

**UNIVERSITY OF PUNE  
DEPARTMENT OF LAW  
ONE YEAR LL.M SYLLABUS 2013-14.**

<b>Corporate and Commercial Law</b>	<b>Constitution and Administrative Law</b>
<b>1<sup>st</sup> Trimester: (9 Credits)</b> 1. Research Methods and Legal Writing (3 credits) 2. Comparative Public Law (3 credits) 3. Law and Justice in a Globalising world. (3 credits)	<b>1<sup>st</sup> Trimester (9 Credits)</b> 1. Research Methods and Legal Writing (3 credits) 2. Comparative Public Law (3 credits) 3. Law and Justice in a Globalising world. (3 credits)
<b>2<sup>nd</sup> Trimester (8 Credits)</b> 4. Principles of Corporate Law (2 credits) 5. Intellectual Property Rights (2 credits) 6. Contract Law (2 credits) 7. Cyber Law (2 credits)	<b>2<sup>nd</sup> Trimester (8 Credits)</b> 4. Minorities Law (2 credits) 5. Human Rights – International and National Sphere (2 credits) 6. Media Law (2 credits) 7. Health Law (2 credits)
<b>3<sup>rd</sup> Trimester (7 Credits)</b> 8. Competition Law (2 credits) 9. Employment Laws and Human Resource Management (2 credits) 10. Dissertation (3 credits)	<b>3<sup>rd</sup> Trimester (7 Credits)</b> 8. Telecommunication Law (2 credits) 9. Education Law (2 credits) 10. Dissertation (3 credits)

The examination, evaluation and other norms of improvement of grades will be governed as per the norms of the credit system of the University Departments.

**Research Methodology and Writing Skills (3 Credits)**

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on practical training in conducting research in this course.

By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

## **I. Introduction**

- a) The science of research and scientific methodology
- b) Interrelation between speculation, fact and theory building-some fallacies of scientific methodology with reference to socio legal research
- c) Inter-disciplinary research and legal research models
- d) Arm chair research *vis-a-vis* empirical research
- e) Legal research-common law and civil law legal systems

## **II. Research Design**

- a) Workable Hypothesis-formulation and evaluation
- b) Major steps in research design

## **III. Research Techniques**

- a) Sampling
- b) Survey and Case Study method
- c) Scaling and Content Analysis

## **IV. Research Tools and Data Processing**

- a) Observation
- b) Interview and schedule
- c) Questionnaire
- d) Socio-metrics and jurimetrics
- e) Data processing (deductions and Inductions) analysis and interpretation of data

## **V. Legal writing**

- a) Report/article writing in legal research
- b) Use of definitions, maxims, concepts, principles, doctrines in legal research
- c) Citation methodology
- d) Book review and case comments

### **Suggested Reading Materials for Reference**

1. Robert Watt- Concise book on Legal Research
2. Ram Ahuja-Research Method
3. Good and Hatt- Research Methodology
4. Pauline Young- Research Methodology
5. Earl Babbie- Research Methodology
6. Anwarul Yaqin-Legal Research Methodology
7. Wilkinson Bhandarkar-Research Methodology
8. Selltis Johoda-Research Methodology
9. Stott D.-Legal Research
10. Robert Watt and Francis Johns- *Concise Legal Research*
11. S.K. Verma & Afzal Wani- Legal Research Methodology  
(and material announced in the Class)

## **COMPARATIVE PUBLIC LAW (3 Credits)**

**Objectives:** This paper focuses on analytical and theoretical scrutiny of Public Administrative Law, Constitutional Law and Criminal Law and its component in comparative manner to enable the students and develop amongst them the proper understanding of the subject.

1. Introduction
  - Meaning and definition of Public Law
  - Concept of Public Law
  - Globalisation of Comparative Public Law
2. Tools of Comparative Public Law
  - Constitutional Law – Common Law, Civil Law
  - Legislative Mechanism - Common Law, Civil Law
  - Typology of Federalism – USA, India
3. Public Interest Litigation – US, India
  - Locus standi
  - Judicial Activism
  - Judicial Accountability
4. Comparative Criminal Law – Common law, Civil law
  - Domestic Violations – International, National
  - Provisions relating to Rape
  - Plea Bargaining – USA, India
  - White Collar Crimes
  - Juvenile Justice
5. Ombudsman
  - Ombudsman in Scandinavian countries
  - International Scenario – Common law and Civil law
  - Indian Scenario
    - i) Lokpal (Ombudsman)
    - ii) Lokayukta

### **Select Bibliography**

1. H. W. Wade - Administrative Law.
2. DeSmith - Judicial Review of Administrative Action.
3. Garner - Administrative Law.
4. D. D. Basu - Comparative Administrative Law.
5. Wade and Philips - Constitutional Law

6. Dicey - Introduction to Law of the Constitution.
7. O Hood Philips - Constitutional Law and Administrative Law.
8. M. P. Jain, S. N. Jain - Principles of Administrative Law.
9. M. P. Jain - The Evolving Indian Administrative Law.
10. B. Schwartz - An Introduction to American Administrative Law.
11. M. P. Jain - Cases and Materials on Administrative Law.
12. K. S. Shukla and S. S. Singh - Lokayukta - A socio legal study.
13. Ivor Jennings - Law and the Constitution.
14. K. C. Davis - Discretionary Justice.
15. Neville L. Brown and J. F. Garner – French Administrative Law.
16. Peter H. Schuck - Foundations of Administrative Law.
17. P. P. Craig - Administrative Law.
18. Alex Carol - Constitution and Administrative Law.
19. Neil Hawke and Neil Papworth - Introduction to Administrative Law.
20. Jaffe - Judicial Control of Administrative Law.
21. K.D.Gaur – A Textbook on The Indian Penal Code.
22. Videh Upadhyay - Public Interest Litigation In India: Concepts, Cases Concerns 1<sup>st</sup> Edition
23. S. K Agrawala - Public interest litigation in India: A critique (K.M. Munshi memorial lectures)
24. The Handbook of Comparative Criminal Law, Stanford Law Books (2010)

## **LAW AND JUSTICE IN A GLOBALISED WORLD**

The main objective of the course is to enable students to understand and seek solutions to pressing problems in the domain of global justice. By the end of the term, students are expected to have become familiar with the multiple dimensions of the theoretical literature and be able to critically evaluate the liberal, republican, and discursive democratic attempts to make sense of, and to ameliorate, prevailing instances of injustice in the world. This will be imparted through theoretical and philosophical debates advanced by various scholars and the institutional mechanism that need to be accelerated to achieve the objectives of global justice.

### **I. Introduction**

- (a) Meaning and significance of Globalization
- (b) concept of Global Justice
- (c) Global Justice and Right to Development

### **II. Theoretical Propositions of Global Justice**

- (a) Realism
- (b) Particularism
- (c) Nationalism
- (d) Cosmopolitanism

### **III. Historical and Central Challenges to Global Justice**

- (a) Global Poverty- Role of International Mechanism
- (b) Armed Conflict
- (c) Nationalist practices
- (d) Crimes against Humanity
- (e) Environment and Health
- (f) Oppressive Policies- Threat of Terrorism, Global Politics

### **IV. Role and Reformation of Global Institutions**

- (a) States, sovereignty and Transnational Law
- (b) Economic and Trade Institutions-MNC's
- (c) structural reforms of United Nations-Security Council
- (d) International Judicial Institutions

### **V. Models To Achieve Global Justice**

- (a) Social Contract and Social Justice
- (b) Sarvodaya Model of Justice
- © Multi Culturalism and Cosmopolitanism
- (D) Significance of Human Rights Education
- (E) Global Justice and Global Rule of Law

## Recommended Readings

- Springer: Encyclopedia of Global Justice 2012
- Brian Barry, *Culture and Equality*. Cambridge: Polity, 2001
- Duncan Bell (ed.) *Ethics and World Politics*. Oxford 2010.
- Allen Buchanan. Justice, Legitimacy, and Self-determination: Moral Foundations for International Law. Oxford 2004.
- Simon Caney, *Justice Beyond Borders*. Oxford:, 2005
- Nicole Hassoun. 2008a. "World Poverty and Individual Freedom." American Philosophical Quarterly. Vol. 45, No. 2: 191-198.
- Andrew Hurrell. 2001. "Global Inequality and International Institutions." Global Justice. Thomas Pogge ed. Meta-philosophy Series in Philosophy A.T. Maroobian and Brian Huschle eds. Blackwell Publishing: Oxford.
- Martha Nussbaum, *Frontiers of Justice*. Cambridge, Mass.: Harvard University Press, 2006.
- Thomas Pogge, *World Poverty and Human Rights*. Cambridge: Polity, 2002.
- John Rawls, *The Law of Peoples*. Cambridge, Mass.: Harvard University Press, 1999
- Amartya Sen, *Development as Freedom*. Oxford: 1999
- Amartya Sen: Global Justice  
[http://www.lexisnexis.com/documents/pdf/20080806034945\\_large.pdf](http://www.lexisnexis.com/documents/pdf/20080806034945_large.pdf)
- Amartya Sen The Idea of Justice 2009
- Amartya Sen: Development as Freedom 1999 Oxford
- Amartya Sen: Human and Public Action Oxford
- Journals of Oxford and Cambridge on global Justice
- Global Justice Net work: [www.theglobaljusticenetwork.org/journal](http://www.theglobaljusticenetwork.org/journal)
- R PIERIK : Cosmopolitanism Global Justice and International Law Cambridge 2005
- American Journal of International Law and Proceedings of American Society of International Law
- THOMAS NAGEL The Problem of Global Justice  
<http://as.nyu.edu/docs/IO/1172/globaljustice.pdf>
- Anthony J. Langlois:
- **Is global justice a mirage?**European Journal of International Relations March 2011 17: 145-157,

## **Principles of Corporate Law**

**(2 credits)**

**Objectives-** In view of the changing niceties of global governance especially from the point of view of good governance, corporate governance plays a vital role in the development of economy both nationally and internationally. Taking this into consideration, the paper aims to introduce to the students the nuances of corporate law and the obligations of it towards society in discharging its trading relations and to be a good corporate citizen.

### **I. Introduction**

- a. Corporate personality
- b. Advantages and Disadvantages of Incorporation
- c. Concept of lifting of Corporate Veil.
- d. Convergence of Corporate Legal System in the Present Time – LLP as a type of Corporate vehicle

### **II. Corporate Finance**

- a. Company capital- Equity Finance, Debt Finance.
- b. Offer Documents
- c. Public Issues
- d. Under writing of Issues
- e. Corporate Loans
- f. Venture Capital, Institutional Financing
- g. Role of SEBI and stock exchanges

### **III. Amalgamation, Reconstruction, Mergers and takeovers etc.**

- a. Meaning of the terms
- b. Statutory provisions
- c. Powers of the court/tribunal

### **IV. Corporate Governance**

- a. Concept, Significance
- b. Dimensions
- c. Legal framework, Basic Principles and OECD principles of Corporate Governance
- d. Impact of globalization

### **Suggested Readings**

1. J.M. Thomson- Palmer's Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current Problems of Corporate Law
5. Compendium on SEBI, Capital Issues and Listing – by Chandratre, Acharya, Israni, Sethuraman
6. Corporate Finance- Ashwath Damodaran

## **CONTRACTS LAW (2 Credits)**

### **OBJECTIVES OF THE PAPER**

To make the students aware of recent development in the area of contracts , to familiarize them with the Indian legal provisions related to various forms of contracts, to acquaint them with the related cases and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

### **TOPICS FOR THE STUDY**

#### **1. STANDARD FORM CONTRACTS**

Nature, advantages and unilateral character  
Principles of protection against the possibility of exploitation  
Exemption clauses  
Law Commission of India's views

#### **2. GOVERNMENT CONTRACTS**

Constitutional Provisions  
Performance of Government contracts  
Tender procedure in public contracts  
Statutory Contracts

#### **3. ELECTRONIC CONTRACTS**

Formation of E-Contracts  
Advantages and disadvantages of E-Contracts  
Relevant Laws  
Legality of E-Contracts

#### **4. QUASI CONTRACTS**

Principle of unjust enrichment  
Contract for Necessaries  
Provisions of Indian Contracts Act  
Quasi Contracts in English Law

### **SUGGESTED READINGS**

- 1) A.G. Guest (ed): Anson's Law of Contract..
- 2) P.S. Atiya, Introduction to the Law of Contract.
- 3) Avtar Singh : Law of Contract.
- 4) G.C. Cheshire, H. S. Fifoot : Cases on the law of Contract.
- 5) Chitty : Chitty on Contracts, Vol. I General Principles Vol. 2 Specific Contracts.
- 6) Pollock and Mulla on the Indian Contract and Specific Relief Acts.
- 7) Cheshire and Fifoot, The Law of Contract.
- 8) Nilima Bhadabhade, Contract Law in India
- 9) G. M. Treitel : Law of Contract.
- 10) S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa Iyer's Law of Contract.



## **INTELLECTUAL PROPERTY RIGHTS (2 Credits)**

### **Objectives:**

The main objective of the paper is to introduce to the students the concepts of IPR and their relationship with other subjects especially, economic law, and other technological aspects. Apart from the above, the paper covers the approaches of International Institutions and introduces the various aspects that are form part of the province of IPR.

### **1. Introduction**

- Origin and Genesis of IPR
- Theories of IPR – Locke's, Hegel and Marxian
- Ethical, moral and human rights perspectives of IPR

### **2. Intellectual Property Rights: International Relevance**

- Internationalization of IP protection – Paris Convention, Berne Convention, TRIPS Agreement – basic principles and minimum standards – limits of one-size-fit for all – flexibilities under TRIPS
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### **3. Intellectual Property: Issues and Challenges**

- Copyright protection with reference to performers rights and Artist rights,
- Global governance towards Patents
- Trade Marks: Legal recognition, Comparative analysis in India, EU and USA
- Trade secrets : Legal recognition, Comparative analysis in India, EU and USA

### **4. Intellectual Property: Contemporary Trends**

- Benefit sharing and contractual agreements – International Treaty on Plant Genetic Resources for Food and Agriculture – issues on patent policy and farmers' rights- CBD, Nagoya Protocol and Indian law
- UNESCO – protection of folklore/cultural expressions
- Developments in WIPO on traditional knowledge and traditional cultural expressions

### **Suggestive Readings:**

- W. Cornish & Llewelyn – Intellectual Property: Patent, Copyrights, Trade Marks & Allied Rights”, London Sweet & Maxwell.
- Nard Madison- The Intellectual Property, Aspian Publication.
- Carlosm Correa- Oxford commentaries on GATT/ WTO Agreements trade related aspects of Intellectual Property Rights, Oxford University Press.
- David Bainbridge – Intellectual Property Law.

## **Competition Law (2 credits)**

### **Objectives-**

In most countries of the world that competition plays a key role to play in ensuring productive, efficient, innovative and responsive markets. The consumers are ensured availability of 'goods' and 'services' in abundance of acceptable quality at affordable price. Competition law and policy also result in equity among producers and reduce rent seeking behavior on their part.

In tune with the international trend and to cope with changing realities, India has reviewed the Monopolies and Restrictive Trade Practices Act, 1969 and has enacted the Competition Act, 2002 (the Act)w.e.f.14.1.03.

The Competition Commission of India feels that in order to create greater awareness of competition law and competition issues, it is important that the Competition Act, 2002 and the role of the Competition Commission of India should form part of the syllabus of faculties/schools of management, law and other relevant institutes. This would also enable the students to take up professional practice in the field of competition law and policy. As a part of its statutory duty to create awareness and to build strong competition culture in the country, the Competition Commission of India has already taken up the matter with over 144 universities to incorporate the Competition Act as a part of syllabus. This syllabus also aims to create awareness among the students and develop their abilities to deal with the issues on the expanding horizons of corporate law.

### **I. Introduction**

- a. Basic economic and legal principles
- b. Restraint of Trade under Indian Contract Act
- c. Monopolistic Trade Practices
- d. Restrictive Trade Practices

### **II. Development of law from MRTP to Competition Act 2002**

- a. Aims, Objects and Salient features
- b. Comparison between MRTP Act and Competition Act
- c. Anti-Competitive Agreement
- d. Abuse of Dominant Position
- e. Combination
- f. Protection of consumers

### **III. Competition Commission Of India**

- a. Structure and function of CCI
- b. Regulatory role

### **IV. Competition Appellate Tribunal-**

- a. Composition, Functions, Powers and Procedure

- b. Award Compensation
- c. Power to punish for contempt
- d. Execution of orders

**Suggested Reading:**

- K.S. Anantaraman : Lectures on Company Law and MRTP
- Dr. R.K. Singh : Restriction Trade Practices and Public Interest
- Suzan Rab- Indian Competition Law- An International Perspective
- S.M. Dugar's MRTP Law, Competition Law and Consumer Protection
- Report of the Monopolies Inquiries Commission, Govt. of India 1965 (Dr. Hazari Report)
- Sachar Committee Report, High Powered Committee on MRTP Act & Company Act, 1980 and other related work
- A.E. Rodrigues, Ashok Menon- The limits of Competition Policy, the shortcomings of Economics
- Taxmann's competition Law and Practice

## **Cyber Law (2 Credits)**

### **Objectives:**

The main objective of this course is to make students familiar with the developments that are being taking place in the different areas with the help of Computer Science and Information Technology. To acquaint the students with the national and international legal order relative to these

### **Fundamentals of Cyber Law**

- A) Conceptual and theoretical perspective of cyber law.
- B) Computer and Web Technology
- C) Development of Cyber Law – National and International Perspective

### **Cyber Law: Legal Issues and Challenges in India, USA and EU**

- A) Data Protection, Cyber Security,
- B) Legal recognition of Digital Evidence
- C) Recognition of liability in the digital world
- D) Jurisdiction Issues in Transnational Crimes

### **Cyber Law: International Perspectives**

- A) Budapest Convention on Cybercrime
- B) ICANN's core principles and the domain names disputes
- C) Net neutrality and the EU electronic communications regulatory framework
- D) Web Content Accessibility Guidelines (WCAG) 2.0

### **Cyber Law – Contemporary Trends**

- A) Impact of cyber warfare on privacy, identity theft.
- B) International law governing Censorship, online privacy, copyright regulations,
- C) Online Intermediaries in the governance of Internet
- D) Social Networking Sites vis-à-vis Human Rights.

### **Suggestive Readings:**

- Yatindra Singh : Cyber Laws.
- Ajit Narayanan and Bennum (ed.) : Law, Computer Science and Artificial Intelligence.
- Linda Brennan and Victoria Johnson : Social, ethical and policy implication of Information Technology.
- Kamath Nandan : Law relating to Computer, Internet and E-Commerce.
- Arvind Singhal and Everett Rogers : India's Communication Revolution : From Bullock Carts to
- Cyber Marts.
- Lawrence Lessing : Code and other Laws of cyberspace.
- Mike Godwin : Cyber Rights Defencing free speech in the Digital Age.

## **Employment Laws and Human Resource Management (2 Credits)**

The existence of cordial labour management relation is a pre-requisite for any organization involved in business, trade and commerce.

The LPG era has brought in forefront many issues and challenges that need to be addressed for sustainable economic growth.

Work force represents human beings in dire need of justice and in turn the economic development parameters of any nation are wholly dependent upon the legal status and protection assigned to them in a legal system.

The course intends to cover the impact of international standards and international trade developments that leave behind strong footprints on nations' economy. Therefore, the Indian employment laws, its relevance, utility and significance in the present international context are to be covered.

### **I. Introduction**

- a) Workers Rights as Human Rights-Constitutional edifice and reflections of ILO standards in the Indian legal System.
- b) Concept of employment, non-employment, terms of employment and conditions of labour
- c) Challenges and Issues with reference labour management relations in 21<sup>st</sup> Century

### **II. Social Security Labour Legislations**

- a) National (Constitutional and Statutory) and International Perspectives
- b) ILO norms, measures and standards-its relevance in Indian legal system
- c) Employment Contracts and labour management relations-Trends, Issues and Challenges-A critique of comparative contract labour laws (India, US & Europe)

### **III. Transnational Trade and Labour**

- a) Impact of globalization on labour market-Indian, US, European & Japanese perspectives
- b) ILO *vis-à-vis* WTO
- c) Developing *vis-à-vis* developed States
- d) Resolution of Labour Management Disputes-Means and Mechanisms

### **IV. Law and Policies of Protective Discrimination in Employment Laws**

- a) Social security safety and welfare at workplace-women, children, and differently-abled.
- b) Compensation, Insurance with respect to wrongful dismissal and employment hazards.

### **Suggested reading materials for reference**

1. Ravi Singhania-Employment Law in India, **CCH Wolters Kluwer**
2. Guide to Employment Law-CCH Wolters Kluwer Business
3. Marian Baird, Keith Hancock, Joe Isaac- Work and Employment Relations An Era of Change, **Routledge Taylor and Francis group**
4. Key Cases: Employment Law By Chris Turner **Routledge Taylor and Francis group**
5. New Governance and the European Employment Strategy, By Samantha Velluti, **Series:** Routledge Research in European Union Law
6. At Work in the Informal Economy of India: A Perspective from the Bottom Up Author(s): Jan Breman Oxford University Press
7. Shrivastava-labour laws.
8. OP Malhotra -Labour Management Relations
9. The reports of Commissions, Committee & Research groups and relevant ILO conventions

## **HUMAN RIGHTS INTERNATIONAL AND NATIONAL SPHERE**

### **Credits (TWO)**

The course aims discuss the various aspects of Human rights with respect to contemporary issues and their impairment on certain sections of People and the Politico- legal perspective in their achievement with the help of the enforcement mechanism and the impediments. In the end of the course, a student would able to appreciate the lacunas in the full realisation of human rights, and able to find solutions to augment the both in national and international enforcement mechanism.

#### **I. Introduction**

- (a) Scope and Significance of Human Rights
- (b) Globalisation Vis-à-vis Human Rights
- (c) Human rights with special reference to Right to Development

#### **II. Human rights in the International Scenario**

- (a) Impact of the Human Rights Instruments on Domestic Law
- (b) Rights of disadvantaged and Vulnerable Groups- Critical Analysis
- (c) Cultural Relativism and Human Rights

#### **III. Human Rights in the National Sphere**

- (a) Human Rights in the Indian Sphere- An Over View
- (b) Constitution and the analysis of Preamble
- (c) Social Action Litigation and the Role of Indian Judiciary

#### **IV. Enforcement Mechanism : International and National Sphere**

- (a) Critical Examination of the Human rights Council and Human rights Commission
- (b) Treaty Mechanism with respect to Covenants ICESCR and ICCPR; Convention on the Elimination of Discrimination against Women and Child Rights Convention.
- (c) Critical Analysis of the NHRC and the National Women's Commission and National Child Rights Commission.

#### **Recommended Readings:**

- Jeffery F. etc (eds) Globalization International Law and Human Rights, Oxford;2012
- Ian Brownlie: Basic Documents on International Law, Oxford, 2012
- Lone Lindholt etc. Human Rights in Development 2003 Martinus Nijhoff pp 1-110
- Rhona K.M. Smith International Human Rights, Oxford (5<sup>th</sup> edn) 2012 chapters 1,2,5,10,22 and 23.

- TSN Sastry: India and Human Rights: Reflections Concept publishers 2005 Chapters 1-7,8,9,14,15, & 17V.T. Patel and TSN Sastry: Studies in Human Rights, PR Publications, 2000; chapters 1-5,8,13,18,19,21,and 26.
- YSR Murty: Human Rights Hand Book Lexis Nexus Butterworth's 2007
- HOSSAIN MD. SHANAWEZ: Human Security in Asia: by Universal Human Right or Cultural Relativism?  
<http://humansecurityconf.polsci.chula.ac.th/Documents/Presentations/Shanawez.pdf>
- Aruna Ray: National Human Rights Commission of India: Formation, Functioning and Future Atlantic 1997
- Human rights Quarterly
- Indian Journal of International law
- American Journal of International Law
- British Year Book of International law
- NHRC Journal on Human rights
- Journal of the Indian Law Institute



## **Health Law (2 credits)**

**Objectives-** This course seeks to explore various areas of the law that deal with creating and maintaining and regulating 'health.' It incorporates broad theoretical basis behind the relationship between law and healthcare services.

The course aims to give comprehensive and practical approach to the students to make them aware of the developments in medical sciences, to explore various issues and to enable them to be equipped to face the recent challenges raised by the modern issues in contemporary era.

- I. Introduction
  - a. Concept of health, public health
  - b. Law and health – development of interrelationship
  - c. Health Law and Bio Ethics
- II. Legal aspects of Health Care
  - a. Role of WHO
  - b. Constitutional law- regulation of health
  - c. Important legislations dealing with law and medicine
- III. Medical Professional, Patient and the Law
  - a. Nature and concept of physician –patient relationship
  - b. Informed consent and confidentiality
  - c. Concept of duty of care
  - d. standard of care
  - e. Code of ethics in medical profession
  - f. Role of judiciary in regulating the medical profession
- IV. Bioethics- Issues and challenges
  - a. Euthanasia and physician assisted suicide
  - b. Reproductive technology – surrogate motherhood
  - c. Medical termination of pregnancy
  - d. Prenatal diagnostic techniques

### **Suggested Readings**

- 1. Freemain- Law and medicine
- 2. Micheal Davies- Textbook on Medical law
- 3. Jonathan Herring- Medical Law and Ethics
- 4. R.K. Bag- Medical Negligence and Compensation
- 5. S. V. Jogarao- Current Issues in Criminal Justice and Medical Law
- 6. Modi's Medical Jurisprudence
- 7. Mason and Mc Call Smith- Law and Medical Ethics

## **MINORITIES LAW (2 Credits)**

### **OBJECTIVES OF THE PAPER**

To make the students aware of the importance of rights of minorities, to familiarize them with the constitutional provisions related to minorities, to acquaint them with the rights of minority educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

### **TOPICS FOR THE STUDY**

1. **MINORITIES IN INDIAN SOCIETY**
  - Concept of Minorities
  - Linguistic Minorities
  - Religious Minorities
  - Secularism
2. **INTERNATIONAL NORMS FOR PROTECTION OF MINORITIES**
  - Human Rights of Minorities
  - Minority Rights under the International Covenant on Civil and Political Rights
  - Non-discrimination provisions of the United Nations Charter 1945
  - Declaration on Rights of Minorities
3. **MINORITY RIGHTS**
  - Right to religion
  - Linguistic rights
  - Right to culture and traditions
  - National Commission for Minority
4. **RIGHTS OF MINORITY EDUCATIONAL INSTITUTIONS**
  - Educational rights of Minorities
  - Right to administer Minority educational institution
  - Aided and Unaided Minority Educational Institutions and Governmental Controls
  - National Commission for Minority Educational Institutions

### **SUGGESTED READINGS**

1. M.P.Jain, Indian Constitutional Law
2. D.D.Basu, Commentary on the Constitution of India
3. A.P.Datar, Commentary on the Constitution of India
4. H.M. Seervai, Constitutional Law of India
5. M.P. Singh, Constitution of India
6. Brolmann, C. and others, eds., Peoples and Minorities in International Law
7. Phillips, A. and A. Rosas, eds., The UN Minority Rights Declaration
8. Reddy, Jagmohan, Minorities and the Constitution
9. Sheth, D.L. and Gurpreet Mahajan, ed., Minority Identities and the Nation State
10. Thornberry, Patrick, International Law and the Rights of the Minorities

## **EDUCATION LAW (2 Credits)**

### **OBJECTIVES OF THE PAPER**

To make the students aware of the importance of education, to familiarize them with the constitutional provisions related to education, to acquaint them with the rights of educational institutions and exposition of the subject matter in detail with the help of legislative, judicial and other materials.

### **TOPICS FOR THE PAPER**

#### **1. HUMAN RIGHT TO EDUCATION**

Role of education

International law and right to education

UNESCO: Convention and Recommendation against Discrimination in Education, 1960

Pune Declaration on Education for Human Rights in Asia 1999.

#### **2. FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

Free and compulsory education

Equal opportunity of education

Educational rights of minorities

Right to access higher education

#### **3. RIGHTS OF EDUCATIONAL INSTITUTIONS**

Right to establish educational institutions

Right to administer educational institutions

Private educational institutions and Governmental Control

Minority educational institutions

#### **4. EDUCATIONAL LAWS**

University Grants Commission Act

Maharashtra Universities Act

Laws related to Professional education

Judicial Pronouncements

### **SUGGESTED READINGS**

1. M.P.Jain, Indian Constitutional Law
2. D.D.Basu, Commentary on the Constitution of India
3. A.P.Datar, Commentary on the Constitution of India
4. H.M. Seervai, Constitutional Law of India
5. M.P. Singh, Constitution of India
6. H.O. Agarwal, International law and Human Rights
7. B.M. Sankhdher, Encyclopaedia of Education System in India
8. P.L.Mehta, R.Poonga, Free and Compulsory Education
9. R.D.Agarwal, Law of Education and Educational Institutions
10. G.S.Sharma,(ed.),Educational Planning: Its Legal and Constitutional Implications in India

## **MEDIA LAW (2 Credits)**

This paper deals with the interaction between law and mass media. This paper examines the major laws, regulations and court decisions affecting the media. It aims to familiarise the theoretical debates on media, law and ethics in the Indian context. It also attempts to evolve an understanding of the complexities of ethical and legal media practice.

### **6. Introduction**

- Evolution of Media
- Types of media:
  - (i) Print
  - (ii) Electronic
- E-Media – Free Flow of Information beyond boundaries and barriers
- Difference between Visual and non- Visual Media - impact on People

### **7. Freedom of Speech and Expression -Article 19 (1) (a)**

- An introduction to Freedom of expression
- Evolution of Freedom of Press
- Restrictions under Constitution
  - (i) Article 19 (2)
  - (ii) Government Power to legislate - Article 246 read with the Seventh Schedule.
  - (iii) Power to impose Tax -licensing and licence fee.
- Advertisement & Ethics: Misleading Advertisement vis-à-vis Consumers rights

### **8. Law of defamation and obscenity**

- Defamation
  - (i) Libel
  - (ii) Slander
- Obscenity
- Sedition

### **9. Development of laws relating to Mass Media vis a vis International regime**

- Censorship of films
- Censorship under Constitution
- Censorship under the Cinematograph Act.
- Pre-censorship of films

### **Select Bibliography**

1. M.P. Jain, Constitutional Law of India (1994) Wadawa, Nagpur
2. H.M. Seervai, Constitutional Law of India 2002 Vol. 1 Universal

3. John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980)
4. Bruce Michael Boys, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression" 14 J.I.L.I. 501 (1972).
5. Rajeev Dhavan, "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).
6. Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission" 26 J.I.L.I. 391 (1984).
7. Soli Sorabjee, Law of Press Censorship in India (1976).
8. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).
9. D.D. Basu, The Law of Press of India (1980)

## **TELECOMMUNICATION LAW (2 CREDITS)**

### **Objectives:**

The main objective of the paper is to introduce to the students the concepts of Telecommunications Law and its regulation at the International Level. Apart from the above, the paper covers the approaches of privatization in Telecommunications and Issues and challenges related to it. The paper will give theoretical perspective of Telecommunication Laws.

### **1. Introduction**

- Historical Perspective of Telecommunications Law.
- Conceptual Analysis: public broadcasting, right to broadcast, Cable distribution, broadcasting licensing.
- Telecommunication Laws in India

### **2. Telecommunications : International Relevance**

- International regulation related to Telecommunications.
- ITU reform
- Self-governance of the Internet: ICANN
- WTO

### **3. Privatization in telecommunications**

- Liberalization and deregulation
- Privatization of INTELSAT

### **4. Telecommunications: Issues and Challenges**

- Access
- Dispute Settlement
- Advertisement, consumer protection. Protection of minors (children)
- Indecency, piracy
- Jurisdictional issues

### **Suggestive Readings:**

- Paul L. Nihoul, Peter B. Rodford - EU Electronic Communications Law: Competition & Regulation in the European Telecommunications Market 2 Rev ed Edition, Oxford University Press
- Universal's Legal Manual - Press, Media & Telecommunication Laws (Containing Acts, Rules, Orders & Regulations), Universal Law Publishing Co.
- Ian Walden - Telecommunications Law and Regulations, Oxford University Press