UNIVERSITY OF MADRAS

DEGREE OF MASTER OF LAW (M.L.) (PRIVATE STUDY)

(NON-SEMESTER)

BRANCH VI – HUMAN RIGHTS AND ENVIRONMENTAL LAW

REVISED REGULATIONS

(w.e.f. 2015-2016)

1. ELIGIBILITY FOR ADMISSION

Admissions are open to persons all over India. The minimum qualification for admission is 3 year BL or LL.B, 5 year BL or LL.B from any recognized University accepted by the Syndicate as the equivalent thereto.

2. DURATION OF THE COURSE.

The duration of the course will be 2 years under the non-semester pattern.

3. MEDIUM OF INSTRUCTION AND EXAMINATION

The medium of instruction and Examination will be English only.

4. COURSE OF STUDY

The course of study for the ML Degree shall consist of 10 theory papers and a Dissertation.

5. SCHEME OF EXAMINATIONS

<table>
<thead>
<tr>
<th>Paper</th>
<th>Title</th>
<th>Hours</th>
<th>Marks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paper-I</td>
<td>Constitutional New Challenges</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-II</td>
<td>Research Methodology and Legal Education</td>
<td>3</td>
<td>100</td>
</tr>
<tr>
<td>Paper-III</td>
<td>Introduction to International Law and Institutions</td>
<td>3</td>
<td>100</td>
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<td>Paper-IV</td>
<td>History and Development of Human Rights</td>
<td>3</td>
<td>100</td>
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<td>Paper-V</td>
<td>Introduction to Environmental Law.</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper -VI</td>
<td>Introduction to Human Rights Law</td>
<td>3</td>
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<tr>
<td>Paper-VII</td>
<td>Human Rights Law in India</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-VIII</td>
<td>Environmental Law in India</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-IX</td>
<td>Judicial Process</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-X</td>
<td>Law and Social Transformation</td>
<td>3</td>
<td>100</td>
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<tr>
<td>Paper-XI</td>
<td>Dissertation and Viva-voce</td>
<td>3</td>
<td>150 + 50</td>
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**Personal Contact Programme**

Compulsory P.C.P Classes will be conducted every year for a period of 10 days only at Chennai.

**Examination**

Examination will be conducted at the end of I year and II year (June). Supplementary Examination will be conducted in December.

**Eligibility to appear for Theory Examination**

Only if a candidate attends the P.C.P Classes. He/She is eligible to appear for the Theory Examination.

**Dissertation and Viva**

<table>
<thead>
<tr>
<th>Component</th>
<th>Marks</th>
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<tbody>
<tr>
<td>Dissertation and Viva</td>
<td>200</td>
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<tr>
<td>Dissertation</td>
<td>150</td>
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<tr>
<td>Viva</td>
<td>50</td>
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</tbody>
</table>

Viva will be conducted only in the Department of Legal Studies, University of Madras, Chennai

**6. PASSING MINIMUM**

A candidate shall be declared to have passed in each paper / subject, if he / she secure Not Less than 50% of the marks prescribed for the examination.
7. CLASSIFICATION OF SUCCESSFUL CANDIDATES

Successful candidates passing the whole examinations and securing the marks (i) 60 percent above (ii) 50 percent and above but below 60 percent in the aggregate of the marks prescribed for the course shall be declared to have passed the examination in the FIRST and SECOND class respectively.

8. PATTERN OF QUESTION PAPER

Answer any five Questions out of 8 (5 x 20 = 100)

9. ELIGIBILITY TO GUIDE

A Full-Time Law Teacher/Lecturer working in any Law College/University Department and who has put in a minimum of 2 years teaching experience is eligible to guide.

Such guide who is working in a Law College and who is not a Ph.D recognized guide can guide only a maximum of 5 Dissertations in an academic year.

A Part-Time Law Teacher/Lecturer working in a Law College and who has put in a Minimum of 10 Years Teaching Experience is eligible to guide. Such Part-Time Law Teacher/Lecturer can guide only a maximum of 3 Dissertations in an academic year.

A University Law Faculty who is a recognised Ph.D. Guide can guide only a maximum of 10 Dissertations in an academic year.
PAPER – I

INDIAN CONSTITUTIONAL LAW THE NEW CHALLENGES

UNIT I - FEDERALISM:


UNIT II - FUNDAMENTAL RIGHTS

'State'-Need for widening the definition in the wake of liberalization - Right to equality: Privatization and its impact on affirmative action - Empowerment of Women - Religious freedom – Secularism - right of minorities to establish and administer educational institutions of their choice- Freedom of speech and right to broadcast and telecast- Information Technology-Internet- Cyber defamation- Privacy and Electronic Media.

UNIT III- DIRECTIVE PRINCIPLES OF STATE POLICY


UNIT IV- THE LEGISLATURE AND EXECUTIVE


UNIT V- THE JUDICIARY

Jurisdiction of Supreme Court and High Court- Power- function and contemporary developments, Power of judicial review- Subordinate Judiciary-appointment - Compensation jurisprudence- Right to education - Commercialisation of education and its impact - Brain drain by foreign education market- Judicial autonomy and independence, accountability- Judicial Self Restraint.
PRESCRIBED BOOKS:

- Granville Austin, Working a Democratic Constitution, Oxford University Press
- H.M. Seervai, Constitutional Law of India, Universal Law Publishing Co
- M.P. Jain, Indian Constitutional Law, Lexis Nexis Butterworth
PAPER II - RESEARCH METHODOLOGY & LEGAL EDUCATION

UNIT I
Meaning of Research- Legal research, Scientific Method Kinds of Research: Socio-legal research, Doctrinal and non-doctrinal research, Quantitative and Qualitative research & Relevance of empirical research.

UNIT II
Formulation of research problem - Tools and techniques of data collection-Use of questionnaire and interview- Use of case study-Jurimetrics

UNIT III
Sampling procedure-design of sample, types of sample to be adopted- Classification and tabulation of data- Analysis of data- Art of thesis writing.

UNIT IV
Legal Education - Objectives of Legal Education - Lecture Method of Teaching - Merits and demerits - The Problem Method – Discussion method and its suitability at postgraduate level teaching - The Seminar Method of teaching - Examination system and problems in evaluation - external and internal assessment- Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers

UNIT V
Clinical legal education - legal aid, legal literacy, legal survey and law reform- Technology and Legal education-formal and informal legal education- Case study method- Head note writing-case Comments.

PRESCRIBED BOOKS:

- Blackstone Press Limited, London, S.K.Agrawal (ed.), Legal Education in India (1973), Tripathi, Bombay,
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978), Pauline V.Young, Scientific Social Survey and research, (1962)
• S.K. Verma & M. Afzal Wani, Legal research and Methodology, Indian Law Institute, Delhi-2006.
• C.R. Kothari, Research Methodology, New Age International Publishers, Delhi.
PAPER - III - INTRODUCTION TO INTERNATIONAL
LAW AND INTERNATIONAL INSTITUTIONS

UNIT-I INTRODUCTION
Evolution of international law - Sources -Treaties, Customs, General Principles of Law, Judicial decisions and opinion of the publicists - Other, source of law International Law and Municipal Law - Relationship between international law and municipal- law –Practice of UK, USA & India – Application of international law in the municipal sphere.

UNIT-II JURISDICTION

UNIT-III SOVEREIGNTY
Meaning of Sovereign Immunity-Immunity of States-Immunity of State Organs and Property - State Responsibility - General Principles - Responsibility for injuries to alien’s - Territory - loss and Acquisition of territory

UNIT-IV UNITED NATIONS

UNIT-V OTHER INSTITUTIONS
PRESCRIBED BOOKS

- Ian Brownlie, Principles of Public International Law, Oxford University Press.
- Oppenheim’s International Law, 9th Edn, Pearson Education Ltd
- Starke’s International Law, -I.A.Shearer, Oxford University Press
- David Harris, Cases and Materials on International Law, Sweet & Maxwell publication.
- Philippe Sands Q.C and Pierre Klein, Bowett’s Law of International Institution, Sweet & Maxwell publication.
- S.K. Kapoor, International Law and Human Rights, Central Law Agency’
UNIT I - HUMAN RIGHTS IN HISTORY
Human Rights as practiced in the ancient civilizations of India, China, Egypt and Greek – Human Rights in Vedas, Sangam Tamil literature and Asoka’s edicts – Cyrus Cylinder and Ten commandments

UNIT II - HUMAN RIGHTS IN RELIGION
Hinduism, Buddhism, Islam and Christianity on Human Rights and values - Practice of religious laws to protect human rights of elders, children and women

UNIT III - HUMAN RIGHTS PROTECTION THROUGH LEGAL AND POLITICAL MECHANISMS
Magna Carta, English Bill of Rights and Habeas Corpus Act in UK – French Declaration – US Declaration of Independence and Bill of Rights

UNIT IV - DEVELOPMENT OF INTERNATIONAL HUMAN RIGHTS

PRESCRIBED BOOKS:

- Dr.U.Chandra – Human Rights, Allahabad Law Agency Publications
- Paras Diwan – Human Rights and Law Universal Publication
- K.C. Joshi, International Law & Human Rights
- Ian Brownlie Guy S.Goodwin , Basic Documents on Human Rights
- R.P. Anand, Salient Documents on International Law
PAPER V- INTRODUCTION TO ENVIRONMENTAL LAW

UNIT I - INTRODUCTION

Introduction to Ecology and Environmental Law - Factors responsible for environmental Pollution – Transboundary Pollution - Socio and Economic Impacts of Environmental Pollution – Civil Society/Non-Governmental Organisation (NGO) and Environmental Management

UNIT II - CONCEPTS AND PRINCIPLES


UNIT III - UNITED NATIONS AND ENVIRONMENT


UNIT IV - INTERNATIONAL INSTITUTIONS AND ENVIRONMENT


UNIT V - DISPUTE SETTLEMENT AND REMEDIES


PREScribed BOOKS:

- P. Leelakrishnan, Environmental Law in India, Butterworths
- S. Shanthakumar, Environmental Law – An Introduction, Butterworths
- Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India, Oxford
- N. Maheswaraswamy, Law relating to Environmental Pollution and Protection
- Jaiswal, Environmental Law
PAPER VI – INTRODUCTION TO HUMAN RIGHTS LAW

UNIT I - DEFINITION, MEANING AND SCOPE OF HUMAN RIGHTS


UNIT II - INTERNATIONAL BILL OF RIGHTS AND CORE INSTRUMENTS

Legal status of UDHR, ICCPR, ICESCR and additional protocols – UN core conventions relating to Children, Women, Racial Discrimination, Disabled and Migrant Labour - Human Rights monitoring under treaty systems – Refugee law – Abolition of Death Penalty

UNIT III - INTERNATIONAL PROTECTION OF HUMAN RIGHTS


UNIT IV - REGIONAL DEVELOPMENTS

Regional Human Rights mechanisms in Europe, Africa and Americas – Reasons and significance of regional mechanisms – Influence of regional mechanisms at international and municipal level

UNIT V - NATIONAL HUMAN RIGHTS

Influence and importance of national Constitutions and legislation to protect Human Rights (US, UK, Germany and France)

Human Rights issues in European countries, United States and developed world - Human Rights issues in India, Pakistan, Srilanka and other Afro-Asian countries

PRESCRIBED BOOKS:

- Julius Stone, Human Law and Human Justice
- Michael Haas, International Human Rights Law
- Raphael D.D., Macmillan, Human Rights old and new
- S.K.Kapoor, International Law and Human Rights,
- Manoj Kumar Sinha, Implementation of Basic Human Rights
PAPER VII – HUMAN RIGHTS LAW IN INDIA

UNIT I - HUMAN RIGHTS AND CONSTITUTION

UNIT II - EQUALITY AND DIGNITY

UNIT III - VULNERABLE GROUPS AND THINGS
Disabled – Aged – Minorities (linguistic, religious and sexual) – Various commissions and legislations to protect minorities – Poverty and Beggary – Rights of Farmers, Fishermen, Tribes and Indigenous communities – Environment and Human Rights (Water, Air, Forest and other natural resources) – Animal rights

UNIT IV - CRIMINAL LAWS AND HUMAN RIGHTS
Preventive Detention laws – Rights of arrested - Prison and other correctional institutions – Death penalty and life imprisonment – Rights of the victims of crimes – Legal aid

UNIT V - NATIONAL AND STATE HUMAN RIGHTS COMMISSIONS

PRESCRIBED BOOKS
- K.C. Joshi, International Law & Human Rights
- S.K.Kapoor, International Law and Human Rights
- V.N.Shukla, Constitution of India
- Michael Haas, International Human Rights Law
PAPER VIII - ENVIRONMENTAL LAW IN INDIA

UNIT I - INTRODUCTION
History of Environmental Protection in India – Constitutional Obligation on Environmental Protection – Directive Principle Relating to Environment – Fundamental Right to Environment - Civil Society and Environmental Management – Public Interest Litigation

UNIT II - ENVIRONMENTAL REGULATION AND ENFORCEMENT

UNIT III - POLLUTION CONTROL AND MANAGEMENT LAWS

UNIT IV - RESOURCE CONSERVATION AND ANIMAL WELFARE LAWS

UNIT V - REMEDIES FOR ENVIRONMENTAL POLLUTION

PRESCRIBED BOOKS
- P. Leelakrishnan, Environmental Law in India, Butterworths
- P. Leelakrishnan, Environmental Case Book, Lexis Nexis
- S. Shanthakumar, Environmental Law – An Introduction, Butterworths
- Shyam Diwan and Armin Rosencranz, Environmental Law and Policy in India, Oxford
- N. Maheswaraswamy, Law relating to Environmental Pollution and Protection
- Jaiswal, Environmental Law
PAPER IX
JUDICIAL PROCESS

UNIT I: NATURE OF JUDICIAL PROCESS


UNIT II: JUDICIAL PROCESS IN INDIA


UNIT III: THE CONCEPTS OF JUSTICE

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, various theoretical bases of justice-the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

UNIT IV: RELATION BETWEEN LAW AND JUSTICE

Equivalence Theories-Justice as nothing more than the positive law of the stronger class, Dependency theories-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice- Idea of Justice.

PRESCRIBED BOOKS:

- Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
- J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
- A.Laksminath, Judicial Process Precedent in Indian Law, EBC, Lucknow, 2009
PAPER – X

LAW AND SOCIAL TRANSFORMATION

UNIT I: LAW AND SOCIAL CHANGE

Meaning and concept of Law- Law as a purposive device, Change or transformation-Social Change-Value orientation in social change-Theories of Social change: Evolutionary Theory, Cyclic Theory, Functional Theory & Conflict Theory - Relationship between law and morality-culture, social change and law, Law and development, Social change in the context of democracy. Law and social change in ancient India-Social dimensions of law and social concern for justice-Role of family, associations and charitable institution in ancient India- Interaction between law and custom, Social control during the Muslim conquest-Social reform during the medieval period, Law and Social Transformation in Modern India.

UNIT II-CONSTITUTION'S ORIENTATION AND SOCIAL TRANSFORMATION.

Impact of sociological school in India - Constitutional evolution and the Constitutional Assembly's Role- Constitutional text as a mechanism for social change-the Constitutional amendments and social transformation-Basic structure theory as balancing continuity and change-The role of Governmental organs for social transformation-Working of the Constitution for Social Transformation-Constitutional interpretation as an effective tool for social transformation. Application of international law in the process of constitutional interpretation-Constitutionalism and social transformation.

UNIT III - RELIGION, LANGUAGE, COMMUNITY AND LAW

Religion as a divisive factor, secularism-Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law. Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution-Official Language, State Language, Court Language - 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: Statutory Commission, Statutory provisions.

UNIT IV- REGIONALISM, WOMEN, CHILDREN AND THE LAW

Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state - Crimes against women - Gender injustice and its various forms- Women’s Commission - Empowerment of women: Constitutional and other legal provisions - Child
labour- Sexual exploitation – Child Pornography- Adoption and related problems - Children and education.

UNIT V- MODERNISATION OF SOCIAL INSTITUTIONS THROUGH LAW, REFORM OF COURT PROCESSES, ALTERNATIVE APPROACHES TO LAW AND SOCIALIST THOUGHT ON LAW AND JUSTICE

Constitutional perspectives reflected in the fundamental duties - Reform of family law - Agrarian reform - Industrialisation of agriculture- Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection- Criminal law: Plea bargaining; compounding and payment of compensation to Victims - Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats - Prison reforms - Democratic decentralisation and local self-government - The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave Jayaparakash Narayan- Surrender of dacoits; concept of grama nyayalayas - Constitutional debates on the right to property- Indian Marxist critique of law and justice- Naxalite movement-causes and cure.

PRESCRIBED BOOKS:

- Duncan Derret, The State, Religion and Law in India, 1999
- Savitri Gunasekhare, Children, Law and Justice (1997), Sage
- M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
- Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- P.Ishwara Bhat, Law & Social Transformation, EBC, Lucknow, 2009
PAPER - XI

DISSERTATION

1. MARKS: Dissertation and Viva-voce – 200 Marks
   Dissertation – 150 Marks
   Vivo-voce – 50 Marks

2. ELIGIBILITY TO GUIDE:

   A Full-Time Law Teacher/Lecturer working in any Law College/University
   Department and who has put in a minimum of 2 years teaching experience is eligible to guide.

   Such guide who is working in a Law College and who is not a Ph.D. recognized guide
   can guide only a maximum of 5 Dissertations in an academic year.

   A Part-Time Law Teacher/Lecturer working in a Law College and who has put in a
   Minimum of 10 Years Teaching Experience is eligible to guide. Such Part-Time Law
   Teacher/Lecturer can guide only a maximum of 3 Dissertations in an academic year.

   A University Law Faculty who is a recognised Ph.D. Guide can guide only a maximum
   of 10 Dissertations in an academic year.

3. DISSERTATION RULES:

   The Dissertation must contain the following:
   - Cover Page
   - Guide Acceptance Certificate
   - Certificate
   - Acknowledgement / Preface
   - Abbreviations
   - Contents
   - Table of Cases
   - Chapters
   - Appendix
   - Bibliography