

**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. ELGIBILITY 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**

| <b>Paper</b> | <b>Title</b>                                       | <b>Hours</b> | <b>Marks</b> |
|--------------|--|--------------|--------------|
| Paper-I      | Constitutional New Challenges                      | 3            | 100          |
| Paper-II     | Research Methodology and Legal Education           | 3            | 100          |
| Paper-III    | Introduction to International Law and Institutions | 3            | 100          |
| Paper-IV     | History and Development of Human Rights            | 3            | 100          |
| Paper-V      | Introduction to Environmental Law.                 | 3            | 100          |

|             |                                  |   |          |
|-------------|----------------------------------|---|----------|
| Paper -VI   | Introduction to Human Rights Law | 3 | 100      |
| Paper-VII   | Human Rights Law in India        | 3 | 100      |
| Paper -VIII | Environmental Law in India       | 3 | 100      |
| Paper -IX   | Judicial Process                 | 3 | 100      |
| Paper-X     | Law and Social Transformation    | 3 | 100      |
| Paper-XI    | Dissertation and Viva-voce       | 3 | 150 + 50 |

### **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**

|                       |   |           |
|-----------------------|---|-----------|
| Dissertation and Viva | - | 200 Marks |
| Dissertation          | - | 150 Marks |
| Viva                  | - | 50 Marks  |

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:**

Democratic Process: - Nexus of politics with criminals - Democratic Process Election commission status - Electoral Reforms-Coalition government stability, durability- corrupt practice. Creation of new states, Allocation and share of resources -distribution of grants-in aid,- The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Full Faith & Credit, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc..- Principle of good governance- Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.-Doctrine of Separation of Powers and checks and balances - Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining- PIL Implementation.

#### **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**

Reading Directive Principles and Fundamental Duties into Fundamental Rights -Implementation of International Obligation: Human Rights, Environmental protection and International trade.

#### **UNIT IV-THE LEGISLATURE AND EXECUTIVE**

Parliamentary/Legislative Privilege: Nature, Extent, Scope and Limitation on privileges. - Constitutional status, Powers and functions of the President, Governor- Appointment of Governor- Council of minister- Collective Responsibility.

#### **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
- V.N.Shukla, Constitution of India, Eleventh Edition, Eastern Book Company
- 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:**

- High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in Your Law school, (1998)
- Blackstone Press Limited, London, S.K.Agrawal (ed.), Legal Education in India (1973), Tripathi, Bombay,
- N.R.Madhava Menon, (ed.) A Handbook of Clinical Legal Education, (1988) Eastern Book Company, Lacknow,
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978), Pauline V.Young, Scientific Social Survey and research, (1962)

- William J. Grade and Paul K.Hatt, Methods in Social Research, MC Graw-Hill Book Company, London,
- 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**

Jurisdiction of State - ‘Nationality its, acquisition, loss and proof - Double Nationality and Stateless - Criminal jurisdiction – Bases Of criminal jurisdiction — Lotus case -Asylum – Extradition - Law of the Sea - Historical Developments from 16<sup>th</sup> Century, UNCLOS I, II & III- Territorial Sea - Rights and Duties -of Coastal State - EEZ — Continental Shelf — High Seas and Freedom of High Seas.

#### **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**

Historical Evolution of International Organizations - League of Nations — Basic purposes - Principles and membership of United Nations - Organs of United Nations - with special reference General Assembly, Security Council -The UN System and the Changing Context of Global Politics: Collective Security and Peace Keeping - Legal aspects of International Organisations - Personality – Powers of International Organisation - the Responsibility of International Institutions-Privileges and Immunities-Liability of Member State.

#### **UNIT-V OTHER INSTITUTIONS**

Judicial Institutions-The Judicial settlement of International Disputes — Permanent Court of International Justice — International Court of Justice - Regional Institutions-Evolution of Regional Institutions — The North Atlantic Treaty Organisations — European Union - Specialised Agencies - Evolution of Specialised Agencies — ILO, WTO, WIPO, UNESCO, UNEP.



## **PRESCRIBED BOOKS**

- Ian Brownlie, Principles of Public International Law, Oxford University Press.
- Oppenheim's International Law, 9<sup>th</sup> Edn, Pearson Education Ltd
- Malcom N. Shaw, International Law, 5<sup>th</sup> Edn. Cambridge University Press.
- Starke's International Law, -I.A.Shearer, Oxford University Press
- S.K. Kapoor, International Law and Human Rights, Central Law Agency publication.
- David Harris, Cases and Materials on International Law, Sweet & Maxwell publication.
- Philippe Sands Q.C and Pierre Klein, Bowett's Law of Inter- National Institution, Sweet & Maxwell publication.
- Robert Kolb, An Introduction to the Law of the United Nations, Hart Pulishing Limited.
- S.K. Kapoor, International Law and Human Rights, Central Law Agency '

## **PAPER: IV – HISTORY AND DEVELOPMENT OF HUMAN RIGHTS**

### **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**

Abolition of Slavery, Slave trade, apartheid and forced labour – Prohibition of Genocide – Development of Humanitarian Law through customs and treaties – Prohibition of Torture and inhuman treatment - Right to self-determination Inadequacy of national mechanisms and development of international human rights – First and Second World Wars and its impact on Human Rights – Contribution of International and national judicial organs – Role of private organizations from Anti-slavery societies to Amnesty international – NGOs - Adapting International Human rights standards in the municipal forums

### **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**

Permanent Sovereignty Over Natural Resources, 1962 – Marine Pollution – Nuclear pollution – Oil Pollution – Waste Management – Dumping and Anti-Dumping - Inter Generational Equity – Right to Development - Optimal Utilisation of Resources – Precautionary Principle – Polluter Pays Principle – Environmental Impact Assessment

### **UNIT III - UNITED NATIONS AND ENVIRONMENT**

State Responsibility on Environment – Fundamental Principles of Environmental Law - Role of United Nations – Multilateral Environmental Agreements, Stockholm Declaration on Human Environment, 1972 - Nairobi Declaration, 1982 - Brundtland Report, 1987 Rio Declaration on Environment and Development, 1992 – Sustainable Development - Agenda 21 — Climate Change Convention and Protocol – Convention on Biological Diversity - Johannesburg Summit on Sustainable Development 2002 – Rio +20

### **UNIT IV - INTERNATIONAL INSTITUTIONS AND ENVIRONMENT**

Economic and Social Council on Environment – International Union for Conservation of Resources (IUCN) - United Nations Environment Programme (UNEP) – United Nations Development Programme (UNDP) – United Nations Commission on Sustainable Development (UNCSD) – United Nations Committee on Trade and Environment (UNCTE) - Organisation for Economic Cooperation and Development (OECD) - Global Environmental Facility (GEF) – Inter Panel Committee on Climate Change (IPCC)

### **UNIT V - DISPUTE SETTLEMENT AND REMEDIES**

Common Law Remedies/Remedies under Law of Tort – Trial Smelter Arbitration case – Permanent Court of Justice on Environment – Arbitral Tribunal – Lac Lanoux Arbitration - International Court of Justice – Gabcikovo Nagymaros Project Case (Hungary v. Slovakia) – WTO and Environment

#### **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**

Meaning of Rights – Human rights as natural and moral rights – Theories – Philosophical justification – Human rights and duties – Three Generations 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**

Human rights related role of UN General Assembly, Security Council and Secretariat – Work of UN secretary General, UNHRC and UN High Commissioner for Human Rights – Paris Principles and UNGA resolutions relating to National Institutions - Vienna Declaration and Programme of Action – role of specialized agencies to protect and promote Human Rights (ILO, FAO, WHO etc.) – WTO and Human Rights – International Environmental Laws and 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
- S.K.Verma & S.C.Srivastava, Right of Persons with Disabilities
- 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**

Fundamental Rights as Human Rights – Directive Principles and Human Rights to further the scope of fundamental rights – Right to vote, democracy, rule of law and good governance – Freedom of Press and Information - Right to Property – Judiciary and Human Rights – Right to life and euthanasia

### **UNIT II - EQUALITY AND DIGNITY**

Concept of Equality and Dignity – Rights of Women – National and State Commissions – Reservation for Women – Crimes against women – Rights of Children (Education, criminal laws and personal laws) – Manual Scavenging– Untouchability – Right to Food, Health and Housing

### **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**

Human Rights Act, 1993 – powers and functions of NHRC and SHRC – Procedures of NHRC and SHRC - Human Rights Courts

### **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**

Water (Prevention and Control of Pollution) Act, 1974 – Air (Prevention and Control of Pollution) Act, 1981 – Environment (Protection) Act, 1986 – Pollution Control Boards (CPBs/SPCBs) – Central Ground Water Board - Coastal Regulation Zone Notification – Public Participation in Environmental Decision Making.

### **UNIT III - POLLUTION CONTROL AND MANAGEMENT LAWS**

Power of Central Government to make environmental Rules – Rules relating to Management of Hazardous, Plastic Waste, Bio-Medical Waste, E-Waste, Municipal Solid Wastes and Batteries – Noise Pollution Rules, 2000 – Environmental Impact Assessment – Disaster Management Act, 2005 – Laws relating to Nuclear Energy, Waste and Liability

### **UNIT IV - RESOURCE CONSERVATION AND ANIMAL WELFARE LAWS**

Indian Forest Act, 1927 – Wildlife Protection Act, 1972 – Forest Conservation Act, 1980 – Biological Diversity Act, 2002 - Prevention of Cruelty to Animals Act, 1960 - Rain Water Harvesting – Tamil Nadu Protection of Tanks and Eviction of Encroachment Act, 2007 - Role of Local Bodies

### **UNIT V - REMEDIES FOR ENVIRONMENTAL POLLUTION**

Common Law Remedies/Remedies under Law of Tort – Penal Remedies – Indian Penal Code and Code of Criminal Procedure – Remedies under Constitutional Law – Writs – Public Interest Litigation - Absolute Liability – Parens Patriae - Mass Tort of Action - Doctrine of Public Trust - Public Liability Insurance Act, 1991 – The National Green Tribunal Act, 2009.

### **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**

Judicial process as an instrument of social ordering- Judicial process and creativity in common law model-Legal Reasoning and growth of law-change and stability, The tools and techniques of judicial creativity.

#### **UNIT II: JUDICIAL PROCESS IN INDIA**

Precedent-Kinds of Precedent-Obiter-Dicta- Subsilentio – Per incuriam- Communis error Facit ius- Finding Ratio of a case –Two Test - Concept of Judicial Review- Review in Constitutional adjudication- Tools and techniques in policy making and creativity in constitutional adjudication- Judicial activism- Judicial self-restraint - Scope and limits- Problems of accountability -The independence of judiciary- Prospective over ruling

#### **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
- Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
- Henry J. Abraham, The Judicial Process, 1998, Oxford.
- 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 Jayaprakash 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:**

- Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
- U. Baxi, The Crisis of the Indian Legal System, 1982
- Duncan Derret, The State, Religion and Law in India, 1999
- H.M.Seervai, Constitutional Law of India, 1996
- Savitri Gunasekhare, Children, Law and Justice (1997), Sage
- J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India
- 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.
- Malk & Raval, Law & Social Transformation in India, Allahabad Law Agency, Faridabad, 2012
- 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

