



राजीव गाँधी विश्वविद्यालय  
RAJIV GANDHI UNIVERSITY

(भारत के संसद के अधिनियम द्वारा वर्ष 2007 में स्थापित)  
(A CENTRAL UNIVERSITY ESTABLISHED IN 2007 AN ACT OF PARLIAMENT OF INDIA)

रोनो हिल्स, दोइमुख (ईटानगर)  
Rono Hills, Doimukh (Itanagar)  
दोइमुख - ७९१११२,  
Doimukh - 791112,  
अरुणाचल प्रदेश  
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No.AC-2160/BPGS/Law/2019

Dated the 7<sup>th</sup> September, 2021

NOTIFICATION

Administrative approval is hereby accorded to implement the syllabi of LLM and Ph.D course structure prepared by BPGS( Law) subject to ratification by the Academic Council in its next meeting

This is issued with the approval of the Vice-Chancellor.

Memo No.AC-2160/BPGS/Law/2019/1490  
Copy to:

Sd- Registrar  
Dated the 15<sup>th</sup> September, 2021

1. P.S. to Vice-Chancellor for information.
2. PA to PVC for information
3. SPA to Registrar for information
4. SPA to Finance Officer for information.
5. SPA to Controller of Examination for information.
6. Head, Department of Law RGU for information
7. Principal, Arunachal Law Academy(ALA) Naharlagun for information
8. All members concerned for information
9. Office copy
10. Guard file

*U&me*

*Dr. David Pertin*  
15/9/2021  
(Dr.David Pertin)  
Joint Registrar(Acad & Conf)

Department of Law  
Rajiv Gandhi University, Rono Hills

**DOCTOR OF PHILOSOPHY IN LAW  
(Ph.D. LAW)**

**Course of Studies for the Course Work with effect from Academic Session 2021-22,  
under Choice Based Credit System  
Prepared by Dr Topi Basar  
Associate Professor**



**RAJIV GANDHI UNIVERSITY  
Rono Hills, Doimukh – 791112  
(Arunachal Pradesh)  
DOCTOR OF PHILOSOPHY IN LAW  
(Ph.D. LAW)**

**Course of Studies for the Course Work with effect from Academic Session 2021-22,  
under Choice Based Credit System**

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राजीव गांधी विश्वविद्यालय  
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Rono Hills, Doimukh (A.P.)

## **BRIEF OUTLINE**

The Ph.D. Course Work (Syllabus) in Law under Choice Based Credit System (CBCS) has been designed keeping in view the changing scenario of the present education system in the 21<sup>st</sup> Century and as per the University Grants Commission (UGC) (Minimum Standards and Procedure of M.Phil. / Ph.D. Degree) Regulations, 2016 and University's Ordinance relating to Doctor of Philosophy(Ph.D.)Ordinance, 2020. The content of the syllabus is prepared on the basis of the current needs and demands in research in legal studies. The Choice-Based Credit System (CBCS) provides an approach in which the Research Scholars shall opt papers from Elective / Open courses as per their choice, learn at their own pace, undergo additional courses and acquire more than the required credits, and adopt an interdisciplinary approach to learning. It offers wide ranging choice for Research Scholars to opt for courses based on their aptitude and their career goals.

## **AFFILIATION**

The programme shall be governed by the Department of Law, Rajiv Gandhi University, Rono Hills, Doimukh – 791112 (Arunachal Pradesh).

## **PROGRAM OBJECTIVE**

The syllabi for each course / paper shall be drafted as per the UGC Guidelines- 2016 under Learning Outcomes based Curriculum Framework (LOCF) approach with an aim to equip the Research Scholars with knowledge, skill, values and legal aptitude. Keeping the importance of research in present scenario and to enhance the quality of research, this syllabus for the Ph.D. Course Work aims to facilitate the acquisition of specialized knowledge in the field of Constitutional law domain, Intellectual Property Right, Traditional Knowledge, Customary laws and ancillary fields by inculcating the relevant attitudes and values required for undertaking quality research in Law. The course shall also facilitate inculcation of analytical and critical research for better learning outcomes. It recognizes multi-disciplinary ways and means of knowledge-creation and its application. The goal of every research in Law is to bring legal and policy transformation in society and to make a new and distinct contribution to existing body of knowledge in Law.

## **PROGRAM OUTCOME**

The expected outcome of the syllabus is to equip research scholars with advanced research skills to carry out empirical as well as doctrinal research in the area of legal studies. Keeping the importance of research in present scenario and to enhance the quality of research, this syllabus for the Ph.D. Course Work will facilitate the acquisition of specialized knowledge in the field of Constitutional law domain, Intellectual Property Right, Traditional Knowledge, Customary laws and ancillary fields.



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## OUTLINE OF THE PROGRAM

The syllabi for the Course work of Ph.D. in Law have been drafted as per the UGC guidelines for Learning Outcomes based Curriculum Framework (LOCF) based approach with an aim to equip the Research Scholars with knowledge, skill, values and attitude. The course duration is 1 semester.

Part	Year	Semester	Components
Part – I	First Year	Semester I	Course Work

**Types of Courses:** Courses in a program shall be of two kinds: Core and Open/ Elective.

1. **Core Courses:** A core course is a compulsory paper to be studied by all the scholars to complete the requirements of a degree and based on papers that are unique to the program and hence imperative for student to earn a degree in a given discipline/program.
  - a. **Research Methodology:** The Department has assigned a minimum of four credits covering areas such as quantitative methods, computer applications, review of published research in the relevant field, training, field work, etc.
  - b. **Research and Publication Ethics:** The department shall offer a course paper of two credits on Research and Publication ethics (as per the directives of UGC vide DO no – F.1-1/2018(Journal/CARE) dated December 2019).

Credit course (30 hrs.) –This course has total 6 units focusing on basics of philosophy of Law and ethics, research integrity, publication ethics. Hands-on-sessions are designed to identify research misconduct and predatory publications. Indexing and citation databases, open access publications, research metrics (citations, h-index, Impact Factor, etc.) and plagiarism tools will be introduced in this course. It will consist of-

1. Classroom teaching, guest lectures, group discussions, and practical sessions.
  2. Continuous assessment will be done through tutorials, assignments, quizzes, and group discussions. Weightage will be given for active participation. **Final written and practical examination will be conducted at the end of the course.**
  3. The course comprises of six modules. Each module has 4-5 units.
2. **Elective Courses:** Elective course is a course which can be chosen from a pool of papers from a syllabus provided by a particular department from the main discipline or from a sister/related discipline which supports the main discipline, on mutual consent of the concerned departments.
    - a. It is supportive to the discipline of study, providing an expanded scope, enabling an exposure to some other discipline/ domain, and nurturing Research Scholar's proficiency/ skill.
    - b. These courses constitute a pool of open elective courses. Discipline Centric elective offered by a department shall serve as open elective for other department(s) of the concerned faculty.

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1. **Open Paper (2 Credits):** The research scholar has the option to choose the open paper offered by parent department and from other departments. The Department has the choice to prepare the paper with any combinations of Lecture, Tutorial and Practical (2:0:0, or 1:0:1, or 0:0:2).
2. **Elective Paper:** The department will develop more than one elective paper based on different specialisations and specialised fields of research. The Guide / Supervisor will be responsible for the teaching of the specialised paper to their respective scholars. A Scholar has the choice to choose as many as elective paper(s) to accumulate more credits for the course.

### 3. Distribution of Credit:

- a. The credit assigned to the Ph.D. course work consisting of 4 papers shall be of a minimum of **8 credits and a maximum of 16 credits**. The course work must include a paper of two credits on Research and Publication Ethics.
- b. Credits earned by the Scholars: The total credits earned by a Research Scholar at the end of semester upon successfully completing the course are L+T+P. The credit pattern of the course shall be indicated in the format as L:T:P.
- c. Credits and Credit Hours: Each course/paper shall be taught through Classroom Lectures (L), a tutorial component for participatory discussion/problem solving/brief seminar on a topic/ assignments/ self-study or through other appropriate methods that may potentiate the extent of assimilation by the Research Scholar (T), followed by practical/ practice session consists of hands-on experience/ field work/ case studies/ short-term projects etc. (P)
  - 1.L: 1 hour per week amounting to 1 credit of learning / semester by a Research Scholar in a paper.
  - 2.T: 1 hour per week amounting to 1 credit of learning per semester by a Research Scholar in a paper.
  - 3.P: 2 hours per week amounting to 1 credit of learning per semester by a Research Scholar in the paper.

4. **Paper Code:** The paper code will be a combination of 3 letter abbreviation of the name of the department and the number indicated in the table shown below.

### SCHEME OF EXAMINATIONS AND AWARD OF CREDIT

1. To be eligible for appearing in the End Semester Examination, a Research Scholar shall have to attend minimum lectures and complete practical, teaching practice and Internship as laid down in the relevant ordinance.
2. In the event of a Research Scholar failing to obtain the stipulated 75% attendance, he/she shall apply through his/her Head of the department to the concerned Dean or to the Principal of the college wherein the Research Scholar is enrolled seeking partial relaxation of the applicable attendance norm. Subject to the condition that the concerned authority is convinced of the genuineness of the case, the concerned Dean of the faculty or the Principal of the college shall grant relaxation in attendance to the tune of a maximum of 5% and provided that the relaxation thus granted makes up for the stipulated

- attendance norm, the Research Scholar concerned shall be allowed to sit for the examination. Further, the Vice Chancellor shall condone the attendance to the tune of a maximum of 10%, on recommendation of the concerned Dean or the Principal of the college, for genuine reasons.
3. The course work shall be evaluated on the basis of the performance of the scholar in the Internal assessment examination(s) to be conducted by the concerned Department/ Institute/ Centre, and the End semester examination to be conducted by the University. The weightage for the Internal assessment and the End semester examination shall be in 25:75 ratio. In case, the scholar fails to secure a minimum of 55% marks in the Internal assessment examination, he/she shall be dropped from the program.
  4. **Internal Assessment:** The department will develop the modalities of conducting internal assessments which includes the number of internal assessment test, types of test which may include written test, short-projects, term-papers, practical, teaching assignment etc., timing of the test etc. The following shall be applicable:
    - a. At least one of the two/three Internal Assessment tests shall be a written test. Other internal Assessment tests shall be either assignments like term paper, book review, group discussion, seminar, practical or another kind of test at the discretion of the course teacher.
    - b. In case of exigencies and emergencies such as pandemic, natural disasters etc., the above criteria of conducting Internal Assessment tests shall be modified by the Head of the Department with due approval from the concerned /competent authority.
  5. A scholar has to obtain a minimum of 55% of marks or its equivalent grade in the 7-point scale (or an equivalent grade/CGPA in a point scale followed) in the course work in order to be eligible to continue in the programme and submit the thesis. In case the scholar fails in the End Semester Examination of the course work, a supplementary examination shall be conducted by the University within two months from the date of declaration of the result. However, the scholar shall be dropped from the program if he/she fails again to clear the examination.
  6. The University shall issue a composite marks card at the end of each completed semester examination(s) showing the SGPA and latest CGPA status of the Research Scholars. The University shall also issue a transcript, on application and with applicable fee at the end of the program by the scholar.
  7. English shall be the medium of instruction for the examination.
  8. Examinations shall be conducted at the end of each Semester as per the Academic Calendar notified by the University.
  9. Duration of examination of each paper shall be 3 hours for 75 Marks and 2 Hours for 20 / 40 marks.
  10. End-Semester Examination Questions Pattern (75/40/20 marks): as per University Examination Ordinance.
  11. The Final Composite Certificate of the Ph.D. in Law must clearly mention the following:
    - a. Title of the thesis
    - b. Date of Registration, Date of Pre-Submission, Date of Submission, Date of Open Viva-Voce, and Date of Award of the Degree

- c. The award of the Degree must be in accordance to the University Grants Commission (UGC) (Minimum Standards and Procedure of M.Phil. / Ph.D. Degree) Regulations, 2016
12. All the academic matters relating to the examination will be governed by the Ordinance Relating to Doctor of Philosophy (Ph.D.) Ordinance, 2020.

### **EXTRACTS FROM THE ORDINANCE RELATED TO DOCTOR OF PHILOSOPHY (Ph.D.)**

#### **1. Course Work (Credit Requirements, Number, Duration, Syllabus, Minimum Standards for Completion, etc.)**

- a. **Clause 6.1** The credit assigned to the Ph.D. course work shall be a minimum of 8 (eight) credits and a maximum of 16 (sixteen) credits.
- b. **Clause 6.2** The course work shall be treated as prerequisite for Ph.D. preparation. The Department/Institute/Centre shall assign a minimum of four credits to one or more courses on Research Methodology covering areas such as quantitative methods, computer applications, review of published research in the relevant field, training, field work, etc. Additionally, there shall be a compulsory course paper of two credits on Research and Publication ethics (as per the directives of UGC vide DO no – F.1-1/2018(Journal/CARE) dated December 2019). Other courses, with rest of the credit, shall be advanced level courses preparing the Research Scholars for Ph.D. degree.
- c. **Clause 6.3** The course work for Ph.D. shall be prescribed by the BPGS of the concerned Department / Institute/ Centre and approved by the FBS and the AC. All courses prescribed for Ph.D. course work shall be in conformity with the credit hour instructional requirement and shall specify content, instructional and assessment methods. The concerned DBS shall slightly modify/upgrade the contents of the course work as and when required and implement the same from next academic session on approval by the FBS and the AC.
- d. **Clause 6.5** Admitted scholars shall be required to complete the prescribed course work during the initial one semester as a regular Research Scholar fulfilling the mandatory attendance and other associated requirements for successful completion of the course. In-service candidates admitted in the Ph.D. course shall have to take mandatory study leave for the period from their employer/competent authority. However, those scholars who have been awarded M.Phil. Degree and/or have successfully passed M.Phil./Ph.D. course work in the concerned/relevant subject/discipline shall be either fully or partially exempted as the case may be from doing the prescribed course work provided such course work pursued earlier by them is considered equivalent and appropriate by the RAC and DBS, and so approved by the competent authority of the University. Such scholars as have been prescribed to pursue additional course work paper(s) shall have to fulfil the minimum requirement of 8 (eight) Credits to complete the Course Work.
- e. **Clause 6.6** The course work shall be evaluated on the basis of the performance of the scholar in the Internal assessment examination(s) to be conducted by the concerned Department/ Institute/ Centre, and the End semester examination to be conducted by the University. The weightage for the Internal assessment and the

End semester examination shall be in 25:75 ratio. In case, the scholar fails to secure a minimum of 55% marks in the Internal assessment examination, he/she shall be dropped from the program.

- f. **Clause 6.7** A scholar has to obtain a minimum of 55% of marks or its equivalent grade in the UGC 7-point scale (or an equivalent grade/CGPA in a point scale wherever grading system is followed) in the course work in order to be eligible to continue in the programme and submit the thesis. In case the scholar fails in the End Semester Examination of the course work, a supplementary examination shall be conducted by the University within two months from the date of declaration of the result. However, the scholar shall be dropped from the program if he/she fails again to clear the examination.

2. **Evaluation and Assessment Methods, minimum standards etc.**

- a. **Clause 8.1:** Prior to the submission of the thesis, the scholar shall make a presentation in the Department before the RAC which shall also be open to all faculty members and other research scholars and students. The feedback and comments obtained from them shall be suitably incorporated into the draft thesis in consultation with the RAC.
- b. **Clause 8.2:** A Ph.D. scholar must publish at least one (1) research paper in refereed journal/ peer reviewed Journal / UGC Listed Journal and make two paper presentations in conferences /seminars/ symposiums/ congress before the submission of the thesis for adjudication, and produce evidence for the same in the form of presentation certificates and/or reprints.
- c. **Clause 8.3:** The thesis shall be subjected to detection of plagiarism and other forms of academic dishonesty by the Research Supervisor using the URKUND or any other software/gadgets as decided by the UGC, and a certificate generated thereupon is to be attached with the thesis. While submitting for evaluation, the thesis shall have an undertaking from the research scholar and a certificate from the Research Supervisor in prescribed format by the University attesting to the originality of the work, vouching that there is no plagiarism or the percent of plagiarism within the permissible limit and that the work has not been submitted for the award of any other degree/diploma of the University where the work was carried out, or to any other Institution, and also that provisions of the University ordinance for the award of Ph.D. degree is fulfilled. The scholar shall submit the hard copies of the thesis along with its electronic copy after having the same duly authenticated by the Supervisor(s) through the Head of the concerned department/center/institution to the Academic Branch. On satisfaction of the formalities and requirements, the Academic Branch shall forward the thesis to CoE for further onward action (evaluation).
- d. **Clause 8.4:** The thesis submitted by the Ph.D. scholar shall be evaluated by his/her Research Supervisor and at least two external examiners not below the rank of Associate Professor and not in the employment of the University. If the RAC resolves, one of the external examiners shall be from outside the country. The RAC shall submit through DRC a panel of 10 (ten) external examiners, not below the rank of Associate Professor or an equivalent position, to the CoE for obtaining approval of the Vice Chancellor/the competent authority who shall decide the names of the two external examiners for dispatching the thesis to them.



- e. **Clause 8.5:** The University shall adopt appropriate efficient mechanism so as to complete the entire process of evaluation of Ph.D. thesis within a period of 6 (six) months from the date of its submission. For the sake of expediting the evaluation process, the CoE shall email to the external examiners the electronic copy of the abstract of the thesis for obtaining their consent for evaluation, and on obtaining their willingness, the electronic copy of the thesis along with a prescribed format for submitting the evaluation report shall be sent to them with the hard copies of the same, whenever necessary, being sent through speed post. The office of the CoE shall send a gentle reminder to the Internal and External Examiners through email after 60 (sixty) days from the date of dispatch of the thesis followed by fortnightly reminders. In case the external examiner does not send his/her evaluation report within 30 (thirty) days from the date of the first reminder, then the thesis shall be sent to the third examiner. The examiner shall submit a signed copy of the evaluation report which shall otherwise be sent in the prescribed format through his/her official/certified email.
- f. **Clause 8.6:** The public viva-voce of the research scholar to defend the thesis shall be conducted only if the evaluation reports of both the external examiners on the thesis are satisfactory and include a specific recommendation for conducting the viva-voce examination. If one of the evaluation reports of the external examiners is unsatisfactory and does not recommend viva-voce, the CoE shall send the thesis to another external examiner out of the approved panel of examiners and the viva-voce examination shall be held only if the report of the latest examiner is satisfactory. If the report of the latest examiner is also unsatisfactory, the thesis shall be rejected and the research scholar shall be declared ineligible for the award of the degree.
- g. **Clause 8.7:** The viva-voce examination of the scholar, based among other things, on the critiques given in the evaluation report, by both the examiners (internal and external), shall be conducted by the duly constituted viva-voce board, under the Chairmanship of the Dean of the concerned faculty, and shall be open to be attended by all members of the concerned RAC, faculty members of the Department, research scholars and other interested experts/researchers. On completion of the viva-voce of the scholar, the viva-voce board shall submit a report to the CoE along with the original copies of the thesis evaluation reports of all the examiners.
- h. **Clause 8.8:** The open viva-voce shall be conducted online with the desire of the external examiner or in case of any unprecedented situations such as epidemic and natural disaster. The scholar shall present his/her Viva-Voce online, in case of limited mobility due to medical emergency, epidemic, natural disaster, and otherwise such very exceptional and well admissible cases, provided the scholar makes such request for such exemption in writing to the Vice-Chancellor. The supervisor and the concerned Dean shall also attend the Viva-Voce on online, in case of being out of station/on long leave and due to their inability to remain physically present.
- i. **Clause 8.9:** The online Viva-Voce shall be conducted only when the scholar, the supervisor and the external expert, all agree and due approval is accorded by the Vice-Chancellor. The Head of the Department/Institute/Centre shall send all evaluation reports on the thesis of the scholar, received from the CoE, to the concerned external examiner and the Dean well in advance. He/she shall make necessary arrangement with active support from the supervisor and other concerned staff for conducting the On-line viva-voce and ensure a wider

participation of all interested by issuing an advance notice. The minimum duration of the online Viva-Voce should not be less than an hour and the entire proceeding should be video recorded and submitted to the COE. In case the Viva-Voce is not conducted due to any unprecedented situations or technical problems, the same shall be conducted on a later date on approval of the Vice-Chancellor.

- j. **Clause 8.10:** On completion of the viva-voce of the scholar, the internal members of the viva-voce board shall assess and finalize the report with assent of the concerned external examiner, and send the same through official email to him/her for signature. He/she shall send back the signed and scanned copy through his/her official/certified email. The signed copy of the viva-voce report along with the original copies of the thesis evaluation reports of all the examiners shall be forwarded to the CoE by the Head of the Department/Institute/Centre.
- k. **Clause 8.11:** If the viva-voce board and the External Examiner, in particular, is not satisfied with the performance of the scholar, then the scholar shall be asked to reappear for a second viva-voce after a period of 2 (two) months but within a maximum period of 6 (six) months.

## PROGRAM STRUCTURE

**Total credits – 15**

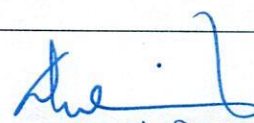
**Course Work- 11 credits**

**Dissertation & Viva Voce: 4Credits**

### Paper Code and Name of the Paper

<b>Paper Code</b> Ph.D. Law – 101 C	<b>Core Papers*</b> Research Methodology (3 credit)*
Ph.D. Law – 102 C	Research & Publication Ethics(3credit)*
Ph.D. Law– 103 C	Computer application and electronic resources (2 credit)*
Ph.D. Law-104E Ph.D. Law-105 E Ph.D. Law-106 E Ph.D. Law-107E Ph.D. Law-108 E	Elective paper (A scholar will opt at least one paper, 3 credit each) -Theory of fundamental legal concepts -Intellectual Property Right and recent trends - Information Technology and Cyber crimes - Customary laws of Northeast & contemporary issues -Globalization & Constitutional imperatives

Paper Code: Ph.D Law -101 C: Research Methodology (3 Credit)

  
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**Classes per week (2 Lectures + 0 Tutorial + 1 Practical)**

**Total Credit Hour: 20 hours**

**Internal Assessment: 25 marks**

**End Semester Examination: 75 Marks**

**Total Marks: 100 Marks**

**Objectives of the Course:**

The objectives of this course are to expose the scholars to the range of research methods, give practical training for conducting socio, medico, techno legal research, and providing guidance in the essentials of research report writing.

**Learning outcomes of the course:** At the end of the semester, it is expected that the scholars will be able to:

- Conduct doctrinal and non-doctrinal research on any topic needing little guidance from their supervisors on the research methodology suitable to their Ph.D. topic.
- Develop most appropriate research methodology and tools for their research.
- Use Computer and E-Resources in research.
- Analyse quantitative and qualitative data.
- Write and present the findings of their research in a systematic manner.

**Modules:**

1. Introduction-Nature, Significance and Types of Legal Research.
2. Identification and formulation of research problem and hypothesis.
3. Preparation of research design.
4. Collection of data-Steps to Select the Data Base for Research, Assortment of Appropriate Techniques for Data Collection, Suitability and Selection of Tools for Research Operation.

**Suggested readings and References:**

- S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, ILI Publication 2nd edition 2001 (2015 Reprint).
- Kothari C.K. Research Methodology: Methods and Techniques, Wilsey Eastern Limited, New Delhi (2009).
- Wayne C. Booth, Gregory G. Colomb, Joseph M. Williams, The Craft of Research (Chicago Guides to Writing, Editing, and Publishing), University of Chicago Press (2008).
- Cohen L. Morris, Legal Research in Nutshell (1996) Minnesota West Publishing Co.

**Paper code: Ph.D. Law 102 C-Research & Publication Ethics(3 credit)**

**classes per week (2 Lectures + 0 Tutorial + 1 Practical)**

**Total Credit Hour: 20 hours**

**Internal Assessment: 10 marks**

**Practical Examination: 20 Marks**

**End Semester Examination: 20 Marks**

  
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**Objectives of the Course:**

Publication of research work is an integral aspect of research. Research and Publication requires high integrity and honesty on the part of researcher in dealing with his research work. From the starting i.e. proposal stage till the publication, the researcher must strictly adhere to standard ethical norms and practices in all processes of research. This will ensure an original and qualitative research work output. Such work only can be regarded as a distinct contribution to the existing knowledge. Hence, the objective of this course will be to train the scholars about the necessity of academic integrity and research ethics, and also to expose to the scholars the fundamentals of good publication and principles of ethics.

**Learning Outcome:** The research scholars will learn the art of ethical way of doing research and avoid plagiarism. It will encourage academic integrity and original research work.

**Modules:**

1. What is Plagiarism?
2. Difference between plagiarism and IPR infringement
3. UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.

**Suggested readings and References-**

- Allan J. Kimmel - Ethics and Values in Applied Social Research.
- Ezekiel J. Emanuel, The Oxford Textbook of Clinical Research Ethics.
- Ron Iphofen, Martin Tolich, The Sage Handbook of Qualitative Research Ethics.



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**Ph.D. Law 103C: Computer application and electronic resources(2 credit)**  
**Classes per week (0 Lectures + 0 Tutorial + 2 Practical)**

**Total Credit Hour: 10 hours**  
**Internal Assessment: 10 marks**  
**Practical Examination: 40 Marks**  
**Total Marks: 50 Marks**  
**(Open Elective Paper)**

**Objectives of the Course:**

Technology has become indispensable to all research pursuits. Computers today is an important medium of online education and research. With the help of the internet, researchers can enrich their work. Students can access useful E-resources for their projects, assignments and store and organize their research materials in computers. Computers reduce the potential for human error and increase the speed of the research process. Computer-assisted legal research or computer -based legal research is a mode of legal research that uses databases of court opinions, statutes, court documents, and secondary material. Electronic databases make large bodies of case law easily available. Computer and use of anti-plagiarism software knowledge are essential for Ph.D. scholars. This Course will provide required orientation to scholars in these aspects.

**Learning outcome:** The course will help the scholars with practical knowledge to access important E-resources and database. Scholars will get proper orientation on use of anti-plagiarism tools.

**Modules:**

- 1.How to access E-resources and database?
- 2.Anti-plagiarism tools and software usage.

**References-** E Sources: West Law; JSTOR, Heinonline, SCC online, Manupatra.

**Ph.D. Law 104 E: Theory of fundamental legal concepts (3 Credit)**

**Classes per week (2 Lectures + 0 Tutorial + 1 Practical)**

**Total Credit Hour: 20 hours**  
**Internal Assessment: 25 marks**  
**End Semester Examination: 75 Marks**  
**Total Marks: 100 Marks**

**Objectives of the Course**

At the heart of the legal study and research is the concept of law. Without a deep understanding of this concept neither legal education nor legal practice can be a purposive activity oriented towards attainment of justice in society. Moreover, without a comprehension of the cognitive and teleological foundations of the discipline, pedagogy becomes a mere teaching of the rules. It is unable to present various statutes, cases, procedure, practices as a systemic body of knowledge, nor is it able to show the interconnection between these various branches of law, procedures and principles. The fact that the basic nature and purpose of legal research should be clear to every scholar and that it should be the very foundation of law teaching and research needs little argument. A course in jurisprudence should be the very

foundation of law teaching and research needs little arguments. Jurisprudence will provide strong conceptual foundation and develop legal as well as philosophical underpinnings in law while enhancing analytical and reasoning skills.

### **Learning outcome**

This course will help scholars in building basic conceptual and philosophical foundations in law and enhance their analytical and reasoning skills.

### **Modules**

1. Nature and definition of law.
2. Schools of Jurisprudence -Analytical Positivism, Natural Law, Historical School, Sociological School.
3. Purpose of Law.
4. Sources of Law.

### **Suggested readings and References:**

- H.L.A. Hart- The Concepts of Law (1970) Oxford ELBS.
- Roscoe Pond- Introduction to the Philosophy of Law (1998 Re-Print) Universal, Delhi.
- Dias- Jurisprudence (1994 First Indian re-Print), Adithya Books, New Delhi, Bodenheimer- Jurisprudence - The Philosophy and Method of Law (1996) Universal, Delhi.

### **Ph.D. Law 105 E: Intellectual Property Right and recent trends (3 credit)**

**Classes per week (2 Lectures + 0 Tutorial + 1 Practical)**

**Total Credit Hour: 20 hours**

**Internal Assessment: 25 marks**

**End Semester Examination: 75 Marks**

**Total Marks: 100 Marks**

### **Objectives of the Course:**

Human creativity and innovation give rise to new form of knowledge and technological invention. They are the engine of economic growth in new information age. Such creation of minds are referred to as intellectual property right (IPR). IPR is one of the most important branches of law. IPR is very important for industry, it provides incentive and monopoly right to the inventors and creators in areas of art, music, film, technological innovation, trade, business etc. IPR are exclusive monopoly rights granted by a statute for any kind of creative or scientific contribution made to society which are of some economic significance and useful to society. Economy and intellectual property are closely interdependent. The objective of this course will be to engage the scholars in understanding the dynamic nature of the IPR and how the law is evolving in this field.

### **Learning outcome:**

The scholars will get an opportunity to pursue their interest in areas of intellectual property right and do research in emerging new domains of IPR. Significance and relevance of IPR in the present context will be made aware.

**Modules:**

1. Fundamental principles of IPR.
2. New horizon of Copyright law.
3. Relevance of Patent law.
4. Traditional Knowledge and Geographical Indication.
5. WTO-TRIPS regime.

**Suggested readings and References-**

- VK Ahuja-Law relating to Intellectual Property Rights, lexis nexis, 2017.
- Copinger and Skone James on Copyright, vol. one, Thomson Sweet & Maxwell South Asian Edition.
- Eds. Prof. (Dr.) V.K. Ahuja & Dr. Archa Vashishtha, Intellectual Property Rights Contemporary Developments, 534 (Thomson Reuters, Legal, 2020).
- Ed. Topi Basar, Traditional Knowledge and Traditional Cultural Expressions: National and Community Perspectives, publisher NLUJA, ISBN: 978-81-941086-0-3 (2019).
- Basar, Topi (2011), "Legal Protection of Traditional Knowledge in India-An Appraisal" Delhi Law Review, Volume XXX, pp. 75-87, ISSN No: 0973-00

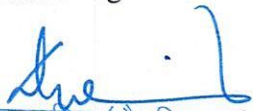
**Ph.D. Law 106 E: Information Technology and Cybercrimes (3 credit)****Classes per week (2 Lectures + 0 Tutorial + 1 Practical)****Total Credit Hour: 20 hours****Internal Assessment: 25 marks****End Semester Examination: 75 Marks****Total Marks: 100 Marks****Objectives of the Course:**

Information technology provides the means to develop, process, analyse, exchange, store and secure information. In this age of knowledge and data intensive world, IT has become a vital force to reckon in all walks of life. Human dependence on IT for knowledge creation and information sharing is increasing exponentially. IT has been both a boon as well as a bane. On the one hand IT revolution has led to information revolution around the world, but on a flip side, it has also given rise to increasing number of cyber crimes committed online through the IT medium. In many countries, number of cyber crimes has even surpassed the physical crime. Crimes with the aid of internet and technology poses a serious threat today to society. Cyber Crimes have re-defined the traditional notion of crime. For instance, financial fraud, online thefts, cyber stalking, hacking, data breach, identity theft etc is a huge challenge. The Objective of this course is to acquaint the scholar with the importance of IT and legal intricacies involving cyber crimes. The contemporariness of the subject and its relevance make it a worthwhile subject for the doctoral study.

**Learning outcome:**

Through this course, the scholars will learn the legal and technological implications of cyber crimes. The challenges of cyber crimes and deficiency in present legal framework will be explored.

**Modules:**

  
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1. IT Act 2000 and its amendments
2. Cyber Crimes and its types
3. Data protection and intermediaries liability
4. Social media regulation

**Suggested readings and References-**

- Dr J.P Mishra -An introduction to Cyber Law.
- Taxmann's Cyber crimes and laws.
- Dr. S. R . Myneni-Information Technology Law (Cyber Laws).

**Ph.D. Law 107 E: Customary laws of Northeast & Contemporary issues (3 credit)**

**Classes per week (2 Lectures + 0 Tutorial + 1 Practical)**

**Total Credit Hour: 20 hours**

**Internal Assessment: 25 marks**

**End Semester Examination: 75 Marks**

**Total Marks: 100 Marks**

**Objectives of the Course:**


North East States have had very long history of customary laws although still to be codified as a written law in most society, customary laws are part of oral dispensation of justice. Its efficacy may differ from society to society but still customary laws are an integral part of every tribal society in north east. The introduction of general provisions of Cr.P.C. in these region has eroded the power of customary institutions but still in civil matters such as land dispute, succession, inheritance, marriage, children, maintenance, divorce etc traditional institutions have wide jurisdiction. This ageold institution also suffers from certain de-merits which outweighs its merits. The question is what are necessary reforms needed to make this traditional institutions a just and democratic institution for proper adjudication of customary laws? There is a need to assess the relevance of customary laws in the present context of gender equality which may require a transition from oral to written through proper enactment of a law. How to affect such transition without affecting the traditional authority of customary institutions which is socially relevant even today is the most important question. This course aims to seek answers to these complex questions and helps in establishing a clear legal narrative in favour of a just, fair and egalitarian customary laws and traditional institutions. The course will engage the scholars in comparative study of several customary laws and institutions amongst the tribes of North East India.

**Learning outcome:**

This course will prepare the scholars in understanding the complex social and legal implications of customary laws. It will help in identification of key areas worthy of research in domain of customary laws.

**Modules:**

1. History and origin of customary laws.
2. Constitutional and judicial perceptions.

  
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3. Comparative study of Customary Laws in North East States.
4. Power and jurisdiction of Traditional Customary Institutions across North East India.

### Suggested Readings and References

1. Shibani Roy & S.H.M Rizvi, Tribal Customary Laws of North- East India, South Asia Books, 1<sup>ST</sup> January 2011
2. Edited by Melvil Pereira, R.P Athparia, SunumiChangmi, Jyotikona Chetia Gender Implications of Tribal Customary Law, Rawat Publisher, 1<sup>st</sup> November 2017.
3. Nabam Naka Hina, Customary Laws of Nyishi Tribe of Arunachal Pradesh, Author Press, 1<sup>st</sup> May 2012.
4. P.C Dutta & D.K. Duarah, Customary laws of Arunachal Pradesh- a profile, Directorate of Research, 1<sup>st</sup> Jan 1990.

### Ph.D. Law 108 E: Globalization & Constitutional imperatives (3 credit)

Classes per week- (2 Lectures + 0 Tutorial + 1 Practical)

**Total Credit Hour: 20 hours**

**Internal Assessment: 25 marks**

**End Semester Examination: 75 Marks**

**Total Marks: 100 Marks**

**Objectives of the Course:** Globalization is about the interconnectedness of people and businesses across the world that eventually leads to global cultural, political and economic integration. The impact of Globalization is evident in legal domain also. Emergence of new global legal framework in trade, commerce, intellectual property right, human rights, disabilities, children's rights, terrorism, environmental laws, arbitration etc. Constitution lays down basic governmental framework and polity of a country and the dynamics of globalisation also influences the Constitutional developments to some extent. Upholding Constitutional objectives of social welfare, economic and social justice and balancing with the globalization paradigm is a tight rope walking. How far our Constitution has sustained and evolved in the face of inevitable impacts of globalisation. A Constitutional critique of globalisation will be an engaging discourse and study for Ph.D. scholars who are at an advanced stage of learning.

#### Learning outcome:

The scholars will get exposed to meaning and concept of globalisation and the interplay between law and globalisation in the closely inter-connected global society and economy.

#### Modules:

1. Globalization and its impact on Law.
2. Constitutional Socialistic and welfare economy vis-à-vis neo-capitalism.
3. Concept of cultural, political, economic and legal globalisation.
4. Adverse effects of Globalisation on developing economies?

#### Suggested readings and references

- Jaakko Husa-Advanced Introduction to Law and Globalisation.
- Sam Adelman and Abdul Paliwala, The limits of law and development: Neoliberalism, governance and social justice.
- Emiliós-The redress of law: Globalisation, Constitutionalism and Market capture.

Course structure and syllabus approved by Board of Post Graduate Studies for Law in meeting held on 31<sup>st</sup> July 2021.



Chairperson, BPGS

Department of Law

Rajiv Gandhi University, Arunachal Pradesh

  
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**RAJIV GANDHI UNIVERSITY  
ARUNACHAL PRADESH**



**MASTER OF LAW ( LL.M. )**

**COURSE STRUCTURE  
&  
CURRICULUM**

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### 1. Introduction

L.L.M two year programme offered by Department of Law, Rajiv Gandhi University is a full time course ordinarily spread over a period of two academic years with four semesters and under the Choice Based Credit System. This course structure and syllabus has been approved by Board of Post Graduate Studies for Law on 31<sup>st</sup> July 2021.

### 2. Choice Based Credit System

The Choice Based Credit System (CBCS) provides an approach in which the students shall opt courses of their choice, learn at their own pace, undergo additional courses and acquire more than the required credits, and adopt an interdisciplinary approach to learning. It offers wide ranging choice for students to opt for courses based on their aptitude and their career goals.

### 3. Programme Objectives

The LL.M. Programme is aimed at:

- Familiarising students with laws and judicial interpretations at the national and international level and a comparative study of the same.
  - Apprising students of the legal system, rule of law, and administration of justice.
  - Imparting professionally and socially relevant legal education.
  - Sensitising students towards the issues of access to justice of the deprived, marginalised and weaker sections of society.
  - Producing internationally competent litigating lawyers, corporate lawyers, judges, judicial officers, legal officers, researchers, law reformers, law teachers, etc.
  - Imparting skills of legal reasoning, problem solving, research, legal writing, oral and written communication, persuasion, leadership and teamwork.
  - Promoting ethical practices in the profession of law.
  - Promoting inter-disciplinary approach to legal profession.
4. **Programme Specific Outcomes:** At the end of the LL.M. course, the students will be able to:
- Do legal research.
  - Understand, interpret, and apply law.
  - Evaluate and compare domestic and international laws.
  - Design and formulate case theory and strategy.
  - Analyse and differentiate facts and law.
  - Solve problems by employing legal reasoning, research.
  - Choose ethical practices in the profession of law and discharge their social responsibility.

### 5. Syllabus

The syllabi for each course shall be drafted as per the UGC guidelines for Learning Outcomes based Curriculum Framework (LOCF) based approach with an aim to equip the students with knowledge, skill, values and attitude.

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## 6. Types of Courses

Courses in LL.M. Program shall be of three kinds-Core, Elective and Foundation.

- a) **Core Courses:** A core course shall be a compulsory paper to be studied by a candidate as necessary to complete the requirements of a degree, and based on papers that are unique to the program and hence imperative for study to earn a degree in a given discipline/program.
  - b) **Elective Course:** Elective Course is a course which can be chosen from a pool of papers. It shall be supportive to the discipline of study, providing an expanded scope, enabling an exposure to some other discipline/domain, and nurturing student's proficiency/skill. The elective papers shall be of two types, viz.
    - i) **Discipline Centric Elective Paper-** A paper which a candidate shall choose from a pool of papers from the main discipline or from a sister/related discipline which supports the main discipline; and
    - ii) **Open Elective Paper-** An elective paper chosen generally from an unrelated discipline with an intention to seek exposure shall be called an Open Elective.
  - c) **Ability Enhancement Elective/ Foundation Elective:** Ability Enhancement Elective/ Foundation Elective Courses are value-based courses which shall enhance the proficiency skill.
  - d) **Project/Field Work/Dissertation/ Group Seminars:** It shall be a special paper where a candidate carries out the application of knowledge in solving/studying/exploring a real life/difficult problem in a creative way. Depending upon the scope and time framework available, the Project work/ Field Work/Dissertation/ Group Seminars shall be of 2, 4, 8 or 20 credits. The Project work/ Field Work/Dissertation/ Group Seminars shall be discipline centric, and the candidate has to study it on his own with an advisory support by the concerned teacher. The distribution of this work shall be as follows:
    - i) **Unit I:** Identification of problem area and literature survey.
    - ii) **Unit II:** Study of specific literature in detail pertaining to the statement of the problem.
    - iii) **Unit III:** Developing a solution, methodology or proposing a hypothesis to solve the problem.
    - iv) **Unit IV:** Data collection & Analysis/ Experimental analysis, results, discussion, conclusion and recommendations.
7. **Structure of Courses:** Each course/paper shall be taught through Classroom Lectures(L), a tutorial component for participatory discussion/problem solving/ brief seminar on a topic/assignments/self-study or through other appropriate method that may potentiate the extent of assimilation by the student (T), followed by practical/practice session consists of hands on experience/laboratory experiments/field work/case studies etc. (P)

- i. Total number of credits for LL.M Programme will be 80 credits. Total number of credits in each semester is 25. Core paper has 5 credit, Elective-5 and open elective 5 credit. Total credit of Dissertation is also 5.
- ii. The total credits earned by a student at the end of semester upon successfully completing the course is L+T+P. The credit pattern of the course shall be indicated in the format as L: T: P. For a 5-credit course format shall be: 5:0:0, 4:1:0, 4:0:1, 3:0:2, 3:1:1, 2:0:3 or 0:0:5.
- iii. For dissertation/project/field work, 0.2 hrs per credit per week per student shall be counted for the purpose of workload of a teacher. Besides the normal teaching workload, every teacher shall be allotted equal number of students for dissertation/project/field work. If there shall be Co-Supervisor/ Co-mentor for dissertation/project/field work, then half of the workload i.e. 0.025 hrs per credit per week per student shall be counted for the purpose of work load of a teacher.

**8. Credit Score required to be earned by a Student of a Two Years LL.M. Program and Scheme of Examination**

- i. There shall be at least 180 teaching days along with 40 days for admissions, examinations, and preparation for examination in each academic year (for 5 working day per week).
- ii. Each paper/course of the program shall have at least 40 credit hours/40 lectures of 1 hour duration each.
- iii. To be eligible for appearing the End Semester Examination, a student shall have to attend minimum lectures and complete Internal assessment tests prescribed by the concerned teachers.
- iv. In the event of a student failing to obtain the stipulated 75% attendance, he/she shall apply through his/her Head of the Department to the concerned Dean or to the Principal of the college wherein the student is enrolled seeking partial relaxation of the applicable attendance norm. Subject to the condition that the concerned authority is convinced of the genuineness of the case, the concerned Dean of the faculty or the Principal of the college shall grant relaxation in attendance to the tune of a maximum of 5% and provided that the relaxation thus granted makes up for the stipulated attendance norm, the Research Scholar concerned shall be allowed to sit for the examination. Further, the Vice Chancellor shall condone the attendance to the tune of a maximum of 10%, on recommendation of the concerned Dean or the Principal of the college, for genuine reasons.
- v. All students shall be subjected to the process of continuous evaluation and assessment. Accordingly, a student shall have to attend and duly pass in the Internal Assessment tests, and End Semester Examination. Internal Assessment in each paper shall have one written assignment, one MCQ/Case study and one Group discussion. The marks distribution of Internal Assessment Tests and End Semester Examinations shall be **20:80**.
- vi. The minimum pass mark at the End Semester Examination shall be 45% in each paper and 45% in aggregate. The minimum pass mark at the Internal Assessment tests shall be 45% in each paper.

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- vii. The minimum pass mark for a Seminar Paper shall be 45% individually. The marks distribution in Seminar Paper shall be Project Report-60 and Internal Assessment-20 and Presentation-20. Presentation shall be made before the concerned teacher.
- viii. The marks of the internal assessment shall be moderated/ratified in a Departmental Meeting and the result shall be displayed ten (10) days before the end-semester examination along with percentage of attendance. The list of marks of internal assessment for all courses shall be forwarded to the Controller of Examinations by the concerned Head/ Director. Marks of Internal assessment test once submitted shall be treated as final. No supplementary /modification of marks shall be entertained after declaration of result.
- ix. A candidate who is unable to clear internal assessment and/or unable to clear minimum 50% courses/papers and fail to get aggregate requirement of marks i.e. 45% in the First Semester shall be out of the programme and require to seek fresh admission as per admission criteria in force from time to time.
- x. The question papers of End Semester Examination shall be set for a total of 80 marks to be answered within a time slot of three hours.
- xi. Any student enrolled in LL.M. program of the University shall have to compulsorily appear and pass in all the prescribe papers within the stipulated number of semesters as specified herein in order to be declared qualified for a Degree.
- xii. The University shall issue a composite marks card at the end of each completed semester examinations showing the SGPA and latest CGPA status of the students. The University shall also issue a transcript, on application and with applicable fee at the end of the program by the student.
- xiii. A student shall not be promoted to the next semester unless he/she clears atleast 50% of the total papers in an end-semester examination. He/she shall be allowed to appear the back-paper examination in the failed papers in the subsequent relevant semester examination(s).
- xiv. In case of assessment of Seminar Paper Project Report, any internal faculty of the department or external may be assigned, however **Dissertation must be assessed by externals appointed by the competent authority, from list of experts prepared by the HOD law. The Viva-Voce Board shall consist of one external member, HoD and the supervisor.**

**Note:** Further, all other matters related to admission, eligibility, re-checking, repeat, improvement, reservation etc. shall be governed by the ordinances of the University.

**Specialisation Guideline-***If any student is interested in doing specialisation in any particular domain of law should choose courses falling under same subject domain and select his or her Seminar paper project work and dissertation in areas of the same subject domain, it will be deemed as Specialisation in that domain. For example, if Mr. X wants to do specialisation in Constitutional Law, then X can choose optional papers pertaining to Constitutional Law, do his seminar paper project and dissertation on Constitutional Law in addition to other required papers.*

**Seminar Paper Guideline-** *The object of Seminar Paper is to train the student for the ensuing Dissertation work. It is like a mini dissertation work. The student may propose a topic for seminar on any area of the syllabus of Seminar Paper. The Project report shall be submitted to Controller of Examination along with a plagiarism certificate issued by the Library, RGU and prescribed limit for plagiarism is up to 10%.*

**Dissertation Guideline-** *Student shall submit his/her proposed topic of dissertation with brief synopsis to the HOD office for final approval with or without modification and allocation of supervisors for guidance. This should be done by the end of the third semester. The Dissertation shall be submitted to Controller of Examination along with a plagiarism check certificate duly signed by the Librarian, RGU and Supervisor and prescribed limit for plagiarism is upto 10%. Three (3) copies of dissertation and 1 CD (soft copy of dissertation) should be submitted. A detailed template for dissertation will be circulated to students.*

**1st semester: 5 papers (5 credit each, total credit 25)**

Core papers (compulsory) 80 marks

Internal Assessment- 20 marks

**LL.M 401 C:** Comparative Constitutional law and governance.

**LL.M 402 C:** Law and Justice in a globalized world.

Students can opt **any three** elective (optional) papers from the following: 80 marks each

**LL.M 403 E:** International Environmental Law and policy

**LL.M 404 E:** Constitutional Law of India and expanding horizon

**LL.M 405 E:** Intellectual Property Law and Policy

**LL.M 406 E:** Criminology and Criminal Justice administration

**LL.M 407 E:** International and Regional Perspectives of Human Rights law

**2<sup>nd</sup> Semester: 5 papers (5 credit each, total credit 25)**

Core papers (compulsory) 80 marks each

Internal assessment-20 marks

**LL.M 408 C:** Judicial Process and Activism

**LL.M 409 C:** Legal and Social Science Research Methods

Students can opt **any three** elective (optional) papers from the following: 80 marks each

**LL.M 410 E:** Laws relating to Biological Diversity

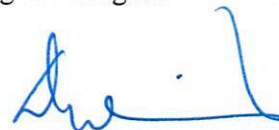
**LL.M 411 E:** Customary laws

**LL.M 412 E:** Copyright law and new developments

**LL.M 413 E:** Information Technology and Cyber Crimes

**LL.M 414 E:** Rights of Indigenous People and law relating to Refugees

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**3<sup>rd</sup> Semester: 5 papers (5 credit each, total credit 25)**

**LL.M 415 C:** Seminar paper (compulsory) 70 marks

Students can opt **any four** elective (optional) papers from the following: 80 marks each

**LL.M 416 E:** Climate Change and Law

**LL.M 417 E:** Centre-State relations and federalism

**LL.M 418 E:** Geographical Indication Act and Traditional Knowledge\*

**LL.M 419 E:** Law of Women and Child rights

**LL.M 420 E:** Human Rights Enforcement Mechanisms

**LL.M 421 E:** Narcotic Drugs laws and policy

**LL.M 422 E:** Space law regime

\* Open Elective Papers-Students from other discipline/department can also opt Papers- 'Geographical Indication Act and Traditional Knowledge'.

**4<sup>th</sup> Semester: Dissertation and Viva Voce (5 credit)**

**LL.M 423 E:** Academic Integrity and Plagiarism

**LL.M. 424 C:** Dissertation- 150 marks

**LL.M. 425 C:** Viva Voce- 50 marks

#### **DETAILED SYLLABUS**

**LL.M 401 C: Comparative Constitutional law and governance (Core papers) 5 credit**

**LL.M. 1<sup>st</sup> Semester**

End-Semester Examination-80


Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

**Objective of the Course-**The paper is designed to give an overall picture of constitution and constitutionalism and to examine the different types of governments in U.S., U.K., and India. The three functions of the state are also given importance so that the students will be able to appreciate the constitutional functions of the state in a comparative environment. Since the Constitution is a dynamic document, timely modification is a necessity, but often results in challenges raised before the superior courts. It is important to understand how the judiciary strikes a balance between the political efforts and stability of the constitution while ensuring the dynamic character of the constitution. The various issues of governance affecting the people and the remedies available to them are also part of this paper.

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**Learning Outcome**-On successful completion of the paper, the students will be able to: Compare the various forms of government, its branches and its functioning in different countries. Analyse the leading constitutional principles in different jurisdictions. Distinguish between constitution and constitutionalism. To critically analyse the process of amendment of the constitution in various countries and the limitations on the amendment power. Gain insights of the model of state, its practises and good governance. Understand the significance of doctrine of judicial review and limitations thereof.

#### **Modules-**

1. **The Concept of Constitution & Constitutionalism:** Meaning and Idea of Constitution, Constitution as a Dynamic and Supreme Law, Concept of Constitutionalism, Distinction between Constitution and Constitutionalism, Essential features of Constitutionalism.
2. **Some Constitutional Principles:** Rule of law, Modern Concept of Rule of Law, Social and economic rights as part of rule of law, Separation of powers, The doctrine of Checks and Balances, Position of Rule of Law and Separation of Powers in the Indian Constitution and US Constitution.
3. **Constitutional foundations of powers:** Legislative Power- The Executive Power, The Judicial Power, Appointment of Judges and Judicial Accountability, Role of Courts and Fundamental Rights, Role of the Courts in ensuring Good Governance.
4. **Constitutional Review:** Concept and Origin of Judicial Review in USA, UK and India, Methods of Constitutional Review, Judicial and Political Review, Concentrated and Diffused Review, Anticipatory and Successive Review and Limitations on Judicial Review.

#### **Suggested Readings and References-**

1. D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).
2. Dr. Subash Kashyap, Framing of Indian Constitution (Universal Law, 2004).
3. David Strauss, The Living Constitution (OUP, 2010).
4. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
5. M.V. Pylee, Constitution of the World (Universal, 2006).
6. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008).
7. M.P. Singh, Comparative Constitutional Law (Eastern Book Company, 2011).

**Note**-The topics and suggested readings given above are not exhaustive. Students are required to study/refer to the legislations as amended from time to time, and consult the latest editions of books.



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## **LL.M. 402 C: Law and Justice in a globalized world(5 credit)**

LL.M. 1<sup>st</sup> Semester

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

### **Objective of the Course**

To understand the process of globalization and its impact on law and justice in a historical perspective. To critically analyse the concept of global justice and the mechanisms designed to achieve it. To better appreciate the demands for change raised by different groups to the international legal order and institutions in the light of globalization.

This course will discuss the debates surrounding globalization, justice, its changing meaning and the impact that it has on many fields of law. It will provide an understanding of how law and legal institutions has to change in order to align with the global rules. The shrinking policy space at the national level will also be discussed.

### **Learning outcomes**

On completion of this course, the students would: Have acquired an understanding of the concept and theoretical background of globalization, and global justice. Have developed critical thinking on the process of globalization and its impact on international and municipal law and on institutions.

### **Modules**

- 1.Globalization: Meaning, Scope and Form** Different dimensions of Globalization: Social, Political, and Economic Emergence of Transnational Law in a Globalizing World; Globalization and Sovereignty of states.
- 2. Impact of globalization International economic law:** Brettenwood institutions, WTO, Investment laws, RTAs, IPRs.
- 3. Globalization and Free Market:** Impact on welfare state; Natural Resources and Environment; Displacement for Development.
- 4. Concept of Justice in a Globalizing World:** Concept of Global Justice Humanitarianism as an element of the idea of global justice; International Human Rights Law; Institutions: UNHCR, OHCHR, Global Poverty: MDGs to SDGs, Globalization and Social Justice/ Global Distributive Justice Role of international mechanisms to control armed conflicts,

crimes against humanity, environment and health, oppressive policies and the threat of terrorism.

#### **Suggested Readings and References-**

- Anghie, A. (2007). Imperialism, sovereignty and the making of international law. Cambridge: Cambridge University Press. Ch. 1, 5 & 6.
  - Pogge, T. (2002). World poverty and human rights: Cosmopolitan responsibilities and reforms. Cambridge: Polity. Ch. 4 & 7.
  - Rajagopal B. (2003). International law from below: Development, social movements and third world resistance. Cambridge: Cambridge University Press. Ch. 5 & 7.
  - Sen, A. (2009). The idea of justice. Cambridge: Harvard University Press. Ch. 18.
  - Fraser, N. (2010). Scales of justice: Reimagining political space in a globalizing world. New York: Cambridge University Press. Ch. 2 & 6.
  - Buchanan, A. (2004). Justice, legitimacy, and self-determination: Moral foundations for international law. Oxford: Oxford University Press. Ch. 10 & 11.
  - Baxi, U. (2002). The future of human rights. New Delhi: Oxford University Press. Ch.1 & 7.
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#### **LLM 403 E: International Environmental Law and policy(5 credit)**

LL.M. 1<sup>st</sup> Semester

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

#### **Objective of the Course**

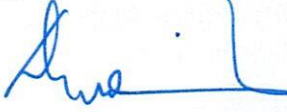
To understand the General Principles of International Environmental Law. To examine the Emerging International Environmental Regimes and India's National Policy. To study the link between Environment and Sustainable Development. Enforcement of International and National Environmental Law.

#### **Learning Outcome**

Students will be familiar with the laws, policies and institutions in the field of environment, acquire the skills needed for interpreting laws, policies and judicial decisions in a holistic perspective, acquire the ability to evaluate the role of law and policy in conservation and management of natural resources and prevention of pollution.

**Module 1- Introduction to International Environmental law:** Historical Evolution, Developed and Developing Countries Perspectives Stockholm, Rio and Johannesburg, UNFCCC & Kyoto Protocol and other current developments.

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**Module 2- Sources and principles of International Environmental law:** Treaties, Custom, General Principles of Law, Other Sources, Key Principles- Sovereignty over Natural Resources, Obligation Not to Cause Damage, Principles of Preventive Action and Precaution, Polluter Pays Principle, Equitable Sharing of Cost, Sustainable Development, Equitable Utilization, Common but Differentiated Responsibilities, the Link Between Environment and Development, Access and Benefit Sharing regarding natural resources, Common Heritage and Common Concern of Humankind.

### **Module 3-Constitutional Perspective**

Fundamental Rights – Article 14 (Right to equality, non-arbitrary and non-discriminatory treatment), Article 19(1)(g) (Freedom to carry on trade or business), Article 21 (Right to life, livelihood and wholesome environment) and Article 32 (Right to Constitutional remedies); Directive Principles of State Policy – Article 47, 48-A; Fundamental Duty – Article 51-A(g); Article 226 (Powers of High Courts); Public Interest Litigation – Nature – Non-Adversarial, Collaborative, Co-operative and Investigative; Locus Standi – Pro Bono Publico; Representative Standing; Citizens' Standing.

### **Module 4-Protection and conservation of forests, biodiversity and wildlife**

The Indian Forest Act, 1927; The Forest (Conservation) Act, 1980; Kinds of Forest Land - Private, Reserved, Village, Protected; Use of Forest Land for Non-Forest purposes; Rights of Tribal's and Forest Dwellers—The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006

The Biological Diversity Act, 2002—access to biological resources and benefit sharing; Regulation of genetically modified organisms; The Manufacture, Use, Import, Export and Storage of Hazardous Micro-Organisms Genetically Engineered Organisms or Cells Rules, 1989. Protection of Wildlife – the Wildlife (Protection) Act, 1972; Sanctuaries and National Parks; Licensing of Zoos and Parks.

### **Suggested readings and references**

- Philippe Sands and Jacqueline Peel, Principles of International Environmental Law (4th ed., 2018).
- Shibani Ghosh ed., Indian Environmental Law: Key Concepts and Principles (2019).
- Gurdip Singh, Environmental Law in India (2<sup>nd</sup> ed 2016).
- Brown Weiss, McCaffrey, Magraw, Tarlock, INTERNATIONAL ENVIRONMENTAL LAW AND POLICY, 2D EDITION (2007).

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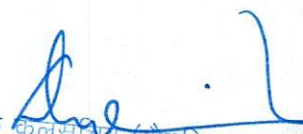
### **LL.M 404E: Constitutional Law of India and expanding horizons(5 credit)**

LL.M. 1<sup>st</sup> Semester

End-Semester Examination-80

Internal Assessment-20

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Pass mark-45% in each paper

LTP-4:1:0 Classes per week

### **Objective of the Course**

Granville Austin calls Indian Constitution a social document. The aim of which is to bring a social revolution and national renaissance through the Constitution and its machinery for new India. Constitution has stood the test of time against all odds. Its inherently organic and dynamic quality to fit the requirement of every generation makes it one of the most significant Constitutions in the world. We have a long Constitutional history richly contributed by the judicial process of constitutional interpretation that 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.

### **Learning Outcomes**

The Course will help the student in realising the great significance of fundamental governing principles of the Constitution even after almost a century of its existence. How far the Constitution can be adaptive to deal with the modern day challenges. Students will develop a perceptive critique of some governmental policies which are contrary to Constitutional ideology and core philosophies.

**Module 1-** Need for widening the definition of 'State' in the wake of liberalization, globalization and privatization, Interaction and Relationship between Fundamental Rights and Directive Principles and Duties, Social and economic justice in 21<sup>st</sup> Century.

**Module 2-** Privatization and its impact on affirmative action, Right to education in on-line education era, Commercialisation of Education and its impact.

**Module 3-** Special status of certain States-VI Schedule areas and emerging issues, Article 370.

**Module 4-** Role of State in public health emergencies, federal system in pandemic situation, Constitution and disaster management.

### **Suggested Readings and References**

- 1.H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (1996)
2. M.P. Jain, Indian Constitutional Law (5th ed., 2003)
3. Mahendra P. Singh, (11th ed., 2008)
4. D.D. Basu, Shorter Constitution of India (14th ed., 2009)
5. Granville Austin, The Indian Constitution: Cornerstone of a Nation (1966)
6. Granville Austin, Working a Democratic Constitution – A History of the Indian Experience (1999)

## **LL.M.405 E: Intellectual Property Law and Policy(5 credit)**

### **LL.M. 1<sup>st</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

### **Objective of the Course**

Human creativity and innovation give rise to new form of knowledge and technological invention. They are the engine of economic growth in new information age. Such creation of minds are referred to as intellectual property right (IPR). IPR is one of the most important branches of law. IPR is very important for industry, it provides incentive and monopoly right to the inventors and creators in areas of art, music, film, technological innovation, trade, business etc. IPR are exclusive monopoly rights granted by a statute for any kind of creative or scientific contribution made to society which are of some economic significance and useful to society. Economy and intellectual property are closely interdependent. The objective of this course will be to engage the scholars in understanding the dynamic nature of the IPR and how the law is evolving in this field.

### **Learning outcome:**

The scholars will get an opportunity to pursue their interest in areas of intellectual property right and do research in emerging new domains of IPR. Significance and relevance of IPR in the present context will be made aware.

### **Modules:**

1. Introduction to Intellectual Property Rights, Kinds of Intellectual Property Rights Economic analysis of Intellectual Property Rights, International Regime Relating to IPR TRIPS and other Treaties (WIPO,WTO,).
2. Basic principles of Copyright, Trademark, Patent and Design laws.
3. Infringement and remedies.
4. Traditional Knowledge and Geographical Indication.

### **Suggested readings and References-**

- VK Ahuja-Law relating to Intellectual Property Rights, lexis nexis, 2017.
- Copinger and Skone James on Copyright, vol. one, Thomson Sweet & Maxwell South Asian Edition.
- P. Narayanan (Eastern Law House), Intellectual Property Law
- N.S. Gopalakrishnan & T.G. Agitha, Principles of Intellectual Property (2009), Eastern Book Company, Lucknow
- Eds. Prof. (Dr.) V.K. Ahuja & Dr. Archa Vashishtha, Intellectual Property Rights Contemporary Developments, 534 (Thomson Reuters, Legal, 2020).
- Ed. Topi Basar, Traditional Knowledge and Traditional Cultural Expressions: National and Community Perspectives, publisher NLUJA, ISBN: 978-81-941086-0-3 (2019).

- Basar, Topi (2011), "Legal Protection of Traditional Knowledge in India-An Appraisal" Delhi Law Review, Volume XXX, pp. 75-87, ISSN No: 0973-00
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**LL.M.406 E: Criminology and Criminal Justice Administration( 5 credit)**

LL.M. 1<sup>st</sup> Semester

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

**Objective of the course**

The aim of the Course is to impart knowledge and develop skills relating to application of criminological and penological thoughts in the administration of criminal justice system.

**Learning outcome**

Over the course, students receive in-depth training in the theoretical and empirical foundations of criminology, the workings of the criminal justice system, and the enforcement of criminal sanctions. Students will critically apply fundamental criminology and criminal justice principles to situations related to crime, criminal justice, and related areas of practice.

**Module 1-**Foundations of Criminology, Psychological Basis of Criminology, Penology - Conceptual Background, theories of Punishment.

**Module 2-**Criminal Justice system in India, Juvenile Delinquency, Constitutional validity of capital punishment.

**Module 3-** Victimology and Victim Justice, Penology and Corrections, Criminal Procedure and Evidence, Correctional and Rehabilitation Psychology.

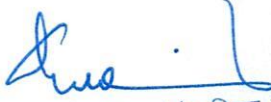
**Module 4-**Police Administration and Crime Prevention, Psychology of Crime.

**Suggested readings and references**

1. Paranjape, N.V. 2005. Criminology & Penology, Central Law Publications.
  2. Rani Dhavan Shankardass, 2000, Punishment and the Prison - Indian and International Perspectives, Sage Publications, New Delhi.
  3. Chakrabarti, N K, 1999, Institutional Corrections, Deep & Deep Publications, New Delhi.
  4. Vadakumehery, James Crime Police and Correction, 1998, APH Publishing Co. New Delhi.
  5. Dev, R, Criminal Justice, 1998, the law Book Company Pvt. Ltd. Allahabad
  6. Singh, Mahendra P, Crime Redemption of Criminals, Probation of offenders, 1987, Deep & Deep Publications, New Delhi.
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**LL.M 407 E: International and Regional Perspectives of Human Rights law**

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## **LL.M. 1<sup>st</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

**Objective of the Course:** The objective of this paper is to provide comprehensive introduction to the law, theory, institutions, and practice of international human rights. It will provide a solid grounding in the historical development of international human rights law and related institutions, as well as contemporary developments in the field. The relationship between domestic legal systems and international human rights law, as well as existing and proposed regional and international human rights regimes.

**Learning Outcomes:** On completion of this course, the students would have acquired an understanding of the concept and theoretical background of several current debates in the field, including judicial and non-judicial responses to mass violence, the responsibility to protect and the use of humanitarian intervention, universal jurisdiction, the impact of non-state actors on human rights, as well as the relationship between human rights and development. Have developed critical thinking and its impact on International and regional Human Rights Law.

**Course Outline:** The course is divided into following four modules.

### **Module - 1: Concept of Human Rights and Duties**

- Historical Development of Concept of Human Rights
- Nature and Classification of Human Rights
- Social, Economic and Political Aspects of Human Rights
- Changing Dimensions of Human Rights

### **Module - 2: Human Rights: International Norms**

- UN System and Human Rights
- UDHR and Human Rights Treaties
- Enforcement Mechanism
- Human Rights Council, High Commissioner for Human Rights

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### **Module - 3: The Major Regional Human Rights Instruments and the Mechanisms for their Implementation.**

- European Convention of Human Rights ,1950, European Commissioner of Human Rights
- African Charter of Human and People's Rights, 1981, African Commission of Human Rights
- American Convention on Human Rights, 1969, American Commission of Human Rights
- UNO and Human Rights.

### **Module - 4: Human Rights and Duties in India**

- Concept of Dharma in Ancient India
- Social Movement and Freedom Struggle
- Human Rights under Indian Constitution
- Fundamental Duties

### **Suggested Readings and References**

1. Henry J. Steiner and Philip Alston, International Human Rights in Context: Law, Politics, Morals, Second Edition, Oxford and New York: Oxford University Press, 2000.
2. Hurst Hannum (ed.), International Human Rights: Problems of Law, Policy, and Practice (Aspen, 2011); Chapter 8, —The European System for the Protection of Human Rights, I (pp. 675-680 only).
3. Hurst Hannum (ed.), International Human Rights: Problems of Law, Policy, and Practice (Aspen, 2011); Chapter 9, —Human Rights in the Americas, I (pp. 812-815 only).
4. Hurst Hannum (ed.), International Human Rights: Problems of Law, Policy, and Practice (Aspen, 2011); Chapter 5, —Who is Obligated to Promote and Protect Human Rights? I (pp. 352-362; 384-
5. Jean-Marc Coicaud, Michael W. Doyle, and Anne-Marie Gardner, The Globalization Of Human Rights, United Nations University Press, New York.
6. Alston, Philip, Making Space for New Human Rights: the Case of the Right to Development, (1988) 1 Harvard Human Rights Year Book 3.
7. Paul Gordon Lauren, The Evolution of International Human Rights: Visions Seen (University of Pennsylvania Press, 2nd ed., (2003), Chapter 1
8. Baxi, Upendra, The Future of Human Rights, New Delhi: OUP.

9. Olivier De Schutter, International Human Rights Law: Cases, Materials, Commentary, ISBN-13 978-1-107-64155-6 (Paperback), Cambridge University Press, 2010
10. Human Rights Act 1993.

**LL.M 408 C: Judicial Process and Activism ( 5 credit)**

**LL.M 2<sup>nd</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

**Objective of Course:** The objective of this course is to study the nature of judicial process and the role of the judges as policy makers and as the participants in evolving fundamental principles of governance. Another objective of this paper is to study the intricacies of judicial creativity and judicial law making and techniques employed in the judicial process.

**Learning outcome:** Students will understand the Constitutional role of judiciary and the need of fine balance between judicial activism and self-restraint to maintain constitutional balance of power. How the judicial process contributes to Rule of Law, equality and justice in society. And how the Constitutional foundation of good governance and protection of Fundamental Rights depend on robust judicial institution.

**Module 1-** Nature of Judicial process and its role in constitutional adjudication, Judicial process as an instrument of social ordering, Judicial process and creativity in law – common law model – legal reasoning and the growth of law – change and stability, the tools and techniques of judicial review and judicial creativity, analysis of the doctrine of Stare Decisis in India.

**Module 2-** Institutional liability of Courts and Judicial activism – Scope and Limits, PIL movement: Promises and Perils, Independence of Judiciary, Judicial Reforms, Problem of Accountability in judicial law – making.

**Module 3-** Judicial Process and Constitutional Amendments, Evolution of the Concept of Basic Structure, Philosophy of the doctrine of Basic Structure, the Recent Developments: the “essence of rights” test and “rights test” to determine Basic structure, Basic Structure and Constitutionalism.

**Module 4-** Role of judiciary in globalised economy, Changing contours of judicial activism in India, Balance between judicial restraint and judicial activism and challenges.

**Suggested readings and references**

1. Cordozo ‘The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi.

2. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.
3. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.
4. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP 365-395, (2007).
5. A. S. Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
6. Upendra Baxi, “On how not to Judge the Judges” 25 Journal of the Indian Law Institute, P. 211 (1983).

### **LL.M 409 C: Legal and Social Science Research Methods ( 5 credit)**

#### **LL.M. 2<sup>nd</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

#### **Objective of the Course**

For an LL.M. student, legal research methodology is perhaps one of the most important paper to learn. One of the main objectives of higher studies is to promote new horizon of research in the relevant discipline so that the new knowledge gets created continuously in the society. Research gives birth to new findings, then it leads to new knowledge. Through the skill and art of proper techniques of research, the researcher can contribute towards the knowledge repository of society. This course is indispensable for all LL.M. students to prepare themselves for Dissertation. The objective of this course is to train the students in technicality involved in research for a better research outcome.

#### **Learning Outcome**

Students will learn the dos and don'ts of legal research, all the technical aspects of the research and most importantly the ethical and honest way of doing research. It will enable them to make a valuable contribution in the field of law and policy.

**Module 1-**Precepts - Nature, Objectives, Significance, Types of research-Doctrinal and Non-Doctrinal or Empirical.

**Module 2-** Key Steps - Identification and Formulation of Research Problem, Hypothesis and Research Design (Characteristics and contents), Processing the Plan of Research: Data Collection, Analysis and use of Internet, Legislative material, Indian & foreign court decision and juristic writings.

**Module 3-**Techniques /Methodology: Tool and Techniques for collection of data, collection of case materials and juristic literature, use of historical and comparative research material

and use of questionnaire and interview, Census and Survey, Sampling: Types, Merits and Demerits, Report Writing.

**Module 4-** Ethics and academic integrity in research, perils of plagiarism, use of anti-plagiarism tools, Dos and Don'ts of research, citation mode.

#### **Suggested Readings and References**

1. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
2. Baxi, Upendra, 'Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph, 1975.
3. Ghosh, B.N., 'Scientific Method and Social Research', New Delhi, Sterling Publishers Pvt. Ltd., 1984.
4. Johari J.C. (ed), 'Introduction to the Method of Social Sciences', New Delhi, Sterling Publishers Pvt. Ltd. 1988.
5. Kothari C.K., 'Research Methodology: Method and Techniques', New Delhi, Wiley Eastern Ltd., 1980.
6. Cohen, Morris L., 'Legal Research', Minnesota, West Publishing Co. 1985.

#### **LL.M 410 E: Laws relating to Biological Diversity ( 5 credit)**

##### **LL.M. 2<sup>nd</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

##### **Objective of the Course**

Preservation of biological diversity is essential for human beings and environment. The diversity of life forms on earth both flora and fauna, including diversity within the species and diversity between the species are at the core of our universe. Conservation ethos are essential component of environmental jurisprudence. How law regulates and provides for conservation principles dealing with biological diversity gained international prominence in early 90s with the inception of Convention of Biological Diversity 1992 as a result Rio Earth Summit. Ever since then the international community has been intensely engaged in several other initiatives connected to CBD, 1992 to deal with different facets of issues relating to access, conservation, sustainable utilisation, and benefit sharing of biological resources, genetic resources and associated Traditional Knowledge with several conventions and treaties.

The objective of this paper is to acquaint the students with the international and national developments pertaining to biological diversity, genetic resources etc covering all the relevant laws, protocols and guidelines in existence and understand the legal position on this subject. However, the focus will be on the national legal framework.

### **Learning Outcome**

The students will get familiarised with the international and national developments pertaining to biological diversity, genetic resources, traditional knowledge etc covering all the relevant laws, protocols and guidelines in existence and understand the legal position on this subject. Learners will acquire a sound understanding of domestic legal framework on biological diversity and ancillary matters.

### **Modules**

1. International position: Convention on Biodiversity Act, 1992; the Cartagena Protocol on Biosafety, Nagoya Protocol on Access and Benefit Sharing, Convention on International Trade in Endangered species of wild flora and fauna (CITES).
2. The Convention on Biological Diversity Act, 2002: It's salient features, Role of NBA, SBB and BMCs, Genetic resources and associated traditional knowledge, Biopiracy, types of regulations and obligations, determination of benefit sharing, National biodiversity Fund.
3. Biodiversity Rules with latest amendment, Guidelines on Access and benefit sharing in India, interface with Patent Act.
4. Role of Judiciary and National Green Tribunal in evolution of biodiversity legal insights and interpretations.

### **Suggested readings and references**

1. Universal's Bare Acts on Convention on Biodiversity Act, 1992, the Convention on Biological Diversity Act, 2002 and the Rules and Guidelines are necessary.
2. Usha Tandon *et al*, Biodiversity Law, Policy and Governance, Routledge India.
3. Eds. Charles R. McManis, Burton Ong, Routledge Handbook of Biodiversity and the Law.
4. S.R. Myneni, Law of Biodiversity Protection, New Era Law Publication.

### **LL.M 411 E: Customary laws (5 credit)**

LL.M. 2<sup>nd</sup> Semester

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

### **Objective of the Course**

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The emphasis of this paper shall be on position of customary laws in Arunachal Pradesh in the light of Constitutional law of India. The dynamics of customary laws of various tribes of Arunachal Pradesh, the principles of customary laws and its operation. Mainly the application of customary laws in areas of marriage, property or inheritance rights of women, divorce, maintenance, adoption etc. How different customary laws of tribes lays down rights and obligations in these matters through their traditional customary institutions. The objective of the course is to understand the existing customary laws and institutions in the new legal and social contexts and to find out if any new changes are necessary.

### **Learning Outcomes**

Students will learn the merit and de-merit of Customary Laws and its relevance in present day contexts. It will help students to analyse the reforms needed to make customary laws and institutions one of the key pillars of justice at the community level. It will open avenues for Students to do extensive research in Customary Laws in higher studies.

### **Modules**

1. Origin and evolution of Customary Laws in general.
2. Custom and ancient texts as a source of law and codification, customary laws of Arunachal Pradesh, Characteristics and forms of customary laws.
3. Constitution vis-à-vis Customary Laws: Article 13, Fundamental rights, Directive Principles of State policy, implication of village Panchayat system on traditional village councils, concepts of gender equality, Uniform Civil Code, Sixth Schedule States and status of Arunachal Pradesh, culture and identity.
4. Judicial rulings and precedent on Customary Laws.

### **Suggested Readings and References**

1. Shibani Roy & S.H.M Rizvi, Tribal Customary Laws of North- East India, South Asia Books, 1<sup>ST</sup> January 2011
2. Edited by Melvil Pereira, R.P Athparia, Sunumi Changmi, Jyotikona Chetia Gender Implications of Tribal Customary Law, Rawat Publisher, 1<sup>ST</sup> November 2017.
3. Nabam Naka Hina, Customary Laws of Nyishi Tribe of Arunachal Pradesh, Author Press, 1<sup>st</sup> May 2012.
4. P.C Dutta & D.K. Duarah, Customary laws of Arunachal Pradesh- a profile, Directorate of Research, 1<sup>st</sup> Jan 1990.

### **LL.M 412 E: Copyright law and new developments ( 5 credit)**

#### **LL.M. 2<sup>nd</sup> Semester**


End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

#### **Objective of the Course**

  
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Rono Hills, Doimukh (A.P.)

Human creativity and innovation give rise to new form of knowledge and innovation. They are the engine of economic growth in new information age. Such creation of minds are referred to as intellectual property right (IPR). Copyright is one of the most important branches of law. Copyright subsists in original literary work, music, cinematography, drama, computer programme, play, architecture, song. In the modern technological era huge number of copyrighted works are being created daily and made available to the world through the medium of technology. The objective of copyright is to protect the creative work of the author or creators by giving them exclusive IP right as an incentive by the law. Another important aim is to foster art and science for the benefit of society. Hence, Copyright has an important social dimension to it. This course will acquaint the students with fundamental as well as advanced knowledge related to Copyright and make them familiar with the contemporary issues and challenges related to Copyright.

### **Learning Outcome**

Students will gain both theoretical and practical insights on Copyright law and recent trends in this branch of IPR. Students will make analysis of landmark cases on copyright and identify key areas of research in Copyright.

### **Modules**

1. Historical evolution of Copyright law.
2. Meaning, principles and subject matter of Copyright: Sweat of the brow, modicum of creativity, moral right, economic right, Copyright society.
3. Infringement of Copyright: Exceptions to infringement, fair dealing, Doctrine of first sale, legal remedies.
4. Contemporary developments in Copyright law: new subjects, technology and copyright, challenges.

### **Suggested readings and references**

1. V.K. Ahuja, Law of Copyright and Neighbouring rights : National and International Perspectives, LexisNexis
2. Copinger and Skone James on Copyright, vol. one, Thomson Sweet & Maxwell South Asian Edition.
3. Eds. Prof. (Dr.) V.K. Ahuja & Dr. Archa Vashishtha, Intellectual Property Rights Contemporary Developments, 534 (Thomson Reuters, Legal, 2020).
4. Alka Chawla, Law of Copyright: Comparative Perspectives, LexisNexis

### **LL.M 413 E: Information Technology and Cyber Crimes ( 5 credit)**

#### **2<sup>nd</sup> Semester**

End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

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**Objectives of the Course:**

Information technology provides the means to develop, process, analyse, exchange, store and secure information. In this age of knowledge and data intensive world, IT has become a vital force to reckon in all walks of life. Human dependence on IT for knowledge creation and information sharing is increasing exponentially. IT has been both a boon as well as a bane. On the one hand IT revolution has led to information revolution around the world, but on a flip side, it has also given rise to increasing number of cyber crimes committed online through the IT medium. In many countries, number of cyber crimes has even surpassed the physical crime. Crimes with the aid of internet and technology poses a serious threat today to society. Cyber Crimes have re-defined the traditional notion of crime. For instance, financial fraud, online thefts, cyber stalking, hacking, data breach, identity theft etc is a huge challenge. The Objective of this course is to acquaint the students with the importance of IT and legal intricacies involving cyber crimes. The contemporariness of the subject and its relevance make it a worthwhile subject for LL.M. students.

**Learning outcome:**

Through this course, the students will learn the legal and technological implications of cybercrimes. The challenges of cyber crimes and deficiency in present legal framework will be understood.

**Modules:**

1. IT Act 2000 and its amendments.
2. Cyber Crimes and its types, interface between criminal law and cyber law.
3. Privacy, Data protection and intermediaries liability.
4. Social media regulation.

**Suggested readings and References-**

- Dr J.P Mishra -An introduction to Cyber Law.
- Taxmann's Cyber crimes and laws.
- Dr. S. R . Myneni-Information Technology Law (Cyber Laws).

**LL.M 414 E:Rights of Indigenous People and law relating to Refugees( 5 credit)****LL.M. 2<sup>nd</sup> Semester**


End-Semester Examination-80

Internal Assessment-20

Pass mark-45% in each paper

LTP-4:1:0 Classes per week

**Objective of the Course:** This paper aims to introduce the rights and concerns of refugees and indigenous groups. The discussion about each group will revolve around three common foci: the concept and contending approaches; international normative and legal framework; legal dimensions, policy and implementation in India. It has been organized thus to enable the students to understand in general the normative ideas and their empirical aspects at both international and national level.

  
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**Learning Outcomes:** On the completion of this course, the students would have acquired an understanding of the concept and theoretical background regarding rights of indigenous peoples' and Refugees. Have developed critical thinking and implementation on an international documents and the specific protection provided to indigenous peoples, as well as

Rights of refugees.

**Course Outline:** The course is divided into following four modules.

**Module - 1: Introduction of Indigenous Rights**

- Who are Indigenous people?
- Historical Background of Indigenous people.
- Status of tribes of Arunachal Pradesh.

**Module - 2: Indigenous people in International and National Law**

- United Nations and indigenous peoples.
- Indian Constitution and Tribal Rights.
- Legislations for the protection of Tribal's.
- Judicial activism and Indigenous people
- Where India is lacking behind?

**Module - 3: International law and Refugee**

- Concept of Refugee: Definition and Expanding Meaning
- The refugee convention of 1951 and protocol of 1967
- Well-founded fear of persecution: Concept and Bases of determination
- Right of Asylum and the principle of Non-refoulement: Trends in state practice
- Institutional Framework for Refugee Protection: UNHCR - Structure, Role and Mandate of UNHCR.
- Reintegration of Refugees – Political and Social Dimension.
- UN Guiding Principles on Internal Displacement 1998.

**Module - 4: Rights of Refugee in India**

- Need for national Refugee legislation.
- Refugee status in India, Regional Problems.
- Refugee Law and Policy in India
- Burden sharing, Temporary Protection, Environmental Refugees.
- Judicial Pronouncements.

**Suggested Readings and References**

1. JAMES ANAYA, INDIGENOUS PEOPLES IN INTERNATIONAL LAW 3 (2d ed. 2004)
2. A Guide to Indigenous Peoples' Rights in the International Labour Organization
3. Christian Erni, The Concept of Indigenous Peoples in Asia (2008)
4. International Labour Organisation Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries
5. International Covenant on Civil and Political Rights
6. International Covenant on Economic, Social and Cultural Rights
7. Russel Lawrence Barsh, Indigenous Peoples: An Emerging Object of International Law, (1986)
8. Rebecca Tsosie, Reconceptualizing Tribal Rights: Can Self-Determination Be Actualized Within the U.S. Constitutional Structure? (2011)
9. C.R Bijoy, India and the rights of indigenous people : Constitutional, legislative and administrative provisions concerning indigenous and tribal people (2010)
10. B S Chimni, Internal Refugee Law, Sage Publications.
11. Nirma BC. The Legal Status of Refugees in India , ISIL, VOL 1(2001).


**LL.M 415 C: Seminar paper ( 5 credit)**

**3<sup>rd</sup> Semester**

Project work-60

Internal assesment-20

Presentation-20

  
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Pass mark-45% in each paper

LTP-2:0:3 Classes per week

### **Objective of the Course**

The object of Seminar Paper is to train the student for the ensuing Dissertation work. It is like a mini dissertation work. The student may propose a topic for seminar on any area of the syllabus of Seminar Paper. The Project report shall be submitted to Controller of Examination through the Department before the third semester examination along with a plagiarism certificate issued by the Library, RGU and prescribed limit for plagiarism is up to 10%.

### **Learning Outcome**

Students are expected to learn the techniques and methods of research and fine nuances of legal research. They will be better prepared to undergo their dissertation work. They will be trained with dos and don'ts of research. LL.M. dissertation writing requires a certain level of skill and knowledge which this course will impart to the students.

### **Modules**

1. Affirmative action in the Indian Constitution.
2. Role of Social Media in governance, Environmental justice.
3. Changing role of State and economic liberalisation.
4. Intellectual Property Right, balancing private rights, social equity, political right and economic justice.


**Note:** Students shall write a project report on any topic of his/her choice covered under the above modules in consultation with the concerned teacher. The report shall contain minimum 40 pages to maximum 60 pages (typed). The subject teacher will provide a template to the class for the seminar paper. The student shall submit one hard copy of the report to the COE through the Department and the soft copy of the same is to be submitted to the HOD mail for record.

### **Suggested readings and references:**

1. H.M. Seervai, Constitutional Law of India (4th ed., Vol 1 (1991), Vol. 2 (1993), Vol. 3 (1996)
2. Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).
3. Granville Austin, The Indian Constitution: Cornerstone of a Nation (OUP, 2008).
4. M.P.Singh, Comparative Constitutional Law (Eastern Book Company, 2011).
5. VK Ahuja-Law relating to Intellectual Property Rights, lexis nexis, 2017.
6. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.

### **LL.M 416 E: Climate Change and Law ( 5 credit)**

### **3<sup>rd</sup> Semester**

  
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End Semester Examination- 80  
Internal Assessment – 20  
Pass Mark- 45% in each paper  
LTP- 4:1:0 Classes per week

**Objective of the Course:** The aim of the present course is to acquaint the students with various aspects of Climate change, responses to Climate Change, legislation, policy and rules so as to equip students to evolve best ways of dealing with environmental issues.

**Course Outcome:** Students will understand the legal framework regarding Climate Policy and utilise the skill in society and aware the people about various environmental issues.

**Course Outline:** The course is divided into following four modules.

**Module – 1: Understanding Climate Change**

- Introduction to the Climate System
- Drivers of Climate system
- Climate Change and Natural Variability

**Module-2: Climate Change- Vulnerabilities and Impacts**

- Climate change impacts – reasons for concern
- Global warming, Glaciers & sea levels, Extreme events, ozone hole, atmospheric brown clouds, biodiversity loss.
- Vulnerabilities and impacts (Agriculture and forestry; water resources)
- Climate Impacts on Society (Displacement and migration, Human settlement and Health)
- Impact of climate change on marginalized sections.

**Module- 3 Policy Framework on Aspects of Climate Change:**

- Governmental and Intergovernmental Actions to Combat Climate Change.
- The Role of the Intergovernmental Panel on Climate Change ( IPCC) on Climate Change
- United Nations Framework Convention on Climate Change
- The Kyoto Protocol to the Framework Convention.

**Module – 4 Climate Change and India's Concerns**

- Climate Change Impacts on Natural Resources.
- Vulnerability of Coastal Belt in India towards climate Change.
- Climate Change, Rural Livelihoods and Food Security in India.
- India's Position on International Climate Negotiations.
- India's National Action Plan on Climate Change.

**Suggested Readings and References**

1. The Politics of Climate Change and the Global Crisis: Mortgaging Our Future :  
Author: Praful Bidwai, Publisher: Orient BlackSwan.

2. Climate Change: Biological and Human Aspects: Author: COWIE, Publisher: Cambridge University Press
3. Climate Change: Author: Shelley Tanaka, Publisher: Groundwood Books
4. Climate Change: By: K.R. Gupta (Author) | Publisher: Atlantic
5. Climate Change and Agriculture in India: By: K. Palanisami (Author) , C. R. Ranganathan (Author) , Udaya Sekhar Nagothu (Author) , Krishna Reddy Kakumanu (Author) | Publisher: Routledge India
6. Global Climate Change and Sustainable Energy Development: By: A.N. Sarkar (Author) , Anand Bhushan (Author) | Publisher: Pentagon Press
7. Climate Change: By: Jonathan Cowie (Author) | Publisher: Cambridge Univ Pr |
8. Climate Change: By: Oxford University Press (Author) , Barnaby Newbolt (Author) | Publisher: Oxford University Press, USA
9. Climate Change Effect in the Sundarbans: By: Wagner Sven (Author) , Halder Nirmol Kumar (Author) | Publisher: Lap Lambert Academic Publishing
10. Climate change : the science, impacts and solutions / A. Barrie Pittock. Publisher: CSIRO PUBLISHING.

### **LL.M 417 E: Centre-State relations and federalism ( 5 credit)**

#### **3<sup>rd</sup> Semester**

End Semester Examination- 80

Internal Assessment – 20

Pass Mark- 45% in each paper

LTP- 4:1:0 Classes per week

**Objective of the Course:** The objective of this paper is to provide understanding the concepts of Indian Constitution and various organs created by the constitution including their functions and Union state relations.

**Course Outcomes:** On completion of this course, the students would have acquired an understanding of the concept and theoretical background and analyse Federalism in Indian context .

**Course Outline:** The course is divided into following four modules.

#### **Module I Indian Federalism**

- Meaning and Definition of Federalism
- Structure and features of Indian Federalism
- Difference between Federal and Unitary features
- Critical evaluation of the Indian Federal System

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## **Module II Centre States Relation**

- Distribution of executive power
- Distribution of Legislative Power
- Distribution of Judicial Power

## **Module III Challenges in Indian Federal Structure**

- Indian Political System
- Regional issues in India since Independence
- Major conflicts between Centre and states

## **Module IV Role of Judiciary in Centre State Relation**

- Constitutional Provisions
- Judicial Activism
- Judicial Review

## **Suggested Reading and References**

1. G. Austin (2004) Working of a Democratic Constitution of India, New Delhi: Oxford University Press.
- 2 Basu, D.D (2005), An Introduction to the Constitution of India, New Delhi, Prentice Hall.
- 3 N. Chandhoke & Priyadarshini (eds) (2009) Contemporary India: Economy, Society, Politics, New Delhi: Oxford University Press.
- 4N.G Jayal and P.B. Maheta, (eds) (2010) Oxford Companion to Indian Politics, New Delhi: Oxford University Press.
- 5 A. Vanaik and R. Bharghava (eds) (2010) Understanding Contemporary India: Critical Perspectives, New Delhi: Orient Blackswan
6. A.G. Noorani (2000): Constitution questions in India: The President, Parliament and the States, New Delhi: Oxford University Press.
7. B. Chakravarthy & K.P Pandey (2006) Indian Government and Politics, New Delhi: Sage.

8. Bajpai. Kanti and Pant V. Harsh (2013) India's Foreign Policy: A Reader, New Delhi: Oxford University Press.
9. M. Laxmikanth (2016) Indian Polity for Civil Services Examinations, New Delhi: Tata McGraw Hills.
10. Singh, M.P & Saxena, R (2008) Indian Politics: Contemporary Issues and Concerns. New Delhi: PHI Learning.

### **LL.M 418 E: Geographical Indication Act and Traditional Knowledge\*( 5 credit)**

#### **3<sup>rd</sup> Semester**

End Semester Examination-80

Internal assessment-20

Pass mark-45% in each paper

LTP-4:1:0

Classes per week

#### **Objective of the course**

Geographical Indication (GI) refers to the reputation of a given product and its unique properties due to certain geographical factors. Traditional Knowledge (TK) means know how, skill, practices, techniques, systems etc originating from age old traditional knowledge possessed by a certain local or indigenous community from generation to generation. GI & TK is an important branch of IPR, the unique quality of both being that it protects the collective rights of group of producers and knowledge holders. However, India is yet to enact a *sui generis* law on TK unlike the Geographical Indications of Goods (Registration and Protection) Act, 1999 which provides legal mechanisms for the protection and registration of GI products in India. The objective of this course is to draw the interest of the students in this area of IPR and encourage further research and practice in the given field.

#### **Learning Outcomes**

Students will be acquainted with practical applications of GI & TK related laws to community and knowledge holders at the grassroots. Such legal knowledge and training can be used to preserve the vast repositories of TK in society against unlawful misappropriation. The vast economic potential of GI Act vis-à-vis unique products made and produced in any geographical region will get big impetus.

#### **Modules**

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1. Introduction to concept and meaning of Traditional Knowledge: Biopiracy of TK, Haldi, Neem, Basmati patent, Role of WIPO, TKDL, traditional cultural expressions 'folklores'.
2. The Geographical Indications of Goods (Registration and Protection) Act, 1999 and the Rules: Background, objective, salient features, significance and challenges.
3. Biological Diversity Act 2002 and Traditional Knowledge, Patent and TK.
4. Role of Judiciary and National Green Tribunal.

#### **Suggested readings and references**

1. Eds. Prof. (Dr.) V.K. Ahuja & Dr. Archa Vashishtha, Intellectual Property Rights Contemporary Developments, 534 (Thomson Reuters, Legal, 2020).
2. Ed. Topi Basar, Traditional Knowledge and Traditional Cultural Expressions: National and Community Perspectives, publisher NLUJA, ISBN: 978-81-941086-0-3 (2019).
3. Topi Basar (2011), "Legal Protection of Traditional Knowledge in India-An Appraisal" Delhi Law Review, Volume XXX, pp. 75-87, ISSN No: 0973-00

#### **LL.M419 E: Law of Women and Child rights ( 5 credit)**

##### **3<sup>rd</sup> Semester**

End Semester Examination- 80

Internal Assessment – 20

Pass Mark- 45% in each paper

LTP- 4:1:0 Classes per week

**Objective of the Course:** The objective of this paper is to introduce the definition of child, different perspectives of childhood and critical growth indicators and needs of children at each stage of development from conception to age 18 and status of women in our society, their problems and legislation.

**Learning Outcomes:** The course will provide the students with an opportunity to be sensitized the impact of various social, political and economic factors on child's and women development.

**Course Outline:** The course is divided into following four modules.

#### **Module - 1: Status of Women in contemporary Indian Society and concept of Childhood:**

- Poverty, illiteracy, lack of independence, oppressions, social customs and gender justice.
- Violence against and abuse of women in public and private domains, Domestic violence, sexual harassment.

- Notions of Childhood Across varying Cultural, Political, Social, Historical, Biological and Philosophical Contexts.

**Module - 2: International Norms for protection of Women and Children.**

- UN convention on the Elimination of all forms of Discrimination against Women
- Convention on the Nationality of Married Women
- Universal suffrage, Equal Right to Vote, Equal Right to be elected, Equal Right to hold Public Office
- UN Declaration of the Rights of the Child 1959
- UN Convention on the Rights of the Child 1989
- ILO Convention on Restriction and Prohibition on Child Labour including ILO Convention on Child Labour, 1999
- UN Standard Minimum Rules for Administration of Juvenile (The Beijing Rules) 1985

**Module - 3: Constitution of India and the Status of Women and children**

- Equality provisions in Fundamental rights and Directive Principles
- Special provisions for the protection of women and children Article 15(3), Article 39(d) & (e), Article 42, Articles 243-D & 243-T

**Module - 4: Special Laws for Protection of Women and children**

- Prevention of Immoral Traffic Act, 1956
- Indecent Representation of Women (Prohibition) act, 1986
- Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.
- Medical Termination of Pregnancy Act, 1971
- Maternity Benefit Act, 1961
- Equal Remuneration Act, 1976
- Dowry Prohibition Act, 1961
- Provisions Relating to Women specially under IPC: Rape, Dowry Death, Cruelty by Husband or Relatives of Husband.
- Child Labour (Protection and Regulation), Act 1986.
- Protection against Sexual Exploitation : Child Prostitution and POCSO, 2012; Prevention from abduction, sale and Immoral Trafficking ; Juvenile Justice (Care and Protection of Children) 2015.

  
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 Rono Hills, Doimukh (A.P.)

### **Suggested Readings and References**

1. Samiya Tabasum, Women and Law (CLP, 2018)
2. Anjani Kant, Law Relating to Women and Children (CLP, 2017)
3. S. C . Tripathi, Women and Criminal Law (CLP, 2018)
4. Manju Mohan Mukherjee, V. Parameswaran & S. K. Roy, Social issues: Human Trafficking, Rights of Migrant Workers and their Education (Atlantic)
5. Binay Kumar Sahay, Marriage, Divorce, Maintenance, Custody of Child and other Matrimonial Laws (Author, 2019)
6. S. C . Tripathi, Women & Children (CLP, 2017)
7. Agnes Chandra et. al., Women and Law in India (Oxford University Press, 2016)
8. G. S. Sharma, Law Relating to Women and Children (Asia Law House, 2015)
9. Karnika Seth, Protection of Children on Internet (Lexis Nexis 2016)
10. S C Srivastava, Child Labour- Law and its implementation (Lexis Nexis 2016)

### **LL.M420 E: Human Rights Enforcement Mechanisms ( 5 credit)**

#### **3<sup>rd</sup> Semester**

End Semester Examination- 80

Internal Assessment -- 20

Pass Mark- 45% in each paper

LTP- 4:1:0 Classes per week

**Objective of the Course:** The course deals with the institutional arrangements for Human Rights and Human Rights violations in India. It aims to provide a theoretical and practical understanding of the structure and implications of Human development, Public Policy and New Economic Policy. Role of legal institutions to protect the human rights.

**Learning Outcomes:** Students will develop the knowledge, skills, and values of human rights and practical utilization of Human Rights in society.

**Course Outline:** The course is divided into following four modules.

#### **Module - 1: Societal Problems and Status of Human Rights**

- a. Indian Society: Social Structure, Social Inequality, Caste Hierarchy
- b. Core problems: Poverty, illiteracy, Custodial violence
- c. Some Specific Problems of violation in public domain

### **Module - 2: Problems of Human Rights Enforcement in India**

- a. The Directive Principles of State Policy: The Question of Effectiveness and Enforcement
- b. Fundamental Rights and Repressive Laws: Preventive Detention, MISA, TADA & POTA, Armed Forces (Special Powers) Act, National Security Act and Criminal Law Amendment etc.
- c. Social prejudices against Caste, Women, Minorities etc.

### **Module - 3: Human Rights Protective Mechanism at Global Level**

- a. UN General Assembly and UN Security Council,
- b. UN and United Nations High Commissioner for Human Rights (OHCHR)
- c. United Nations Human Rights Committee under the ICCPR
- d. International Court of Justice (ICJ) & International Criminal Court (ICC)

### **Module - 4: Institutional Frameworks for Human Rights Enforcement in India**

- a. National Specialized Agencies: Law Commission, SC/ST Commission, Minorities Commission, Women's Commission, Child Right Commission and Human Rights Commission
- b. Professional Councils: Press, Medical, Bar Council of India.
- c. NGOs, Social movements and various pressure groups

### **Suggested Readings and References**

1. Bhagwati, P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharut, 1985). Bhargava, G.S. and
2. R.M.Pal, ed., Human Rights of Dalits: Societal Violation (New Delhi: Gyan Publishing House, 2000).
3. Bhatia, K.L. and others, Social Justice of Dr. B.R. Ambedkar (New Delhi: Deep and Deep, 1995).

4. Borgohain, Bani, Human Rights: Social Justice and Political Change (New Delhi: Kanishka Publishers, 1999).
5. Chandra, Shailja, Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles (New Delhi: Deep and Deep, 1998).
6. (2003) Human Rights: International protection monitoring, enforcement (Paris: UNESCO Publishing).
7. D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
8. Vijay Chitnis, (et.al.). Human Rights and the Law. National and Global Perspectives, (1997).
9. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).
10. James Vadakkumchery, Human Rights and the Politics in India, (1996).
11. D.R.Saxena, Tribals and the Law, (1997).
12. Poornima Advani, Indian Judiciary: A Tribute, (1997).
13. Justice Venkataramiah, Human Rights in the Changing World, (1998)
14. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).

#### **LL.M 421 E: Narcotic Drugs laws and policy(5 credit)**

#### **3<sup>rd</sup> Semester**

End Semester Examination-80

Internal assessment-20

Pass mark-45% in each paper

LTP-4:1:0 (Classes per week)

#### **Objective of the Course**

Abuse of drugs is a worldwide problem. Abuse of drugs not only poses a threat to the individual's health but consequently gives rise to socioeconomic problems. Drug abuse cause stress in a family and drain national resources. There is a definitive link between crime and drug addictions that is mainly contributed to the illegal status of commonly abused drugs. Not only is it illegal to carry many of these drugs but an individual's lowered inhibitions when under the influence can encourage them to commit other crimes. The types of crime that an individual may commit when on drugs is extensive and dependent on a variety of sub-factors, but regardless, drug users are more likely than nonusers to commit crime. Petty theft in order to obtain drugs and satiate their cravings when desperate is another way in which drugs influence individuals to commit crimes. Drug trafficking is a serious problem today affecting the youths and society. What is the role of law and enforcement agencies in fighting against this menace?

## Learning Outcomes

Students will learn about the legal framework in India dealing with narcotic drugs, banned substances uses, supply, procurement, trafficking, penal provisions and its enforcement. Also, an understanding of international legal framework on drug trafficking and related offences.

## Modules:

1. International drug control treaties: the UN Single Convention on Narcotics Drugs 1961, The Convention on Psychotropic Substances, 1971 and The Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances, 1988.
2. Indian legislations: Opium Acts of 1857 and 1878, Opium and Revenue Laws Act of 1950, Dangerous Drugs Act of 1930, Drugs and Cosmetic Act, 1940, Narcotics Drugs and Psychotropic Substances (NDPS) Act, 1985 (its salient features) and Directive Principles of State Policy, Opioid substitution therapy, Criminalizing the opioid use/dependence
3. Narcotics Control Bureau: its role and function
4. Drug law enforcement: Central Government 1. Narcotics Control Bureau 2. Central Bureau of Narcotics 3. Directorate General of Revenue Intelligence 4. Commissionerates of Customs 5. Commissionerates of Central Excise 6. Coast Guard, State Governments- Vary from State to State, usually: 1. State Police 2. State Excise Officers.

## Suggested readings and references

- Dr JN Barowalia and Abhishek Barowalia, Commentary On The Narcotic Drugs And Psychotropic Substances Act With Latest Case Law, LexisNexis.
- Iyer, Comprehensive Classic On The Narcotic Drugs And Psychotropic Substances Act 1985, Delhi Law House.
- Dr M C Mehanathan, Law on Control of Narcotic drugs and Psychotropic Substances in India, Lexisnexis
- R.P. Kataria, Law Relating to Narcotic Drugs and Psychotropic Substances in India [Alongwith various useful allied Acts and Rules], Orient law house.
- Drug law enforcement field officer's handbook by Narcotics Control Bureau.
- The Narcotic Drugs And Psychotropic Substances Act 1985 Bare Act With Allied Rules And Short Notes (Paperback, Universal's)

## LL.M 422 E: Space Law Regime (5 credit)

### 3<sup>rd</sup> Semester

End Semester Examination- 80

Internal Assessment – 20

Pass Mark- 45% in each paper

LTP- 4:1:0 Classes per week

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**Objectives of the Course:** The course would start with an analysis of the development of space law and fundamental legal principles applicable to outer space, to include the International Space Station and its legal structure. After providing a basic understanding, the course will then concentrate on recent developments and more specific topics in space law which include property rights and claim of sovereignty over outer space and celestial bodies, Outer Space Treaty requirement that are applicability to new proposed activities in space, commercialization and privatization of low earth orbit, orbital debris--legal issues and governance, intellectual property and export control laws as applicable to space activities.

**Learning Outcomes:** Students will get a basic understanding of the legal regime governing outer space, including the moon and other celestial bodies.

**Course Outline:** The course is divided into following four modules.

#### **Module - 1: Space Law: Historical Background**

1.1 Nature, Definition & Scope of Space Law: Development and Sources-Demarcation of Outer Space-Space Technology-Use of Space Technology-Remote Sensing-Disaster Prediction, Warning and Mitigation-Management of Earth Resources-Satellite Navigation and Location-Space Communication-Satellite Broadcasting and Telecommunication Definition and demarcation of outer space

1.2 Development of the Space Law: UN General Assembly Resolutions-International Cooperation for Peaceful Use-Shift from Air Law to Space Law

1.3 Space Treaties: UN General Assembly Resolutions, Space Treaty, 1967-Rescue Agreement, 1968-Liability Convention, 1975-Registration Convention, 1975-Moon Treaty, 1979-Partial Test Ban Treaty 1963- Weather Modification Convention, 1977

1.4 International and Inter-Governmental Organizations: Bilateral Agreement in Space Activity-Organization of Space Activities-Department of Space (DOS) and Indian Space Research Organization (ISRO)

#### **Module - 2: Fundamental Principles**

2.1 Province of all Mankind

2.2 National non-appropriation

2.3 Freedom of exploration, use and scientific investigation

2.4 Common Heritage of Mankind

2.5 Jurisdiction and control

2.6 Co-operation between the states

2.7 Astronauts - Envoys of Mankind

### **Module - 3: Space Law and Other Regulatory Issues**

3.1 Liability and Registration: Launching State and Registering State-Liability and Responsibility Regime under the Outer Space Treaty-Absolute Liability and Fault Liability-State Liability& Responsibility for Private Space Activities-Registration and Identification

3.2 System of Financing Outer Space Activities: Increasing Private Space Activities-Asset Based Financing-UNIDROIT Convention and Draft Space Protocol

3.3 Current Development in Space Law: International Space Law Regime and Protection of Environment-Property Rights in Outer Space-Intellectual Property Rights Created in Outer Space-Space tourism

3.4 COSMOS 954 - A case study

3.5 Emerging Issues of Space Settlements & Property Rights: Question of State Sovereignty and Claim of Property Rights-Human Habitation on the Moon and Other Celestial Bodies-Protection of the Space Environment-Demilitarization of the Outer Space-International Space Station-Inventions in Outer Space.

### **Module - 4: National Space Legislation**

4.1 Need for national space legislation

4.2 Commerce oriented approach - US & Australian models

4.3 Other approaches - Russian & UK models


4.4 Indian position

### **Suggested Readings and References**

1 Bin Cheng, Studies in International Space Law, Oxford: Clarendon Press, 1997.

2 Sandeepa Bhat B. (ed.), Outer Space Law: From Theory to Practice, Hyderabad: Icfai University Press, 2009.

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संयुक्त कुलसचिव (शैक्षणिक एवं सम्मेलन)  
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3 Sandeepa Bhat B. (ed), Space Law in the Era of Commercialization, Lucknow: Eastern Book Company, 2010.

4 I.H.Ph. Diederiks-Verschoor, An Introduction to Space Law, Second revised edition, Kluwer Law International. 5 Sa'id Mosteshar (ed), Research and Inventions in Outer Space - Liability and Intellectual Property Rights, London: Martinus Nijhoff, 1995.

Recommended Readings:

1. Harnam Bhayana, „Delimitation of Outer Space“ (Chapter IV) in International Law in the Regime of Outer Space, (Calcutta: R. Cambay and Co. Pvt. Ltd., 2001) pp. 121 - 157.

2. Sandeepa Bhat B., „Space Technology and Law: Some Unresolved Questions“, Delhi Law Review, Vol. XXVIII - XXIX, 2006 - 2007, pp. 231 - 243.

3. Sandeepa Bhat B., „Review of Trends in Outer Space Law-Making“ in Sandeepa Bhat B. (ed.), Outer Space Law: From Theory to Practice, Hyderabad: Icfai University Press, 2009, pp. 1 - 25.

4 . S. Mishra & T. Pavlasek, „On the Lack of Physical Bases for Defining a Boundary between Airspace and Outer Space“ Annals of Air and Space Law, vol. 7, 1982, pp. 399 – 413.

5. Vladimir Kopal, „Introduction to United Nations Treaties and Principles on Outer Space“, Proceedings of the United Nations Space Law Workshop on Capacity Building in Space Law, 2003, pp. 10 – 24.

6. Damodar Wadegaonkar, „The Fundamental Principles of Space Law“, in The Orbit of Space Law, (London: Stevens & Sons, 1984) pp. 1 - 29.

7. The Province of Mankind. (Refer Module)

8. Gennady M. Danilenko, „The Concept of the “Common Heritage of Mankind” in International Law“, Annals of Air and Space Law, vol. XIII, 1988, pp. 247 – 263.

9. Sandeepa Bhat B., „The Concept of Common Heritage of Mankind in the Governance of the Moon - An Insight into Article 11 of the Moon Agreement“, Legal Opus, Issue 1, January 2007, pp. 92 - 107.

10. G. S. Sachdeva, „Astronauts: Envoys of Mankind: An Analysis of Legal Basis“, in V.S. Mani,

11. Bhat and V. Balakista Reddy (eds), Recent Trends in International Space Law and Policy, 1997, pp. 209 - 217.

#### 4<sup>th</sup> Semester

#### LL.M 423 E: Academic Integrity and Plagiarism(5 credit)

End Semester Examination-80

Internal assessment-20

Pass mark-45% in each paper

LTP-4:1:0

Classes per week

#### Objective of the Course

Academic honesty and integrity is *sine qua non* for meaningful education and research in higher studies. Learning is a process which requires honesty in various approaches. Whether it involves accessing knowledge, information or proper dissemination of knowledge? In all these an utmost level of integrity is required and Knowledge has to be used with responsibility for the welfare of mankind or for enlightenment. How does law and policy regulate the sphere of academic integrity will be explored through this paper.

#### Learning Outcomes

Students will be acquainted with the basic principles of ethical learning and good practice. This course will prepare them to take on higher studies and qualitative doctoral research. It will foster respect for intellectual property of others and avoid plagiarism which is considered as an offence.

#### Modules:

1. Importance of ethics and integrity in education, its objective and outcome.
2. What is Plagiarism?
3. Difference between plagiarism and IPR infringement
4. UGC (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018.

#### Suggested readings and References-

- Allan J. Kimmel - Ethics and Values in Applied Social Research.



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Rajiv Gandhi University  
Rono Hills, Doimukh (A.P.)

- Ezekiel J. Emanuel, The Oxford Textbook of Clinical Research Ethics.
- Ron Iphofen, Martin Tolich, The Sage Handbook of Qualitative Research Ethics.

**LL.M. 424 C: Dissertation- 5 credit**

**Full marks- 150**

**Pass marks- 45%**

**LTP-2:2:4 classes per week**

**Objective of Course**

Dissertation is the most crucial part of LL.M. study. The twoyear programme of intensive learning culminates with the successful completion of LL.M. Dissertation. Dissertation consists of original research work of the student on any given area of his or her choice under the supervision of a concerned guide. The objective of Dissertation paper is to test the theoretical knowledge of law as well as practical application of knowledge acquired during the course of the programme. It assesses the student's ability to identify the legal problems and challenges with an effective solution through his or her research. Dissertation helps the students to manifests their knowledge and understanding in a creative way and allows them to exhibit their intellectual prowess.

**Learning Outcomes**

With the supervision of their respective guides, the students learn the art and techniques of legal research. Dissertation is primarily a self -learning activity under the guidance of a supervisor, in this research is the job of the student, role of the guide is to clear doubts if any, to aid and advise wherever needed, to approve the drafts before final submission.

**Topic of Dissertation**

Students may choose to do dissertation on any areas of Constitutional Law, Environmental Law, Human Rights Law, Intellectual Property Laws, Criminal Law, Customary Law or any other areas of law in consultation with a concerned teacher.

**Note:** Student shall submit his/her proposed topic of dissertation with brief synopsis to the HOD office for final approval with or without modification and allocation of supervisors for guidance. This should be done by the end of the third semester. The Dissertation shall be submitted to Controller of Examination along with a plagiarism check certificate duly signed by the Librarian, RGU and Supervisor and prescribed limit for plagiarism is up to 10%. Three (3) copies of dissertation and 1 CD (soft copy of dissertation) should be submitted. A detailed template for dissertation will be circulated to students.

**LL.M. 425 C: Viva -Voce**

**Full marks- 50**

**Pass marks- 45%**

**Objective of Viva- Voce**

It provides an opportunity to the student to present his/her research findings and defend their arguments and propositions in research questions and hypothesis.

**Evaluation by Viva-Voce Board**

The Viva-Voce Board shall consist of one external member, HoD and concerned supervisor of Department.

Course structure and syllabus approved by the Board of Post Graduate Studies in meeting held on 31<sup>st</sup> July 2021.

  
Chairperson, Board of Post Graduate Studies

Department of Law

Rajiv Gandhi University, Arunachal Pradesh

**HEAD**  
**Department of Law**  
**Rajiv Gandhi University**  
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