

**1.3.1 - Institution integrates crosscutting issues relevant to Professional Ethics, Gender, Human Values, Environment and Sustainability into the Curriculum**

**PAPER NO XXXX- ELECTIVE- VI**

**B) INTERNATIONAL HUMAN RIGHTS (OPTIONAL PAPER – B)**

**CRIDITS THEORY- 6**

**OBJECTIVES OF THE COURSE**

The main thrust of this course shall be development of Human Rights law and Jurisprudence at International level. There need not be an attempt to teach the whole gamut of International Law applicable in this course. The Human Rights at International Level were based on conventions and Declaration proclaimed by U.N.O. from time to time.

The Human Rights Instrument shall be discussed dealt with Women, Child, Disabled persons, Minorities etc. Needless to say, that course is to be confined to deliberations of International Law Topics relevant to the growth of Human Rights Law and how International Norms and directives are reflected in Regional Instruments.

**Unit No: - Total Theory lectures-80**

1. Nature, Meaning and Concept of Human Rights. Origin and Development of Concept of Human Rights 8 Lectures

1.1. Philosophical and Pragmatic Approach.

1.2. Classification of Human Rights

1.3. American and French Revolution

1.4. Bill of Human Rights

1.5. Relevant Provision of U.N. Charter 1945

**2. Universal Declaration on Human Rights – 1948** 12 Lectures

2.1. International Covenant on Civil and Political Rights 1966

2.2. International Covenant on Economic Social and Cultural Rights -1966.

2.3. U.N. Bodies Concerned with Human Rights

2.4. U.N. Commission of Human Rights

2.5. Sub-Commission on Prevention of Discrimination and Protection of Minorities.

2.6. Commission on the Status of Women

2.7. U.N. Commissioner of Human Rights

**3. United Nation world conference on Human Rights Instruments.** 7 Lectures

3.1. Proclamation of Teheran 1968

3.2. Vienna Declaration and Programme of Action 1993.

**4. Role of Regional Organizations** **7 Lectures**

4.1 European Convention for the Protection of Human Rights and Fundamental Freedoms.

4.2 The American Convention on Human Rights 1969

4.3 The African Charter Convention on Human and Peoples Rights 1987

**5. Human Rights and Vulnerable Groups** **8 Lectures**

5.1. Rights of Women.

5.2. CEDAW-1979

5.3. World Conferences

5.4. Conventions on Political Rights of Women 1952

**6. Rights of Child** **8 Lectures**

6.1. Convention on the Rights of Child 1989

6.2. The Declaration of the Rights of Child 1959

6.3. UNICEF

**7. The Right of Disabled Persons.** **8 Lectures**

7.1. Declaration on the Rights of Mentally Retarded Persons 1971

7.2. Declaration on the Rights of Disabled persons 1975

7.3. The Rights of Minorities

7.4. Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities 1992

**8. Impact of International Human rights Norms in India** **10 Lectures**

8.1 Indian Constitution

8.2 The Protection Of Human Rights Act, 1993

9 Enforcement of Human Rights In India 12 Lectures

9.1 Role of High Court, Supreme Courts.

9.2 Human Rights Commissions- National, State

9.3 National Commission for women

9.4 Commission for Scheduled Caste, Scheduled Tribe.

9.5 Commission for Minority and Backward class.

**Selected Bibliography**

1. S,K, Avasti And R.P. Kataria Law Relating to Human Rights
2. Human Rights watch Women's Rights Project. The Human Rights watch
3. Global Rights on women's Human Rights (2000) Oxford.
4. Ermacora, Nowak and trettor, International Human Rights (1993) Sweet and Maxwell.
5. Walace, International Human Rights Text and Materials (1996) Sweet and Maxwell.
6. Muntarbhorm, The Status of Refugees in Asia (1983) Oxford
7. Nirmal B.C. The Rights to self Determination in International Law (1995) Deep & Deep
8. P.R. Gandhi International Human Rights Documents (1999) Universal Delhi.
9. S.K. Kapoor International Law & Human Rights.(2002)
10. G. Tunkin Theory of International Law -1974

## **ABILITY ENHANCEMENT COURSE –II**

### **PROFESSIONAL ETHICS AND PROFESSIONAL ACCOUNTING SYSTEM (CLINICAL COURSE)**

**Credits: 4**

**Unit No: Total Theory Lectures-80**

**Unit No:**

**Total Theory Lectures-80**

**1 Nature of Legal Profession and salient features of Advocates Act, 1961 10 Lectures**

**2 Lawyers Duties to**

2.1.1 His Client

2.1.2 The Court

2.1.3 The Opponent Counsel

2.1.4 The Colleagues

2.1.5 The Public

10 Lectures

**3. Contempt Law and Practice 10 Lectures**

**4. Bar Council Code of Ethics 10 Lectures**

**5. 10 Selected Opinions of Disciplinary Committee of B.C.I., New Delhi 20 Lectures**

**10 SELECTED OPINIONS:**

1. B.C.I. TR Case No.27/1988, Vol.16 (3 & 4) 1989, I.B.R., Y.V.R.

(Complainant) V/s.M.K.N. (Respondent)

2. B.C.I. TR Case No.24/1986, Vol.16 (3 & 4) 1989, I.B.R.C.L.  
(Complainant) V/s.N.T.S. (Respondent)
3. D.C.Appeal No.6/1988, Vol.16 (3 & 4) 1989, I.B.R., J.E. (Appellant)  
V/s.Smt. A. (Respondent)
4. D.C.Appeal No.28/1986, Vol.15 (3 & 4) 1988, I.B.R., J. (Appellant)  
V/s.Smt. A. (Respondent)
5. D.C.Appeal No.35/1987, Vol.16 (3 & 4) 1989, I.B.R., N.M. (Appellant)  
V/s. V.D. (Respondent)
6. D.C.Appeal No.13/1975 (Mah.) Vol.5 (1-3) 1976, Journal of Bar Council  
of India, A (Appellant) V/s. Bar Council of Maharashtra, (Respondent)
7. B.C.I., TR. Case No.17/86 Vol.15 (3 & 4), 1988, I.B.R., M.(Petitioner/  
Complainant) V/s Bar Council of Maharashtra, (Respondent)
8. B.C.I., TR Case No.63/1983, Vol.15 (3 & 4), 1988, I.B.R., B (Complainant)  
V/s. R. (Respondent)
9. D.C.Appeal No.21 of 1985, Vol.15 (3 & 4), 1988, I.B.R., G. (Appellant)  
V/s. T. (Respondent)
10. B.C.I., TR. Case No.61/1983 Vol.14 (2), 1987, I.B.R., D. (Complainant)  
V/s B. (Respondent)

6. Major Judgments of Supreme Court on the subject: 20 Lectures

### **MAJOR JUDGMENTS**

- 1 Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997,SC, 1338
- 2 Hikmat Ali Khan V/s Ishwar Prasad, AIR, 1997,SC, 864
- 3 V.P. Kumarvelu V/s B.C.I., A.I.R. 1997, SC1014
- 4 P.D. Gupta V/s Ram Murthy, AIR, 1988, SC, 283
- 5 In Re.V.C. Mishra, AIR 1995, SC 2348
- 6 Supreme Court Bar Association V/s Union of India, AIR, 1988 SC 1895
- 7 U.P.Sales Tax Service Association V/s Taxation Bar Association, Agra AIR 1996, SC
- 8 John D'souza V/s Edward Ani, AIR, 1994, SC 975
- 9 Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ, 1478
- 10 Mr. Roma Banerji V/s Ushapati Banerji, AIR 1958, CRLJ, 1478

The above course will be taught in association with practicing lawyers. The senior member of Bar may be invited to give lectures on professional ethics.

The paper will comprise of

1)Written Examination: 70 marks.

2) Extensive Program and Viva Voce: 30 Marks

a) Student has to prepare and submit record relating to selected opinions and major judgments in the subject: 20 Marks.

b) Viva Voce: 10 Marks

Bibliography1. Professional Ethics of the Bar by C.L.Anand.

2. General Principles of Legal Ethics by C.L.Anand

3. Law of Contempt by Narayana P.S. Asia Law House Hyderabad

## **PAPER: XXVIII CORE AND COMPULSORY-XXVI**

### **ENVIRONMENTAL LAW**

**Credits: Theory-(4)**

#### **Objectives of the Course**

The Environment law programme, in contrast to other law curricula, has certain characteristics which make it unique and is one of the best instruments for breaking the ice of colonial legal education. Its uniqueness lies in the fact that the problems it raises do not relate merely to specific individuals but about such matters as national development, industrial policy, policies concerning natural resources, injustice to communities, inter-generational equity and prevention of pollution. All these issues relate to problematic about construction of a just, humane and healthy society. Secondly Environmental law necessarily demands an inter- disciplinary approach. Thirdly, uniqueness of the subject is borne out by the new epistemological outlook which ecology- related knowledge has brought about in recent times. The development of ecological knowledge has necessitated an overall change not only in managerial studies but also in socio-legal explorations. This approach to the growing dimensions of environmental law is essential.

#### **1. Concept of Environment and Pollution-**

1.1. Environment

1.1.2 Meaning and Contents

1.2 Pollution

1.2.1 Meaning

1.2.2 Kinds of Pollution

1.2.3 Effects of pollution.

#### **2. Legal Control: Historical Perspectives**

2.1 Indian tradition: Dharma of Environment.

2.2 British Raj - Industrial development and exploitation of nature.

2.2.1 Nuisance: Penal Code and procedural codes.

2.3 Free India - Continuance of British influence.

2.3.1 Old Laws and new interpretations.

### **3. Constitutional Perspectives**

3.1. Constitution Making – development and property oriented approach.

3.2. Directive Principles

3.2.1 Status, role and interrelationship with fundamental rights and fundamental duties.

3.3 Fundamental Duty.

3.3.1 Contents.

3.3.2 Judicial Approach.

3.4 Fundamental Rights.

3.4.1 Rights to clean and healthy environment.

3.4.2 Right to Education.

3.4.3 Right to Information.

3.4.4 Environment v. Development.

3.5 Enforcing agencies and remedies.

3.5.1 Courts.

3.5.2 Tribunal

3.5.3 Constitutional, statutory and judicial remedies.

3.6 Emerging Principles

3.6.1 Polluter Pays: Public liability insurance.

3.6.2 Precautionary principle

3.6.3 Public trust doctrine

3.6.4 Sustainable development.

### **4. Water and Air Pollution.**

4.1 Meaning and Standards.

4.2 Culprits and victims

4.3 Offences and penalties.

4.4 Judicial approach.

### **5. Noise Pollution.**

5.1 Legal Control

5.2 Courts of balancing: permissible and impermissible noise.

## **6. Environment Protection**

- 6.1 Protection agencies: Power and functions.
- 6.2 Protection: means and sanctions
- 6.3 Emerging protection through delegated legislation
  - 6.3.1 Hazardous waste.
  - 6.3.2 Bio-medical waste.
  - 6.3.3 Genetic engineering.
  - 6.3.4 Disaster emergency preparedness
  - 6.3.5 Environment impact assessment.
  - 6.3.6 Coastal zone management
  - 6.3.7 Environment audit and eco mark
- 6.4 Judiciary: complex problems in administration of environmental Justice.

## **7. Forest and Greenery**

- 7.1 Greenery Conservation laws.
  - 7.1.1 Forest Conservation
  - 7.1.2 Conservation agencies.
  - 7.1.3 Prior approval and non-forest purpose
  - 7.1.4 Symbiotic relationship and tribal people.
  - 7.1.5 Denudation of forest : Judicial approach.
- 7.2. Wild Life Protection
  - 7.2.1 Sanctuaries and National parks.
  - 7.2.2 Licensing of zoos and National parks.
  - 7.2.3 State monopoly in the sale of wild life and wild life articles.
  - 7.2.3 Offences against wild life.

## **8. International regime**

- 8.1 Stockholm Conference
- 8.2 Green house effect and ozone depletion
- 8.3 Rio Conference
- 8.4 Bio- diversity
- 8.6 U.N. declaration on right to development
- 8.7 Wetlands.
- 9. Prevention of Cruelty to animals.

- 9.1 Animal Welfare Board
- 9.2 Cruelty to Animals generally
- 9.3 Experimentation on Animals
- 9.4 Performing animals.

**Select Bibliography:**

- 1 Armin Rosencranz, et.al.[eds.] Environmental Law and Policy in India, [2000], Oxford
- 2 R.B. Singh & Suresh Mishra, Environmental Law in India [1996], Concept Publishing Company, New Delhi.
- 3 Kailash Thakur, Environment Protection Law and policy in India [1997], Deep & Deep Publications, New Delhi.
- 4 Richard L. Riversz, et.al. [eds] Environmental Law, the economy and other sustainable Development [2000], Cambridge.
- 5 Christopher D. Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment [1996], Oceana.
- 6 Leelakrishnan, P. et.al.[eds] Law and Environment [1990], Eastern Lucknow
- 7 Leelakrishnan P. The Environmental Law in India [1999], Butterworth's, India.
- 8 Department of Science and Technology, Government of India Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection [1980] [Tiwari Committee Report]
- 9 Indian Journal of Public Administration, Special Number on Environment and Administration, JulySeptember 1988, Vol. XXXV No.3, pp, 353-801
- 10 Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-1985and The State of Indian Environment 1999-2000
- 11 World Commission on Environment and Development, our Common Future [1987], Oxford.
- 12 Maneka Gandhi, et.al Animal Laws of India [2001], Universal Law Publishing Company Private Ltd. New Delhi.



## **SEMESTER-VIII PAPER-XXVIII**

### **CORE AND COMPULSORY-XIX**

#### **FAMILY LAW-II**

#### **Credits: Theory-(6)**

Objectives of the Course The Course Structure is designed mainly with three objectives in view. One is to provide adequate theological perspective so that the basic concepts relating to family are expounded in their social being. The next objective is to give an overview of some of the current problems arising out of the traditional inequality's writ large in the various family concepts. The third objective to any law not merely as a separate system of personal laws based upon religions but as the one thing across the religious lines and eventually enabling us to fulfil the constitutional directive of uniform civil code. Such a restructuring would make the study of familial relations more meaningful.

#### **Unit No:**

#### **1 Alimony and Maintenance 20 Lectures**

Maintenance of neglected wives, divorced wives, minor children, disabled children and parents

who are unable to support themselves: Provisions under the Code of Criminal Procedure, 1973

Alimony and maintenance as an independent remedy: a review under different personal laws-need

for reforming the law

Maintenance of divorced Muslim women under the Muslim Women [Protection of Rights on Divorce] Act 1986: a critical review

#### **2. Child and the Family 15 Lectures**

Legitimacy

Adoption

Custody, Maintenance and education

Guardianship and parental rights- welfare of the child principle

#### **3. Family and its changing patterns 15 Lectures**

New emerging trends

Attenuation of family ties

Working women and their impact on spousal relationship: composition of family, status and role of women.

Processes of Social changes in India: Westernization, Secularization, Universalization, Modernization, Industrialization and Urbanization

#### **4. Establishment of Family Courts 15 Lectures**

Constitution, Power and functions

Administration of gender justice

#### **5. Uniform Civil Code- need for 15 Lectures**

Religious Pluralism and its implications

Connotations of the directive contained in Article 44 of the Constitution

Impediments to the formulation of the Uniform Civil Code

The idea of Optional Uniform Civil Code

#### **Select Bibliography:-**

1. Paras Diwan, Law of Intestate and Testamentary Succession [1998] Universal Delhi.
2. Basu N.D. Law of Succession [2000] Universal Delhi.
3. Kusum, Marriage and Divorce Law Manual [2000]
4. Machanda S.C. Law and Practice of Divorce in India [2000]
5. P.V. Kane, History of Dharmasastras Vol. 2 pt. 1 at 624-632 [1974]
6. A.Sivaramayyas, Inequalities and the Law[1985]
- 22
7. K.C. Daiya "Population Control through family Planning in India" Indian Journal of Legal Studies, 85 [1979]
8. J.D.M. Derrett, Hindu Law: Past and Present.
9. J. D. M Derrett, Death of Marriage Law.
10. A.A. Fyzee, Outline of Muhammadan Law, [1998]
11. Alladi Kuppaswami,[ed.] Mayne's Hindu Law and Usage, [1986]
12. J.D.M. Derrett, A Critique of Modern Hindu Law.[1970]
13. Paras Diwan, Hindu Law [1985]
14. S.T. Desai [ed.] Mulla's Principles of Hindu Law, [1998] Butterworth's India.
15. Paras Diwan, Family Law: Law of Marriage and Divorce in India,[1984]
16. A.M. Bhattacharjee, Muslim Law and the Constitution [1994] Eastern Law House,Kolkata.
17. A.M. Bhattacharjee, Hindu Law and the Constitution [1994] Eastern Law House, Kolkata

**PAPER: XXIII CORE AND COMPULSORY- XXI**  
**CONSTITUTIONAL LAW PAPER-I**

**Credits: Theory-(4)**

**Objectives of the Course**

India is a democracy and her Constitution embodies the main principles of the democratic Government how it comes into being, what are its powers, functions, responsibilities and obligations-how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution. The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social economic or political predictions. A student must, therefore, learn how various interpretations of the Constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law. Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law, the concept of secularism and federalism engraved in the constitution are, and are to be, interpreted progressively

**1. The Making of the Constitution**

- 1.1. Composition of the Constituent Assembly
- 1.2. Committees and Sub-Committees of the Constituent Assembly
- 1.3. Working of the Constituent Assembly
- 1.4. Commencement of the Constitution

**2. Salient Features of the Constitution**

**3. Preamble of the Constitution**

- 3.1. Preamble whether part of the Constitution.
- 3.2. Purpose of the Preamble
- 3.3. Preamble, limits on its amendment
- 3.4. Role of the Preamble

**4. Union and its Territory**

- 4.1. Name of the Union.
- 4.2. States and Union Territories
- 4.3. Admission, Establishment and Formation of New States.
- 4.4. Alteration of areas, boundaries and names of States.

## **5. Citizenship**

- 5.1 Meaning of Citizenship
- 5.2 Citizenship at the Commencement of the Constitution
- 5.3 Regulation of the right of Citizenship by Parliamentary Law
- 5.4 Acquisition of Citizenship and loss of Citizenship.

## **6. Fundamental Rights**

- 6.1 Definition of 'State'
- 6.2 Laws inconsistent with fundamental rights.
- 6.3 Right to Equality
- 6.4 Right to Freedom
  - 6.4.1 Rights Under Article 19
  - 6.4.2 Protection in respect of conviction of offences
  - 6.4.3 Protection of life and personal liberty
  - 6.4.4 Protection against arrest and detention
- 6.5 Right to Education
- 6.6 Right against Exploitation
- 6.7 Right to Freedom of Religion
- 6.8 Cultural and Educational Rights
- 6.9 Rights to Constitutional Remedies
- 6.10 Exceptions to Fundamental Rights - Article 31A, 31B, 31C.

## **7 Directive Principles of State Policy**

- 7.1 Directive Principles - directions for social change - a new social order
- 7.2 Fundamental Rights and Directive Principles – interrelationship
- 7.3 Constitutional amendments to strengthen Directive Principles
- 7.4 Reading Directive Principles into Fundamental Rights

## **8 Fundamental Duties**

- 8.1 The need and status of Fundamental Duties

## **9 President of India**

- 9.1 Election, Qualification, Impeachment
- 9.2 Powers of the President
- 9.3 Privileges and Immunities of the President
- 9.4 Position of the President in relation to Prime Minister

## **10 Vice-President of India**

- 10.1 Election, Qualification
- 10.2 Functions, Removal

## **11 Council of Ministers at the Union**

- 11.1 Appointment of Ministers
- 11.2 Collective Responsibility to the House of the People
- 11.3 Individual Responsibility to the President
- 11.4 Special position of the Prime Minister
- 11.5 Duties of Prime Minister

## **12 The Attorney General of India**

- 12.1 Appointment, Duties

## **13 The Governor**

- 13.1 Appointment, Term of Office
- 13.2 Powers of the Governor
- 14 Council of Ministers at the State level

## **15 The Advocate General**

- 15.1 Appointment, Qualification
- 15.2 Rights and Duties

## **SELECT BIBLIOGRAPHY:**

- 1 T. K. Tope : Constitution of India
- 2 G. Austin, History Democratic Constitution: The Indian Experience (2000) Oxford.
- 3 D.D. Basu, Shorter Constitution of India (1996), Prentice Hall of India, Delhi.
- 4 Constituent Assembly Debates Vol. 1 to 12 (1989)
- 5 H.M. Seervai, Constitution of India Vol. 1-3 (1992) Tripathi, Bombay.
- 6 M.P. Singh (ed) V.N. Shukla, Constitutional Law of India(2000) Oxford
- 7 G. Austin, Indian Constitution: Corner Stone of a Nation.(1972)
- 8 M. Galanter. Competing Equalities - Law and the Backward Classes in India (1984) Oxford.
- 9 B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.

## **CORE AND COMPULSORY-XV**

### **CONSTITUTIONAL LAW – II**

**Credits: 4**

#### **Objectives of the Course**

India is a democracy and her Constitution embodies the main principles of the democratic Government how it comes into being, what are its powers, functions, responsibilities and obligations-how power is limited and distributed. Whatever might have been the original power base of the Constitution, today it seems to have acquired legitimacy as a highest norm of public law. A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions is, therefore, absolutely necessary for a student of law. He must also know the genesis, nature and special features and be aware of the social, political and economic influence on the Constitution. The purpose of teaching constitutional law is to highlight its never-ending growth. Constitutional interpretation is bound to be influenced by one's social, economic or political predictions. A student must, therefore, learn how various interpretations of the Constitution are possible and why a significant interpretation was adopted in a particular situation. Such a critical approach is necessary requirement in the study of constitutional law. Judicial review is an important aspect of constitutional law. India is the only country where the judiciary has the power to review even constitutional amendments. The application of basic structure objective in the evaluation of executive actions is an interesting development of Indian constitutional law, Pari passu the concept of secularism and federalism engraved in the Constitution are, and are to be, interpreted progressively.

#### **Unit No:**

#### **Total Theory Lectures-80**

#### **1. The Parliament**

**5 Lectures**

Functions of Parliament

Composition

Duration of Houses

Sessions of Parliament

Qualification and Disqualification for Members

Speaker and Deputy Speaker; Chairman and Deputy Chairman

Powers, Privileges and Immunities of Parliament and its Members

Legislative Procedure

Ordinary Bill

Money Bill

Financial Bill

Joint Sitting of Both Houses

Financial Legislation

Position of the Council of States as compared to the House of the People

## **2. The State Legislature**

**4 Lectures**

Creation and abolition of the Legislative Council

Legislative Assembly and Legislative Council

Composition, Duration

Qualification and Disqualification for Membership

Legislative Procedure

Legislative Council compared with Council of States

## **3. The Supreme Court**

**5 Lectures**

Constitution of the Supreme Court

Judges

Appointment, Qualification

Tenure, Impeachment

Independence of the Judges

Multifarious Role of the Supreme Court

Jurisdiction

Original

Appellate

Special Leave to Appeal

Advisory

Writ

## **4. High Court**

**4 Lectures**

Constitution of the High Court

Judges

Appointment, Qualification and Removal

Independence of the Judges

Transfer

Jurisdiction

Original

Appellate

Writ

Power of Superintendence

**5. Subordinate Courts** **3 Lectures**

**6. Comptroller and Auditor General of India** **3 Lectures**

Appointment, Removal

Duties and Powers

Conditions of Service

**7. The Union Territories** **3 Lectures**

**8. The Panchayats** **3 Lectures**

**9. The Municipalities** **3 Lectures**

**10. Nature of the Federal System** **4 Lectures**

Essential Features of Federal Polity

Indian Federalism: Peculiar Features

**11. Relations between the Union and the States** **10 Lectures**

Distribution of Legislative Powers

Administrative Relations

Distribution of Revenues between Union and the States, other Financial provisions and

Borrowing by Government of India and States

**12. Emergency Provisions** **4 Lectures**

National Emergency under Article 352

Failure of Constitutional Machinery in States

Financial Emergency

Effects of proclamations of various kinds of Emergencies

**13. Amendment of the Constitution** **5 Lectures**

Procedure for Amendment

Amendability of Fundamental Rights

‘Basic Structure’ doctrine

**14. Freedom of Trade, Commerce and Intercourse** **5 Lectures**

Parliament’s Power to regulate trade and commerce

State’s Power to regulate trade and commerce



**15. Services under the Union and the States****6 Lectures**

Recruitment and conditions of service of persons serving the Union or a State

Tenure of office of persons serving the Union or a State

Dismissal, Removal and reduction in rank of civil servants

All India Services

Public Service Commission

Public Service Commissions for the Union and the States

Appointment and Terms of Office of Members

Independence of Public Service Commissions

Functions of Public Service Commissions

Report of Public Service Commissions

**16. Elections****4 Lectures**

Election Commission

Functions of Election Commission

Adult Suffrage

Bar to interfere by Courts in electoral matters

**17. Special Provisions relating to certain classes****4 Lectures**

Scheduled Castes and Scheduled Tribes

Anglo-Indians

Backward Classes

**18. Miscellaneous****5 Lectures**

Right to Property

Tribunals

Suits and Proceedings by or against the Government of India and the Government of the State

**SELECT BIBLIOGRAPHY:**

1. T.K.Tope:ConstitutionofIndia
2. G.Austin,HistoryDemocraticConstitution:The IndianExperience (2000) Oxford
3. D.D. Basu, ShorterConstitution of India (1996), Prentice Hall of India, Delhi
4. ConstituentAssemblyDebatesVol. 1 to 12 (1989)
5. H.M. Seervai,Constitution of India Vol. 1-3 (1992) Tripathi, Bombay
6. M.P.Singh (ed)V.N.Shukla,ConstitutionalLawofIndia (2000)Oxford

7. G. Austin, Indian Constitution: Corner Stone of a Nation. (1972)
8. M. Galanter. Competing Equalities- Law and the Backward Classes in India (1984),  
Oxford
9. B. Sivaramayya, Inequalities and the Law (1984) Eastern, Lucknow.
10. S.C. Kashyap, Human Rights and Parliament (1978) Metropolitan, New Delhi

**PAPER NO- XXVII- DISCIPLINE SPECIFIC ELECTIVE- V**

**B) HEALTH LAW  
(OPTIONAL PAPER – B)  
CREDITS THEORY- 4**

**OBJECTIVES OF THE COURSE**

Health is a basic human right. It is declared as “Fundamental human right”, Hence it is basic Responsibility of the state to protect and promote the health of the Population under its jurisdiction. Public health has not received due attention in legal studies. In the era of globalization and increased awareness of the people, it is now necessary to know the various existing laws in respect of health.

Keeping this in mind, the following syllabus is prepared to study legal aspects of health.

UNIT NO.	TOTAL THEORY LECTURES-80
<b>1. INTRODUCTION</b>	<b>12 Lectures</b>
1.1 Right to health- International perspective	
1.2 Role of WHO	
1.3 Health as a human Right	
1.3.1 Constitutional perspective	
1.3.1.1 Fundamental Rights (Art-21 & 24)	
1.3.1.2. Directive principles of state policy (Art- 41,42)	
1.3.1 3. Fundamental Duties.(Art 51A(g)	
1.4 Regulation of Public Health & Private Health	
<b>2 HEALTH: LEGISLATIVE PERSPECTIVE</b>	<b>18 Lectures</b>
2.1 Constitutional perspective (Article 21, VII Schedule)	
2.2 Legislations relating to public health- Object, salient features of the Acts regarding health	
2.2.1 Drugs and cosmetic Act, 1940	
2.2.2 Environment protection Act-1986.	
2.2.3 Epidemic Diseases Act, 1925	
2.2.4 Indian Penal Code, 1860	
2.2.5 Insecticides Act, 1968	
2.2.6 Maternity benefits Act, 1961	
2.2.7 Medical termination of Pregnancy Act, 1971	
2.2.8 Mental health Act, 1987	

- 2.2.9 Narcotic drugs and Psychotropic substance, Act-1985
- 2.2.10 Poisons Act, 1919
- 2.2.11 Pre-Natal Diagnostic techniques (Regulation and prevention of misuse) Act, 1994
- 2.2.12 Prevention of food adulteration Act, 1954

### **3 INTER RELATION OF LAW AND HEALTH**

**15 Lectures**

- 3.1 AIDS and the law.
- 3.2 Organ transplantation
  - 3.2.1 Transplantation of Human organs Act-1994 and rules 1995.
- 3.3 Health relating to children
- 3.4 Health relating to women –

### **4 MEDICAL PROFESSION, PATIENT AND THE LAW**

**15 Lectures**

- 4.1 Doctor and patient relationship
- 4.2 Medical negligence (Sec-304-A of I.P.C.) and medical malpractices.
- 4.3 Consent and Informed Consent.
- 4.4 Confidentiality
- 4.5 Duty to take care and duty to treat
- 4.6 Indian enactments on ethical obligation
  - 4.6.1 Medical Council Act, 1956 and code of medical ethics 1972
  - 4.6.2 The Dentist Act, 1984 and Dentist code of Medical Ethics Regulation, 1976.
  - 4.6.3 The Homeopathy Central Council Act, 1973 and Homeopathic practitioner (Profession Conduct, Etiquette and Code of Ethics) Regulation, 1982.
  - 4.6.4 The Indian Nursing Council Act. 1947.
- 4.7 Euthanasia- Marcy killing- role of Doctor
- 4.8 Patient rights.

### **5 HOSPITAL ADMINISTRATION**

**20 Lectures**

- 5.1 Legal Regulation of Medical establishment – Registration.
- 5.2 Management of Hospital and legal Regulations
- 5.3 Professional liability of Hospitals
  - 5.3.1 Civil liability –Tort
  - 5.3.2 Criminal liability-Indian Penal Code.
  - 5.3.3 Contractual liability
  - 5.3.4 Statutory liability -consumer protection Act,1986
- 5.4 Medical waste disposal
  - 5.4.1 Bio Medical waste (Management and handling) rules 1998
- 5.5 Health Insurance and Law.

## SELECT BIBLIOGRAPHY

1. Barnard knight, *American medical Practice*, [1992], Churchill Livingstone, London
2. Bridgit Diamond, *Legal Aspect of Care in the Community*, (1997), Macmillan Press Ltd., London
3. David P.Filder, *International Law and Infection Diseases*, [1999], ClaredonPrss, Oxford.
4. Diane Longely, *Health Care Constitution*, [1996], Cavendish Publishing Ltd., London
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6. J.K. Mason and R.A. Mc call Smith , *Law and Medical Ethics*, [1991], Butterworths, London
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9. Bakshi P.M. *Law and medicine*, [1993], UP Institute of Judicial Training and Research, Lucknow
10. Robert D. Miller and Rebecca C. Hutton, *Problems in Health Care Law*, [2000], Apen Publication, Maryland
11. Sally Sheldon and Michel Thomson (Eds.), *Feminist Perspectives on Health Care University Press*, [1998], Cavendish Publishing Ltd., London
12. Conventions-European Convention on Human Rights
  - ii. European Convention on Human Rights and Biomedicine of the Council of Europe
  - iii. European Social Charter.
  - iv. International Covenant on Civil and Political Rights.
  - v. International Covenant on Economical, Social Cultural Rights.
13. Reports-*Health for All: An Alternative Strategy*, Compiled by ICSSR & ICMR, New Delhi: Indian Institute of Education, 1981.
  - ii. The World Health Report 1999: Making a Difference, Delhi, Delhi, Bookwell, 1999.
14. Websites
  - i. [www.bmj.com](http://www.bmj.com)
  - ii. [www.hri.ca](http://www.hri.ca)
  - iii. [www.thelancet.com](http://www.thelancet.com)
  - iv. [www.who.org](http://www.who.org)

**PAPER NO- XXVIII - DISCIPLINE SPECIFIC ELCTIVE – VI**

**A) WOMEN AND CRIMINAL LAW**

**(OPTIONAL PAPER – A)**

**CREDITS THEORY- 4**

**OBJECTIVES OF THE COURSE**

Object of the course is to explain all categories of crimes, which are committed against women; students are required to study this aspect in a socio-legal position of women India, which is affected by the male dominated system. Constitution of India also provided several safeguards to the women those safeguards are needs to understand in a contemporary scenario. The elimination and decreasing number of girl child poses serious questions before the Indian society, this social evil need to curb with stringent laws. Increase of crime against women is a Changing scenario and challenge before the criminal justice administration system. Students are required to study the problems of woman in the area of implementation of the criminal Justice administrative system.

UNIT NO.	TOTAL THEORY LECTURES-80	
<b>1. POSITION OF WOMEN IN INDIA</b>		<b>8 Lectures</b>
1.1 Pre independence period		
1.2 Post- Independence Period		
1.2.1 Constitutional protection to women		
1.2.1.1 Preamble		
1.2.1.2 Fundamental rights , Directive principal is of State policy		
1.2.1.3 National Commission of women Act, 1990		
<b>2. CRIMES AGAINST WOMEN</b>		<b>8 Lectures</b>
2.1 Status of women and crime		
2.2 Theories of female criminality		
2.3 Nature and causes of female crimes		
<b>3. SEXUAL WRONGS AGAINST WOMEN</b>		<b>8 Lectures</b>
<b>3.1 The protection of women against sexual harassment at work at place Act, 2007</b>		
<b>3.2 Indian Penal Code.</b>		
3.2.1 Outraging the modesty of women S- 354,509.		
3.2.2 Rape Custodial, gang, marital S.375		
3.2.3 Sexual abuse of Children Sec-376		
3.2.4 Un-natural offences S-377		
3.2.5 Prostitution – Sec-372,373		
3.2.6 Immoral Traffic Prevention Act-1956.		

**4. SEX DETERMINATION ABORTION: MEDICO- LEGAL ASPECTS 8 Lectures**

4.1 Pre-natal Diagnostic Techniques (Regulation and prevention of misuse) Act,1994

4.2 Medical Termination of Pregnancy Act,1971

4.3 Causing of Miscarriage of Injuries to Unborn Children IPC S.-312 to 314

**5. DOWRY AND DOWRY RELATED CRIMES 8 Lectures**

5.1 Dowry Prohibition Act, 1961

5.2 Indian Penal Code

5.3 Dowry Death (Sec 304B)

5.4 Cruelty against Married Woman (Sec 498-A)

5.5 Abetment of Suicide (Sec 306)

**6. KIDNAPPING AND ABDUCTION- S.-366, 366-A, 366-B OF IPC 5 Lectures**

**7. EVE- TEASING 5 Lectures**

7.1 Indecent Representation of women (Prohibition) Act, 1986

**8. WIFE BATTERING 8 Lectures**

8.1 Protection of women from domestic violence

8.2 Domestic Violence Act, 2005

**9. OFFENCE AGAINST MARRIAGE- S. 493 TO 498 OF I.P.C 7 Lectures**

9.1 Bigamy

9.2 Adultery

9.3 Honor killings

**10. PRACTICE OF SATI 7 Lectures**

**10.1 Commission of Sati Prevention Act, 1987, Rules of 1988**

**11. CYBER CRIMES AGAINST GIRLS AND WOMEN 8 Lectures**

**11.1 Information Technology Act, 2008**

**SELECT BIBLIOGRAPHY**

1. Jain M.P., *Indian Constitutional law, third ed*(2008), Lexis Nexis, Butterworth's Wadhawa, Nagpur.
2. Sharma Rashmi, *Women Law and Judicial System*, [2009], Regal Publication, New Delhi.
3. PurviRamakant, *Handbook on Criminology*, [2006] Dominant Publishers and Distributors, New Delhi.
4. BhosaleSriti A. *Female Crime in India* (Theoretical perspectives of crime), [2009], Kalpaz Publication, Delhi.
5. RaoMamta., *Law Relating to Women and Children*, [2005], Eastern Book Company, Lucknow
6. Gour K.D. , *A Textbook on Indian Penal Code*, [2006], Universal law Publishing Co. Pvt. Ltd., Lucknow
7. Ratanlal and Dhirajlal, *The Code of Criminal Procedure*, [2006], Lexis Nexis, ButterworthsWadhawa, Nagpur. 24
8. Tripathi S.C. and VibhaArora , *Law Relating to Women and Children Law , third ed*[12008], Central Law Publications, Allahabad

**(DISCIPLINE SPECIFIC ELECTIVE-II)****A) GENDER JUSTICE AND FEMINIST JURISPRUDENCE****Credits: 4****OBJECTIVES OF THE COURSE.**

The need to study gender justice as a special subject is because the constitutional guarantees have not achieved the necessary results. The Constitution guarantees equality of status and opportunity and no discrimination *inter alia* on ground of sex. These fundamental rights did not preclude having special provisions for women.

The Planners and the policy makers therefore treated women only as beneficiaries of welfare measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them in to the mainstream.

Reality after all these years showed that the trickle down theory of development had not affected the large majority of women.

Equal opportunity guaranteed under the Constitution had in the unorganized sector and who were deprived of all the benefits given to women workers under the various labour laws. No discrimination had meant that only 994 women held senior management/administrative posts as against 15,993 in similar jobs. In all India Services women constituted only 5.8% .

By the 6<sup>th</sup> plan it had been realized that special efforts needed to be made to integrate the women into the development process. The Plan therefore for the first time had a chapter devoted to women and development.

The course will concentrate on gender perspectives and study how the legal provisions continue the considerable bias and help in the continuance of the patriarchal values, which have been a part of our society.

The following syllabus prepared with this perspective will be spread over a period of two semesters.

**Total Theory Lectures-80****Unit No:**

- |  |                    |
|--|--------------------|
| <b>1. Women in Pre-Independence India</b>  | <b>5 Lectures</b>  |
| Social and legal inequality.   |                    |
| Social Reform movement in India.   |                    |
| Karachi Congress- Fundamental Rights Resolution, Equality of sexes.  |                    |
| <b>2. International Conventions</b>  | <b>10 Lectures</b> |
| Article of Universal Declaration of Human Rights.  |                    |
| The 1952 Convention on Political Rights of Women.  |                    |
| The 1979 Convention on the abolition of all Forms of Discrimination against women.                                 |                    |
| <b>3. Women in Post-Independence India</b>   | <b>9 Lectures</b>  |
| Preamble of the Constitution – Equality provisions in Fundamental Rights and Directive Principles of State Policy. |                    |
| Negative Aspects of the Constitution- Exploitation of Sex not mentioned in Article -23.                            |                    |
| Different personal laws-unequal position of Women.   |                    |
| Uniform Civil Code towards gender justice.   |                    |
| Indian tradition and family ideology: growth of feminism.  |                    |
| <b>4. Sex Inequality in Inheritance Rights</b>   | <b>10 Lectures</b> |
| Continuance of Feudal Institution of Joint family-women's inheritance position.                                    |                    |
| Hindu Law- Right of inheritance by birth for sons/not for daughter.  |                    |
| Muslim Law.  |                    |
| Matrimonial Property.  |                    |
| Movement towards uniform Civil Code.   |                    |
| <b>5. Guardianship</b>   | <b>5 Lectures</b>  |
| Right of women to adopt a child.   |                    |
| Problems of women in guardianship.   |                    |



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|---|-------------------|
| <b>6. Divorce</b><br>Christian Law-discriminatory provision.<br>Muslim Law –Inheritance and divorce.  | <b>5 Lectures</b> |
| <b>7. Criminal Law</b><br>Adultery.<br>Rape and Custodial Rape.<br>Dowry Death.<br>Cruelty to married women.<br>Domestic Violence.<br>Female Infanticide.   | <b>9 Lectures</b> |
| <b>8. Social Legislation</b><br>Dowry Prohibition.<br>Preventions of Immoral Traffic.<br>Marriage Registration.   | <b>9 Lectures</b> |
| <b>9. Women and Employment</b><br>Labour force.<br>Laws to protect women.<br>Non-implementation of protective labour legislation<br>Maternity Benefits Act.<br>Factories Act.<br>Equal Remuneration Act<br>Exploitation and harassment in workplaces. | <b>9 Lectures</b> |
| <b>10. Protection and enforcement agencies</b><br>Courts.<br>Family Courts.<br>Human Rights Commission<br>Commission for women.<br>Non-Governmental Organization.   | <b>9 Lectures</b> |

### **SUGGESTED READINGS**

1. Sivaramayya, B, Matrimonial property Law in India(1998),Oxford.
2. Prtricia Smith(Ed), Feminist Jurisprudence (1993) Oxford.
3. 42<sup>nd</sup> Report Law Commission Dissenting Note Anna Chandy on provision of adultery p-366.
4. Towards Equility – Report of the committee on the Status of Women. (Govt. of India ) Chapters IV & Section IV: General Conclusions & Recommendations
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8. Law Commission of India, One Hundred and fifty –Fifth Report on the Indian penal Code,1860(1997)
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14. Manjula Batra. Women and Law.(2001) Allahabad Law Agency.

**MAJOR JUDGMENTS**

- 1 Pralhad Saran Gupta V/s Bar Council of India & another, AIR 1997,SC, 1338
- 2 Hikmat Ali Khan V/s Ishwar Prasad, AIR, 1997,SC, 864
- 3 V.P. Kumarvelu V/s B.C.I., A.I.R. 1997, SC 1014
- 4 P.D. Gupta V/s Ram Murthy, AIR, 1988, SC, 283
- 5 In Re.V.C. Mishra, AIR 1995, SC 2348
- 6 Supreme Court Bar Association V/s Union of India, AIR, 1988 SC 1895
- 7 U.P.Sales Tax Service Association V/s Taxation Bar Association, Agra AIR 1996, SC 98
- 8 John D'souza V/s Edward Ani, AIR, 1994, SC 975
- 9 Dalal, D.S. V/s State Bank of India, AIR, 1993, CRLJ, 1478
- 10 Mr. Roma Banerji V/s Ushapati Banerji, AIR 1958, CRLJ, 1478

The above course will be taught in association with practicing lawyers. The senior member of Bar may be invited to give lectures on professional ethics.

**The paper will comprise of**

- 1) **Written Examination:** 70 marks.
- 2) Extensive Program and Viva Voce: 30 Marks
  - a) Student has to prepare and submit record relating to selected opinions and major judgments in the subject: 20 Marks.
  - b) **Viva Voce:** 10 Marks

**Bibliography-**

1. *Professional Ethics of the Bar* by C.L.Anand.
2. *General Principles of Legal Ethics* by C.L.Anand
3. *Law of Contempt* by Narayana P.S. Asia Law House Hyderabad.

**ABILITY ENHANCEMENT COURSE –II  
ALTERNATE DISPUTE RESOLUTION:  
CLINICAL COURSE)**

**Credits: 4**

**Objectives of the Course:-**

Traditional justice delivery system is gradually losing its efficacy due to ever increasing pendency of Cases requiring other mechanism. The settlement of disputes through the Alternate Dispute Resolution is considered as one of the effective, cheap and time saving method in modern 21<sup>st</sup> century. The system of settlement of disputes through Arbitration has been in existence in India since 1940. However the Indian Government enacted the Arbitration and Conciliation Act 1996 on the basis of UNCITRAL model on Arbitration. This Act provides Alternate Dispute Resolution including Arbitration, Conciliation and International Commercial Arbitration. This paper will be taught through the class instruction, Simulation exercises and case studies conducted by senior Legal Practitioners.

This paper consists of two parts. Part-A & Part- B. Each part will carry 50 marks and treated as separate head of passing. Part-A consists of theoretical (written) examination. Part-B consists of Simulation exercises dealing with Arbitration and Conciliation with its procedure and practice.

**Part-A**

**Total Theory Lectures-8**

**Unit No:****1.Arbitration**

**15 Lectures**

Meaning and Historical Perspective

- General Principles governing Arbitration  
Types of Arbitration  
Rules of Guidance in Arbitration  
Practice and Procedure  
Arbitration agreement, Tribunal and Award  
Appeal and Revision
- 2. Negotiation** **5 Lectures**  
Meaning and Importance  
Practice and Procedure  
Principles governing Negotiation  
Bipartite Negotiation
- 3. Conciliation** **10 Lectures**  
Meaning and Importance of Conciliation  
Appointment of Conciliator  
Conciliator to act as a facilitator  
Independence and Impartiality  
Procedural Techniques  
Comparison of Arbitration and Conciliation  
UNCITRAL Conciliation Rules
- 4. International Arbitration** **15 Lectures**  
Meaning of International Commercial Arbitration  
Foreign Arbitral Awards  
New York Convention awards  
Geneva Convention awards  
Procedure for enforcement of foreign Arbitral Awards
- 5. Lok Adalat** **15 Lectures**  
History and Importance of Lok-adalat  
Cases taken up under Lok-adalat  
Legal Services Authorities Act, 1987  
Permanent Lok Adalat
- PART B**
- 6. Extensive Programme- Simulation Exercises& VivaVoce 30 Marks** **20 Lectures**  
a) Arbitration and Negotiation Skills: 10 Marks.  
Each student has to attend at least two simulation exercises and should  
Maintain record of the same  
b) Conciliation and International arbitration Skills: 10 Marks  
Each student has to attend at least two simulation exercises and should maintain  
record of the same  
c) 10 marks will be for *VIVA-VOCE* examination
- Select Bibliography**
1. Markanda. P.C. *Law relation to Arbitration and Conciliation (1998)* Universal B.P. Saraf and M. Jhunjhunuwala, *Law of Arbitration and Conciliation (2000)*, Snow white, Mumbai
  2. Gerald R. William (ed.), *The New Arbitration and Conciliation Law of India Council of Arbitration (1998)*, New Delhi
  3. A.K. Bansal, *Law of International Commercial Arbitration (1999)*, Universal, Delhi
  4. P.C. Rao & William Sheffield, *Alternative Disputes Resolution- What it is and How it works? (1997)* Universal, Delhi
  5. G.K. Kwatra, *The Arbitration and Conciliation Law of India (2000)*, Universal, Delhi
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  7. Johari, *Commentary on Arbitration and Conciliation Act 1996 (1999)* Universal, Delhi
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