. Waldron, Jeremy : *Theories of Rights* (Oxford, 1990)

INTERNATIONAL HUMANITARIAN LAW

UNIT-I: **Introduction and Definition of International Humanitarian Law**

Exploration of origins and development of International humanitarian law or law of war or law of armed conflict traces back to the origin and development of international law in general. The discussion would focus on the historical background and early origins of the IHL in various cultural and social contexts. It would deal with the First Geneva Convention, Hague Peace Conferences, Martens clause and the *Jus ad bellum* and *jus in bello* distinction.

UNIT-II: **Application of International Humanitarian Law**

Application of IHL takes place only in the context of armed conflicts and therefore the need for legal determination of the existence of an armed conflict. The discussion would deal with the classification of armed conflicts into international and non-international and the applicable law. It would also focus on the developments in the definition of international armed conflicts through Additional Protocol I and the jurisprudential classification of internationalised armed conflicts. Thus it would also focus on the jurisprudence particularly of the *Nicaragua case* of the ICJ and the *Tadic case* of the ICTY.

UNIT-III: **Means and Methods of Warfare**

Significant component of IHL deals with the means and methods warfare, otherwise known as the Hague law. This unit's discussion will cover the following issues.

Means of combat

- The principle of prohibition of unnecessary suffering
- Explicit prohibitions or restrictions of certain weapons
- Conventional weapons
- Weapons of mass destruction
- The status of nuclear weapons
- Development of new weapons

Methods of Combat

- Military Objectives
- Protection of Civilian Objects
- Protection of Works and Installations Containing Dangerous Forces
- Ruses of war and the Prohibition against Perfidy
- Reprisals

Unit-IV: **Contemporary Issues in International Humanitarian Law**

During this unit, issue relating to cyber warfare, drone attacks, terrorism, new weapon technologies, environment and IHL and women and IHL would be discussed in the light of limitations imposed by the framework of international humanitarian law.

Reading list:

1. Detlev F. Vagts, "Hague Conventions and Arms Control", *American Journal of International Law*, vol. 94, no. 1, (2000), pp.31-41.
2. Theodor Meron, "Martens Clause, Principles of Humanity, and Dictates of Public Conscience", *American Journal of International Law*, vol. 94, no. 1, (2000), pp. 78-89.
3. Robert Kolb, "Origin of the Twin Terms Jus ad Bellum/Jus in Bello", *International Review of the Red Cross*, vol. 37, no. 320, (1997), p. 553-562.
4. Emily Crawford, "Unequal Before the Law: The Case for the Elimination of the Distribution between International and Non-International Armed Conflicts", *Leiden Journal of International Law*, vol. 20, no. 2, (2007), pp. 441-465.
5. Leo Van den hole, "Towards a Test of the International Character of an Armed Conflict: Nicaragua and Tadic", *Syracuse Journal of International Law and Commerce*, vol. 32, no. 2, (2004-2005), pp. 269-287.

6. James G. Stewart, "Towards a Single Definition of Armed Conflict in International Humanitarian Law: a Critique of Internationalized Armed Conflict", *International Review of the Red Cross*, vol. 85, no. 850, (2003), pp. 313-350.
7. Marco Sassoli and Yuval Shany, Should the Obligations of States and Armed Groups under International Humanitarian Law Really be Equal?, *International Review of the Red Cross*, vol. Volume 93, No. 882, (2011), pp. 425-436.
8. Aaron M. Drake, "Current U. S. Air Force Drone Operations and their Conduct in Compliance with International Humanitarian Law : An Overview", *Denver Journal of International Law and Policy*, vol. 39, no. 4, (2011), pp. 629-660.
9. Andrew C. Orr, "Unmanned, Unprecedented, and Unresolved, the Status of American Drone Strikes in Pakistan under International Law", *Cornell International Law Journal*, vol. 44, no. 3,(2011) pp. 729-752.
10. David Turns, "Cyber Warfare and the Notion of Direct Participation in Hostilities", *Journal of Conflict & Security Law*, vol. 17, no.2, (2012), pp. 279-297.
11. Laurie R. Blank, "After "Top Gun": How Drone Strikes Impact the Law of War", *University of Pennsylvania Journal of International Law*, vol. 33, no. 3, (2012), pp. 675-718.
12. Michael Schmitt, "Classification of Cyber Conflict", *Journal of Conflict & Security Law*, vol. 17, no.2, (2012), pp. 245-260.
13. Yoram Dinstein, "The Principle of Distinction and Cyber War in International Armed Conflicts", *Journal of Conflict & Security Law*, vol. 17, no.2, (2012), pp. 261-277.
14. Matthew C. Waxman, "Temporality and Terrorism in International Humanitarian Law", *Yearbook of International Humanitarian Law*, vol.14, 2011, pp. 411-417.
15. Judith Gardam, "Women and the Law of Armed Conflict: Why the Silence?", *International and Comparative Law Quarterly*, vol. 46, no. 1, (1997), pp. 55-80.
16. Roger S. Clark, "Methods of Warfare that Cause Unnecessary Suffering or Are Inherently Indiscriminate: A Memorial Tribute to Howard Berman", *California Western International Law Journal*, vol. 28, no. 2, (1997-1998), pp. 379-390
17. Matthew Lippman, "Aerial Attacks on Civilians and the Humanitarian Law of War: Technology and Terror from World War I to Afghanistan", *California Western International Law Journal*, vol. 33, no. 1, (2002), pp. 1-67.
18. Justin McClelland, "The Review of Weapons in Accordance with Article 36 of Additional Protocol I", *International Review of the Red Cross*, vol. 85, no. 850 (2003), pp. 397-415.
19. *Legality of the Threat or Use of Nuclear Weapons*, Advisory Opinion [1996] ICJ Rep.

Recommended Books/other sources:

1. Dieter Fleck (ed), *The Handbook of International Humanitarian Law* (OUP, 2nd ed. 2008)
2. Yoram Dinstein, *The Conduct of Hostilities under the Law of International Armed Conflict* (Cambridge University Press, 2nd ed. 2010)
3. Frits Kalshoven and Liesbeth Zegveld, *Constraints on the Waging of War: An Introduction to International Humanitarian Law* (ICRC, Geneva, 4th ed. 2011)
4. Marco Sassòli, Antoine A. Bouvier and Anne Quinti, *How does Law Protect in War? Cases, Documents and Teaching Materials on Contemporary Practice in International Humanitarian Law*, (ICRC, Geneva, 3rd edition 2011)
5. V.S. Mani (ed), *Handbook of International Humanitarian Law in South Asia* (OUP, 2007)
6. David Kennedy, *Of Law and War*, (Princeton, 2006)