



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE
LL.M. (Master of Laws)

Course Structure

FIRST SEMESTER				
S.No	Course Code	Course Title	Marks	Credit
Compulsory papers				
1	LM101	Advance Legal Theory	100	4
2	LM103	Constitutional Law	100	4
3	LM105	Legal Research Methodology	100	4
4	LM107	Environmental Law	100	4
Generic Elective Paper				
5	LME101 OR LME103	Local Governance OR Law of Investment	100	4

SECOND SEMESTER				
S.No	Course Code	Course Title	Marks	Credit
Compulsory papers				
1	LM102	Administrative Law	100	4
2	LM104	General Principles of Criminal Law	100	4
3	LM106	Administration of Criminal Justice	100	4
4	LM108	International Law	100	4
Generic Elective Paper				
5	LME102 OR LME104 OR LME106	Public Policy and Judicial Review OR Criminal Psychology OR Law of Insurance	100	4

THIRD SEMESTER				
S.No	Course Code	Course Title	Marks	Credit
Compulsory papers				
1	LM201	Family law	100	4
2	LM203	Interpretation of Statutes	100	4
3	LM205	Alternative Dispute Resolution	100	4
4	LM207	Human Rights	100	4
Generic Elective Paper				
5	LME201	National Security, Public Order and Rule of Law OR	100	4
	LME203	Cyber Law OR		
	LME205	Intellectual Property Right		

FOURTH SEMESTER : Specialized Group (Optional)						
S.No	Course Code	Course Title			Marks	Credit
		Constitutional & Administrative Law	Criminal Law	Business Law		
1	LM202	Principles of Constitutional Law	Criminology and Penology	Competition Law	100	4
2	LM204	Comparative Constitutional Law	International Criminal Law	Corporate Law and Governance	100	4
3	LM206	Teaching in UG classes	Teaching in UG classes	Teaching in UG classes	50	2
4	LM208	Seminar	Seminar	Seminar	100	4
5	LM210	Dissertation & Viva-Voce	Dissertation & Viva-Voce	Dissertation & Viva-Voce	150	6



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Advance Legal Theory

Course Code: LM101

Course Duration: 18 Weeks

Credit Unit: 04

Medium of Instruction: English

Course Aim(s)

This course introduces law to the student and aims at developing the skills of law finding, legal analysis, legal problem-solving and legal research.

Course Syllabus:

1. Introduction to the theories of law and justice and to the relationship between law and justice.
2. Natural Law School: Main ideas of Aristotle, Cicero (De Re Publica: Law), Aquinas (Summa Theologica: Law in General).
3. Natural law theory contd.: Main ideas of Hobbes (Leviathan: Law of nature), Locke (Two Treatises of Government: The law of nature) and Rousseau (The Social Contract: General will).
4. Natural law theory contd.: Key ideas of Fuller (The Morality of Law: Law as a manifested fact of social order) and Finnis: (Natural Law and Natural Rights: A definition of law).
5. Positivist School: Central ideas of Bentham (Laws in General: A law defined and distinguished) and Austin (The Province of Jurisprudence Determined: A critical comparative study of Bentham and Austin).
6. Positivist theory of law contd.: Main ideas of H. L. A. Hart ("Positivism and the Separation of Law and Morals"), 71 Harvard Law Review (1958), 593).
7. Historical School of Law: Savigny and Henry Maine (A critical comparative study of Volk-geist and theory of status to contract)

8. Pure theory of law: Basic ideas of Kelsen (The Pure Theory of Law: Norm and norm creation, the hierarchical structure of the legal order, norm and justice).
9. Sociological theory of law: Main ideas of Ihering (Law as Means to an End), Ehrlich (Principles of the Sociology of Law), Pound (Philosophy of Law: The End or purpose of law; Outlines of Jurisprudence: The Programme of the Sociological School).
10. Realist theory of law: Key ideas of Oliver Wendell Holmes (The Path of the Law, 10 Harvard Law Review (1897)).
11. Distributive theory of justice: Essential ideas of John Rawls (two principles of justice, background institutions for distributive justice) and its critics; Corrective theory of justice: Central ideas of J. Coleman (Risks and Wrongs), and E. J. Weinrib (The Idea of Private Law).
12. Conclusion.

Recommended Readings

- Denning, *The Discipline of Law* (New Delhi: Universal, 2005).
- N. Cardozo, *The Nature of the Judicial Process* (New Delhi: Universal Law Publication, 2001).
- Garner, *Black's Law Dictionary* (London: Sweet & Maxwell, 2006).
- F. Stychin and L. Mulcahy, *Legal Methods and Systems* (London: Sweet & Maxwell, 2010).
- C. Turner and Jo Boylan-Kemp, *Unlocking Legal Learning* (London: OUP, 2012).
- Bodenheimer, *Jurisprudence: The Philosophy and Method of Law* (New Delhi: Universal, 2001).
- H. Levi, *Introduction to Legal Reasoning* (Chicago: University of Chicago Press, 1962).
- J. Fitzgerald, *Salmond's Jurisprudence* (New Delhi: Universal, 2008).
- F. Schauer, *Thinking Like a Lawyer: A New Introduction to Legal Reasoning* (Cambridge, Mass.: Harvard University Press, 2009).
- C. V. Subba Rao, *Jurisprudence and Legal Theory* (Lucknow: EBC, 2008).
- G. Williams, *Learning the Law* (New Delhi: Universal, 2007).
- L. A. Hart, *The Concept of Law* (New Delhi: Universal, 2000).
- H. Farrar and A. M. Dugdale, *Introduction to Legal Method* (London: Sweet & Maxwell, 1990).
- Paul Lomio, H. Spang-Hanssen and G. D. Wilson, *Legal Research Methods in a Modern World* (London: DJOF Publishing, 2011).
- J. Stelmach and B. Brozeck, *Methods of Legal Reasoning* (London: Springer-Verlag, 2011).
- J. Stone, *Legal System and Lawyers' Reasoning* (New Delhi: Universal, 2008).
- L. Weinreb, *Legal Reason: The Use of Analogy in Legal Argument* (New York: Cambridge University Press, 2005).



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Constitutional Law

Course Code: LM103

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s):

The aim of the course is to promote the students to examine and develop the understanding of the Constitution and the law, which has been developed through constitutional amendments, judicial decisions, constitutional practice and conventions. They 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 predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation.

Course Syllabus: The following topics will be discussed with the help of Constituent Assembly Debates:

1. Concept of Constitutional Law
2. State and Rule of Law
3. Religious and Cultural Rights.
4. Educational Rights
5. Right to Property: Eminent Domain and Police Power and case Law.
6. President and Governor –Relation with Council of Ministers and case Law.
7. Independence of Judiciary
8. Powers, Privileges and Immunities of Legislature and case Law.
9. Trade, Commerce and Intercourse within Indian Territory and case Law.
10. Services under Union and States, Election Commission and case Law.
11. Emergency
12. Amendment of the Constitution and case Law.

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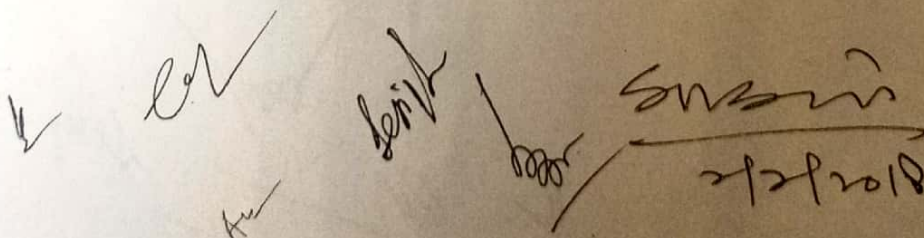
Recommended Readings:

- U.R. Rai, *Fundamental Rights and their Enforcement*, PHI, Learning PVT. Ltd, 2011.
- U.R. Rai, *Constitutional Law II*, Eastern Book Company, Lucknow, 2016
- G. Noorani, *Constitutional Questions and Citizens' Rights* (New Delhi: OUP, 2005). A. Pasayat and C. K. Thakker, *Dr C. D. Jha's Judicial Review of Legislative Acts* (New Delhi: LexisNexis, 2009).
- V. Dicey, *An Introduction to the Study of the Law of Constitutions* (New Delhi: Universal, 2008).
- D. D. Basu, *Constitutional Law of India* (New Delhi: LexisNexis, 2008).
- E. M. Borchard, *The Relation between "State" and "Law"* (New Haven: Yale University Press, 1927).
- G. Austin, *Indian Constitution: Cornerstone of a Nation* (London: OUP, 1999). H. H. Wellington, *Interpreting the Constitution* (New Delhi: Universal, 2008).
- H. M. Seervai, *Constitutional Law of India - A Critical Commentary* (New Delhi: Universal, 1999), 2 Vols.
- L. H. Tribe, *Constitutional Choices* (New Delhi Universal, 2012).
- L. Woolf et al., *De Smith's Judicial Review* (London: Sweet & Maxwell, 2009).
- M. P. Jain, *Professor M. P. Jain Indian Constitutional Law* (New Delhi: LexisNexis, 2010).
- M. P. Singh, *V. N. Shukla's Constitution of India* (Lucknow: Eastern, 2009). M. Tushnet, *Why the Constitution Matters?* (New Delhi: Universal, 2011).
- O. Chinappa Reddy, *The Court and the Constitution of India* (New Delhi: OUP, 2009). P. Eleftheriadis, *Legal Rights* (London: OUP, 2008).
- R. F. V. Heuston, *Essays in Constitutional Law* (New Delhi: Universal, 2011).
- S. Snowiss, *Judicial Review and the Law of the Constitution* (New Delhi: Universal, 2008).
- T. R. Andhyarujina, *The Kesavananda Bharati Case* (New Delhi: Universal, 2012).

Course requirements

Students are encouraged to read the readings and participate in the class discussion.

Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfilment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Constitutional Law

Course Code: LM103

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

The aim of the course is to promote the students to examine and develop the understanding of the Constitution and the law, which has been developed through constitutional amendments, judicial decisions, constitutional practice and conventions. They 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 predilections. A student must, therefore, learn how various interpretations of the constitution are possible and why a significant interpretation was adopted in a particular situation.

Course Syllabus

The following topics will be discussed with the help of Constituent Assembly Debates:

1. Preamble, Law and State and case Law.
2. Right to Equality and Freedom and case Law.
3. Freedom of Religion and case Law.
4. Cultural and Educational Rights and case Law.
5. Constitutional Remedies: Public Interest Litigation, locus Standi and case Law.
6. Right to Property: Eminent Domain and Police Power and case Law.
7. President and Governor –Relation with Council of Ministers and case Law.
8. Judiciary- Composition and Powers and case Law.
9. Powers, Privileges and Immunities of Legislature and case Law.
10. Trade, Commerce and Intercourse within Indian Territory and case Law.
11. Services under Union and States, Election Commission and case Law.
12. Emergency and Amendment of the Constitution and case Law.

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Recommended Readings:

- U.R. Rai, *Fundamental Rights and their Enforcement*, PHI, Learning PVT. Ltd, 2011.
- U.R. Rai, *Constitutional Law II*, Eastern Book Company, Lucknow, 2016
- G. Noorani, *Constitutional Questions and Citizens' Rights* (New Delhi: OUP, 2005). A. Pasayat and C. K. Thakker, *Dr C. D. Jha's Judicial Review of Legislative Acts* (New Delhi: LexisNexis, 2009).
- V. Dicey, *An Introduction to the Study of the Law of Constitutions* (New Delhi: Universal, 2008).
- D. D. Basu, *Constitutional Law of India* (New Delhi: LexisNexis, 2008).
- E. M. Borchard, *The Relation between "State" and "Law"* (New Haven: Yale University Press, 1927).
- G. Austin, *Indian Constitution: Cornerstone of a Nation* (London: OUP, 1999). H. H. Wellington, *Interpreting the Constitution* (New Delhi: Universal, 2008).
- H. M. Seervai, *Constitutional Law of India - A Critical Commentary* (New Delhi: Universal, 1999), 2 Vols.
- L. H. Tribe, *Constitutional Choices* (New Delhi Universal, 2012).
- L. Woolf et al., *De Smith's Judicial Review* (London: Sweet & Maxwell, 2009).
- M. P. Jain, *Professor M. P. Jain Indian Constitutional Law* (New Delhi: LexisNexis, 2010).
- M. P. Singh, *V. N. Shukla's Constitution of India* (Lucknow: Eastern, 2009). M. Tushnet, *Why the Constitution Matters?* (New Delhi: Universal, 2011).
- O. Chinappa Reddy, *The Court and the Constitution of India* (New Delhi: OUP, 2009). P. Eleftheriadis, *Legal Rights* (London: OUP, 2008).
- R. F. V. Heuston, *Essays in Constitutional Law* (New Delhi: Universal, 2011).
- S. Snowiss, *Judicial Review and the Law of the Constitution* (New Delhi: Universal, 2008).
- T. R. Andhyarujina, *The Kesavananda Bharati Case* (New Delhi: Universal, 2012).

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfilment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Gautam Buddha University
School of Law, Justice & Governance

Course Information

Course Title: Legal Research Methodology

Course Code: LM105

Course Credits: 4

Course Duration: 18 weeks

Course Aim(s)

The main aim of the course is to understand the meaning, objectives, scope and relevance of legal research. The course will stress on legal research methodology and explain major stages in carrying legal research. The course will also look into the current status of legal research in India in terms of perspectives and problems. It also focuses to develop computer skills necessary to produce a quality legal writings.

Course Syllabus

1. Introduction: Law and Society.
2. Research: Meaning of research, objective of research, types of research, research method and research methodology.
3. Legal Research: Nature and scope of legal research, purpose of legal research, steps of legal research, contemporary trends of legal research in India.
4. Legal Research Methodology: Sources of Information, Major stages in legal research.
5. Doctrinal and non-doctrinal method, advantages and disadvantages, inter-relationship between doctrinal and non-doctrinal method.
6. Models and trends in legal research.
7. Research Design: Major contents in research design, formation of hypothesis and hypothesis testing.
8. Tools and Techniques of Data Collection: Primary and secondary sources, major sampling techniques; interview, interview schedule, questionnaire, observation.
9. Analysis and interpretation of data.

10. Writing a Research Report: Structural layout of research report, stages of preparation, referencing (basic rules and forms of referencing: footnotes, endnotes and in-text referencing), bibliography, index, and appendix/appendices.
11. Ethics in Legal Research: Plagiarism and copyright violation, sources of funding and influence on research.
12. Computer Application in Legal Research: Microsoft word, excel and use of search engines, use of multimedia tools, use of database management (Manupatra, SCC online, Westlaw etc.

Recommended Readings

- Goode and Hatt, *Methods in Social Research* (Delhi: Surjeet Publications, 2006)
- C. K. Kothari, *Research Methodology: Method and Techniques* (New Delhi: Wiley Eastern Ltd., 1980)
- Julius Stone, *Legal System and Lawyer's Reasoning* (New Delhi: Universal, 2008)
- M. Mc Conville and W.H. Chui, *Research Methods for Law* (Edinburgh: Edinburgh University Press, 2007)
- M.V. Hoecke, *Methodologies of Legal Research* (Oxford : Hart Publishing, 2011)
- Upendra Baxi, *Socio-Legal Research in India (A Program Schriff)*, ICSSR: Occasional Monograph, 1975)
- Cohen, L. Morris, *Legal Research* (Minnesota: West Publishing Co. 1985)
- B. N. Ghosh, *Scientific Method and Social Research* (New Delhi: Sterling Publishers Pvt. Ltd., 1984)
- S.K. Verma and M. Afzal Wani, eds., *Legal Research and Methodology*. (Indian law Institute, 2001)
- J.C. Johari, eds., *Introduction to the Method of Social Sciences* (New Delhi: Sterling Publishers Pvt. Ltd. 1988)
- N.R. Madhava Menon, *A Handbook of Clinical Legal Education* (New Delhi: Eastern Book Company, 1998)

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
School of Law, Justice & Governance

Course Information

Course Title: Environmental Law

Course Code: LM107

Course Duration: 18 Weeks

Course Credits: 4

Medium of Instruction: English

Course Aim(s)

Simply put, the environment is the nature's endowment to the earth. The course aims at making the students aware of the growing importance of the environment and its expanding linkages and giving the basic knowledge of environmental law for preparing the students for practice or further study.

Course Syllabus

1. The Environment and Environmental Pollution: concept, meaning, effect and case studies; water, air and noise pollution: meaning, consequences, relevant provisions and case studies.
2. Environment Protection in Ancient India: Environment Protection under Hindu, Buddhism, Jainism, Sikhism and Islam.
3. Specific International Environmental problems and Legal Response: Ozone Depletion, Global Warming, Green House Effect, Acid Rain, Solid Waste Management.
4. Comparative study of the Environment and Fundamental Rights, Directive Principles and Fundamental Duties under Indian Constitution: relevant provisions and case studies.
5. Climate change: Concept, relevant instruments, remedial measures, problem of verification, contemporary developments, choice of India and domestic climate change legislation.
6. International concern for the environment: A journey from Stockholm to Johannesburg. Rio Conference, Vienna Convention, Kyoto Protocol and Basel Convention, international conferences/ meetings.

7. The Environment (Protection) Act, 1986, Forest Act, 1927 and the Forest (Conservation Act), 1980: objectives and reasons, salient features and case studies; Environmental impact assessment: meaning, legal basis and case studies.
8. Town and country planning: introduction, effect on the environment, importance for the environment, evaluation.
9. Forest and greenery: meaning and importance for the environment and eco-system, conservation agencies and their role, relevant provisions; Wild life: Meaning and importance for the environment and eco-system.
10. Biodiversity: Meaning and importance for the environment and eco-system, relevant provisions of the Biological Diversity Act, 2002, with special reference to National Biodiversity Authority and State Biological Board and case studies.
11. The Environment and Development: Sustainable Development, Precautionary Principle, Polluter-Pays Principle, Doctrine of Public Trust, Strict Liability, Intergenerational Equity and contemporary developments.
12. Remedies for protection of the environment: Constitutional, Ordinary and Common Law Remedies; Relevant provisions and case studies

Recommended Readings

- G. Noorani, Constitutional Questions and Citizens' Rights (New Delhi: OUP, 2005).
- Pasayat and C. K. Thakker, Dr C. D. Jha's Judicial Review of Legislative Acts (New Delhi: LexisNexis, 2009).
- V. Dicey, An Introduction to the Study of the Law of Constitutions (New Delhi: Universal, 2008).
- D. D. Basu, Constitutional Law of India (New Delhi: LexisNexis, 2008).
- E. M. Borchard, The Relation between "State" and "Law" (New Haven: Yale University Press, 1927).
- G. Austin, Indian Constitution: Cornerstone of a Nation (London: OUP, 1999).
- H. H. Wellington, Interpreting the Constitution (New Delhi: Universal, 2008).
- H. M. Seervai, Constitutional Law of India - A Critical Commentary (New Delhi: Universal, 1999), 2 Vols.
- L. H. Tribe, Constitutional Choices (New Delhi Universal, 2012).
- L. Woolf et al., De Smith's Judicial Review (London: Sweet & Maxwell, 2009).
- M. P. Jain, Professor M. P. Jain Indian Constitutional Law (New Delhi: LexisNexis, 2010).
- M. P. Singh, V. N. Shukla's Constitution of India (Lucknow: Eastern, 2009).
- M. Tushnet, Why the Constitution Matters? (New Delhi: Universal, 2011).
- O. Chinappa Reddy, The Court and the Constitution of India (New Delhi: OUP, 2009).



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SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Name: Local Governance
Course Code: LME101
Course Duration: 18 weeks
Credit Unit: 04
Medium of Instruction: English

Course Aim(s)

Local governance is an important facet of governance which focuses on decentralized authority as an essential governing mechanism. The fundamental principle hinges around the argument that the formal and institutional processes that operate at local level is more capable of drawing legitimacy and wielding collective action directed towards meeting the objective of governance more efficiently and effectively. The system of local governance saw its advent in Indian constitutional set-up in the 73rd and 74th constitutional amendments. Although the Panchayati Raj system was in place in India for years but the constitutional enforcement has added qualitative changes in the system of local governance. Apart from the constitutional thrust, the forces of globalization have greatly influenced the governments to design, formulate and implement policies and discharge functions. For instance, a number of actors have been introduced in governance and they in turn are leveraging the governance at local level. Non-governmental organizations and self-help groups with their variety of orientations appear to be crucial not only in policy formation but also in the delivery of public services, resource management and allocation. The central objective of the course is three-fold: firstly, to introduce the idea of local governance and how this has received greater manifestation in India's Panchayati Raj institutions; secondly, to comprehensively explore the constitutional design adopted by the Constitution of India with reference to legal and institutional aspects; and thirdly, to critically inquire how have the provisions of local governance empowered the society by enabling both the system and the individual in seeking the end of governance effectively.

Course Syllabus

1. Introduction: conceptualizing governance and its facets; relationship between governance and decentralization with special focus on local governance.
2. Historical overview of local governance in India: the evolution of Panchayati Raj system and its subsequent stages.

3. The constitutional framework: Detailed provisions of 73rd and 74th Amendment Acts; institutional and legal aspects and their analysis.
4. The structure of the rural local government (panchayat system) as provisioned in the 73rd Amendment Act: The panchayats at village, intermediate and district levels and their coordination with the district administration; issues concerning to the participation and empowerment.
5. The structure of the urban local government (municipalities) as provisioned in the 74th Amendment Act: The composition, function and coordination with the urban administration.
6. The extension of the Panchayati Raj system to scheduled areas: The Provisions of the Panchayats (Extension to Scheduled Areas) Act, 1996 or PESA and its results.
7. The idea of justice in Panchayat Raj system: The Nyaya Panchayats as mechanisms of alternative dispute resolution.
8. Financial devolution and electoral practices in the Panchayati Raj institutions: the State Finance Commissions and the State Election Commissions; issues of financial autonomy and democratic diffusion.
9. Local governance and Non Governmental Organizations (NGOs): Enforcement issues of governance; social relevance, development and social accountability; NGOs and issues of corruption.
10. The Panchayati Raj institutions and social inclusion: Democratic decentralization, political empowerment of the vulnerable and the marginalized and social justice.
11. India's own experience: A survey of the successes and failures of the PRIs in India across the region.
12. Conclusion of the course.

Recommended Readings

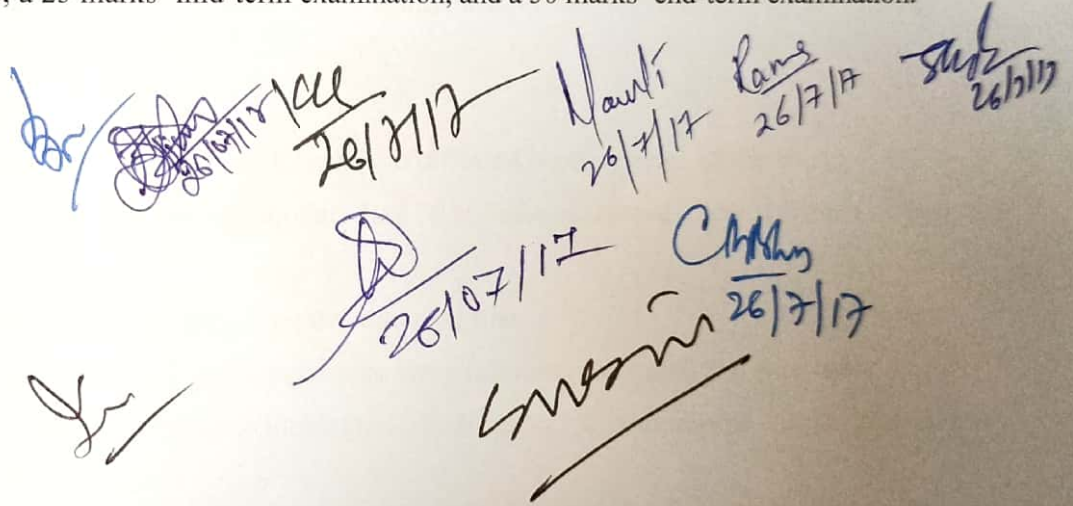
- Amita Singh et.al. (eds.) (2009), *Governance and Access to Justice* (Delhi: PHI Learning).
- B.S. Baviskar & G. Matthew (2009), *Inclusion and Exclusion in Local Governance* (New Delhi: Sage Publications).

- Ghosh Bunddhadeb and Girish Kumar (2003), *State Politics and Panchayats in India* (New Delhi: Monahar).
- Rajaraman (2003), *A Fiscal Domain for Panchayats* (Delhi: Oxford University Press).
- J. N. Rosenau et.al., (eds.) (1992), *Governance without Government: Order and Change in World Politics* (Cambridge: Cambridge University Press).
- Jan Kooiman (1993), *Modern Governance* (London: Sage, 1993).
- Jon Pierre (ed.) (2000), *Debating Governance* (Oxford: Oxford University Press).
- K.C. Sivaramakrishnan (2009), *Courts, Panchayats and Nagarpalikas* (New Delhi: Academic Foundation).
- Kuldeep Mathur (2013), *Panchayati Raj: Oxford India Short Introductions* (Delhi: Oxford University Press).
- Kuldeep Mathur (2015), *Public Policy and Politics in India: How Institutions Matter* (Delhi: Oxford University Press).
- Law Commission of India (1986) One Hundred and Fourteenth Report on Gram Nyayalaya. <http://lawcommissionofindia.nic.in/101-169/Report114.pdf>.
- M.G. Rao & N. Singh (2005), *Political Economy of Federalism in India* (Delhi: Oxford University Press).
- M. Pal (2000), "Panchayats in Fifth Scheduled Areas." *Economic and Political Weekly*, 35(19), pp. 1602-1606.
- N.G. Jayal, et.al. (eds.) (2006), *Local Governance in India: Decentralization and Beyond* (Delhi: Oxford University Press).
- P. Bardhan and D. Mookherjee (eds.) (2007), *Decentralization and Local Governance in Developing Countries: A Comparative Perspective* (Delhi: Oxford University Press).
- R.A.W Rhodes (1997), *Understanding Governance, Policy Networks, Governance, Reflexivity and Accountability* (Buckingham: Open University Press, 1997).
- S. Kothari (2007), "Challenging Centralized Governance: The Struggle for Self-Rule." In S. Singh, S. & P. Sharma, *Decentralization Institutions and Politics in Rural India* (New Delhi: Oxford University Press).

- S. Singh and P.K. Sharma (eds.) (2007), *Decentralization: Institutions and Politics in Rural India* (Delhi: Oxford University Press).
- S. Ratho (2007), *Tribal Welfare Through Panchayats: The Experience of PESA in Orissa*, GICS Paper No.55, New Delhi: Rajiv Gandhi Institute for Contemporary Studies.
- The Gram Nyayalaya Bill (2008), http://www.prsindia.org/docs/bills/1180414050/1180414050_The_Gram_Nyayalayas_Bill_2007.pdf.

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Administrative Law

Course Code: LM102

Course Duration: 18 weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

Administrative law is essentially the law that exercises control over state functionaries which have increased over time for assumption of increased state responsibilities. The course aims at giving the student the basic knowledge of administrative law for taking it up for practice, judicial service or further study.

Course Syllabus

1. Importance and scope of administrative law in different legal systems of the world.
2. Relationship between constitutional law and administrative law (*French Droit Administratif*).
3. Separation of powers, relevant provisions and case law.
4. Doctrine of the Rule of Law, Constitutional basis relevant provisions and case law.
5. Principle of Natural Justice: Ideological foundation, Constitutional basis, relevant provisions and case law.
6. Delegated Legislation: Constitutionality, judicial legislative and parliamentary control.
7. Doctrine of Judicial Review: Administrative and Legislative.
8. Tortious liability of State: Case studies, statutory authorities, act of state, Case studies.
9. Administrative adjudication: Meaning, necessity, constitutionality, requirements, Administrative tribunals, relevant provisions and case law.
10. Administrative accountability: Transparency, Right to Information: Relevant provisions of the Right to Information Act, 2005
11. Lokayukta and Lokpal: Origin and development.
12. Conclusion (s) of the instruction.

Recommended Readings:

- Kailash Rai, "Principles of Administrative Law", Alahabad Law Agency, 5th Edi. 2007.
- T. Markose, Judicial Control of Administrative Action in India (Nagpur: Wadhwa, 1956).
- De Smith, Judicial Review of Administrative Action (London: Sweet & Maxwell, 1995).
- H. H. Marshall, Natural Justice (New Delhi: Universal, 2000).
- H. K. Saharay, Administrative Law and Tribunal (New Delhi: Eastern Law House, 1999).
- K. P. Chakravarti, Administrative Tribunal Law & Procedure (New Delhi: Eastern Law House, 1989).
- M. C. Jain Kagzi, The Indian Administrative Law (New Delhi: Universal, 2012).
- M. P. Jain and S. N. Jain, Principles of Administrative Law (New Delhi: LexisNexis, 2011).
- M. P. Jain, Cases and Materials on Indian Administrative Law (Nagpur: Wadhwa, 1996).
- Banerjee, Judicial Control of Administrative Action (New Delhi: LexisNexis, 2012).
- P. B. Banerjee, Writ Remedies (Nagpur: Wadhwa, 2007).
- P. Cane, Administrative Law (London: OUP, 2011).
- P. Craig, Administrative Law (London: Sweet & Maxwell, 2008).
- S. P. Sathe, Administrative Law (New Delhi: Lexis Nexis, 2010).
- W. Wade and C. Forsyth, Administrative Law (New Delhi: OUP, 2005).

Course Requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end.

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: General Principles of Criminal Law

Course Code: LM104

Course Duration: 18 Weeks

Credit Unit: 04

Medium of Instruction: English

Course Aim(s)

The fundamental objective of the course is to foster among students the general principles of criminal laws which essentially constitute foundation of the legal system.

Course Syllabus

1. Nature of Crime
2. Elements of Crime
3. Principle of *Mens Rea* and Strict Liability-Common Law principle of *actus non facit reum, nisi mens sit rea* and exceptions to this principle-Strict liability offences,
4. Culpable Homicide and Murder, 299-302, 304 read with sections 8-11, 21, 32, 39, 52
5. Homicide by Rash or Negligent Act not amounting to Culpable Homicide (Section 304A), Distinction between negligence and rashness as forms of mens rea: mens rea required is criminal negligence (inadvertent negligence) or criminal rashness (advertent negligence)
6. Specific Exceptions to Section 300-General and partial defences distinguished – general defences in Chapter IV, IPC, if applicable in a given case, negate criminality completely. Partial defences such as exceptions to section 300 partly reduce the criminality, not absolving an accused completely. The law, based on sound principle of reasons, takes a lenient view in respect of murders committed on the spur of the moment. Exceptions I to V to section 300 are illustrative of partial defences.
7. General Exceptions-Chapter IV of the Indian Penal Code-General defences in Chapter IV, IPC, if applicable in a given case, negate criminality completely.

8. Kidnapping and Abduction (sections 359-363 read with sections 18, 82, 83, 90)

9. Sexual Offences-

(a) Section 354 (a, 354A, 354B, 354C, 354D and Section 509.

(b) Offence of rape (Sections 375, 376, 376A-E read with section 90.

(c) Unnatural offences (sections 377)

10. Offences against Property (sections 378, 379, 383, 384, 390, 391, 392, 395, 403, 404, 405, 406 read with 22-24, 27)

11. Group Liability (Section 34, Section 141, 149 IPC)

12. Attempt (Sections 511, 307, 309 IPC)

Recommended Readings

- C.K. Thakker (Rev.), Ratan Lal & Dhiraj Lal's Indian Penal Code, (32nd ed., 2010)
- K.D Gaur, Criminal Law-Cases and Materials, (6th ed., 2009)
- R.C. Nigam, Law of Crimes in India (Vol. I) (1965)
- V.B. Raju, Commentary on Indian Penal Code, 1860 (Vol. I & II) (4th ed., 1982)
- K.N.C. Pillai & Shabistan Acquil (Rev.), Essays on the Indian Penal code (The Indian Law Institute, 2005)
- K.I. Vibhute (Rev.), P.S.A. Pillai's Criminal law (11th ed. 2012)
- Syed Shamsul Huda, The Principles of the Law of Crimes in British India (1902)
- K.N. Chandrasekharan Pillai, General Principles of Criminal Law (2nd ed., 2011)

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE
Course Information

Course Title: Administration of Criminal Justice

Course Code: LM 106

Course Duration: 18 Weeks

Credit Unit: 04

Medium of Instruction: English

Course Aim(s)

The course attempts to introduce the administration of criminal justice in theory and practice and brings into focus the relevant case laws. Further, it aims to deeply delve into the mechanism of the criminal justice administration as significant area of legal study and highlights its various facets through the legal provisions the Indian legal system has embraced in practice.

Course Syllabus

1. Introduction and Importance of criminal procedure
2. Stakeholders and Functionaries in the Criminal Justice Administration
3. Hierachy-powers and duties of Criminal Courts, Definitions-Sections 2 (a), (g), (h), (w), (wa), (x)
4. Initiation of Criminal Case – Sections 2 (c) (d) and (1), 154-156, 160-164A, 167, 173, 176 of the Cr.P.C.
5. Investigation – Sections 157, 41-41D, 46-47, 93, 50-50A, 51-53, 53A, 54-54A, 55A, 56-57, 60A
6. Bail- Sections 436-439 of the Cr.P.C, S. 37 of NDPS Act and S. 12 of the Juvenile Justice (Care and Protection of Children) Act, 2000
7. Pre-Trial Proceedings- Ss. 190, 193, 200, 204, 209-224, 228
8. Trial –Ss. 2(w) (wa) and (x), 225-226, 230-231, 233-234, 242-244, 251, 260, 262 of the Cr.P.C, S. 25 of the Commissions for Protection of Child Rights Act, 2005 and Ss. 1(4), 4-7A of the Juvenile Justice (Care and Protection of Children) Act, 2000.

9. Rights of Accused and Victims:

- a) Features of Fair Trial – Ss.273, 300, 303-304, 313, 316, 317, 319, 321, 327, 406, 409; Articles 20 (1) (3), 22 (1), 39 A of the Constitution
- b) Rights of Victims – Ss. 357, 357A, 357B, 357C, 372, Proviso
- c) Witness Protection – Delhi High Court Guidelines for Protection of Vulnerable Witnesses r/w S. 33 of the POCSO Act

10. Judgment – Ss 227, 229, 235, 353-355 of the Cr.P.C.

- a) Discharge and acquittal
- b) Conviction
- c) Hearing on sentence
- d) Content of judgments

11. Other Means of Disposal of Cases – Ss. 265A-265L, 320, 360-361 of the Cr.P.C. Ss. 3,4,6 and 12 of the Probation of Offenders Act, Ss. 15-16 of the Juvenile Justice (Care and Protection of Children) Act, 2000

- a) Plea Bargaining, 154th Report of the Law Commission of India, 1996, pp. 51-54.
- b) Compounding of cases
- c) Probation
- d) Disposal in offences by children

12. Appeals, Revisions, Reference, Inherent Powers of the High Court – Ss. 372, 374-376, 395, 397, 482 of the Cr.P.C.

Recommended Readings

- 1) K.N. Chandrasekharan Pillai (Rev.), R.V. Kelkar's Criminal Procedure, (5th ed. 2008)
- 2) K.N. Chandrasekharan Pillai (Rev.), R.V. Kelkar's Lectures on Criminal Procedure, (5th ed. 2013)

Reports:

1. Law Commission of India, Fourteenth Report : Reform of Judicial Administration Vol. 2 (Government of India, New Delhi)
2. Law Commission of India , Thirty Sixth Report : Sections 497-499 of the Cr. P.C. m 1898 – Grant of bail with condition(Government of India , New Delhi, 1967)
3. Law Commission of India, Thirty Sixth Report : The Criminal Procedure Code, 1898(Sections 1-176) (Government of India , New Delhi , 1967)
4. Law Commission of India, Forty First Report : Code of Criminal Procedure, 1898 (Government of India , New Delhi, 1969)
5. Law Commission of India, Fort Eighth Report : Some Questions under the Code of Criminal Procedure Rules, 1970 (Government of India , New Delhi , 1972)
6. Report of the Expert Committee on Legal Aid (Government of India , New Delhi , 1977)

- ## Articles

- ### Course requirements

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Gautam Buddha University
School of Law, Justice and Governance

Course Information

Course Title: International Law
Course Code: LM 108
Course Duration: 18 weeks
Course Credits: 04
Medium of Instruction: English

Course Aim(s)

International law is mostly the law between sovereign states (nations/countries). The course aims at giving the student the advance knowledge of international law as a necessary complement to the student's knowledge of domestic law for equipping the student to take it up for further research.

Course Syllabus

1. Nature, Scope, Development and Codification of International law.
 2. Sources of International Law.
 3. International Conventions: Vienna convention, kinds, who can be party, formation process, principles, invalidity, termination and registration.
 4. Territorial Sovereignty: Concept, creation and transfer of territorial sovereignty, future problems.
 5. International Law and State: Recognition of States and Governments
 6. Extradition and Asylum
 7. Nationality and Citizenship
 8. Settlement of International disputes
 9. United Nations and its organs
 10. United Nations and its organs, cont.
 11. International Court of Justice.
 12. Conclusion(s) of the instruction.
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Recommended Readings

- Aust, Handbook of International Law (Cambridge: Cambridge University Press, 2010).
- A. Cassese, International Law (London: OUP, 2005).
- B. N. Patel, ed., India and International Law (The Hague: Brill, 2005), Vol. I
- B. Rajagopal, International Law from Below: Development, Social Movements and Third World Resistance (Cambridge: Cambridge University Press, 2003).
- B.P. Singh Sehgal, Issues and Challenges of Public International Law (Universal law Publishing, 2016).
- B. S. Chimni, International Law and World Order: A Critique of Contemporary Approaches (New Delhi: Sage, 1993).
- C. G. Weeramantry, Universal International Law (The Hague: Kluwer, 2001).
- D. Shelton, International Law and Domestic Legal Systems (London: OUP, 2011).
- I. Brownlie, Principles of Public International Law (London: OUP, 2008).
- J. F. Murphy, The Evolving Dimensions of International Law: Hard Choices for the World Community (Cambridge: Cambridge University Press, 2010).
- K. Parlett, The Individual in International Legal System (New Delhi: CUP, 2003).
- M. K. Nawaz, The Changing Law of Nations (New Delhi: Eastern Law House, 2000).
- M. N. Shaw, International Law (Cambridge: Cambridge University Press, 2010).
- R. Falk, Legality and Legitimacy in Global Affairs (London: OUP, 2012).
- R. P. Anand, New States and International Law (New Delhi: Vikas, 1972).
- S. M. Schwebel, Justice in International Law (London: CUP, 1997).
- S. Pahuja, Decolonizing International Law: Development, Economic Growth, and the Politics of Universality (Cambridge: Cambridge University Press, 2012).
- V.K. Ahuja, Public International law, Lexis Nexis, 2016
- V. S. Mani, Basic Principles of Modern International Law (New Delhi: Lancer, 1993).
- Y. Tyagi, The UN Human Rights Committee: Practice and Procedure (Cambridge: Cambridge University Press, 2011).

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: International Law
Course Code: LM108
Course Duration: 18 Weeks
Course Credits: 04
Medium of Instruction: English

Course Aim(s)

International law is mostly the law between sovereign states (nations/countries). The course aims at giving the student the advance knowledge of international law as a necessary complement to the student's knowledge of domestic law for equipping the student to take it up for further research.

Course Syllabus

1. Codification of international law: first and second Hague peace conference, League of Nations, United Nations, International Law Commission.
2. International Conventions: Vienna convention, kinds, who can be party, formation process, principles, invalidity, termination and registration.
3. International Law and State: Statehood, rights and duties, recognition.
4. Introduction to state responsibility: basis, nature and scope, abuse of rights, compensation, defences, *locus standi*.
5. Territorial Sovereignty: Concept, creation and transfer of territorial sovereignty, future problems.
6. The protection of individuals and groups: Introduction to human rights, self-determination and to international criminal justice
7. Nationality and Citizenship.
8. Diplomatic and Consular Relations.
9. Law of the Seas: First, Second and third conference on the law of the sea, Territorial Sea, Contiguous Zone, Continental Shelf, Exclusive Economic Zone.
10. Settlement of disputes: Judicial settlement and Arbitration.
11. Environment protection and international law: Stockholm Conference, HABITAT-II, Nairobi declaration, Ozone depletion, Vienna Convention 1985, Earth Summit, Agenda 21, Rio declaration and other conventions.

12. Conclusion(s) of the instruction.

Recommended Readings

- Aust, Handbook of International Law (Cambridge: Cambridge University Press, 2010).
- Cassese, International Law (London: OUP, 2005).
- N. Patel, ed., India and International Law (The Hague: Brill, 2005), Vol. 1
- Rajagopal, International Law from Below: Development, Social Movements and Third World Resistance (Cambridge: Cambridge University Press, 2003).
- B.P. Singh Sehgal, Issues and Challenges of Public International Law (Universal law Publishing, 2016).
- B. S. Chimni, International Law and World Order: A Critique of Contemporary Approaches (New Delhi: Sage, 1993).
- G. Weeramantry, Universal International Law (The Hague: Kluwer, 2001).
- Shelton, International Law and Domestic Legal Systems (London: OUP, 2011).
- Brownlie, Principles of Public International Law (London: OUP, 2008).
- J. F. Murphy, The Evolving Dimensions of International Law: Hard Choices for the World Community (Cambridge: Cambridge University Press, 2010).
- K. Parlett, The Individual in International Legal System (New Delhi: CUP, 2003).
- M. K. Nawaz, The Changing Law of Nations (New Delhi: Eastern Law House, 2000).
- M. N. Shaw, International Law (Cambridge: Cambridge University Press, 2010).
- R. Falk, Legality and Legitimacy in Global Affairs (London: OUP, 2012).
- R. P. Anand, New States and International Law (New Delhi: Vikas, 1972).
- S. M. Schwebel, Justice in International Law (London: CUP, 1997).
- S. Pahuja, Decolonizing International Law: Development, Economic Growth, and the Politics of Universality (Cambridge: Cambridge University Press, 2012).
- V.K. Ahuja, Public International law, Lexis Nexis, 2016
- V. S. Mani, Basic Principles of Modern International Law (New Delhi: Lancer, 1993).
- Y. Tyagi, The UN Human Rights Committee: Practice and Procedure (Cambridge: Cambridge University Press, 2011).

Course requirements

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Name: Public Policy and Judicial Review

Course Code: LME102

Course Duration: 18 weeks

Credit Unit: 04

Medium of Instruction: English

Course Objective(s)

It is commonly believed that public policy is essentially legislative and executive function. But policy questions are no more confined to these two wings of the government; judiciary has been playing substantial role in shaping crucial issues related to public policy all across the world. The most effective way through which judiciary does this is the mechanism of judicial review. Public policy is regarded as a complex interplay of the processes of identifying the public issues and addressing them through the courses of action, policy measures, laws and regulations. A well ordered society relies on its constitutional frame which requires to be attuned with the dynamic need of the society and therefore judiciary is bound to perform twin tasks: one, to review the action of the executive or the legislative branches whether they are in conformity with the grand constitutional norm; and secondly to prescribe and guide these branches to take the policy measures where the grand norm remains silent. Keeping this in view the course aims at delineating the relations between public policy and judicial review and highlight the importance of judiciary how it effectively transcends its traditional boundary in settling the larger question of the common good of the society.

Course Syllabus

1. Introducing the conceptual boundary: Meaning, nature and scope of public policy and judicial review
2. Relationship between politics and law: Outlining the frontier of the State and its constituents with their designated role.

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3. Theoretical perspective: Approaches to public policy analysis: The Process Approach, the Logical Positivist Approach, the Phenomenological Approach, the Participatory Approach and Normative Approach.
4. Judicial review: Genealogy and historical development in comparative context: The experience of the West and India
5. Judicial review of the constituent power and the constituted power: The doctrine of basic structure and the separation of power in the Constitution
6. Legal and political grounds of judicial review: Illegality, irrationality, procedural impropriety, proportionality and social expediency
7. Judicial review and judicial limitations: Constitutional limits, exclusion of judicial review, implied limits, concept of judicial self-restraint module
8. Dynamics of political and legal processes: Public policy making and judicial intervention: To what extent judiciary succeeds in the formation of public policy through its arm of judicial review.
9. Area of conflict and cooperation: Judicial activism and judicial review; constitutionality and social need.
10. Changing contour of the government: The forces of globalization and their influence: New actors, PILs and expanding horizons of legal jurisprudence.
11. Critical overview of the Indian experience of the public policy outcome and the role played by the judiciary.
12. Conclusion: The way forward

Recommended Readings

- Anderson, J.E. (2006), *Public Policy-Making: An Introduction*, Boston: Houghton.
- Bardach, Eugene (1977), *The Implementation Game: What Happens After a Bill Becomes a Law*, Cambridge: MA: MIT.
- Basu, D. D. (2005), *Administrative Law*, Delhi: Kamal Law House, 6th Edition.
- Banerjee, Bhagawati Prasad & Bhasker Prasad Banerjee (2006), *Judicial Control of Administrative Action*, Wadhwa & Co., Nagpur.
- Bergerson, Peter J. (ed.) (1991), *Teaching Public Policy: Theory, Research and Practice*, Westport, RI: Greenwood Press.

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- Birkland Thomas A. (2005), *An Introduction to The Policy Process: Theories, Concepts, And Models of Public Policy Making* Armonk; M.E. Sharpe.
 - Brewer, Gary D., and Peter de Leon (1983), *The Foundations of Policy Analysis*, Homewood, IL.: The Dorsey Press.
 - Dahl, Robert and Charles Lindblom, (1976), *Politics, Economics and Welfare*, New York: Harper.
 - Dror, Y. (1989), *Public Policy making Re-examined*, 2nd ed., San Francisco, Chandler.
 - Dye Thomas (2008), *Understanding Public Policy*, Singapore, Pearson Education
 - Hill Michael (2005), *The Public Policy Process*, Harlow, UK; Pearson Education, 5th Edition.
 - Harry Woolf, Stanley A. De Smith, et.al (2007), *De Smith's Judicial Review*, Sweet & Maxwell.
 - Fenwick, Helen (2010), *Judicial Review*, Gurgaon: Lexis Nexis, 2010.
 - Howlett, Michael, and M. Ramesh (1995), *Studying Public Policy: Policy Cycles and Policy Subsystems*, Toronto: OUP, Toronto
 - Jain, M. P. & S. N. Jain (2008), *Principles of Administrative Law*, Wadhwa Publications.
 - Jones, C.O. (1970), *An Introduction to the Study of Public Policy*, Belmont, Prentice-Hall.
 - Lerner, D. and H.D.Lasswell (eds.) (1951), *The Policy Sciences*, Stanford: Stanford University Press.
 - Lewis, Clive (2009), *Judicial Remedies in Public Law*, Hebden Bridge: Sweet and Maxwell.
 - Lindblom, C.E., and E.J., Woodhouse (1993), *The Policy making Process*, 3rd ed., New Jersey, Prentice-Hall.
 - McCool, Daniel C. (ed.) (1995), *Public Policy Theories, Models, and Concepts: An Anthology*, NJ: Prentice-Hall.
 - Moran Mitchel and Robert Goodin (2006), *The Oxford Handbook of Public Policy*, Oxford University Press, New York.
 - Nachmias, David, (1979), *Public Policy Evaluation: Approaches and Methods*, New York: St. Martin's Press.
 - Jay M. Shafritz (ed.) (1998), *International Encyclopedia of Public Policy and Administration*, Boulder: Westview Press.
 - Rao, Mamata (2010), *Public Interest Litigation*, EBC, 3rd Edition.
 - Sathe, S.P. (2002), *Judicial Activism*, Delhi: Oxford University Press.

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfilment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Law of Insurance

Course Code: LME 106

Course Duration: 18 Weeks

Credit Unit: 04

Medium of Instruction: English

Course Aim(s)

Insurance Law regulates the Insurance services and relationship between insured and insurance institution. The course aims at giving advance knowledge of insurance laws so that student can take up for further research.

Course Syllabus

1. Introduction- Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, and indemnity
2. Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance
3. Constitutional perspectives-the Entries 24, 25, 29, 30, 47 of List I Union List; 23, 24 of List III
4. General Principles of Law of Insurance- definition, nature and history, the risk-commencement, attachment and duration, assignment and alteration, settlement of claim and subrogation, effect of war upon policies
5. Settlement of claim and subrogation
6. Effect of war upon policies
7. Indian Insurance Law: General, history and development, The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000, Mutual insurance companies and cooperative life insurance societies, double insurance and re-insurance
8. Life Insurance-Nature and scope, event insured against life insurance contract, circumstances affecting the risk, amounts recoverable under life policy, persons entitled to payment, settlement of claim and a payment of money

- M. Hidayatullah and A. Hidayatullah, *Mulla's Principles of Mahomedan Law* (New Delhi: LexisNexis: 1990).
- P. L. Paruck, *Indian Succession Act* (New Delhi: LexisNexis: 2011).
- P. Uberoi, *Family, Kinship and Marriage in India* (New Delhi: OUP, 1993).
- S. A. Desai, *Mulla Hindu Law* (New Delhi: LexisNexis: 2010).
- S. M. Okin, *Justice, Gender and the Family* (New York: Basic Books, 1989).
- W. Menski, *Hindu Law Beyond Tradition and Modernity* (London: OUP, 2009).

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination



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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Family Law
Course Code: LM 201
Course Duration: 18 Weeks
Course Credits: 04
Medium of Instruction: English

Course Aim(s)

Family is the basic unit of society and is regulated by the laws in many ways. Family is the source of empowerment. That is the reason why it should be strengthened by soft laws not hard laws. The aim of course is to give the jurisprudential knowledge to the students about the Family system.

Course Syllabus:

1. Basic Principles of Hindu and Muslim Jurisprudence
2. Sources of Hindu and Muslim Law
3. Schools of Hindu and Muslim Law
4. Concept of Marriage under Hindu and Muslim Law
5. Matrimonial Relief under Hindu Law : (a) Nullity of Marriage, (b) Restitution of Conjugal Rights, (c) Judicial Separation, (d) Divorce
6. Law of Marriage and Dower under Muslim Law
7. Law of Divorce under Muslim Law
8. Changing Concept of Adoption under Hindu Law
9. Maintenance to wife, Children and Parents under Hindu and Muslim Law
10. Joint Family and Coparcenary under Hindu Law
11. General Principles of Succession and Inheritance under Hindu and Muslim Law
12. Paternity and Legitimacy under Hindu and Muslim Law

Recommended Books:

- Dhanda and A. Parashar, *Engendering Law: Treatise on Women and Law* (Lucknow: EBC, 2007).
- F. Agnes, *Family Law* (New Delhi: OUP, 2011), Vols. 1 and 2.
- K. B. Agrawal, *Family Law in India* (London: Kluwer, 2010).
- K. Desai, *Indian Law of Marriage and Divorce* (New Delhi: LexisNexis: 2011).
- K. M. Kapadia, *Marriage and Family in India* (Bombay: OUP, 1966).
- Kusum, *Family Law Lectures* (New Delhi: LexisNexis: 2011).

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Principles of Legislation & Interpretation of Statutes
Course Code: LM203
Course Duration: 18 Weeks
Course Credits: 04
Medium of Instruction: English

Course Aim(s):

The course seeks to provide expertise in the matters relating to principles of legislation and its interpretation.

Course Syllabus:

1. Principles of Legislation
2. Relation between Law and public opinion
3. Social Legislation in India
4. Rule of interpretation: Literal, Golden and Mischief
5. Strict and Liberal Interpretation
6. Beneficial and Equitable interpretation
7. Internal aids to interpretation: Meaning and forms: Expressio unis est exclusio alterius, same words, same meaning, surplusage, casus omissus,
8. Internal aid to interpretation contd.: Noscitur a sociis, ejusdem generis
9. External aid to interpretation: Meaning and forms: Surrounding Circumstances, Contemporanea exposito est optima et fortissimo in lege

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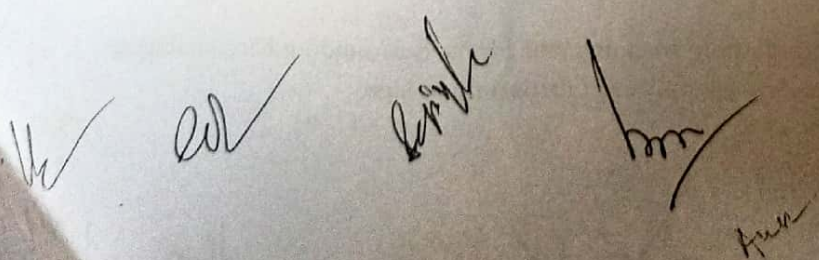
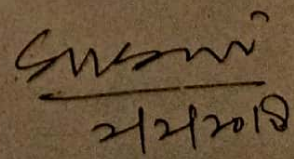
10. External aid to interpretation contd. : Later development, Books, Dictionaries, International Law, Foreign Judgment, Stare decisis
11. Operation of Statutes: Retrospective Operation.
12. Expiry and Repeal of Statutes

Recommended Readings

- Scalia, *A Matter of Interpretation: Federal Courts and the Law* (New York: Translational, 1997).
- D. Greenberg, *Craies on Legislation* (London: Sweet & Maxwell, 2010).
- F. Bennion, *Bennion on Interpretation* (London: LexisNexis, 2008).
- F. Bennion, *Understanding Common Law Legislation: Drafting and Interpretation* (Lucknow: EBC, 2004).
- G. P. Singh, *Principles of Statutory Interpretation* (New Delhi: LexisNexis, 2012).
- H. Hart Jr. and A. M. Sacks, *The Legal Process: Basic Problems in the Making and Application of Law* (London: OUP, 1994).
- J. Bentham, *Theory of Legislation* (New Delhi: LexisNexis, 1976).
- J. Waldron, *The Dignity of Legislation* (London: Cambridge University Press, 1999).
- K. Greenawalt, *Legal Interpretation* (London: OUP, 2010).
- L. Epstein and J. Knight, *The Choices Justices Make* (London, OUP, 1998).
- M. Katju and S. K. Kaushik, eds., *N. S. Bindra's Interpretation of Statutes* (New Delhi: LexisNexis, 2008).
- P. K. Tripathi, *Spotlights on Constitutional Interpretation* (Bombay: Tripathi, 1972).
- P. St. Langan, *Maxwell on the Interpretation of Statutes* (New Delhi: LexisNexis, 1999).
- R. Dworkin, *Law's Empire* (New Delhi: Universal, 2002).
- R. Pratap, *Interpretation of Statutes: A Reader* (Delhi: Manak, 2010).
- W. N. Eskridge, Jr., *Dynamic Statutory Interpretation* (Princeton: Princeton University Press, 1981).

Course requirements:

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfilment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Course Title: Interpretation of Statutes
Course Code: LM203
Course Duration: 18 Weeks
Course Credits: 04
Medium of Instruction: English

The course seeks to have expertise in the matters relating to principles of legislation and its interpretation.

1. Principles of Legislation
2. Relation between Law and public opinion
3. Statutes, Statutory interpretation and Need for statutory interpretation
4. Parts of a statutes: Title, long title, short title, preamble, interpretation clause, title of chapter, headings, sections, punctuation, marginal notes, legal fictions
5. Parts of a statute contd.: Non-obstante clause, explanation, exceptions, proviso, saving clause, case studies, illustrations, schedules, forms, erratum
6. Rule of interpretation: Literal, Golden and Mischief
7. Strict and Liberal Interpretation
8. Beneficial and Equitable interpretation
9. Harmonious Construction
10. Internal aids to interpretation: Meaning and forms: Expressio unis est exclusio alterius, same words, same meaning, surplusage, casus omissus.



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Alternative Dispute Resolution

Course Code: LM205

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

Alternative dispute resolution system provides practical and innovative ways to resolve the disputes. The course aims at making the student aware of the necessity for importance of alternative dispute resolution and giving the student knowledge of various alternative disputes processes for taking it up for practice or further study.

Course Syllabus

1. Introduction: Concept of ADR- history and reasons for the growth of ADR ,Relevance in the present scenario
2. Important forms of ADR: Negotiation, Mediation, Arbitration and Conciliation
3. Settlement of disputes through : Lok Adalat, Nyaya Panchayat
4. Application of ADR methods in other areas: Settlement in labour and Industrial disputes, Family Court, Consumer disputes, Accidental Claims
5. Arbitration and Conciliation Act, 1996 and Amended Act, 2015
6. Arbitration Agreement: Essentials, kinds, competence of parties and validity
7. Arbitration Agreement contd.: Reference to arbitration and interim measures
8. Arbitral Tribunal: Appointment of arbitrators, Grounds for challenge, Challenge procedure-Court Assistance, competency and Jurisdiction of Arbitrators
9. Arbitral Award: Form, contents, grounds for setting aside, enforcement
10. Arbitral Award contd.: Appeal and Revision

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11. Foreign Arbitral Awards: Enforcement and Execution, New York and Geneva Conventions
12. Conclusion(s) of the instructions

- Ingen-Housz, ADR in Business: Practice and Issues Across Countries and Cultures (London: Kluwer, 2011).
- Redfern et al., Law & Practice of International Commercial Arbitration (London: Sweet & Maxwell, 2004).
- J. Van den Berg, Arbitration Advocacy in Changing Times (London: Kluwer, 2011).
- R. Lakshmanan, Arbitration Business and Commercial Laws (New Delhi: Universal, 2010).
- R. Dutta, Law of Arbitration and Conciliation (New Delhi: LexisNexis, 2007).
- Campbell, Dispute Resolutions Methods (London: Kluwer, 1996).
- G. B. Born, International Commercial Arbitration (London: Kluwer, 2009).
- J. W. Rowley, Arbitration World (London: Sweet & Maxwell, 2010).
- L. A. Mistelis and S. L. Brekoulakis, Arbitrability: International and Comparative Perspective (London: Kluwer, 2009).
- M. Saharay, Textbook on Arbitration & Conciliation with Alternative Dispute Resolution (New Delhi: Universal, 2011).
- K. Kerrigan and V. Murray, eds., A Student Guide to Clinical Legal Education and Pro Bono (London: Palgrave Macmillan, 2011).
- N. R. Madhava Menon, Clinical Legal Education (New Delhi: Eastern Book Company, 2011).
- P. Binder, International Commercial Arbitration & Conciliation in UNCITRAL Model Law (London: Sweet & Maxwell, 2009).
- P. C. Markanda, Law Relating to Arbitration & Conciliation (New Delhi: LexisNexis, 2009).
- P. C. Rao and W. Sheffield, Alternative Dispute Resolution (New Delhi: Universal, 2011).
- S. B. Malik, Commentary on the Arbitration and Conciliation Act (New Delhi: Universal, 2011).

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Human Right
Course Code: LM207
Course Duration: 18 Week
Course Credits: 04
Medium of Instruction: English

Course Aim(s)

The traditional norm governing the concept of human rights is respect for human personality and its absolute worth, regardless of colour, race, sex or religion. These rights are essential for the adequate development of the human personality and for human happiness. The focus of a course on human rights must be on the national problems with an international or been expressed rights much more. It requires us to take up cudgels against poverty discriminations on or creed, color or sex, make provisions for natural resources, ecological balance, provision against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any program of social transformation with reference to them.

Course Syllabus

1. Origin and Development of Human Rights Awareness of Human rights.
2. Universal Declaration of Human Rights 1948, Human Rights under UN Charter kinds of Human Rights.
3. Fundamental Rights Jurisprudence as incorporating directive principles of state policy resultant expansion of basic needs oriented human rights in India.
4. Right not be subject to torture, in human or cruel Treatment conceptions, in human or cruel Treatment conceptions of torture. Law reform and judicial attitudes.
5. Minority Rights, conception of minorities, scope of protection, the position of minority and their basic rights in India.
6. Human rights and vulnerable groups. Rights of women, Rights of child, Rights of the indigenous peoples and Rights of the disabled persons. National and international level.

7. Peoples participation in protection and promotion of human rights with special reference to, Amnesty international, role of legal profession, role of media.
8. Enforcement of Human Rights International Mechanisms: united nation human rights monitoring, mechanism procedure under the international covenant on civil and political rights 1966.
9. Enforcement of human rights regional mechanism. Implementation machinery of human rights under the European convention on human rights American Convention on human rights, African commission on human rights.
10. Protection and promotion of human rights through nation human rights commission in India. State human rights commission.
11. International humanitarian law: Definition origin and development, convention relating to the protection of civilian persons in time of war, 1949.
12. Refugee and human rights origin and development, Refugee problem, rights of the refugee under refugee contention.

Recommended Readings

- Buchanan, *Human Rights, Legitimacy and the Use of Force* (Oxford University Press: 2010)
- Anthony Woodiwiss, *Human Rights* (Routledge: 2005).
- Arun Ray, *National Human Rights Commission Of India: Formation, Functioning And Future Prospects* (Atlantic: 2004).
- Orend, *Human Rights: Concept and Context* (Broadview Press: 2002).
- C.J. Nirmal, *Human Rights in India: Historical, Social, and Political Perspectives* (Oxford University Press: 2002).
- Darren O'byrne, *Human Rights: An Introduction* (Pearson: 2003).
- Eva Brems, "Human Rights: Minimum and Maximum Perspectives," *Human Rights Law Review*, 9, 2009: 343-372.
- J. Donnelly, *Universal Human Rights in Theory and Practice*, 2nd edn. (Cornell University Press: 2003).
- J. Griffin, "First Steps in an Account of Human Rights" *European Journal of Philosophy*, 9, 2001: 306-327.
- J. Griffin, *On Human Rights* (Oxford University Press: 2008).
- J. Morsink, *Universal Declaration of Human Rights: Origins, Drafting, and Intent* (University of Pennsylvania Press: 1999).
- Jeffrey F. Addicott, MD. Jahid Hossain Bhuiyan, Tareq M. R. Chowdhury, *Globalization, International Law, and Human Rights* (Oxford University Press: 2001).
- M. Katayanagi, *Human Rights Functions of United Nations Peacekeeping Operations*, (Kluwer: 2002).
- Michael Freeman, *Human Rights* (Polity Press: 2002).

- Mukul Sharma, *Human Rights In A Globalised World: An Indian Diary* (Sage Publication:2010).
- Peter Uvin, *Human Rights and Development* (Kumarian Press: 2004)
- S. Bailey, *The UN Security Council and Human Rights* (St. Martin's Press: 1994).
- T. Pogge, "The International Significance of Human Rights," *Journal of Ethics*, 4, 2002:45-69
- United Nations Office of The High Commissioner For Human Rights, *Good Governance Practices For The Protection Of Human Rights* (United Nations: 2008).
- V. R. Krishna Iyer, *Dialectics & Dynamics Of Human Rights in India: Yesterday, Today And Tomorrow* (Eastern Law House: 2000).
- W. Kymlicka (ed.), *The Rights of Minority Cultures* (Oxford University Press: 1995).
- Yogesh Tyagi, *The UN Human Rights Committee: Practice and Procedure* (Cambridge University Press: 2011).

Course requirements


Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.


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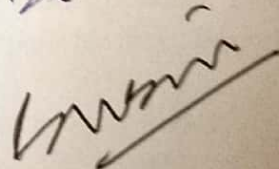
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Gautam Buddha University
School of Law, Justice and Governance

Course Information

Course Title: National Security, Public Order and Rule of Law

Course Code: LME 201

Course Duration: 18 Weeks

Credit Units: 4

Medium of Instruction: English

Course Aim(s)

The course is meant to help the students to learn and understand the subject of national security, Public Order and Rule of Law. It is intended to familiarize the students with various terms and terminologies, meaning, definition, the scope of the studies, and its nature and important features. It is also intended to explain the social utilities and necessities of the subject in the present day life of globalization and world politics.

Course Syllabus

- 1: The Concept of National Security, Public Order and Rule of Law, Meaning and Scope of Studies, Nature and Features. Freedom Fight, State Revolution, State Terrorism, Terrorism versus War, Insurgency.
- 2: Different Dimensions of National Security: Energy, Water, Environment, Air, drug trafficking and Money Laundering, Factors Responsible for it, Basic Assumptions.
- 3: Historical Developments and Need of National Security Policy.
- 4: Theories of National Security. The Balance of Power Approach, the Collective Security Approach, the Democratic Peace Approach, Human Security Approach.
- 5: Security Threat: Internal Security and External Security Threats. Objectives of National Interests, Integration of Political, Military and Economic means to pursue the ultimate objectives, National Security Policy Determinants: Political, Social, Economic and Geographical Considerations, Geo-Politics.

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6: The National Security Act, 2008, the UAPA, the TADA, the POTA, Sec. 294 and Sec. 354 of the IPC. Armed Forces Special Powers Act of 1958: Control of Organised Crimes Acts, GUJCOCA, MCOCA, CSPSA.

7: National Security and Cyber Laws: Right to Privacy and Use of Internet and Wireless Phones, Means of Communications and Information, Intelligence and Surveillance.

8: Rule of Law, Challenges to Constitutional Rights and Liberties, Due Process and the Role of Judiciary, National Security and Human Rights Laws, Role of NGOs in Security Policy formulation.

9: Weapons of Mass-Destruction, Biological-Weapons, Terrorism as Political Goal.

10: Laws of War, Role of International Humanitarian Laws. National Security Policy making of the USA, EU and Russia, Defence Diplomacy: Defence Relations, Military Exercises. Indo-Soviet Defence Relations, Indo-US Defence Relations.

11: Balancing National Security and Constitutional Liberties.

12: Conclusions.

Recommended Readings

- Bharat Karnad, (2002), Nuclear Weapons and Indian Security: The Realist Foundations of Strategy, New Delhi, Macmillan.
- C. Raja Mohan, (2006), Impossible Allies: Nuclear India, United States and the Global Order, India Research Press.
- Earnest Barker, (1951), Principles of Social and Political Theory, Clarendon Press, Oxford.
- Isaiah Berlin, (1958), Two Concepts of Liberties, Oxford University Press. Oxford.
- Srinath Raghavan, (2010), War and Peace in Modern India, Palgrave Macmillan.
- Ved Marwah, (1998), Uncivil Wars, Harper Collins India.
- Afsir Karim, (1993) Transnational Terrorism: Danger in the South, Lancer Publishers.
- P.W. Singer, (2005), *Children at War*, New York: Pantheon Books.
- Ved Marwah, (2009), India in Tormoil: Jammu and Kashmir, The Northeast and the Left Extremism, Rupa and Co.
- Jaswant Singh, (1998), Defending India, Palgrave Macmillan.
- Christopher S. Raj, (2007), "US War on Terrorism: Intervention in Afghanistan and Iraq," in Chintamani Mahapatra and Amulya Tripathy (eds.) *Transnational Terrorism*, New Delhi: Reference Press.

- Praful Bidwai and Achin Banaik, (2000), *South Asia on a Short Fuse: Nuclear Politics and Future of Global Disarmament*, New Delhi, Oxford University Press.
- B.S. Chimni, (1993), *International Law and World Order: A Critique of Contemporary Approaches*, New Delhi, Sage Publications.
- Partha S. Ghose, (1995), *Cooperation and Conflict in South Asia*, New Delhi, Manmohan Publishers.
- JFR Jacob, *Surrender at Dacca: Birth of a Nation*, Lancer Publishers and Distributors.
- Joseph Gabriel Starke, (1950), *An Introduction to International Law*, Butterworth.
- Prakash Singh, (2006) *The Naxlite Movement in India*, Rupa and Co.
- Rajesh M. Basrur, (2001), *Security in the New Millennium: View from South Asia*, India Research Press, N. Delhi.

Further Readings

- H.M. Jain, (2002), "International Law and International Politics: A study in mutual interactions," *India Quarterly*, LVIII (1): 75.
- David P. Forsythe, (2000), *Human Rights and Comparative Foreign Policy*, Tokyo: United Nations University.
- H.O. Agarwal, (2002), *International Law and Human Rights*, (9th Ed.), Allahabad Central Law Publications.
- Saleem Kidwai, (2003), "Human Rights in the U.S. Domestic and Foreign Policies", *Journal of Peace Studies*, 10 (3): 5.
- Ravi Nair, (2009), "The Unlawful Activities (Prevention) Amendment Act of 2008: Repeating Past Mistakes," *Economic and Political Weekly*, 44(4): 10-14.
- Institute of Peace and Conflict Studies (2003), "Indo-US Relations: Promoting Synergy, Report of an independent Core Group," *Institute of Peace and Conflict Studies*, Delhi, February 2003, p. 43.
- Richard A. Posner, (2001), "Security Versus Civil Liberties", *The Atlantic Monthly*, 288 (5): 46-57.
- Fort Fu Te Liao, (2004), "Right to Liberty and Fair Trial Sacrificed in the name of Anti-Terrorism", *EurAmerica*, 34 (3): 512-552.
- Gerald Draper, (1995), "The Contribution of the Emperor Asoka Maurya to the development of the humanitarian ideal in warfare", *International Review of Red Cross*, no. 305, pp. 192-206. Edited by Michael A. Meyer, Head of International Law, British Red Cross, Dated 30 April, 1995.

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfilment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Gautam Buddha University
School of Law, Justice & Governance

Course Information

Course Title: Cyber Law

Course Code: LME 203

Course Duration: 18 week

Course Credits: 4

Medium of Instruction: English

Course Aim(s)

Ours is the age of information, and the technology, which has made it possible, is information technology. The course aims at giving the student the basic knowledge of information technology law so that the students can it up for practice or further study.

Course Syllabus

1. Meaning of Information and Information Technology, main terminology of information technology: Cyber World, Computer, Drive, IP Protocol, Server, Blue Tooth, Wi-Fi, Satellite and advantage and Disadvantage of Internet Technology.
2. Cyber Law in India: Salient features of the Information Technology Act, 2000.
3. Digital signature: Meaning, authentication of records, relevant provisions and illustrations.
4. Electronic Governance: Legal recognition of electronic records and of digital signatures, central government's power to make rules.
5. Attribution of electronic records: Acknowledgment of receipt of electronic records: Relevant provisions and case studies.
6. Security Procedure Duties of subscribers: Acceptance of Digital Signature Certificate and Control of Private Key Certifying authorities: Controller and other officers, powers and functions.
7. Cyber Regulation Appellate Tribunal: Establishment, composition, powers and functions, penalties and adjudication, penalty for damage to computer and computer system, failure to furnish information; A comparative study of Cyber Regulation Appellate Tribunal and Civil Court.
8. Cyber offences: General provisions, amendments to the Indian Penal Code, 1860, and the Evidence Act, 1872

9. Cyber offences: Tampering with computer source documents: Relevant provisions and case studies.
10. Hacking with computer system: Relevant provisions and case studies.
11. Cyber offences contd.: Publishing of obscene information: Relevant provisions and case studies.
12. Misrepresentation, breach of confidentiality and privacy, publishing digital Signature Certificate false in certain particulars, publication for fraudulent purpose, publishing digital signature certificate false in certain particulars: Relevant provisions and case studies, powers of the police: Entry and search.

Recommended Readings

- Sharma, Vakul., 'Information Technology Law and Practice' Universal Law Publishing an imprint of Lexis Nexis, fifth edition 2017.
- Dr. Jyoti Rattan, 'Cyber Laws' Bharat Law House Pvt. Ltd., New Delhi, 2011, First Edition 2011.
- Davidson, Law of Electronic Commerce (London: Cambridge University Press, 2010).
- Murray, Information Technology Law: The Law and Society (London: OUP, 2010).
- D. Bainbridge, Introduction to Information Technology Law (London: Pearson, 2012).
- D. Rowland et al., Information Technology Law (London: Routledge, 2011).
- J. Lloyd, Information Technology Law (London: OUP, 2011). L. Edwards and C. Waelde, eds., Law and the Internet ((Oxford: Hart Publishing, 2009).
- K. W. Grewlich, Governance in Cyberspace, Access and Public Interest in Global Communications (London: Kluwer, 2000).
- P. B. Maggs, et al., Internet and Computer Law: Cases, Comments and Questions (St. Paul, Minn.: West Group, 2001).
- R. Brownsword and M. Goodwin, Law and the Technologies of the Twenty-First Century: Text and Materials (London: Pearson, 2012).
- R. Shapira, Law, Information and Information Technology (London: Kluwer, 2011).
- S. Brenner, Law in an Era of Smart Technology (London: OUP, 2007).
- S. V. Joga Rao, Computer Contracts and Information Technology Law (Nagpur: Wadhwa, 2005).

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end term examination.

8. Copyright law contd.: Range of Copy Right, Fair use, Infringement, and remedies: Legal provisions, including the Copyright Act, 1957, and case studies.
9. Law of Geographical Indications: Concept, essentials, distinction from and co-existence with trademarks, enforcement and remedies: Legal provisions, including the Geographical Indications of Goods (Registration and Protection) Act, 1999 and case studies.
10. Protection of the layout-designs of integrated circuits and undisclosed information: Concepts and essentials: Legal provisions, including the Semiconductor Integrated Circuits Layout-Design Act, 2000, and case studies.
11. Protection of Plant Variety and Farmers' Rights: Salient features of the Protection of Plant Varieties and Farmers' Rights Act, 2001: Registration of plant varieties, farmers' rights, breeders' rights, researchers' rights, compulsory licence, infringement and remedies: Legal provisions and case studies.
12. Biological Diversity: Meaning, concept, and contemporary developments and importance for developing countries; Constitution and Function of National Biodiversity Authority (NBA) State Biodiversity Boards (SBB) under the Biological Diversity Act, 2002: Legal provision and case studies.

Recommended Reading

- B. W. Gray and E. Bouzalas, *Industrial Design Rights: An International Perspective* (London: Kluwer, 2001).
- C. M. Correa, *Intellectual Property Rights, the WTO and Developing Countries: The TRIPS Agreement and Policy Options* (Penang: Third World Network, 2000).
- D. Bainbridge, *Intellectual Property* (London: Pearson, 2003).
- D. Lange, M. La France and G. Mayers, *Intellectual Property: Cases and Materials* (St. Paul: West Group, 1998).
- D. A. Chisum, *Principles of Patent law* (New York: Foundation Press, 2001).
- F. A. Khader, *the Law of Patents with a Special Focus on Pharmaceuticals in India* (New Delhi: LexisNexis, 2011).
- H. Yamane, *Interpreting TRIPS* (Oxford: Hart Publishing, 2011).
- J. Watal, *Intellectual Property Rights in the WTO and Developing Countries* (Delhi: OUP, 2001).
- K. C. Kailasam and R. Vedaraman, *Law of Trade Marks & Geographical Indications* (Nagpur: Wadhwa, 2007).
- K. C. Kankanala et al., *Indian Patent Law and Practice* (New Delhi: OUP, 2010).
- L. Bently and B. Sherman, *Intellectual Property Law* (London: OUP, 2001).
- M. A. Echols, *Geographical Indications for Food Products* (London: Kluwer, 2008).
- M. A. Epstein, *Epstein on Intellectual Property* (London: Kluwer, 2005).
- N. P. de Carvalho, *The TRIPS Regime of Antitrust and Undisclosed Information* (London: Kluwer, 2007).



Gautam Buddha University
School of Law, Justice & Governance

Course Information

Course Title: Intellectual Property Right

Course Code: LME 205

Course Duration: 18 week

Course Credits: 4

Medium of Instruction: English

Course Aim(s)

Intellectual property law is the law of intangible property, e.g. patents, copyright, trademark. The course aims at giving the student the basic knowledge of intellectual property law to enable the student to take it up for practice or further study.

Course Syllabus

1. Intellectual Property Rights: Meaning, definitions, nature, emergence and development, sources of intellectual property law and administering international institutions: International instruments, including the Paris and Berne Conventions, the TRIPS Agreement, WIPO and WTO.
2. Patents law: Concept of patent and patentable subject matter, Requisites for obtaining a patent, patent application, claims, anticipation: Legal provisions and case studies.
3. Patents law contd.: Grant and Opposition, Compulsory licences, infringement and remedies: Legal provisions and case studies.
4. Trademarks law: Meaning, distinctiveness, similarity, trademarks and other marks, including domain names: Legal provisions, and case studies.
5. Trademarks law contd.: Critical study of grounds of Registration and refusal of Trademarks registration; Infringement: Legal provisions, and case studies.
6. Law of industrial designs: Meaning, grounds of registration and refusal of registration, rights conferred upon registration, Infringement and remedies: Legal provisions, including the Designs Act, 2000, and case studies.
7. Copyright law: Aims and Objectives of Copy Right, the subject-matter of Copy Right, Grounds of Registration and refusal of registration: Legal provisions, including the Copyright Act, 1957, and case studies.



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Comparative Constitutional Law

Course Code: LM 204

Course Duration: 18 weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

The aim of the course is to examine comparatively the provisions and judicial interpretation pertaining to the Constitutional Law of many countries so as to enhance the knowledge of the students by promoting them through learning process.

Course Syllabus

1. General Introduction: features of the Constitutional Law of India, USA and UK. With case studies
2. Federalism: CAD reports, Provisions and case law under Indian Constitution comparing with federal countries
3. Rule of Law: Meaning and its evolution, Provisions and case law under Indian Constitution, USA and UK
4. Judicial Review: Provisions and case law under Indian Constitution, USA and UK, Judicial Overreach
5. Right to Property: Indian Position, Eminent Domain and police power under USA, UK with case law
6. Executive: Powers and functions of the President and relation with the Council of Ministers: India, USA and UK with case law
7. Judiciary: Appointments, transfer and removal of Judges with case law
8. Judiciary contd: Jurisdictions and powers of the Superior Courts with case law; India and USA and UK

9. Constitutional Amendments: Powers of Legislature and procedures for amendment of the provisions of the Constitution in India and USA with case law
10. Constitutionalism: India, USA, Pakistan
11. Secularism: Provisions and case law under Indian Constitution, USA and UK,
12. Due Process and Procedure Established by Law: Provisions and case law under Indian Constitution, USA and UK, Judicial Overreach

Recommended Readings

- D.D.Basu, Comparative Constitutional Law, 2nd ed., Wadhwa Nagpur, 2008, pp 1-12.
- Jan M Smits (ed), Elgar Encyclopedia of Comparative Law, Edward Elgar, Cheltenham, UK, 2006, pp 57-65, 187-199. (included in reading material)
- Reimann, Mathias and Zimmermann, Reinard, The Oxford Handbook of Comparative Law, OUP, Oxford, 2006, pp 1225-1257. (included)
- Mark Tushnet, The Possibilities of Comparative Constitutional Law (1999) 108 *Yale.L.J.* 1225. (included in reading material)
- Michael Burgess, Comparative Federalism, Theory and Practice, Routledge, New York, 2006, pp 9-49. (included in reading material) and pp 50-75.
- Mahendra P. Singh, V N Shukla, 11th ed., EBC, Lucknow, 2008, pp A28-A35.
- DD Basu, Introduction to the Constitution of India, Lexis-Nexis-Butterworth-Wadhwa, 2008, pp 51-66, 327-334, 344-351, 357-367.
- Mark Tushnet, The Constitution of the United States of America: A Contextual Analysis, Hart Publishing Ltd, 2009, pp 159-181. (included in reading material)
- Charles Fried, Saying What the Law is: The Constitution in the Supreme Court, First Indian Reprint, Universal Publishing Co.Pvt Ltd., 2008, pp 13-48. (included in reading material)
- B Z Tamanaha, Rule of Law in United States in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London, 2004, pp 56-78. (included in reading material)
- Jeffrey Jowell, The rule of law today, in Jeffrey Jowell and Dawn Oliver (ed.), The Changing Constitution, OUP, 4th ed., 2000, pp 3-22 (Rule of law in England)
- U Baxi, Rule of Law in India: Theory and Practice in Randall Peerenboom (ed.), Asian Discourses of Rule of Law, Routledge, London, 2004, pp 324-345. (included in reading material)

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Principles of Constitutional Law

Course Code: LM202

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

The aim of course is to study and examine the principles of the constitution which has been cornerstone of the supreme law of land. The student has to be acquainted about the principles as developed and applied by the apex court in interpreting the provisions of the Constitution so that they can take it up for practice, judicial service or further study.

Course Syllabus

1. The concept of Principles of the Constitution, definition and its scope and case law
2. Doctrine of Constitutionalism and case law
3. Rule of law, Doctrine of Segregation, , Principle of Arbitrariness, Catch-up rule and case law
4. Due Process of Law and Procedure established by Law and case law
5. Secularism, Religion and State, and case law
6. Judicial Review and case law
7. Separation of powers and case law
8. Federalism and Plurism and case law

9. Doctrine of Legitimate Expectation

10. Doctrine of Pleasure and its exceptions, Principles of Natural justice and case law

11. Principles of Sovereignty and integrity of nation case law

12. Conclusion

Recommended Readings

- John E. Nowak & Ronald D. Rotunda, *Principles of Constitutional Law*, Yale law School Library
- G. Noorani, *Constitutional Questions and Citizens' Rights* (New Delhi: OUP, 2005).
- A. Pasayat and C. K. Thakker, *Dr C. D. Jha's Judicial Review of Legislative Acts* (New Delhi: LexisNexis, 2009).
- V. Dicey, *An Introduction to the Study of the Law of Constitutions* (New Delhi: Universal, 2008).
- D. D. Basu, *Constitutional Law of India* (New Delhi: LexisNexis, 2008).
- E. M. Borchard, *The Relation between "State" and "Law"* (New Haven: Yale University Press, 1927).
- G. Austin, *Indian Constitution: Cornerstone of a Nation* (London: OUP, 1999).
- H. H. Wellington, *Interpreting the Constitution* (New Delhi: Universal, 2008).
- H. M. Seervai, *Constitutional Law of India- A Critical Commentary* (New Delhi: Universal, 1999), 2 Vols.
- L. H. Tribe, *Constitutional Choices* (New Delhi Universal, 2012).
- L. Woolf et al., *De Smith's Judicial Review* (London: Sweet & Maxwell, 2009).
- M. P. Jain, *Professor M. P. Jain Indian Constitutional Law* (New Delhi: LexisNexis, 2010).
- M. P. Singh, *V. N. Shukla's Constitution of India* (Lucknow: Eastern, 2009).
- M. Tushnet, *Why the Constitution Matters?* (New Delhi: Universal, 2011).
- O. Chinappa Reddy, *The Court and the Constitution of India* (New Delhi: OUP, 2009).
- P. Eleftheriadis, *Legal Rights* (London: OUP, 2008).
- R. F. V. Heuston, *Essays in Constitutional Law* (New Delhi: Universal, 2011).
- S. Snowiss, *Judicial Review and the Law of the Constitution* (New Delhi: Universal, 2008).
- T. R. Andhyarujina, *The Kesavananda Bharati Case* (New Delhi: Universal, 2012).

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Criminology and Penology

Course Code: LM202

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

Criminology is the scientific study of crime and criminals. The course aims at giving the student its basic knowledge so that the student can enrich the knowledge of criminal law for criminal law practice or take it up for further study.

Course Syllabus

1. Criminology: Definition, Nature, Scope and Utility.
2. Methods of Criminological Studies
3. Causes of Criminal behaviour: Criminological Theories: Individualistic and Environmental approaches
4. Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism, Crime and Feminism
5. Delinquency and Crime
6. Reaction to Crime: Punishment : Concept , Theories, kinds and Recent approaches to punishment
7. Capital Punishment
8. Sentencing Theory and Practice: Issues in pre court decision –making, discretion, and discrimination
9. Correctional Institutions: Prison System ,Prison objective Problems, Prison Reforms and Rights of Prisoners
10. Community Based Corrections :Probation, Culture and Practice in Probation

11. Community based Corrections Contd.: Parole, After care and rehabilitation of the released offender, Problems of the released, attitude of the community towards the released offender, Role of Voluntary Agencies .

12. Restorative Justice

Recommended Readings

- P. Simester and A. Von Hirsch, *Crimes Harms & Wrongs* (Oxford: Hart Publishing 2011).
- Siddique, *Criminology & Penology* (Lucknow: EBC, 2009).
- S. Godfrey et al., *Criminal Lives: Family Life, Employment, and Offending* (London: OUP, 2007).
- Hale et al., *Criminology* (London: OUP, 2009).
- Downes, *Understanding Deviance* (London: OUP, 2011).
- P. Ferrington, *Saving Children from a Life of Crime* (London: Oxford University Press, 2008).
- K. D. Gaur, *Criminology & Penology* (Delhi: Deep & Deep Publications, 2005).
- K. I. Vibhute, *Criminal Justice: A Human Rights Perspective of the Criminal Justice Process in India* (Lucknow: EBC, 2004).
- K. S. Williams, *Textbook of Criminology* (London: OUP, 2008).
- K. V. Thomas, *Policing in the 21st Century* (New Delhi: Kaveri Books, 2012).
- M. Bosworth, *What is Criminology* (London: Oxford University Press, 2011).
- R. Ahuja, *Sociological Criminology* (Delhi: New Age International Publishers, 1996). S. Jones, *Criminology* (London: OUP, 2009).
- S. Karstedt et al., *Emotions, Crime and Justice* (London: Hart Publishing, 2011).
- S. T. Reid, *Crime and Criminology* (London: OUP, 2010).
- W. Katherine, *Textbook of Criminology* (New Delhi: Universal, 2001).

Course Requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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Gautam Buddha University
School of Law, Justice and Governance

Course Information

Course Title: International Criminal Law

Course Code: LM204

Course Duration: 18 Weeks

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

Pervasive violations of human rights had become a practice in the contemporary world which results in a demand for prosecution of those who committed heinous crimes. The aim of this course is to study the development of International Criminal Law. This also provides platform to the students understand the different ad hoc tribunals and recent developments in the field of International Criminal Law.

Course Syllabus

1. Introduction to ICL: Sources of ICL, Aim of ICL, and International crime: *Malum in se and malum prohibitum*.
2. National Criminal Jurisdiction /Prosecution in National Courts: National Prosecution of International Crimes, State Co-operation with respect to National Proceedings.
3. International Prosecutions: Nuremberg and Tokyo trials, The Ad hoc International Criminal Tribunal: Yugoslavia and Tokya, International Criminal court: history, composition, Jurisdiction and Challenges.
4. War Crimes: Common and specific Issues.
5. Genocide and Interpretation in ICL: Genocide, The principle of legality
6. Crimes Against Humanity: Co- perpetration in ICL ,Definition ,Perpetration in particular joint and indirect perpetration
7. Aggression: Material and Mental Elements, Prosecution
8. Transnational Crimes: Terrorism and Torture



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Competition Law
Course Code: LM202
Course Duration: 18 Weeks
Course Credits: 04
Medium of Instruction: English

Course Aim(s)

Competition law is intended to assure a free competitive economy, which is considered to be a savior of consumer and investors interest. The Competition law prevents practices affecting competition and promotes and sustains competition in markets. The aim of course is to give students the basic knowledge of competition law so that the student can take it up for practice or further study.

Course Syllabus

1. Introduction: History and evolution of Competition Law and Policy in India, Objects and Reasons of the Competition Act, 2002.
2. Basic Concepts—Cartel, Consumer, Enterprise, Relevant Markets, Relevant Geographic Market, Relevant Product Market.
3. Theories and Justification of Competition Law: Monopoly, IPR and Competition Law.
4. International Trade Agreements and Competition Law Regime.
5. Anti-Competitive Agreements.
6. Unfair Trade Practices: Meaning, Form and Control Mechanisms.
7. Abuse of Dominance: Meaning, Scope, Dimensions and Control Mechanisms.
8. Interface of IPR and Competition Law.
9. Role of Competition Commission in India.
10. A Comparative discussion of the litigation in European Union, UK and India.
11. Corporate Mergers and Acquisitions, SEBI's Take-over regulations.
12. Competition Advocacy.

Recommended readings

[Handwritten signatures and dates are present over the recommended readings section.]

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- Ioannis Lianos and Valentine Korah, Competition Law: Text, Cases and Materials (Hart Publishers, 2017)
- Richard Whish & David Bailey, Competition Law (Oxford University Press, 2015)
- Louis Kaplow, Competition Policy and Price Fixing (Princeton University Press, 2013)
- T. Ramappa, Competition Law in India: Policy, Issues, and Developments (Oxford University Press, 2009)
- Maher Dabbah, International and Comparative Competition Law (Cambridge University Press, 2010)
- Daniel Sokol, Ioannis Lianos, The Global Limits of Competition Law (Stanford University Press, 2012)
- P. Hughes and P. Burbidge, Competition Law (London: Sweet & Maxwell, 2012)
- Sandra Marco Colino, Competition Law of the EU and UK (Oxford University Press, 2011)
- Pinar Akman, The Concept of Abuse in EU Competition Law: Law and Economic Approaches (Bloomsbury Publishing, 2012)
- Abir Roy, Competition Law in India: A Practical Guide (Kluwer Law International, 2016)
- Srinivasan Parthasarathy, Competition Law in India (Wolters Kluwer Law & Business, 2017)
- Bhosale Sandip, Competition Law in India and Its Neighbouring Jurisdiction (LAP Lambert Academic Publishing, 2014)
- S.M. Dugar, Guide To Competition Law (Containing Commentary On The Competition Act, 2002; MRTP Act, 1969 & The Consumer Protection Act, 1986)(LexisNexis, 2016)
- Seth, Dua & Associates, Joint Ventures, Mergers and Acquisitions in India: Legal and Tax Aspects (New Delhi: LexisNexis, 2006).

Course requirements

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.



Gautam Buddha University
SCHOOL OF LAW, JUSTICE & GOVERNANCE

Course Information

Course Title: Corporate Law and Governance

Course Code: LM204

Course Duration: 18 Week

Course Credits: 04

Medium of Instruction: English

Course Aim(s)

Aim of the course is to understand the procedure of corporate governance to enable students to have expertise in corporate governance for academic as well practice .

Course Syllabus

1. Concept of Corporate Personality
2. Registration of Company
3. Prospectus and allotment of Shares and Debentures ;Demat accounts
4. Management and Administration of Companies
5. Directors :Appointment, Position, Powers, Duties and Removal
6. Compromise Arrangement and Amalgamation
7. Prevention of Oppression and Mismanagement
8. Company Law Tribunal and Appellate Tribunal
9. Winding up
10. Corporate social responsibility
11. Power of SEBI to regulate issues and transfer of securities.
12. ~~SARFAESI Act 2002~~ ~~SARFESI Act 2002~~ **SARFAESI Act 2002 with Amendment 2016**

- Ramaiya, *Guide to Companies Act* (New Delhi: LexisNexis, 2010).
- Singh, *Company Law* (Lucknow: EBC, 2009).
- R. Datta, *CR Datta on Company Law* (New Delhi: LexisNexis, 2009).
- F. B. Palmer, *Palmer's Company Law* (London: Stevens, 1987).
- F. S. Kieff and T. A. Paredes, eds., *Perspectives on Corporate Governance* (New Delhi: CUP, 1999).
- J. Dine, *Company Law* (London: Sweet & Maxwell, 2001).
- K. R. Chandratre, *Company Meetings: Law, Practice and Procedure* (New Delhi: LexisNexis, 2009).
- L. C. B. Gower, *Principles of Modern Company Law* (London: Sweet and Maxwell, 1997).
- R. R. Pennington, *Company Law* (London: Butterworths, 1990).
- S. Girvin et al. *Charles worth's Company Law* (London: Sweet & Maxwell, 2010).
- S. Vayttaden, *Shishir Vayttaden SEBI's Takeover Regulations* (New Delhi: LexisNexis, 2010).

Students are encouraged to read the readings and participate in the class discussion. Evaluation is based on student performance evaluated in examinations and other notified methods of assessment upon fulfillment of the attendance requirement. Accordingly, there will be a 25 marks' continuous class assessment through written test, project work, moot court and/or simulation exercise, a 25 marks' mid-term examination, and a 50 marks' end-term examination.

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