

FOUNDATION COURSES (COMPULSORY COURSES)

PAPER – I : LAW AND SOCIAL TRANSFORMATION IN INDIA.

1. Law and social change

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

2. Religion and the law

- 2.1. Religion as a divisive factor.
- 2.2. Secularism as a solution to the problem.
- 2.3. Reform of the law on secular lines: Problems.
- 2.4. Freedom of religion and non-discrimination on the basis of religion.
- 2.5. Religious minorities and the law.

3. Language and the law

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

4. Community and the law

- 4.1. Caste as a divisive factor
- 4.2. Non-discrimination on the ground of caste.
- 4.3. Acceptance of caste as a factor to undo past injustices.
- 4.4. Protective discrimination: Scheduled castes, tribes and backward classes.
- 4.5. Reservation; Statutory Commissions., Statutory provisions.

5. Regionalism and the law

- 5.1. Regionalism as a divisive factor.
- 5.2. Concept of India as one unit.

- 5.3. Right of movement, residence and business; impermissibility of state or regional barriers.
- 5.4. Equality in matters of employment: the slogan "Sons of the soil" and its practice.
- 5.5. Admission to educational institutions: preference to residents of a state.
- 6. Women and the law**
- 6.1. Crimes against women.
- 6.2. Gender injustice and its various forms.
- 6.3. Women's Commission.
- 6.4. Empowerment of women: Constitutional and other legal provisions.
- 7. Children and the law**
- 7.1. Child labour.
- 7.2. Sexual exploitation.
- 7.3. Adoption and related problems.
- 7.4. Children and education.
- 8. Modernisation and the law**
- 8.1. Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- 8.2. Modernisation of social institutions through law.
- 8.2.1. Reform of family law
- 8.2.2. Agrarian reform - Industrialisation of agriculture.
- 8.2.3. Industrial reform: Free enterprise v. State regulation - Industrialisation v. environmental protection.
- 8.3. Reform of court processes.
- 8.3.1. Criminal law: Plea bargaining; compounding and payment of compensation to victims.
- 8.3.2. Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok adalats.
- 8.3.3. Prison reforms.
- 8.4. Democratic decentralisation and local self-government.

9. Alternative approaches to law

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

Select Bibliography

- Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford,
- Robert Lingat, The Classical Law of India (1998), Oxford
- U. Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi.
- U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.
- Manushi, A Journal About Women and Society.
- Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi.
- H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India (P) Ltd., New Delhi.
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.
- Savitri Gunasekhare, Children, Law and Justice (1997), Sage
- Indian Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)
- J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
- M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
- Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

PAPER – II : LEGAL EDUCATION AND RESEARCH
METHODOLOGY

1. Objectives of Legal Education-past, present and, future-new challenges
2. Lecture Method of Teaching - Merits and demerits
3. The Problem Method
4. Case Law and Discussion methods and its suitability at postgraduate level teaching
5. The Seminar Method of teaching
6. Examination system and problems in evaluation - external and internal assessment.
7. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers
- 8.1 Clinical legal education - legal aid, legal literacy, legal survey and law reform
- 8.2 Use of computer and audio visual aids in legal education, utility of Internet and virtual classrooms
9. **Research Methods**
 - 9.1. Socio Legal Research
 - 9.2. Doctrinal and non-doctrinal
 - 9.3. Relevance of empirical research
 - 9.4. Induction and deduction
10. **Identification of Problem of research**
 - 10.1. What is a research problem?
 - 10.2. Survey of available literature and bibliographical research.
 - 10.2.1. Legislative materials including subordinate legislation, notification and policy Statements.
 - 10.2.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial

conflict in the area pertaining to the research problem and the reasons thereof.

10.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

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

11. Preparation of the Research Design

11.1. Formulation of the Research problem

11.2. Devising tools and techniques for collection of data : Methodology

11.2.1. Methods for the collection of statutory and case materials and juristic literature

11.2.2. Use of historical and comparative research materials

11.2.3. Use of observation studies

11.2.4. Use of questionnaires/interview

11.2.5. Use of case studies

11.2.6. Sampling procedures - design of sample, types of sampling to be adopted.

11.2.7. Use of scaling techniques

11.2.8. Jurimetrics

11.3. Computerized Research - A study of legal research programmes such as Lexis and West law coding

11.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.

11.5. Analysis of data

Select Bibliography

High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London

S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998)
Eastern Book Company, Lucknow.

M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)

Pauline V. Young, Scientific Social Survey and Research, (1962)

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

H.M. Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

Havard Law Review Association, Uniform System of Citations.

ILI Publication, Legal Research and Methodology.

www.aals.org

PAPER – III : INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES.

1. Federalism

- 1.1. Creation of new states
- 1.2. Allocation and share of resources - distribution of grants in aid
 - 1.2.1. The inter-state disputes on resources
- 1.3. Rehabilitation of internally displaced persons.
- 1.4. Centre's responsibility and internal disturbance within States.
- 1.5. Directions of the Centre to the State under Article 356 and 365
- 1.6. Federal Comity : Relationship of trust and faith between Centre and State.
- 1.7. Special status of certain States.
 - 1.7.1. Tribal Areas, Scheduled Areas

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

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

4. Empowerment of women.

K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

GROUP (B) : BUSINESS LAW

PAPER – I : FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND SPECIFIC CONTRACTS

Fundamental Principles of Law of Contract

1. **Natures, object and multi-dimensional scope.**
2. **Foundation theories of Law of Contract**

Individualism:

Freedom of Contract.

Sanctity of Contract.

- 2.2 **Encroachment on Freedom of Contract.**

- 2.2.1 **Legislative intervention.**

- 2.2.2 **Socio-Economic factors.**

- 2.3 **Limitations on sanctity of contract**

3. Conceptual Analysis:

- 3.1 **Contract**

- 3.2 **Essentials of Contract**

4. Specific Contracts

- 4.1 **Standard – form contract, Exemption Clauses, Protective Measures.**

- 4.2 **Quasi – Contract:**

Doctrine of Unjust Enrichment, Law of Restitution.

5. **Doctrine of Frustration; Grounds and Effects of Frustration.**

6. **Breach of Contract and Remedies.**

7. **U.N. Convention on sales.**

8. **Law relating to Indemnity and Guarantee**

9. **Law relating to Bailment**

10. **Law of Agency**

11. **New Challenges-Internet contract and e-commerce**

Select Bibliography

P.S Atiyah,Essays on contract,Clarendon Press,Oxford

Anson on Law of Contract

Cheshire and Fifoot,Law of Contract

Venkiteswara Iyer, Treatise on Law of Contract

✓ Jogarao,SV,On Computer Contract and Information Technology Law

✓ Ponnuswamie, S and Puri KK, Cases and Materials on Contract, Eastern Book Company,Lucknow.

✓ Chitty,On Contract,28th Ed(1999)Sweet and Maxwell,London

✓ Dutt.AC, Saharey HK (Ed) Contract-The Indian Contract Act, 1872, 9th Ed (2000) Eastern Law House,Calcutta.

✓ Pollock and Mulla,Indian Contract and Specific Relief Acts.

PAPER – II : LAW OF INDUSTRIAL AND INTELLECTUAL PROPERTY

- 1. IPR and International Perspectives**
- 2. Trademarks and Consumer Protection (Study of UNCTAD report on the subject)**
- 3. The Legal Regime of Unfair Trade Practices and of Intellectual Industrial Property**
 - 3.1. United Nations approaches (UNCTAD, UNCITRAL)
 - 3.2. EEC approaches
 - 3.3. Position in U.S.
 - 3.4. The Indian situation.
- 4. Special Problems of the Status of Computer Software in Copyright and Patent Law: A Comparative Study.**
- 5. Biotechnology Patents:**
 - 5.1. Nature and types of biotechnology patents
 - 5.2. Patent over new forms of life : TRIPS obligations

- 5.3. Plant patenting
- 5.4. Sui generis protection for plant varieties
- 5.5. Multinational ownership
- 5.6. Regulation of environment and health hazards in biotechnology patents
- 5.7. Indian policy and position.

6. Patent Search, Examination and Records:

- 6.1. International and global patent information retrieval systems (European Patent Treaty).
- 6.2. Patent Co-operation Treaty(PCT)
- 6.3. Differences in resources for patent examination between developed and developing societies
- 6.4. The Indian situation

7. Special Problems of Proof of Infringement:

- 7.1. Status of intellectual property in transit - TRIPS obligation - Indian position.
- 7.2. The evidentiary problems in action of passing off.
- 7.3. The proof of non-anticipation, novelty of inventions protected by patent law.
- 7.4. Evidentiary problems in piracy : TRIPS obligation - reversal of burden of proof in process patent
- 7.5. Need and Scope of Law Reforms.

8. Intellectual Property and Human Right

- 8.1. Freedom of speech and expression as the basis of the regime of intellectual property right - copyright protection on internet - WCT (WIPO Copyright Treaty, 1996).
- 8.2. Legal status of hazardous research protected by the regime of intellectual property law.
- 8.3. Human right of the impoverished masses intellectual property protection of new products for healthcare and food security

- 8.4. Traditional knowledge - protection- biodiversity convention- right of indigenous people.

Select Bibliography

Special attention should be given to literature of the U.N. System, WIPO and the UNESCO.

- Terenee P. Stewart (ed.), The GATT Uruguay Round: A Negotiating History (1986-1994) the End Game (Part - 1)(1999), Kluwer
- Iver P. Cooper, Biotechnology and Law (1998), Clerk Boardman Callaghan, New York.
- David Bainbridge, Software Copyright Law (1999), Butterworths
- Sookman, Computer Law (1998), Carswell
- Carlos M. Correa(ed.), Intellectual Property and International Trade (1998), Kluwer
- Patent Co-operation Treaty Hand Book (1998), Sweet and Maxwell
- Christopher Wadlow, The Law Of Passing-Off (1998), Sweet and Maxwell
- W.R.Cornish, Intellectual Property Law (1999), Sweet and Maxwell

PAPER – III : LEGAL REGULATION OF ECONOMIC ENTERPRISES

1. The Rationale of Government Regulation

- 1.1. Constitutional perspectives
- 1.2. The new economic policy - Industrial policy resolutions, declarations and statements
- 1.3. The place of public, small scale, co-operative, corporate, private and joint sectors - in the changing context
- 1.4. Regulation of economic activities
 - 1.4.1. Disclosure of information
 - 1.4.2. Fairness in competition
 - 1.4.3. Emphasis on consumerism