

LL.M. (2 Years) Program
INTERNATIONAL LAW AND ORGANIZATION
(Program Code: 5-2-05)

(W.E.F. 2021-2022)



Dr. B.R. Ambedkar College of Law
ANDHRA UNIVERSITY
Visakhapatnam - 530 003

LL.M: 2 YEARS DEGREE PROGRAM

Program Objectives :

A Master of Laws (LLM) is a postgraduate course designed to enhance academic legal knowledge, allowing student to focus on specific areas of interest. With the Master of Law one can enjoy maximum flexibility in choice of modules and dissertation topic. The course has been purposely designed to be an innovative, adaptable program for law and non-law graduates to customize their studies to suit their preferred areas of practice interest. The LL.M. (Research) Degree is running under Semester system following Choice Based Credit System. The Department is implementing revised curriculum of UGC- CDEC.

Program Outcomes:

- Analytical learning of the legal and judicial system in India.
- Application of Legal knowledge so acquired to solve the socio-legal problems of the society with emphasis on vulnerable sections of the society.
- Identification of contemporary research areas relevant to the society and undertake such research for the benefit of the society.
- Acquisition of advocacy skills, legal writing, management of time and court etiquette to argue in a logical manner.
- Upholding the ethical and professional values in the practice of legal profession.

ANDHRA UNIVERSITY

REGULATIONS AND SYLLABUS RELATING TO LL.M. DEGREE COURSE

(TWO YEAR) SEMESTER PATTERN

(Effective from the Academic Year 2021-2022)

- **Admission:** Candidates admitted into 2 year LL.M. course should have;
 - i Passed the Bachelor of Law Degree examination of this University or an examination of any other university recognized as equivalent thereto.
 - ii Qualified in the LL.M. Entrance Test conducted in the year for which the candidate seeks admission.

- **For the award of LL.M. Degree:** A candidate shall be required to have i) received instruction and training for the prescribed course of study as full-time student for two academic years, and ii) qualified all the examinations prescribed for the award of the two Year LL.M. Degree.
- **Duration:** LL.M. Course has to be pursued in four semesters stretching over two academic years. Each academic year comprises of two Semesters. Each semester will be of the duration of 16 weeks.
- **Medium of Instruction** will be in English language
- **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to 75% of attendance in each subject which includes lectures, tutorials and practical training.

If a student for any exceptional reason fails to attend 75% of the classes held in any subject, he/she may be condoned for the shortage of attendance if the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.

- **Course Structure & Content:** LL.M Course is subject to UGC norms prescribed from time to time.

LL.M Course is to be pursued in a selected branch of specialization offered by the University.

The course consists of 4 compulsory theory papers, one practical examination and dissertation common to all LL.M students and 6 papers of specialization opted by the candidate..

In the first semester, the candidate has to offer two compulsory theory papers (Compulsory Papers 1&2) and two Papers from the branch of specialization.(Branch Papers.1&2).

In the second semester, the candidate has to offer two compulsory theory papers (Compulsory Papers 3&4) and two Papers from the branch of specialization.(Branch papers 3&4).

In the third semester the candidate has to offer two papers exclusively from the selected branch of specialization (Branch papers 5 & 6) and practical examination

comprising of doctrinal work, non doctrinal work and clinical work . In the fourth semester he/ she has to complete the dissertation in partial fulfillment of the LL.M degree.

SEMESTER	COMPULSORYCORE PAPER	SPECIALIZATION/ BRANCHPAPERS	TOTAL PAPERS	MARKS	CREDITS
First	2	2	6 X 4	400	24
Second	2	2	6 X 4	400	24
Third	1 (Practical)	2	6 X 3	350	20
	MOOCS	1	1		
Fourth	Practical (Dissertation) Viva			150	14
	MOOCS	1	1		
				1300	82

Compulsory Papers:

1. Law and Social Transformation in India
2. Indian Constitutional Law: The New Challenges
3. Judicial Process
4. Legal Education and Research Methodology
5. Dissertation

- **Practical Paper with the following components:**

Doctrinal Research:

Each student would be assigned in advance a topic and asked to write a doctrinal research paper.

Non-Doctrinal Research:

The student would be asked to go out of the class room and library to make an empirical study of a problem which has social, economic moral or political dimension. Field data can be collected through any model of data collection.

Clinical Work:

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court

proceedings, working of a business organization, tackling of labour

disputes, drafting of business or other deeds and with public interest litigation. *Law Teaching*

A topic would be assigned to the student in advance. He is required to handle a class for 25 to 30 minutes, where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

Proposed change - MOOCS – Two MOOCS have to be undergone. One in IIIrd Semester & another in IVth Semester. Each MOOC carries 2 Credits (Max. 50 Marks) for each Semester..

Dissertation:

Dissertation of a minimum length of 120 pages has to be carried by the candidate in the area of his/her area of specialization in fourth semester. Dissertation shall be evaluated internally and externally through viva-voce.

- **Credits:**

All papers carry six credits and the dissertation in fourth semester carries **14 credits. Total credits are 82.**

- **Question Paper Pattern:**

For semester end written examinations in theory, the question paper carrying 80 marks consists of 8 essay questions (Eighth question consists of four short notes out of which the candidate may choose any two to answer). The candidate may choose to write any four questions out of eight questions. Each question carries 20 marks.

- **Marks:**

Every paper carries 100 marks.

Except for the practical papers, 80 marks are allotted to written examination and 20 marks are allotted to internal assessment, which split as follows;

Class and seminar participation	10 marks
Home assignment	10 marks

- **Practical Examination:**

The practical examination consists of 100 Marks shall be held at the end of the third semester on Research Methodology, Law Teaching and Clinical Work. The marks are allotted as follows.

Doctrinal research paper	-	25 Marks
Non-doctrinal research	-	25 Marks
Law teaching	-	25 Marks
Clinical work	-	25 Marks

- **Examination:**

- Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination is three hours.
- The semester end examination shall be based on the question paper set by an external paper setter.
- A candidate will be declared to have passed in the concerned paper if the candidate secures a minimum of 40% marks. However, for practical papers, a minimum of 50% is essential. The **practical papers** of LL.M course are, paper 3 (compulsory practical paper) in the Third semester and the dissertation in the Fourth Semester.
- For qualifying in the whole examination for obtaining the LL.M degree, the candidate has to secure a minimum overall aggregate of 50%. The calculation of the aggregate percentage required for qualifying in the examination would be done only at the end of the completion of the course.
- Grafting/Grace is permitted. Grafting allows a candidate an opportunity to utilize the excess marks he earned in a paper for filling up the shortage of marks in the paper in which the candidate failed. Eg, A candidate who secured only 35 Marks, would fail having fallen short by 5 Marks of the required minimum pass mark which is 40 Marks. However, If such candidate happened to secure 45 marks in another paper, the extra five marks which is in excess of what is required for a pass could be notionally added to fill the deficit of 5 marks of the paper in which the candidate actually failed and thereby declare the candidate to have been passed in such paper.

Note: Grafting can be availed only when the candidate will be able to pass in the whole examination due to grafting. Grafting to the extent of one mark per hundred marks of each semester can be added to a maximum of two papers only.

- 0.5 or more will be rounded up to the higher value of 1 only for the purpose of obtaining pass mark or class elevation, third class to second class or second class to first class. Eg 4.96 will be treated as 5.0. Similarly, 5.45 becomes 5.5

Scheme of Grading

S.No	Range of Marks	Grade	Grade Point	
1	>90 < 100	O	10	Outstanding
2	>80 < 90	A+	9	Excellent
3	>70 < 80	A	8	Very Good
4	>60 < 70	B+	7	Good
5	>55 < 60	B	6	Above Average
6	>50 < 55	C	5	Average
7	>40 < 50	P	4	Pass
8	< 40	F	0	Fail
9			0	Ab (Absent)

6

Classification of successful candidates is based on CGPA as follows:

➤ Distinction	---	CGPA 7.0 or more
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➤ I Class	---	CGPA 6.0 or more but less than 7.0
➤ II Class/Pass	---	CGPA 5.0 or more but less than 6.0

Note: Only those candidates who appear and pass the examination in all the papers of the First semester, all the papers of the Second semester, all the papers of the Third semester, and similarly all the papers of the Fourth semester, at first appearance are eligible to be placed in O grade.

Awards:

No candidate who has not passed all the papers relating to any semester at the first appearance shall be eligible for the Award of Medals or Prizes by the University and to receive certificates of rank obtained by them in the examination.

Explanation:

Credits, Grade Letter, Grade Points, Credit Points

Credit means the unit by which the course work is measured. One credit means one hour of teaching work or one hour of practical work per week.

Grade Letter is an index to indicate the performance of a student in a particular course(Paper).

It is the transformation of actual marks secured by a student in a course/paper. It is indicated by a Grade letter O, A, B, C, D, E. There is a **range of marks** for each Grade Letter.

Grade Point is Weightage allotted to each grade letter depending on the marks awarded in a course/paper

CGPA: CGPA means Cumulative Grade Point Average. It will be calculated from 2nd semester onwards.

SGPA means Semester Grade Point Average. This is calculated for each semester of the programme

CGPA x 10 will be the overall percentage of the marks obtained by the candidate

Revaluation

The candidate has to apply for revaluation on or before 15 days from the date of publication of the results.

Betterment

A candidate can avail the betterment chances during the validity of all the courses.

General Rules

The candidate who secures less than prescribed SGPA/CGPA may be permitted to appear for the examination within the duration of the course or before the expiry of transitory regulations.

Failed candidates will be permitted to appear for the University examinations after the expiry of transitory regulations as per the existing regulations, scheme and syllabi which are enforce.

Ranks will be given only to the candidates, who have passed all the subjects/papers at a time. However, Distinction will be given to the candidates, who secure 70% and above, those who have passed all the subjects / papers at a time

LL.M Course Pattern

FIRST SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					L	T	P	E	I	
1	TH-103101	Compulsory Paper - 01	Law and Social Transformation in India	Common paper	4	2	-	80	20	6
2	TH-103102	Compulsory Paper -02	Indian Constitutional Law: the New Challenges	Common paper	4	2	-	80	20	6
3	TH-103109	Paper I	International Law, and Organization; Law, Practice and Future	International Law & Organization	4	2	-	80	20	6
4	TH-103110	Paper II	Law of Peace, Diplomacy and Disarmament	International Law & Organization	4	2	-	80	20	6
										24

SECOND SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					L	T	P	E	I	
1	TH-103201	Compulsory Paper-03	Judicial Process	Common paper	4	2	-	80	20	6
2	TH-103202	Compulsory Paper-04	Legal Education and	Common paper	4	2	-	80	20	6
3	TH-103209	Paper III	International Law and Contemporary Issues	International Law & Organization	4	2	-	80	20	6
4	TH-103210	Paper IV	International Law/ Drug Addiction,	International Law & Organization	4	2	-	80	20	6
										24

THIRD SEMESTER

Sl. No	Course Code	Paper No	Title of the Paper	Title of the Branch	Hours per week			Max Marks		Credits
					I	T	P	E	I	
1	TH-103307	Paper V	International Humanitarian Law	International Law & Organization	4	2	-	80	20	6
2	TH-103308	Paper VI	Law of The Sea and Environmental Law	International Law & Organization	4	2	-	80	20	6
3	PR-3001	Compulsory Practical	Doctrinal Work, Law Teaching Non Doctrinal Work, Clinical work,				12			6
MOOCS										2
										20

FOURTH SEMESTER:

Sl. No	Paper Code	Title of the Paper	Max. marks		Credits
			E	I	
1	DI-2002	Dissertation	50	50	12
2	VV-2002	Viva			
		MOOCS	--	--	2
		TOTAL			14
		GRAND TOTAL			82

PROGRAM NAME : INTERNATIONAL LAW AND ORGANIZATION

PROGRAM CODE: 5-2-05

Program Objectives:

- The growth and development of International Law from the times of Grotius to the present day witnessed remarkable changes with reference to state recognition, jurisdiction, succession and status of individuals and other entities and the role played by UNO establishing international peace and order.
- The years following the World War-II led to the establishment of international organizations and regional blocks. The establishment of UNO and its other organs playing a vital role by taking appropriate decisions with the approval of majority of its members in preventing armed conflicts at the global level.
- The importance of diplomacy at global level cannot be underestimated even before the emergence of modern state system, diplomacy was considered an outstanding means for influencing decisions relating to maintenance of international relations among the member states.
- The various instruments at national, regional and international level in preserving and protecting the Human Rights, specifically of the vulnerable groups, like children, women minorities.
- The major normative systems to be explored are the declaration of right to development, Struggle for north-south equity and new challenges relating to Human Rights
- The law relating to climate change and the response of both developed and developing countries in preserving and protecting the environment.

Program Outcomes:

After completion of this course the student is able ;

1. To understand the concept of International Law, State Jurisdiction, Succession, Status of Individuals and the role of UNO.
2. To enable to know the role of UNO and other international organizations in the maintenance of international peace and order.
3. To analyze the role of diplomacy in the maintenance of harmonious international relations among the states.
4. To examine the importance of human rights and its impact in protecting the interest of people in general and vulnerable groups in particular.
5. To critically analyze the importance of protection of environment and to build equitable relations between developing and developed countries and to preserve and protect the environment.

FIRST SEMESTER

COURSE NAME : LAW AND SOCIAL TRANSFORMATION IN INDIA

COURSE CODE : TH-103101

Course Objectives:

This course is to be designed to offer (a) awareness of India approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society.

Syllabus

1. Law and social change

- a. Law as an instrument of social change.
- b. Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

Learning outcome :

To provide a comprehensive knowledge of Law as an instrument of social change with special reference to Indian Constitution.

2. Religion and the law

- i. Religion as a divisive factor.
- ii. Secularism as a solution to the problem.
- iii. Reform of the law on secular lines: Problems.
Freedom of religion and non-discrimination on the basis of religion.
Religious minorities and the law

Learning outcome :

To acquaint the students with religion as a divisive factor in society and how to bring reforms in religion by enacting laws on secular lines.

3. Language and the law

- a. Language as a divisive factor: formation of linguistic states.
- b. Constitutional guarantees to linguistic minorities.
- c. Language policy and the Constitution: Official language; multi-language system
- d. Non-discrimination on the ground of language

Learning outcome :

Make the students to understand the factors that led to linguistic states and constitutional guarantees to linguistic minorities.

4. Community and the law

- a. Caste as a divisive factor
- b. Non-discrimination on the grounds of caste.
- c. Acceptance of caste as a factor to undo past injustices.
- d. Protective discrimination: Scheduled castes, tribes and backward classes.
- e. Reservation; Statutory Commissions, Statutory provisions.

Learning outcome :

To create awareness among the students the evils of caste in India society and constitutional guarantees provided to SC, ST and BCs.

Learning outcome :

5. Regionalism and the law

Regionalism as a divisive factor.

Concept of India as one unit.

Right of movement, residence and business; impermissibility of state or regional barriers.

Equality in matters of employment: the slogan “Sons of the soil” and its practice.

Admission to educational institutions: preference to residents of a state.

Learning outcome :

To acquaint the students the concept of regionalism and role of Indian Constitution.

6. Women and the law

a. Crimes against women.

b. Gender Justice and its various forms.

c. Women’s Commission.

d. Empowerment of women: Constitutional and other legal provisions.

Learning outcome :

To make the students to have a knowledge of the crimes against women and the role of International and national agencies in the Protection and Empowerment of Women.

7. Children and the law

Child labour

Sexual exploitation

Adoption and related problems.

Children and education

Learning outcome :

To make the students to understand the exploitation of children in society and the role of law in protection of their Rights.

8. Modernisation and the law

a. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.

b. Modernisation of social institutions through law

c. Reform of family law

d. Agrarian reform – Industrialisation of agriculture

e. Industrial reform: Free enterprise v. State regulation – Industrialisation Environmental protection.

f. Reform of court processes

g. Criminal law: Plea bargaining; compounding and payment of compensation to victims

h. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats

i. Prison reforms

j. Democratic decentralization and local self-government

Learning outcome :

To analyse the modern approaches to law and alternative methods of conflict resolution.

9. Alternative approaches to law

The jurisprudence of Sarvodaya---Gandhiji, Vinoba Bhave; Jayaprakash Narayan--Surrender of dacoits; concept of grama nayalayas
Socialist thought on law and justice: An enquiry through constitutional debates on the right to property
Indian Marxist critique of law and justice
Naxalite movement: cause and cure

Learning outcome :

To make the students to understand the jurisprudence of Gandhiji, Vinoba Bhave and the role of Gram Nayalayas and a critical analysis of naxal movement in India and steps taken by the Government to control naxal movement.

Course Outcome:

- a) To know how law has changed the society and how there is an improvement in the social status of women and children because of certain specific legislations in favour of children and women.
- b) To analyse the role of language in interpretation of laws and its importance in statutes.
- c) To elucidate the concepts of regionalism and religion as divisive factors in society and how law effectively control this divisiveness.
- d) To analyse the challenges that witnesses in the society in recent times in the areas of social, political and economic relations and how far the existing law meet these challenges.
- e) To understand the alternative social approaches given by Mahatma Gandhi and Vinoba Bhave and its impact on the present societal relations.

Select Bibliography

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
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Manushi, A Journal about Women and Society.
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H.M.Seervai, Constitutional Law of India (1996), Tripathi.
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Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.
India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
J.B.Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.
M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

COURSE NAME : INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES
COURSE CODE : TH-103102

Course Objectives:

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to

time.

Syllabus

1. Federalism

Creation of new states

Allocation and share of resources – distribution of grants in aid

The inter-state disputes on resources

Rehabilitation of internally displaced persons.

Centre's responsibility and internal disturbance within States.

Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State.

Special status of certain States.

Tribal Areas, Scheduled Areas

Learning outcome :

By proper study of this unit, the student will be able to remember about the **Federalism**, Allocation and share of resources, the inter-state disputes on resources Centre's responsibility and internal disturbance within States and Special status of certain States etc., that are already studied in his LL.B. Course. By study of this unit, the student will be able to exhibit memory of the previously learned material by recalling factual terms, basic concepts and answers. He will be able to analytically study and exhibit new thoughts also.

2. "State": Need for widening the definition in the wake of liberalization.

Learning outcome :

By proper study of this unit, the student will be able to demonstrate understanding of facts and ideas by interpreting giving descriptions and stating main ideas of the need for widening the definition in the wake of liberalization. By analytical study of this chapter, the student will be able to know that whether the private undertaking will be coming into the purview of the State.

3. Right to equality: privatization and its impact on affirmative action.

Learning outcome :

By proper study of these units, the student will be able to understand and solve the problems with regard to the Right to equality, privatization and its impact on affirmative action, empowerment of women. By proper study of this unit, the student can be able to solve the problems to new situations by applying acquired knowledge and skills of the students are to be improved as their analyzing capacity will be enhanced. The students will also be able to apply his mind towards the laws which are enacted for empowerment of women and up to how much the women were secured by study of the case laws relating to it.

4. Empowerment of women.

Learning outcome :

By proper study of these units, the student will be able to examine by identifying motives or causes for the strikes, Hartal, Bundh, Freedom of press and challenges of new scientific development and whether the wrongful information is given by press and media attracting the defamation, freedom of speech and right to broadcast and telecast can be liable to be prosecuted on the wrongful information. The students also be able to give guidelines how to solve the problems on this issue.

5. Freedom of press and challenges of new scientific development. Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh.

Learning outcome :

By proper study of this unit, the student will be able to gather the information, validity of ideas regarding emerging regime of new rights and remedies, study of Directive Principles and Fundamental Duties into Fundamental Rights, Compensation jurisprudence, Right to education under Art 21 A of the Constitution, Commercialization of education and its impact though the Educational trust of the educational institution is established on non- profit basis and Brain drain by foreign education market. By proper study of this unit, the skills of the students are to be improved as their analyzing capacity will be grown up.

6. Emerging regime of new rights and remedies
 Reading Directive Principles and Fundamental Duties into Fundamental Rights
 Compensation jurisprudence
 Right to education
 Commercialization of education and its impact.
 Brain drain by foreign education market.

Learning outcome :

By proper study of this unit, the student will be able to compile information together in a different way by comparing with minority rights with Secularism in a new pattern. The students also be able to give guidelines how to solve the problems of this issue.

7. Right of minorities to establish and administer educational institutions and state control.

Learning outcome :

By proper study of this unit, the student will be able to compile information relating to the **Separation of powers: Stresses and strain**, Judicial activism and judicial restraint, PIL: implementation, Appointment, transfer and removal of judges. The students will also be able to judge that whether collegiums for appointment of judges of High Courts and also the Supreme Court will be leading to bias, whether Kripark Vs. Union of India case up to how much will be applicable in case of collegiums. The students also be able to give guidelines how to solve the problems for this issue.

8. Secularism and religious fanaticism.

Learning outcome :

By proper study of this unit, the student will be able to compile information relating to the Nexus of politics with criminals and the business, whether delay in trials on political offenders are justifiable and Economic offenders are left free is reasonable, why their passports are not ceased, Election commission, Electoral Reforms, why the candidates with criminal records are given eligibility for contesting in elections, what is the inner relationship between the election commission and politicians etc., will be deeply thought by the students. The students also be able to give guidelines how to solve the problems for this issue.

9. **Separation of powers: Stresses and strain**
 Judicial activism and judicial restraint.
 PIL: implementation.
 Judicial independence.
 Appointment, transfer and removal of judges.
 Accountability: executive and judiciary.
 Tribunals

10. **Democratic Process** 15
 Nexus of politics with criminals and the business.
 Election
 Election commission: status.
 Electoral Reforms
 Coalition government, 'stability, durability, corrupt practice'

Grass root democracy.

Course outcome:

After studying this paper, the student can

- The students will get an idea about the supreme document of India
- Every citizen of India must aware the constitution because each and every enactment found its base in the constitution
- Students will have the command on the rights that are given under the constitution
- Students can understand why the center and state relations are important in a country like India
- Students can be able to know the forms of governments and the features of our Constitution.

Select Bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional values.

COURSE NAME : INTERNATIONAL LAW ORGANISATIONS : LAW, PRACTICE AND FUTURE

COURSE CODE : TH-103109

Course Objectives:

The years following the Second World War have witnessed a phenomenal growth of international organizations. The United Nations has become increasingly complex in its functioning, and the range of its activities has widened beyond manageable proportions. It has therefore become imperative to understand the modes of operation of the numerous organs and agencies of the U.N. system, the decision making availability of funds and non-co-operation of the certain members.

In order to give students an in-depth understanding, it would be useful to conduct intensive studies of some agencies such as the UNDF and the FAO. There also come into existence some known non-governmental organizations whose expertise is made use of by various UN Agencies in the capacity of consultants. The role played by such NGOs would also be assessed in the light of the objectives of the organizations.

The course will explore the areas of co-operation in international relations which are likely to bring about cohesion and integration, and assess the role of international organizations in fostering change. It will also provide an opportunity for understanding the major issues of law and policy which are presently being faced by international organizations.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Importance and Evolution of International organisations, International legal personality.

Learners Outcome:

1. Learners would comprehend the role and impact of international organisations in international affairs.
2. Learners would develop critical insights into the United Nations working of UNO in maintaining of global peace and order.

- The academic inputs make the learners to gain knowledge on regional organisations and specialised agencies. They would develop comprehensive understanding of the advantages as well as complexities of the multi layered system of global governance concerning matters of general as well as particular interest to members of international community.

2. United Nations as a constitutional and political system

United Nations & its principal organs Security Council
 General Assembly Trusteeship Council
 ECOSOC
 Secretarial ICJ

3. Specialised Agencies & Other IGOs –their constitution, functions & significance

ILO WHO FAO IMO
 IMF
 World Bank WTO WIPO
 UNCTAD ICC

4. The Political Process & Regional Organisation

Importance of regional organizations European
 Union/European Council APEC
 ASEAN SAARC
 Blocks & Alliances and NAM Big Powers (USA v. USSR)
 NAM – Reasons for its origin, its Relevance in contemporary political situation

5. Non – Governmental Organisations

Characteristics of NGOs
 Role of NGOs in political and legal processes Amnesty
 International
 Green Peace, IUCN ISO

6. Peaceful change through UN

Purposes & principles of UN Dispute settlement
 machinery of UN Peacekeeping forces
 ECOSOC for peaceful change

- UN operational programmes in economic field – UNIDO, UNCTAD

Course Outcome:

UNIT	OUTCOME
Unit 1	To perceive the need based historical development of international organisations, their importance for international relationship and further the theoretical explanation of legal personality of IOs.
Unit 2	To gain a detailed understanding of UNO as an organisation as well as a constitutional and political system as provided under UN Charter
Unit 3	To get to know the organisation and functional ambit of different specialised agencies working on different mandates.
Unit 4	To comprehend the importance and functional scope of major regional organisations and regional arrangements like EU, ASEA, APEC SAARC, Blocks and alliances and the significance of NAM
Unit 5	To get to know the importance, characteristic features of NGOs in general and their nexus with UN. Role of specific INGOs like Amnesty International, Green Peace, IUCN, ISO in their respective fields of activity also will be appreciated

Unit 6	To develop insights on the dispute settlement machinery of UN, the broad spectrum of UN peacekeeping operations and also the operational programmes of UNIDO and UNCTAD
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Select bibliography

- D.W.Bowett, Law of International Institutions, (1982)
 Ingrid Detter, Law Making by the International Organisation, (1965)
 Stephen s.Goodspeed, Nature and Function of International Organisation (1962)
 E.P.Walters, History of the League of Nations (1965)
 D.W. Bowett, United Nations Force: A Legal Study (1969)
 Leland M.Goodrich, Charter of the United Nations (1969)
 Leland M. Goodrich, United Nations in a Changing World (1974)
 Rosalyn Higgins, Development of International law through Political Organs of the United Nations (1963)
 Hans Kelsen, Law of the United Nations (1954)
 Rahmathullah Khan, Implied Powers of the United Nations (1970)
 Edward Machhinney, United Nations Law Making (1984)
 M.S.Rajan, United Nations and Domestic Jurisdiction (1961)

COURSE NAME : LAW OF PEACE; DIPLOMACY AND DISARMAMENT

COURSE CODE : TH-103110

Course Objectives:

The importance of diplomacy in international relations cannot be underestimated. Even before and after emergence of the modern state system the generally agreed rules of international law, diplomacy has been the most outstanding means for influencing decisions relating to maintenance of international law:

The course will dwell on structural inequalities and geopolitical realities which shape national policies. The role of diplomacy from ancient to modern times will be assessed and salient features of the “new’ diplomacy highlighted. Advanced developments in technology giving rise to arms race and military activities have in a small measure been responsible for utilizing new strategies by powerful states to control foreign of nations.

In this connection it will be necessary to understand the conduct of diplomacy in various forums of the United Nations, in as much as delegations of all the members states remain more or less present throughout the year at the United Nations Headquarters, it becomes relatively easy to handle any difficult situation.

Disarmament has been a major issue in international relations for creating conditions of peace. The mad race for conventional and nuclear arms among the super powers has been going on unabated. Even the newly emergent poor nations have found it essential to divert their resources for the acquisition of sophisticated arms and upkeep of military hardware.

Development nations with nuclear capabilities are spending billions of dollars for creating balance of terror. These nations are the most important source for the supply of arms to developing nations. The implications of transfer of technology are grave and need a thorough understanding of the issues involved. The ownership pattern for mass production of armaments need a close scrutiny and the methods used by giant manufacturers of sophisticated armaments to push sales have recently come under severe attack. These have a direct bearing on national policies for production and sale of armaments.

Nations individually and collectively have been involved in divisive methods for disarmament and non-proliferation of nuclear weapons. The U.N. has been fully absorbed for the last several decades in initiating dialogues on disarmament. In the course of years the impediments, which stand in the way of arriving at an international understanding, have been laid bear.

The course will explore the alternative strategies for creating conditions of peace. This would involve a critical examination of dispute resolution and crisis management techniques, equitable allocation of world's resources and economic development of less development countries.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

1. Nature, Scope & Basis of International Law

Nature & Basis of international law
Source of law – with special references to GA Resolutions
Relationship of International Law & Municipal Law
Indian practice – its constitutional provisions & judicial trend Learning Outcomes

This Chapter will be able to critically analyze the basis of International Law, its sources and its relationship to Municipal Law with special reference to Indian position

2. State

State, Nation & Nation-State
Statehood, Acquisition & Loss of territory
Recognition
State succession
Sovereign Immunity

Learning Outcomes

It enable the student to gain insights into Statehood, how States acquire new territories, Recognition of States and Governments, the consequences of state succession and principles relating to immunity of Sovereigns and States from the territorial jurisdiction of other States

3. State Responsibility

Concept of state responsibility Fault liability – No fault liability, Treatment of aliens & expropriation of property

Learning Outcomes

help the student to understand the basis of liability of States, fault or no fault based and also with reference to treatment of aliens and expropriation of foreign private property

4. Pacific Settlement of Disputes

Negotiation, good offices, mediation, conciliation, Arbitration and Judicial settlement

Learning Outcomes

The student will understand the importance of pacific settlement of disputes and the different methods of pacific settlement.

5. Individuals, NGOs & MNCs

Individual as a subject of international law
Nationality, Extradition, Asylum 19
Role of NGOs & MNCs in shaping international law

Learning Outcomes

This is intended to impart good knowledge about the statues of Individual in International Law as subject of International Law, the role of International Law in the acquisition and loss of nationality by

individuals, and also the place of MNCs in International Law

6. Human Rights

U.N. Charter

UDHR

Covenants on Civil, Political - Economic, Social & Cultural Rights

Right to self determination

Globalisation & Human rights

Learning Outcomes

It will gain knowledge about The concept of Human Rights, the contribution of UNO to the growth of Human Rights jurisprudence. The various Human Rights instruments and understand the same in the light of the right to self determination and appreciate how Globalisation impacts the Human Rights situations.

7. Diplomacy

Traditional Notions of diplomacy and significance of diplomacy to

International law of peace

Transformation from old to new diplomacy

Cold –War and its impact on diplomacy

Contemporary international stratification, Neo-colonialism, dependence and domination

Learning Outcomes

Diplomacy in international conferences Development ideology and related diplomacy
Diplomatic personal – Their significance, diplomatic privileges and immunities – violence against diplomats. able to understand the significance and meaning of diplomacy, how it helps in the peace process, (both prevention and resolution of disputes), the various types of diplomacy and how new forms of diplomacy have involved in uncommon international situations like cold war and the privileges and immunities enjoyed by the diplomats.

8. Threats to international peace, peace strategies & Disarmament

Hijacking Terrorism

Science & Technology for peace & violence – Jurisdictional problems Organised crimes

Nuclear technology Disarmament as peace strategy

History & outcome of disarmament efforts, UN Disarmament Decade NPT, PTBT, CTBT

International Regulations of Biological & Chemicals weapons, weapons of mass destruction.

Learning Outcomes

It understands what are the threats to international peace, such as the arms race, hijacking, terrorism, the need for disarmament and the role of United Nations towards disarmament and the treaties relating to the same.

Course Outcomes

After studying the course, the students

1. are in a position to appreciate the importance of diplomacy in the modern world, how diplomacy can be an instrument of peace, avoiding conflicts or resolving the disputes as and when they arise.
2. appreciate the different forms of diplomacy, the conduct of diplomacy at the United Nations Organization and its bodies, the influence of technology on diplomacy especially modern

diplomacy.

3. learn the desirability of disarmament and diversion of funds for development with a view to solving the world's economic and political problems
4. Analyze the role of the United Nations in the process of disarmament
5. Will be in a position to understand the principles of International Law with reference to disarmament
6. Will develop a critical outlook towards the basic principles of International Law that help in the peace process such as Dispute resolution, crisis management and equitable distribution of world's resources.

Select bibliography

- Burns H. Weston, *Toward Nuclear Disarmament and Global Security: a Search for Alternatives* (1980)
- J. Schell, *The Fate of the Earth* (1982)
- J.N. Singh, *Use of Force Under International Law* (1984)
- Julius Stone, *Legal Controls of International Law* (1954)
- M. Walzer, *Just and Unjust Wars* (1979)
- R. Kothari, *Transformation and survival: In Search of Human World Order* (1988)
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- Report of the Secretary General: *Chemical and Bacteriological (Biological weapons and the effects of their Possible Use.* (UN Doc.A/7575 Rev.1 S/9292 Rev. I (1969)
- Prof. B.S.Murthy, *International Law of Diplomacy; the Diplomatic Instruments and world order*, New Haven Press & Dordrecht; Martinus Nijhoff Publishers, 1989.
- A.Ball, *Modern Intentional Negotiations* (1969)
- LClark, *Reform and Resistance in International Order* (1980)
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- H.Nicolson, *Diplomacy* (1969)
- J.Stone, *Law and Nations* (1974)
- L.Hanken, *How Nations Behave* (1968)
- RL.Friedheim, *Parliamentary Diplomacy - A Survey* (1976)
- RP.Anand, *International Courts and Contemporary Conflict* (1979)

SECOND SEMESTER

COURSE NAME : JUDICIAL PROCESS

COURSE CODE : TH-103201

Course Objectives:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.

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Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Syllabus

1. Nature of judicial process

Judicial process as an instrument of social ordering
Judicial process and creativity in law – common law model – Legal Reasoning and growth of law – change and stability.
The tools and techniques of judicial creativity and precedent.
Legal development and creativity through legal reasoning under statutory and codified systems.

Learning outcome :

UNIT 1: The student will understand how judicial process works as social ordering, and how it brings change and stability in Law,

2. Special Dimensions of Judicial Process in Constitutional Adjudications.

Notions of judicial review
'Role' in constitutional adjudication – various theories of judicial role.
Tools and techniques in policy-making and creativity in constitutional adjudication.
Varieties of judicial and juristic activism
Problems of accountability and judicial law-making.

Learning outcome :

UNIT 2: This unit makes the student to understand the special dimensions of judicial process, its role in constitutional adjudication, using judicial tools and techniques in policy making.

3. Judicial Process in India

Indian debate on the role of judges and on the notion of judicial review.
The “independence” of judiciary and the “political” nature of judicial process
Judicial activism and creativity of the Supreme Court-the tools and techniques of creativity.
Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
Institutional liability of courts and judicial activism – scope and limits.

Learning outcome :

UNIT 3: Here the student understands judicial process in India, independence of judiciary, creativity of the Supreme Court, and the meaning of judicial activism.

4. The Concepts of Justice

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

Learning outcome :

UNIT 4: This unit makes the student understand the concept of Dharma, how Law has been derived from Dharma, and various theories of justice in the western thought.

5. Relation between Law and Justice

Equivalence Theories – Justice as nothing more than the positive law of the stronger class.

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Learning outcome :

UNIT 5: Here the student will be able to understand the relation between Law and Justice, different theories of justice and the selected cases of Supreme Court where judicial process is seen influenced by theories of justice.

Course outcome:

1. The student understands the role of judicial dimensions, legal reasoning and growth of Law.
2. The student understands problems of accountability and judicial Law making.
3. The student will be able to make difference between independence of judiciary and political nature of judicial process.
4. The student will understand the concept of Dharma, Dharma as the foundation of legal ordering in India, and the relation between Law and Justice.

Select Bibliography

Julius Stone, The Province and Function of Law, Part II, 1.8-16 (2000), New Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J. Abraham, The Judicial Process (1998), Oxford.

W. Friedmann, Legal Theory (1960), Stevens, London.

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

Rajeev Dhavan, The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

John Rawls, A Theory of Justice (2000), Universal, Delhi

Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago.

COURSE NAME : LEGAL EDUCATION AND RESEARCH METHODOLOGY

COURSE CODE : TH-103202

Course Objectives:

A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

1. Objectives of Legal Education

Learning outcome :

Studies doctrinal and non- doctrinal social legal research.

2. Lecture Method of Teaching – Merits and demerits

Learning outcome :

Know the relevance of empirical research.

3. The Problem Method

Learning outcome :

Preparing the hypothesis.

4. Discussion method and its suitability at postgraduate legal teaching

Learning outcome :

Understand the induction and deduction of the study

5. The Seminar Method of teaching

Learning outcome :

Studies the research problem.

6. Examination system and problems in evaluation – external and internal assessment.

Learning outcome :

Importance of survey on available literature and bibliographic research.

7. Student participation in law school programmes – Organisation of Seminars, publication of journal and assessment of teachers.

Learning outcome :

Studying the decisional materials including foreign decisions in the area pertaining research problem.

8. Clinical legal education – legal aid, legal literacy, legal survey and law reform

Learning outcome :

Study the juristic writings relevant to research in India along with foreign periodicals.

9. Research Methods

Social Legal Research

Doctrinal and non-doctrinal

Relevance of empirical research

induction and deduction

Identification of Problem of research

What is a research problem?

Survey of available literature and bibliographical research.

Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

Juristic Writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

10. Preparation of the Research Design

- a. Formulation of the Research problem
- b. Devising tools and techniques for collection of data: Methodology
 - i. Methods for the collection of statutory and case materials and juristic literature
 - ii. Use of historical and comparative research materials
 - iii. Use of observation studies
 - iv. Use of questionnaires/interview
 - v. Use of case studies
 - vi. Sampling procedures – design of sample, types of sampling to be adopted.’
 - vii. Use of scaling techniques
 - viii. Jurimetrics
- c. Computerized Research – A study of legal research programmes such as Lexis and West law coding
- d. Classification and tabulation of data – use of cards for data collection – Rules for tabulation. Explanation of tabulated data.
- e. Analysis of data

Learning outcome :

Understand the list of reports or special studies relevant to the research problem.

Course out comes:

After studying this paper, the student can

- Get to know the doctrinal and non-doctrinal social legal research.
- Enlighten about the relevance of empirical research.
- Know the identification of hypothesis and problem of research.
- Know the importance of juristic writings in India as well as foreign periodicals.
- Understand the preparation of research design.
- Know the formulation of research problem.
- Understand how to apply the methods and techniques to the study.
- Get to know how to use case studies, questionnaires, interview, and observation methods.
- Understand the computerized research by the study of lexis and west law coding.
- Preparation of classification and tabulation of data through various sources.

Bibliography

- High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.
- S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
- N.R.Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
- M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
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- William J. Grade and Paul K.Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London
- H.M.Hyman, Interviewing in Social Research (1965)
- Payne, The Art of Asking Questions (1965)
- Erwin C.Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959)
- Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
- Havard Law Review Association, Uniform System of Citations.

COURSE NAME : INTERNATIONAL AND CONTEMPORARY ISSUES
COURSE CODE : TH-103209

Course Objectives:

This course focuses on the problems of international law in the making. The major normative instruments to be explored are: New international economic order, the Declaration on the Right to Development and Continuing Struggle for North-South Equity, which continue for crystallize new human rights. The following syllabus prepared with this perspective will be spread over a period of one semester

Syllabus

1. Changing Dimension of International Law

Expanding Scope of International Law and its changing dimensions and nature.
Influence of Third World Countries on the growth and nature of International Law.
From absolute sovereignty to limited sovereignty and world governance.
Role of the United Nations Organization in shaping International Law.

Learning Outcome:

Appreciate how International Law is undergoing significant changes in terms of the subject matter and the subjects and the disparity between the developed and developing countries based on the unequal distribution of world's wealth and access to opportunities and how International Law is being shaped by the United Nations and its majority members, that is the developing states.

2. The New International Economic Order. (NIEO)

Background
United Nations Charter and Economic Issues, UNCTAD and UNIDO
Essential component of the NIEO
State acceptance and practice of NIEO principles.
Critique of NIEO

Learning Outcome:

Understand the context and reasons behind the declaration on the establishment of a new international economic order and the response of the developed countries to the same

3. The Right to Development

The 1979 G.A. Resolution

Progress towards enunciation of the Declaration of Right for Development
Basic Concepts of right to development
State acceptance and practice.
Critique.

Learning Outcome:

Get to know how the Right to Development has evolved, the scope, content and definition of development, the national and international dimensions of the Right to Development.

4. Towards Sustainable Development

The Context of U.N. Commission on Environment and Development

Our Common Future: the Report of the Commission.
Proposed legal principles for environmental protection and sustainable development.
State acceptance and practice
Critique.

Learning Outcome:

Understand what is sustainable development, the effort to synthesise the divergent goals of development and protection of environment in the context of the report “Our Common Future”, submitted by the WCED

5. International Trade Law

GATT 1948. International Trade organization and Havana Charter.
GATT 1994/World Trade Organization, Specific Agreements
TRIPS, TRIMS, AOA, GATS
Impact of WTO on Indian Agriculture and Pharmaceutical Sector.

Learning Outcome:

Gain basic knowledge about the World Trade Organization and some of the specific agreements relating to intellectual property rights, trade in services, agriculture and investment in relation to trade

6. International Criminal Law

International Criminal Law
War crimes and problem of prosecution of war criminals
Nuremburg Charter and Tribunal
Ad hoc Tribunals for Prosecution of war criminals.
International Criminal Court – Jurisdiction, Elements of Crime, Evidence and procedure.

Learning Outcome:

Learn how international criminal law has been evolving and ultimately culminated in the establishment of the ICC and the principles and jurisdiction of ICC

7. Terrorism and Response of International Law

Learning Outcome:

Appreciate the connection between human rights, and situations that pose threat to international peace like terrorism, hijacking etc.

Course outcomes:

After studying the subject, the student must be able to

1. Understand the contemporary developments in International Law, especially in the post - World War II era and the international power dynamics in the context of the establishment of the UNO and the division of the world on the basis of political and economic power.
2. Gain knowledge about the efforts to secure international social justice through establishment of a new International Economic Order and accepting the Charter of Economic Rights and Duties of States, the right to development and sustainable development.
3. Get basic idea about the WTO and International Criminal Law. The course also helps in giving a basic idea about the interaction between globalization and human rights.

Select bibliography

H.W. Singer & J.A. Ansari, Rich and Poor Countries (1982)
P. Alston, "Development and the Rule of Law; Prevention Versus Cure as a Human Rights Strategy" in Human Right and Rule of law 83 (1981)
R. Falk, The End of the World Order (1983)
S. Gwrge, How the other Half Dies: The Real Persons for World Hunger (1976)
U. Bad, "The New International Economic Order, Basic Needs and Rights: Notes Towards Development of the Right to Development": in Role of Law and Judiciary in Transformation of Society: India G.D.R. Experiments 178-205 (1984) D.A. Desai ed.) and see the literature there incited. This paper is also published in the J. of the Indian Society of international Law.
UN Report of the Secretary General: "The International Dimensions of the Right to Development as a Human Right with other Human Right Based on International Cooperation, Including the Rightto Peace, Taking into Account the Requirement of the New International Economic Order and the

Fundamental Human Needs".EICN-41374.

U.N., Our Common Future: The World Commission on Environment and Development (1987)

COURSE NAME : PRIVATE INTERNATIONAL LAW (*Conflict of Laws*)

COURSE CODE : TH-103210

Course Objectives:

Private International Law/Conflict of Law has assumed unpredicted significance today due to globalisation and intensive interaction between parties belonging to different countries. This subject is most valuable to in deciding jurisdiction, applicable law and fate of foreign judgements and it is not proper to neglect it in the legal curriculum at LL.M. level. It is strange system tensht as one of the paper in LL.M international law branch because of its practical utility.

1. Conflict of law – Preliminary topics – classification and Waiver foreign law
2. Domicile – application – jurisdiction
3. Marriage and Matrimonial causes and succession
4. Law of Children – (legitimation, legitimacy, adoption and custody of children)
5. Law of Obligation –Contracts and Torts
6. Law of Property – immovable and moveable property
7. Foreign judgments
8. Law of Procedure

THIRD SEMESTER

COURSE NAME : INTERNATIONAL HUMANITARIAN LAW

COURSE CODE : TH-103307

Objectives of the course

International Law has traditionally been a law which regulates relations among states. Individuals have been objects and not subjects of International Law. A logical extension of these principles led to the theory that international law could not confer rights nor impose duties on individuals.

What it could do was to appeal to conscience of the nations that unnecessary suffering of human being should be avoided. In view of territorial and personal character of sovereignty of a state.

Treatment of its own nationals and stateless persons, subject to limited exceptions remained under the exclusive jurisdiction of a state. Although this unsatisfactory state of law was hardly adequate to prevent ill-treatment of individuals, particularly during war, it became the starting point for a new branch of international law towards the end of the last century.

The total character of modern war and threat of annihilation due to use of nuclear weapons have been responsible for a new concern for survival of humanity. To meet this challenge the United Nations and other voluntary international agencies have been actively involved in prescribing standards of treatment based upon dictates of humanity and overseeing their implementation in difficult situations. The underlying purpose is to ensure a human treatment of all individuals, a minimum standard of treatment which may not be departed from even under the necessities of war or grave provocation. The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

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1. International Movement for Humanization of Warfare

Contributions of classical writers; history of the Red Cross; Geneva conventions of 1864 for Amelioration of the Condition of wounded Soldiers in Land Army, 81. Petersburg

Declaration, 1868. The Hague Conventions of 1899 and 1907, Geneva Conventions of 1929 and 1949 on treatment of Prisoners of war, Wounded and Sick persons and Civilian Persons.

Learning Outcome:

Learn about the evolution of International Humanitarian Law, the Geneva Conventions of 1863 and 1949 along with the Additional Protocols of 1977

2. International Efforts to Outlaw Slavery, Slave Trade and Practices Similar to Slavery, Forced Labour and Trafficking in Human Beings.

Learning Outcome:

Understand how the ILO has been striving to humanize work, eliminating discrimination at work, slavery and like practices and human trafficking Will have

3. United Nations and Humanitarian Law The Role of ECOSOC and ILO; Crusade against discrimination in respect of employment and occupation; Racial Discrimination.

Learning Outcome:

Will gain knowledge about the concept of Refugees, the causes and concerns relating to flow of refugees and how International Law deals with the problem in the light of the Conventions and Human Rights, the entitlements of the Refugees.

4. International Refugees The UN Relief and Rehabilitation Administration and other International Refugee Organizations; Conventions relating to Status of Refugees and Stateless persons; Genocide Convention.

Learning Outcome:

Understand the concept of self determination and how the principle is to be implemented through the Declaration on the Granting of Independence to Colonial Peoples.

5. Implementation of the Right to Self-determination. Declaration on the grant of independence to colonial countries and people, humanitarian treatment of peoples living under colonial rule and trusteeships.

Learning Outcome:

Know about how International Law works to attain gender equality through various Declarations and Conventions Eliminating Discrimination Against Women Through International Co-operation.

Course Outcomes

After the study of the course, the student

1. Is able to understand what efforts have been made at the global level for the humanization of international law, focussing on individuals as victims of warfare in the first place and understand the role of ICRC and the growth of International Humanitarian Law (both customary principles and Geneva Conventions).

The student is also expected to enable him to understand the principles of International Law meant for prevention and prohibition of slavery and forced labour in the context of ILO and its Conventions.

After completion of the course, the student gain comprehensive view about the duties of states

towards refugees and the related treaties.

The student will understand the nuances of the right to self determination in the light of the UN Declaration and also appreciate how international law seeks to establish gender equality.

Select bibliography

- C.Hosoya, N.Ando, Y.Onuma, R.Minear, The Tokyo War Crimes Trial (1986) .
- G.Tunkin, Theory of International Law (1974)
- G.Schwarzenberger, The Law of Armed Conflicts (VoLII)
- J.Stone, Legal Controls of International Conflicts (1959)
- R.Falk, "The Shimoda Case" 69 Am. J. Int. Law (1965)
- T.Taylor, Nuremberg and Vietnam: An American Tragedy (1971)

COURSE NAME : LAW OF THE SEA & ENVIRONMENTAL LAW COURSE CODE : TH-103308

1. Historical introduction to Law of the Sea

Contribution of Seldom, Groticis, Bynkershoek and others to the
development of traditional law of the sea

1958 Geneva conventions
Freedom of High Seas

Learning outcome:

This chapter introduced the historical development of the law of the sea up to Geneva Conventions, 1958 and the contributions of different scholars like Seldom, , Grotius Bynkershoek

2. Changing Concepts of Maritime Frontiers & Legal Regulations UNCLOS, 1982

Development leading to III UNCLOS & its final outcome
Territorial sea
Contiguous Zone
Continental Shelf
EEZ
Position of LL & GDS and Archeipelagic states
Common Heritage of mankind
International Sea Bed Authority
Dispute settlement mechanism under UNCLOS -III
Marine Scientific Research
Indian Maritime Zones Act & Coastal Guards Act
Future perspectives of Law of sea

Learning Outcome:

This helps to gain detailed understanding of modern law of the sea as codified in LOSC, 1982 concerning different maritime zones such as Territorial Sea. Contiguous zone , EEZ, continental shelf, High Sea and the Area along with contrasting account of Geneva convention and Indian Maritime Zones Act.

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3. Marine Pollution & Conservation of Marine Environment

Marine Pollution
Overview of IMO conventions
Marine pollution regulation under 1982 LOS convention
Pollution by Hazardous substances; Basel convention

Conservation of Marine Fisheries

Learning Outcome:

This grasp the environmental concerns of the sea and the related legal responses pertaining from IMO (MARPOL, LDC etc.) and the UN (LOSC and the Basel Convention)

4. Traditional Principles of International Law relevant to Environmental Protection

State Responsibility, sic utero tuo ut ad alienum, International cooperation, State Sovereignty and Non-interference into domestic affairs

Learning Outcome:

It give understanding the scope of traditional international law to meet environmental change prior to the development of modern environmental law

5. Major Conferences on International Environmental Law & Related Institutional Mechanisms

Stockholm Conference, 1972
Rio Conference, 1992
UNEP, GEF & CSD
North v. South Perspectives

Learning Outcome:

This chapter comprehend the basic scope of environmental diplomacy through inputs on Stockholm and Rio Conferences with particular focus on North Vs South dilemmas and also an overview of institutional framework of UNEP, GEF, CSD

6. Bio Diversity Convention, 1992

Legal provisions of Biodiversity Convention
WTO & Biodiversity Convention
Biodiversity Act of India

Learning Outcome:

get exclusive insights on the problem of biodiversity and the Convention on Biodiversity, its crosscuttings with WTO and the Indian statute of Biodiversity Act

7. Climate change

Global Warming – causes and effects
Climate Change Convention, 1992
Kyoto Protocol & later developments
Ozone depletion – Causes & Effects
Montreal Protocol

Learning Outcome:

This gets exclusive insights on the problem of climate challenge, Convention on Climate Change, Montreal Protocol and further developments

8. Trade & Environment

31

Impact of free trade on environment
Disputes on trade & environment

Learning Outcome:

critical outlook on the complex dilemmas of trade vs environment with particular reference to free trade

Course Outcome

1. After learning the course, the student analyze a substantial and substantiated understanding of the global range of environmental problems
2. Make a detailed comprehension of the evolving international environmental law
3. learn an analytical grasp of the merits and demerits of international environmental legal order
4. Is able to understand environmental issues most critical importance such as climate change, biodiversity conservation and marine pollution
5. Develops an analytical outlook on North and South dynamics

Select bibliography

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COURSE NAME : COMPULSORY PRACTICAL COURSE CODE : PR-3001

Doctrinal Work Course Objectives:

One of the main purposes of conducting doctrinal research is solving the legal problems of bringing laws. For example, if the government decides to bring umbrella legislation for all the crimes committed against women, it may initiate doctrinal research by some jurists and experts in the field.

It can be utilized for several other purposes as well like ³² to help lawmakers develop meaningful and effective laws, develop fresh legal doctrines, aid courts in reaching effective and legally accurate judgments, help lawyers to interpret statutes and prepare their suits, help students in academia to set a base and many others.

Doctrinal Work Course Outcomes:

Doctrinal research has helped in developing a basic awareness of legal issues among the people. It has immensely helped judges and attorneys in legal suits to develop valid arguments and reach an effective judgment. The development of tort law is a prime example. Doctrinal research by focusing on “law as it is” has helped in percolating a greater awareness about legal issues among the masses. It has also helped in pointing out the loopholes in existing laws and statutes.

Non-Doctrinal Work Course Objectives:

- Non-doctrinal research, also known as social-legal research, that employs methods taken from other disciplines to generate empirical data that answers research questions. (Salim Ibrahim Ali 2017)
- The purpose of non-doctrinal research is to check the utility of a law that has been brought or how it impacts the non-legal aspects of society. Also, non-legal factors affect the implementation of the law. Sometimes, a very comprehensive law is brought but sometimes the environment is such that its effectiveness is shielded by those circumstances.

Non-Doctrinal Work Course Outcomes:

- non-doctrinal research focuses on law in action in its playing field i.e., the society. It could be of great help for analyzing the effects of laws on people and how to bring out legal reforms. It helps the law to catch up with this ever-changing society. Judicial activism is a great product of non-doctrinal research.
- non-doctrinal research studies law in connection with society and various non-legal aspects that affect the law. It is socio-legal research.
- non-doctrinal research has a wider scope and studies law in comprehensive terms.

Clinical Legal work, Course Objectives:

- one of the main elements of Clinical Education. The reason for this is that, they are first trained as a trainee, then they step up and learn legal skills and at the same time work as educators in the law field. Some of the important contributions can be listed as- First, the focus of this method is rather on students learning it rather than teachers teaching it,
- hence ample amount of work is put into it by the students itself. Second, when it comes to theoretical norms, they are usually tested and operated upon by the students and teachers and even here it reflecting the working of both teachers and students for the purpose of attaining a common goal.

Clinical Legal work, Course Outcomes:

- It is of great importance to find an active, effective, collaborative, comprehensive and sustained educational method for legal rights. Based on our research, legal clinics have an effectual role in creating these features for legal rights education as far as clinical human rights education can be introduced and recommended as a premier method to increase legal rights knowledge in the community.
- National law school model established post-independent Indian legal education has done a great job in the development of legal education in India with a strong commitment to improving existing legal infrastructure. Certainly, with this spirit, changes in syllabus and structure to cater to the new generation of lawyers.

FOURTH SEMESTER

COURSE CODE : DI - 2002
COURSE NAME : DISSERTATION

COURSE CODE : VV-2002
COURSE NAME : VIVA-VOCE