

BHAKTA KAVI NARSINH MEHTA UNIVERSITY

JUNAGADH



FACULTY OF LAW

**Master of Laws (LL.M.)
(Human Rights and Duties)
Syllabus**

Effective From July – 2022

BHAKTA KAVI NARSINH MEHTA UNIVERSITY

Govt. Polytechnic Campus, Bilkha Road,

Khadiya – Junagadh

Gujarat, India.

Website: www.bkmnu.edu.in

BHAKTA KAVI NARSINH MEHTA UNIVERSITY JUNAGADH

Faculty of Law Regulations for the Degree of Master of Laws (LL.M.) in (Human Rights and Duties) Effective from July -2022

R.L.L.M.-1

No candidate shall be admitted to the Degree of LL.M. unless he has passed the LL.B. (Special) or Semester VI or Semester X (Five years integrated Course) examination with at least 50% without gracing of this University or an examination of any other statutory University recognized as equivalent thereto.

R.L.L.M.-2

Medium of instruction & examination shall be English or Gujarati as the case may be which will not be changed during the entire Degree programme.

R.L.L.M.-3

This Programme of the University is a comprehensive and continuous evaluation programme and minimum attendance as per university rules is mandatory for the students. Non-Compliance of these requirements may result into rejection of the concerned term (Semester).

R.L.L.M.-4

The Head of Department/Principal/Coordinator shall have to take appropriate measure against Ragging & Gender problems arising in the University Department and P.G. Centers. In case of occurrence of any such incident, the violator shall be dealt with very seriously and appropriate stringent action shall be taken by the Head of Department/Principal/Coordinator by observing principles of natural justice. The Head of Department/Principal/Coordinator may appoint a Committee to inquire in to the matter which will also observe the principle of natural justice. The Committee will submit its report to the Head of Department/Principal/Coordinator who will forward the same with his comment thereupon to the University Registrar, for taking further necessary action in the matter.

R.L.L.M.-5

A candidate, at University Semester End Examination, if fails to obtain minimum marks for passing in particular course he /she will be required to reappear in that course without keeping term for that semester. The candidate will have to reappear in the Semester End Examination by paying fresh examination fee along with an application form. Such a candidate when obtains minimum or more than minimum marks for passing in the course his /her marks of reappearance will be carried forward for award of class /CGPA.

R.L.L.M.-6

Admission granted by the University Department/PG Center to any student shall be provisional till the enrolment / registration / enlistment is made by the University. In case admission is granted on the basis of provisional eligibility certificate, the conditions & instruction given by the University should be complied within the time limit fixed by the University or latest by the beginning of the next semester, otherwise term kept by such a student will be forfeited and no fees on any account will be refunded.

R.L.L.M.-7

The Dissertation / Project shall be on one of the topics approved by the committee of post-graduate teachers teaching in the department /PG Center. The student will submit the same for approval to the Head of post-graduate Dept. /PG Centre not later than the beginning of the second semester. The topic on which candidate proposes to work for his/her dissertation, an approval should normally be communicated to the student well in advance by the P.G. Department/PG Center.

R.L.L.M.-8

All admitting authorities (Including the PG Center / University Department / Centre / Institute or centralized admission committee etc.) will have to strictly observe the provisions of reservation policy of the Govt. / U.G.C. / Rehabilitation Council of India etc. before admission process is undertaken, the authority will ascertain quota & number of seats available for reserved class candidates and Allot to the eligible candidates. The data based information should also be provide to the University only after conclusion of entire process of admission.

R.L.L.M.-9

Candidates must forward their applications for admission to University examination section through head of the department/PG Center, who may forward the same to the Controller of Examination duly signed by him on or before the prescribed date with a certificate of attendance duly signed by the Head of the Department/Principal/Coordinator along with the examination fees fixed by the University.

R.L.L.M.-10

A student desiring to appear at the LL.M. Semester – IV Examination shall submit his/her Dissertation, Non Doctrinal Research, Doctrinal Research and Clinical Research report as per the university instruction.

R.L.L.M.-11

Three copies of the Dissertation, Non Doctrinal Research, Doctrinal Research and Clinical Research rep shall be submitted in typewritten or printed form.

R.L.L.M.-12

[PassingStandard]

- (1) To pass any of the Semester Examination candidates shall be required to obtain:
 - (i) Not less than 50 out of total 100 marks in each course of Three hours examination duration at the University examination.
 - (ii) Not less than aggregate 50% of the total marks obtainable separately in each semester.
 - (iii) Student who has obtained 50 marks in particular subject but has not obtained aggregate 50% in each semester.**

[Award of Class]

- (2) Class shall be awarded on the basis of total marks obtained in the aggregate i.e.
 - (a) A successful candidate who obtains less than 70% but not less than 60% of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the First Class.
 - (b) A successful candidate who obtains less than 60% but not less than 50 % of the total marks obtainable in the aggregate i.e. of semester – I to IV taken together will be placed in the Second class.

R.L.L.M.-13

At the end of the each semester, there shall be held an examination at which a student will appear in the course for which he has kept term irrespective of whether he has passed earlier semester/s.

R.L.L.M.-14

The result of semester – IV will not be declared if there is a backlog of any semester on account of failure, lack of attendance, non- submission dissertation / project work etc.

R.L.L.M.-15

A candidate who fails to obtain minimum marks for passing in any of the subject / course he will have to reappear in the term end examination for the same subject / course without keeping term. When he/she passes the same subject/course his/her marks will be carried forward for determining the class.

R.L.L.M.-16

The following are the courses for study and examination of LL.M. Semester I to IV.

1. One Course shall usually consist of 85 periods spread over 16 weeks, at the rate of 5 Lectures per week, thus one course will earn 5 credits.
2. For Skill Enhancement Course, maximum 5 credits will be awarded. It is mandatory for each student to attend classes of Skill Enhancement Course arranged by the Dept. of Law/PG Center.
3. LL.M. Teaching Scheme

Semester- I

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Indian Constitutional Law: New Challenges Compulsory (Core Course-1)	05	100	05
2.	Legal Theories Compulsory (Core Course-2)	05	100	05
3.	Public International Law Elective Course-1	05	100	05
4.	International order of Human Rights & Duties Elective Course-2	05	100	05
	Sub-Total	20	400	20

Semester- II

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Judicial Process Compulsory (Core Course-3)	05	100	05
2.	Law & Social Transformation in India Compulsory (Core Course-4)	05	100	05
3.	Social Movements and Human Rights in India Elective Course-3	05	100	05
4.	Criminal Justice System and Human Rights Elective Course-4	05	100	05
	Sub-Total	20	400	20

Semester- III

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Legal Research Methodology Compulsory (Core Course-5)	05	100	05
2.	International Humanitarian Law and Refugee Law Elective Course-5	05	100	05
3.	Human Rights of Disadvantaged People and Vulnerable Groups Elective Course-6	05	100	05
4.	Human Rights and Environment Protection Elective Course-7	05	100	05
5	Problem, Protection and Enforcement of Human Rights Elective Course-8	05	100	05
	Sub-Total	25	500	25

Semester – IV

Sr. No.	Course Title	Credit	Marks	Teaching Hours per Week
1.	Dissertation / Submission & Viva-Voce (Core Course-6)	10	(150+50) 200	10
2.	Legal Research Practical (Doctrinal & Non Doctrinal Research) (Core Course-7)	05	100	05
3.	Skill Enhancement (Class Room Teaching & Clinical Research Report) (Core Course-8)	05	100	05
	Sub-Total	20	400	20
	Grand Total	85	1700	85

$$\text{Course Grade Point} = \frac{\text{Marks obtained}}{\text{Max. Marks}}$$

Course Credit Point = Credits x Grade Point

Total SGPA = $\frac{\text{Credit Points}}{\text{Total Credits}}$

The examination duration for each of the theory paper shall be of two and half hours duration.

The question paper shall be set in the following form:

Question No.	Type	Weightage (Marks)
1, 2, 3 & 4	Long Essay –4	20 each
5	Short Essay- 2	20 (10 each)
	Total	100

Note: Optional question shall be come as per university norms in examination.

R.L.L.M.-17 PROMOTION, RE-ADMISSION RULES & MAXIMUM TIME FOR COMPLETION OF COURSE

17.1 Rules of promotion shall be as under:

A candidate having enrolled for semester – I, shall be eligible for admission up to semester-IV provided his/her term is sanctioned by the department/PG Center irrespective of passing or appearing in and registered for Semester End Examination & examination seat number is allotted to the candidate for all respective semesters.

The result of semester IV will be declared only when he/she have cleared all the courses of semester I to III and obtained minimum credits and percentage of marks in each of the course as prescribed in the syllabus.

17.2 Rules and the Procedure for granting Re-admission to the student shall be as under,

17.2.1. Who had not put in the required attendance in a Course in the concerned Programme or a semester and thus detained, or

17.2.2. Who had not cleared the required number of Courses and thus detained; where applicable or

17.2.3. A student who had put in not less than 70% of attendance in a Semester and not registered for the examination shall be considered for the re-admission in the same semester.

17.2.4. The student, who after completing the first two semesters of the Programme if opts out of the Programme, then he or she shall be eligible to rejoin the Programme, subject to the time period elapsed has not exceeded two years.

17.2.5. Such readmissions shall be granted by the Head of the concerned Department/PG Center directly, subject to the fulfillment of the following conditions:

- a) The concerned teachers have granted the attendance of the Courses in each semester.
- b) The student shall complete the Programme within 4 years from the year of the original admission.
- c) No readmission shall be granted after the first four weeks of the Semester in which he/she is seeking admission.

Note: The provisional grade card will be issued at the end of the every semester end examination indicating the courses completed successfully. Upon successful completion of Master's Degree Program a Final Grade card, which shall consist of grades of all courses will be issued by the Controller of Examinations of the University.

MARKING SCHEME

- ❖ Every paper shall carry 100 marks and there shall not be internally marks.
- ❖ Dissertation / Project carrying 200 marks shall be evaluated externally.

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Semester- I

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Indian Constitutional Law: New Challenges Compulsory (Core Course-1)	05	100	05
2.	Legal Theories Compulsory (Core Course-2)	05	100	05
3.	Public International Law Elective Course-1	05	100	05
4.	International order of Human Rights & Duties Elective Course-2	05	100	05
	Sub-Total	20	400	20

SEMESTER– I

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Core		Indian Constitutional Law : The New Challenges	5	100	Three Hours

PAPER -1: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Course Objectives:

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

Course Contents:

1. FEDERALISM

- 1.1. Creation of new States
- 1.2. Allocation and sharing of resources – distribution of grants in aid
 - 1.2.1 The interstate 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 Union to the State under Article 356 and 365
- 1.6. Federal Comity: Relationship of trust and faith between Union and State
- 1.7. Special status of certain States
 - 1.7.1. Tribal Areas, Scheduled Areas

2. EXPLAIN CONSTITUTIONAL VISION ENSHRINED IN THE INDIAN CONSTITUTION DRAW RELATION BETWEEN FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES OF STATE POLICY

- 2.1 Right to equality: privatization and its impact on affirmative action
- 2.2 Reading Directive Principles and Fundamental Duties into Fundamental Rights
- 2.3 Freedom of press and challenges of new scientific development
- 2.4 All hidden Rights given under Article 21
- 2.5 Secularism and religious fanaticism
- 2.6 State to secure a social order for the promotion of welfare of the people.
- 2.7 Equal justice and free legal aid

3. IDENTIFY CONSTITUTIONAL REMEDIES

- 3.1 Explain the nature of writs
- 3.2 Public interest Litigation
- 3.3 Supreme Court Judgment for constitutional remedies
- 3.4 Compensation jurisprudence

4. SEPARATION OF POWERS: STRESSES AND STRAIN

- 4.1. Judicial restraint
- 4.2. Judicial Powers of Administration
- 4.3. Judicial independence.
 - 4.3.1. Appointment, transfer and removal of judges.
- 4.4. Accountability of executive

5. DEMOCRATIC PROCESS

- 5.1. Nexus of politics with criminals and the business.
- 5.2. Election.
- 5.3. Election commission: status.
- 5.4. Electoral Reforms.
- 5.5. Coalition government, stability, durability, corrupt practices.

References:

- 1. H.M. Sheervai, Indian Constitution of Law (three Volumes)
 - 2. M.P. Jain, Constitution Law of India (2008), Tripathi, Bombay
 - 3. D. D. Baus Commentaries of Indian Constitution
 - 4. Latest Judgments of Supreme Court
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SEMESTER– I

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Core		Legal Theories	5	100	Three Hours

PAPER – 2: LEGAL THEORIES

Course Objectives:

- Legal Theories is the main source of Jurisprudence Law. Some of the theories and concepts are required to be understood prior to go in to the detailed syllabus.
- It is necessary to know what Law is. It is the main reason for introduction of this subject in LL.M Programme.

Course Contents:

1. ANALYTICAL LEGAL POSITIVISM

- 1.1 Analytical School
 - 1.1.1 Jermmy Bentham
 - 1.1.2 John Austin

2. THE PURE THEORY

- 2.1 Hans Kelsen
 - 2.1.1. The Basic Norm
 - 2.1.2. Implication of Pure Theory
 - 2.1.3. Contribution of Kelsen

3. SOCIOLOGICAL THEORY

- 3.1 The Social Origin of Laws & Legal Institution
- 3.2 Impact of Laws on Society
- 3.3 The Task of Law in Society
 - 3.1.1. Roscoe Pound
 - 3.1.2. Social Engineering

4. AMERICAN REALISM

- 4.1 Justice Holmes
- 4.2 Carl. N. Llewellyn

5. NATURAL LAW

- 5.1 The Greek Period
- 5.2 The Roman Period
- 5.3 The Medieval Period
- 5.4 Revival of Natural Law Theories

References:

1. Bodenheimer, Jurisprudence – The Philosophy and Method of Law (1996) Universal, Delhi
2. Fitzgerald, (ed.) Salmond on Jurisprudence (1999) Tripathi, Bombay.
3. W. Friedmann, Legal Theory (1999) Universal, New Delhi.
4. Paton G. W., Jurisprudence (1972) Oxford, ELBS.
5. Dias, Jurisprudence (1994 First Indian re-print), Adithya Books, New Delhi.
6. Roscoe Pond, Introduction to the Philosophy of Law (1998 re-print) Universal, New Delhi.
7. Hart, H.L.A., The Concepts of Law (1970) Oxford, ELBS
8. Lloyds Introduction to Jurisprudence, Sweet and Maxwell.

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SEMESTER– I

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Elective		Public International Law	5	100	Three Hours

PAPER – 3: PUBLIC INTERNATIONAL LAW

Course Objectives:

- This course is to be confined to deliberation of international law topics relevant to the growth of law and how international norms and directions are applied in the municipal law of the country.
- In ancient times, the interaction between different States was not so common
- The industrial revolution, scientific and technological advancement brought the States close, the interaction between different States became very frequent.
- All these necessitated creation, acceptance and recognition of international law.

Course Contents:

1. INTRODUCTION

- 1.1 Nature of International Law
- 1.2 Basis of International Law
- 1.3 Evolution and Development of International Law
- 1.4 Codification of International Law

2. SOURCES OF INTERNATIONAL LAW

- 2.1 General
- 2.2 Custom
- 2.3 Treaties
- 2.4 The General Principles of Law
- 2.5 Judicial Decisions
- 2.6 Juristic Work on International Law
- 2.7 General Assembly Resolutions and Declarations

3. RELATION BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW

- 3.1 Theories on Relationship
- 3.2 Theories on the Application of International Law within Municipal Law
- 3.3 Municipal Law before International Tribunals
- 3.4 International Law within Municipal Sphere

4. SUBJECTS OF INTERNATIONAL LAW

- 4.1 State as a Subject
- 4.2 Public International Organizations
- 4.3 Individual as Subject of International Law

5. LAW AND PRACTICE OF TREATIES

- 5.1 The Treaty Making Process
- 5.2 Treaties and Third Parties
- 5.3 Treaty Interpretation
- 5.4 Amendment and Modification of Treaties

References:

1. Akehust's Modern Introduction to International Law, Ed. By Peter Malanczuk, 7th Edition, (Revised)
2. Alina Kaczorowska, Public International Law 150 Leading Cases, Old Bailey Press, 2002.
3. Bowett D.W., The Law of International Institutions, 4th Edition, 2003, Universal.
4. Brownlie, Ian (2003) Principles of Public International Law, Oxford University, Press, 6th Edition.
5. David D. Caron, Cases & Materials on International Law.
6. Oppenheim, International Law (Vol. I & II)
7. Starke J.G., Introduction to International Law.
8. M.P. Tandon, Public International Law, 16th Edition, (2005), Allahabad Law

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SEMESTER– I

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	1	Elective		International Order of Human Rights & Duties	5	100	Three Hours

PAPER – 4: INTERNATIONAL ORDER OF HUMAN RIGHTS & DUTIES

Course Objectives:

- An understanding of the principles and institutions of international human rights law, including their origins, assumptions, contents, limits and potential.
- It will help students to understand the importance of the fundamental principle, its concept, Concern and Source of international obligations for Human Rights. As well as Capacity to exercise rights and comply with obligations under
- International law with international norms and standards for human rights and Duties.
- An improved ability to think analytically about the implementation and development of international human rights law and to apply this body of law in your own professional and national setting.
- Student(s) able to work in conjunction with human rights specialists and other scholars in expanding knowledge about human rights as well as promoting respect for the values they embody and symbolize. An improved ability to conduct research on international human rights law and Duties.

• Course Contents:

1. HISTORICAL FOUNDATIONS OF HUMAN RIGHTS AND DUTIES

- 1.1 Historical Development of Human Rights
- 1.2 Magna Carta to Fundamental Rights
- 1.3 The French Declaration of the Rights of Man and of Citizens of 1789
- 1.4 The American Declaration on the Rights and Duties of Man 1948
("Bogota Declaration")

2. CONCEPT AND SOURCES OF INTERNATIONAL OBLIGATIONS FOR HUMAN RIGHTS

- 2.1 Concept of obligations: Legal, moral, social, Religious
- 2.2 Sources of international law giving rise to international obligations
 - 2.2.1 Treaties and conventions to which states are parties
 - 2.2.2 International custom as evidence of practice accepted as law: Jus cogens
 - 2.2.3 General principles of law recognized by diverse national legal systems
 - 2.2.4 Judicial decisions/ Interpretations
- 2.3 Relevance of Statute of the ICJ.

3. INTERNATIONALS CONCERN FOR HUMAN RIGHTS

- 3.1 Evolution of international concern for the protection of the individual
 - 3.1.1 ILO and labour welfare

- 3.2 Categories of Crimes and its concern for Human rights
 - 3.2.1 Crimes against peace, War crimes, and Crimes against humanity.
 - 3.2.2 Genocide, Racial Discrimination and Castelism
- 3.3 UN Charter Provisions: Article 1(2) & (3), Article 13(1)(b), Articles 55,56,68.
- 4. SUBJECT OF INTERNATIONAL OBLIGATIONS FOR HUMAN RIGHTS**
 - 4.1 Concept of subjects of international law (Capacity to exercise rights and comply with obligations under International law)
 - 4.2 States as subjects of human rights obligations (Obligations from treaties and conventions on human rights (to which they are parties)
 - 4.3 International organizations as subjects of obligations
- 5. INTERNATIONAL NORMS AND STANDARDS FOR HUMAN RIGHTS AND DUTIES**
 - 5.1 Duty to respect the rights of others (UDHR-1948)
 - 5.2 Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, 1999
 - 5.3 UNESCO Declaration on the Responsibilities of the Present Generations towards Future Generations, 1997

References:

1. UN High Commissioner for Human Rights, An Introduction: Making Human Rights a Reality (New York: UN Publication Division, 1996).
2. Dr. B. H. Bharad, Dr. R R.Singh, Dr. A. P. Dasani "Human Rights: International Orders and Perspectives" Bookends Publishing, New Delhi (2021)
3. Donnelly, J., the Concept of Human Rights (London: Bodley Head, 1973).
4. Bhagwati, P.N., Dimensions of Human Rights (Madurai: Society for Community Organization Trust, 1987).
5. UN Centre for Human Rights, the International Bill of Human Rights (Geneva: World Campaign for Human Rights, 1996).
6. UN Centre for Human Rights, International Human Rights Standards for Law Enforcement (Geneva: World Campaign for Human Rights, 1996).
7. ILO, Comparative Analysis of the International Covenants on Human Rights and International Labour Conventions and Recommendations, Official Bulletin (Geneva), vol.52, no.2, 1969, pp.181-216.
8. UNESCO, UNESCO and Human Rights: Standard Setting Instruments (Paris: UNESCO, 1999).
9. UNESCO, A Guide to Human Rights: Institutions, Standards, Procedures (Paris: UNESCO, 1999), edited by Janus Symonbides and Vladimir Volodin.
10. Buergerthal, T. ed., Human Rights, International Law and the Helsinki Accord (New Jersey: Allanheld Osmon, 1977).
11. Rontarriaza, Naomi, Impunity and Human Rights in International Law and Practice (New York:OUP, 1995).
12. Verma, S.K., An Introduction to Public International Law (New Delhi: Prentice Hall, 1998).
13. Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
14. Francisco Forrest Martin. International Human Rights Law and Practice, (1997).

15. Luck Clements, European Human Rights Taking a Case under the Convention, (1994).
16. Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).
17. R.K.Sinha, Human Rights of the World,(1997).
18. Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).
19. R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).
20. The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
21. B.P.Singh Seghal, Human Rights in India, (1996).
22. Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).

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Semester- II

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Judicial Process Compulsory (Core Course-3)	05	100	05
2.	Law & Social Transformation in India Compulsory (Core Course-4)	05	100	05
3.	Social Movements and Human Rights in India Elective Course-3	05	100	05
4.	Criminal Justice System and Human Rights Elective Course-4	05	100	05
	Sub-Total	20	400	20

SEMESTER– II

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Core		Judicial Process	5	100	Three Hours

PAPER – 1: JUDICIAL PROCESS

Course Objectives:

- A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective.
- Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum.
- The objective of this paper is to study the nature of judicial process as an instrument of social ordering.
- It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change.
- This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.
- Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.
- This paper, therefore, intends to familiarise the students with various theories, different aspects and alternative ways, of attaining justice.

Course Contents:

1. NATURE OF JUDICIAL PROCESS

- 1.1 Judicial process as an instrument of social ordering
- 1.2 Judicial process and creativity in Law – Common law model – Legal reasoning and growth of law – Change and stability
- 1.3 The tools and techniques of judicial creativity and precedent
- 1.4 Legal development and creativity through legal reasoning under statutory and codified systems

2. SPECIAL DIMENSIONS OF JUDICIAL PROCESS IN CONSTITUTIONAL ADJUDICATIONS

- 2.1 Notion of Judicial Review
- 2.2 ‘Role’ in constitutional adjudication – various theories of judicial role
- 2.3 Tools and techniques in policy-making and creativity in Constitutional adjudication
- 2.4 Varieties of judicial and juristic activism
- 2.5 Problems of accountability and judicial law-making

3. JUDICIAL PROCESS IN INDIA

- 3.1. Indian debate on the role of judges and on the notion of judicial review

- 3.2. The “independence” of judiciary and the “political” nature of judicial process
 - 3.3. Judicial activism and creativity of the Supreme Court: the tools and techniques of creativity
 - 3.4. Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges
 - 3.5. Institutional liability of courts and judicial activism- scope and limits
- 4. THE CONCEPTS OF JUSTICE**
- 4.1. The concept of justice or Dharma in Indian thought
 - 4.2. Dharma as the foundation of legal ordering in Indian Thought
 - 4.3. The concept and various theories of justice in the western thought
 - 4.4. Various theoretical bases of justice: The liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition
- 5. RELATION BETWEEN LAW AND JUSTICE**
- 5.1. Equivalence Theories – Justice as nothing more than the positive law of the stronger class.
 - 5.2. Dependency theories – For its realization justice depends on law, but justice is not the same as law.
 - 5.3. The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.
 - 5.4. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References:

1. Henry J. Abraham, the Judicial Process (1998), Oxford.
2. Julius Stone, The Province and Function of Law, Part II, Chs.I,8-16(2000), Universal, New Delhi
3. Cardozo, The Nature of Judicial Process (1995), Universal, New Delhi
4. W. Friedmann, Legal Theory (1960), Stevens, London
5. Bodenheimer, Jurisprudence - The Philosophy and Method of the Law (1997), Universal, New Delhi
6. Upendra Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow
7. Rajeev Dhavan, The Supreme Court of India - A Socio-Legal Critique of Its Juristic Techniques (1977), Tripathi, Bombay
8. John Rawls, A Theory of Justice (2000), Universal, New Delhi

SEMESTER– II

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Core		Law and Social Transformation in India	5	100	Three Hours

PAPER – 2: LAW AND SOCIAL TRANSFORMATION IN INDIA

Course Objectives:

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

Course Contents:

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 of the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India

2. LAW AND ITS INTER-RELATIONSHIPS WITH RELIGION, LANGUAGE, COMMUNITY AND REGIONALISM

- 2.1 Religion, language, community and regionalism as divisive factors
- 2.2 Responses of law to
 - a) Religion - through secularism
 - b) Language - through constitutional guarantees
 - c) Community - through non-discrimination
 - d) Regionalism - through unity
 - e) Non-discrimination and protective discrimination (reservation)

3. ALTERNATIVE APPROACHES TO LAW

- 3.1. The jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave, Jayaprakash Narayan - Surrender of dacoits; Concept of gram nyayalayas
- 3.2. Socialist thought on law and justice: An enquiry. Through constitutional debates on the right to property
- 3.3. Indian Marxist critique of law and justice.

- 3.4. Naxalite movement: causes and cure
- 4. WOMEN, CHILDREN AND THE LAW**
 - 4.1 Crimes against women.
 - 4.2 Gender injustice and its various forms
 - 4.3 Women's Commission. Empowerment of women: Legal Provision apart from Constitutional
 - 4.4. Child labour
 - 4.5. Sexual exploitation
 - 4.6. Adoption and related problems
 - 4.7. Children and education
- 5. MODERNIZATION AND THE LAW**
 - 5.1 Modernization as a value: Constitutional perspectives reflected in the fundamental duties
 - 5.2 Modernization of social institutions through law
 - 5.2.1 Reform of family law
 - 5.2.2 Agrarian reform - Industrialization of agriculture
 - 5.2.3 Industrial reform: Free enterprise v. State regulation – Industrialization v. environment protection
 - 5.3 Reform of court processes:
 - 5.3.1 Criminal law: Plea bargaining; compounding and payment of Compensation to victims
 - 5.3.2 Civil law: (ADR) Confrontation v. consensus; mediation and Conciliation; Lok adalats
 - 5.3.3 Prison reforms
 - 5.4 Democratic decentralization and local self-government

References:

1. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
2. Indian Law Institute, Law and Social Change : Indo-American
3. Reflections, Tripathi (1988).

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SEMESTER– II

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective		Social Movements and Human Rights In India	5	100	Three Hours

PAPER – 3: SOCIAL MOVEMENTS AND HUMAN RIGHTS IN INDIA

Course Objectives:

- knowledge about the growth of Social Movement in India since the British Colonial era when civil liberties consciousness was nurtured through various social reform and political movements against British undemocratic rules with Human Rights perception and social evils of Indian society.
- To understand the undemocratic social structure and institutions such as caste, ethnicity, religion threatening ethos of Indian Democracy with impact of Peasant, Feminist, Dalit, Tribal and Environment movements in India.
- Student will learn about Human Rights violation during Emergency period in 1975, and kind of Social Movements for upliftment of various disadvantage people in the society and its mechanism of Protection.
- To able to analyse the growth of social movements through NGOs in India to protect Human Rights and learn about notion of fundamental rights under Indian Constitution with its role, functioning and critical appraisal.
- It empowers them with knowledge about growth of human rights movement in the country that will open vast area of human rights research to the students.

Course Contents:

- 1. CONCEPTUAL PERSPECTIVE OF SOCIAL MOVEMENTS**
 - 1.1 Social Movements: Concept, Nature and Definitions
 - 1.2 Categories and Types of Social Movements
 - 1.3 Social Movement Socio-Political Implications
 - 1.4 Social Movements as Promoter of Social Change and Human Rights
- 2. SOCIAL AND RELIGIOUS REFORMS MOVEMENTS AND HUMAN RIGHTS**
 - 2.1 Brahmo Samaj
 - 2.2 Arya Samaj
 - 2.3 Dalit Movements (Mahad Satyagrah, Dalit Panther Movements, Namantar Andolan)
 - 2.4 Tribal Movements (Santhal Insurrection, Munda Rebellion, Bodo and Jarkhand Movement)
 - 2.5 Feminist Movement (Devdasi Movement, Devi Aandolan, Sati Pratha)
 - 2.6 Anti-Corruption Movement-2011

3. POLITICAL MOVEMENTS AND HUMAN RIGHTS

- 3.1 Freedom Movements
- 3.2 Peasant Movements (Naxal Bari Movement, Kheda Satyagraha)
- 3.3 Sarvodaya Movement and Land Reform Movements (Bhudan, Gramdan)
- 3.4 Trade Union Movements
- 3.5 Students Unrest/ Youth Movements (Navnirman Andolan)

4. ECOLOGICAL/ENVIRONMENT MOVEMENTS AND HUMAN RIGHTS

- 4.1 Chipko Movement
- 4.2 Narmada Bachao Andolan
- 4.3 Bishnoi Movement,
- 4.4 Silent Valley Movement,
- 4.5 Jangal Bachao Andolan,
- 4.6 Role of State and Judiciary to protect Environment: PILs on Environmental Rights

5. ROLE OF VARIOUS INSTITUTION AND NGO FOR PROMOTING HUMAN RIGHTS

- 5.1 UN Principal Organs: General Assembly, Economic and Social Council
- 5.2 UN Subsidiary Organ: Human Rights Council and its Advisory Committee
- 5.3 NGOs and People Movements
 - 5.3.1 People's Union for Civil Liberties (PUCL),
 - 5.3.2 People's Union for Democratic Rights (PUDR)
 - 5.3.3 Coordination of Democratic Rights Organisations (CDRO)
- 5.4 NGOs and Human Rights Movements: Amnesty International, Asia Watch

References:

1. Baxi, Upendra, "Clemency, Extradition and death: The Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998, pp.501-86.
2. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K. P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House
3. Bag, R.K., "Domestic Violence and Crime against Women: Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997
4. Batra,Manjula, Protection of Human Rights in Criminal Justice Administration: A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
5. Bava,Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
6. Bhagwati, P.N., " Human Rights in the Criminal Justice System", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1-22.
7. Rights and Criminal Justice in India: The System and Procedure, New Delhi: OUP, 2006.
8. Tyne, Claude H. Van, India Freedom Movement (Delhi: Akashdeep Publishing House, 1990)

9. J.K. Das, 2001, Human rights and Indigenous Peoples, A.P.H. Publishing Corporations New Delhi.
10. Indrani Sen Gupta (ed), 2005, Human Rights of Minority and Women's, Isha Books, Delhi.
11. Jhon, K. Thomas (ed), 2005, Human Rights of Tribals, Isha Books, Delhi.
12. Dr. Janak Raj Jai, 1996, Emergency Excesses A Daylight robbery of Human Rights, Regency Publication, New Delhi.
13. Rajendra Singh, Social Movements, Old and New—A post-modernist Critique (Sage India 2001)
14. Ashwini Ray, "Human Rights Movement in India", Economic and Political Weekly, (9 August 2003).
15. Ghanshyam Shah, Social Movements in India—A Review of literature (New Delhi: Sage 2004).

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SEMESTER– II

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	2	Elective		Criminal Justice System and Human Rights In India	5	100	Three Hours

PAPER – 4: CRIMINAL JUSTICE SYSTEM AND HUMAN RIGHTS

Course Objectives:

- To sensitize the students with human right issues regarding administration of criminal justice and makes them understand issues of human rights violations occurring in society.
- The student will be able to understand the concept of Crimes, its causes and various forms of crime. They can analyse the relevancy and adequacy of various forms of rights of the accused Prescribed by Indian law, The Prison system in India and reforms needed if any.
- It empowers them with knowledge of mechanism which is responsible for providing justice to the victims of crime, lacunas existing in the system and mechanism to address the loopholes.
- After this course students will be able to analyse, interpret and assess the challenges posed to the implementation of human Rights in criminal justice and may provide legal aid to various victims of crime in their vicinity.
- To able to analyse the Issues related to Drug trafficking and its legal framework.

Course Contents:

1. CONCEPTUAL PERSPECTIVE OF CRIMINAL JUSTICE SYSTEM

- 1.1 Concept of Crime and Criminal Liability
 - 1.1.1 Mens rea (Intention, recklessness, negligence, malice)
 - 1.1.2 Mens rea under the Indian Penal Code 1860
- 1.2 Offences Involving Human Rights
- 1.3 Punishments and Human Rights
- 1.4 Role of Criminal Justice System

2. RIGHTS OF ACCUSED UNDER CRIMINAL JUSTICE SYSTEM

- 2.1 Double Jeopardy - Right against self-incrimination
- 2.2 Fair Trial & Speedy Trial
- 2.3 Right of Accused at appellate and revision stage
- 2.4 Compensation

3. INSTITUTIONS AND ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM

- 3.1 Ordinary Courts
- 3.2 Special Courts,
- 3.3 Nyaya Panchayats

3.4 Access to Legal Defense and Legal Aid Prosecution Service

4. DRUG TRAFFICKING AND CRIMINAL JUSTICE SYSTEM

- 4.1 Drugs, Narcotics, Psychotropic Substance, Primary Drug Abuse
- 4.2 International Legal Regime
 - 4.2.1 Salient feature of the Single Convention on Narcotic Drug 1961 and 1972
 - 4.2.2 Salient feature of the Convention on Psychotropic Substance 1972
- 4.3 Indian Regulatory System
 - 4.3.1 Penal provisions IPC and Customs Act
 - 4.3.2 Judicial approach to sentencing in drug trafficking and abuse
 - 4.3.3 The Narcotic and Psychotropic Substance Act, 1985

5. INTERNATIONAL PERSPECTIVES OF CRIMINAL JUSTICE SYSTEM

- 5.1 International Norms on administration of criminal justice
- 5.2 U.N. General Assembly Resolutions
- 5.3 International Criminal Court (ICC)

References:

1. Baxi, Upendra, "Clemency, Extradition and death: the Judicial Discourse in Kehar Singh ", Journal of Indian Law Institute, vol.30, no.4, Oct- Dec. 1998, pp.501-86.
2. Bhargava, G.S., "National Human Rights Commission: An Assessment of Its Functioning", in K. P. Saksena, ed., Human Rights: Fifty Years of India's Independence (New Delhi: Gyan Publishing House
3. Bag, R.K., "Domestic Violence and Crime Against Women: Criminal Justice Response in India ", Journal of Indian Law Institute, vol. 39, nos.2- 4, 1997
4. Batra,Manjula, Protection of Human Rights in Criminal Justice Administration : A study of the right of Accused in Indian and Soviet Legal System (New Delhi: Deep and Deep, 1989)
5. Bava,Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi : Uppal Publishing House, 2000)
6. Bhagwati, P.N., " Human Rights in the Criminal Justice System", Journal of the Indian Law Institute, vol. 27, no.1, 1985, pp 1-22.
7. Rights and Criminal Justice in India: The System and Procedure, New Delhi: OUP, 2006.

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Semester- III

Sr. No.	Course Title	Credit	Total Marks	Teaching Hours per Week
1.	Legal Research Methodology Compulsory (Core Course-5)	05	100	05
2.	International Humanitarian Law and Refugee Law Elective Course-5	05	100	05
3.	Human Rights of Disadvantaged People and Vulnerable Groups Elective Course-6	05	100	05
4.	Human Rights and Environment Protection Elective Course-7	05	100	05
5	Problem, Protection and Enforcement of Human Rights Elective Course-8	05	100	05
	Sub-Total	25	500	25

SEMESTER– III

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Core		Legal research Methodology	5	100	Three Hours

PAPER – 1: LEGAL RESEARCH METHODOLOGY

Course Objectives:

- A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organisation of seminars, publication of law journals and holding of legal aid clinics.
- Law is taught in different ways in different countries.
- The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education.
- The lecture method both at LL.B. level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods.
- The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research.
- The syllabuses designed to develop also skills in research and writing in a systematic manner.

Course Contents:

1. RESEARCH METHODS

- 1.1 Socio-legal research
- 1.2 Doctrinal and non-doctrinal
- 1.3 Relevance of empirical research
- 1.4 Induction and deduction

2. IDENTIFICATION OF PROBLEM OF RESEARCH

- 2.1 What is a research problem?
- 2.2 Survey of available literature and bibliographical research
- 2.3 Legislative materials including subordinate legislation notification and policy statements
- 2.4 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.

- 2.5 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals
 - 2.6 Compilation of list of reports or special studies conducted relevant to the problem
- 3. PREPARATION OF THE RESEARCH DESIGN**
- 3.1 Formulation of the Research problem
 - 3.2 Devising tools and techniques for collection of data: Methodology
 - 3.2.1 Methods for the collection of statutory and case materials and Juristic literature
 - 3.2.2 Use of historical and comparative research materials
 - 3.2.3 Use of observation studies
 - 3.2.4 Use of questionnaires/ interview
 - 3.2.5 Use of case studies
 - 3.2.6 Sampling procedures- design of sample, types of sampling to be adopted
 - 3.2.7 Use of scaling techniques
 - 3.2.8 Jurimetrics
- 4. CLASSIFICATION AND TABULATION OF DATA**
- 4.1 Rules for tabulation
 - 4.2 Explanation of tabulated data
 - 4.3 Analysis of data
- 5. COMPUTERIZED RESEARCH - A STUDY OF LEGAL RESEARCH PROGRAMMES SUCH AS LEXIS AND WEST LAW CODING**

References:

1. M. O. Price, H. Bitner and Bysiewiez, Effective legal Research (1978)
2. Pauline V. Young, Scientific Social Survey and Research (1962)
3. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw - Hill Book Company, London.
4. H. M. Hyman, Interviewing in Social Research (1965)
5. Payne, The Art of Asking Questions (1965)
6. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Research (1959)
7. Morris L. Cohan, Legal Research in Nutshell (1996), West Publishing Co.
8. Havard Law Review Association, Uniform System of Citations
9. ILI Publication, Legal Research and Methodology

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SEMESTER– III

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective		International Humanitarian Law And Refugee Law	5	100	Three Hours

PAPER – 2: INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW

Course Objectives:

- The two world wars had had enough of lessons to teach. But the present scenario shows that the nations have not learnt any lesson: wars continue to be there.
- The International Humanitarian Law aims at humanizing war though war itself is inhuman. Human rights do have value only in peace time. War is the negation of all human rights.
- Though the United Nations Charter does not permit war, it has shown the wisdom to regulate the war if one occurs. War is one of the factors which creates the problem of refugees.
- There have been some endeavors on the part of the international community to protect the interests of refugees. But due to political interference, the formulation of the definition of the term 'refugee' in the 'Convention relating to the status of refugees' has been such that it helps the developed countries to shirk the responsibility towards the refugees leaving the burden to the developing countries.
- This course intends to equip the students with the awareness of the various problems of refugees and to inspire them to critically evaluate the international conventions and national legislation.

Course Contents:

- 1. EVOLUTION OF INTERNATIONAL HUMANITARIAN LAW (IHL)**
 - 1.1. Origin of International Humanitarian Law
 - 1.2. Development of International Humanitarian Law
 - 1.3. Geneva Convention for the amelioration of the condition of the wounded in armies in the field 1864
 - 1.4. The Hague Conventions respecting the laws and customs of war on land 1899
- 2. INSTRUMENTS OF INTERNATIONAL HUMANITARIAN LAW (IHL) - (GCI), (GCII), (GCIII), (GCIV)**
 - 2.1. The First Geneva Convention provides protection to wounded and sick 1949 and Protocol 1977
 - 2.2. The Second Geneva Convention provides protection to the wounded, sick and shipwrecked in armed conflicts at sea. 1949
 - 2.3. The Third Geneva Convention provided protections for Prisoners of War 1949 and Protocol 1977

- 2.4 The Fourth Geneva Convention provides protection to civilians in armed conflict, including those living under occupation 1949 and Protocol 2005
- 2.5 Internally Displaced Persons: UN Guiding Principles on Internal Displacement 1998
- 3. IMPLEMENTATION AND ENFORCEMENT OF IHL**
 - 3.1 Concept of Protecting Power
 - 3.2 International Criminal Courts and Tribunals
 - 3.3 International Committee of the Red Cross (ICRC)
 - 3.4 Role of NGOs
- 4. INTERNATIONAL REFUGEE LAW**
 - 4.1 The History of International Refugee Law
 - 4.2 Determination of Refugee Status under the Refugee Convention 1951 and Protocol 1967
 - 4.3 United Nations High Commissioner for Refugees (UNHCR)
 - 4.4 Protection under International Law as Right to Asylum
- 5. REFUGEES PROTECTION IN INDIA**
 - 5.1 Policy and Status of refugees in India under UNHCR
 - 5.2 Indian critique of UNHCR and the Convention
 - 5.3 Solution to Refugee Problem
 - 5.3.1 Resettlement in third country, Temporary Protection, Safety Zones
 - 5.3.2 International burden sharing
 - 5.3.3 Ultimate solution: tackling the root causes.

Reference:

1. International Humanitarian Law, Rules, Controversies, and Solutions to Problems Arising in Warfare
2. Dr. B.H.Bharad, Dr. A.P.Dasani, Dr. R.R.Singh, Human Rights International Humanitarian Law and Refugees Laws, Acadamis Press.(2020)
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10. Sinha, Manoj K., Basic Documents on International Human Rights and Refugee Laws (New Delhi: Manak Publications, 2000)
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15. Kelly Dawn Askin, War Crimes against Women, (1997).
16. M.K.Balachandran, Rose Varghese, Introduction to International Humanitarian Law,(1997).
17. Veral Gowlland- Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996).
18. Anti-personnel Landmines Friend or Foe? International Committee of Red Cross, (1996).
19. Resettlement Handbook, The United Nations High Commissioner for Refugees.
20. James C. Hathaway, Hohn A. Dent, Refugee Rights: Report on a Comparative Survey, (1995)

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SEMESTER– III

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective		Human Rights of Disadvantaged People and Vulnerable Groups	5	100	Three Hours

PAPER – 3: HUMAN RIGHTS OF DISADVANTAGED PEOPLE AND VULNERABLE GROUPS

Course Objectives:

- An understanding of concept of exclusion and marginalization of disadvantage people and vulnerable groups.
- Achieve ability to assess the practical effectiveness of different mechanisms for implementing or enforcing human rights of disadvantage people and vulnerable groups.
- Causal factors of human rights violations, human rights norms, and legal remedies available to these disadvantage people and vulnerable groups in national and International legal framework.
- Understand key topics in LGBTQ and human rights in a multifaceted way and Conduct careful, rigorous research on human rights and LGBTQ issues.

Course Contents:

1. MEANING AND CONCEPT OF VULNERABLE AND DISADVANTAGED GROUPS

- 1.1 Customary and Kind of Groups
- 1.2 Identification of Disadvantaged People
- 1.3 Economic and Social Inequalities
 - 1.3.1 Land Rights, Rural Indebtedness
 - 1.3.2 Impact of Forest Law on Tribal Community
 - 1.3.3 Bonded Labour; Issues of Human Dignity
- 1.4 Socio-Economic and Cultural Problems of Vulnerable and Disadvantaged Groups

2. HUMAN RIGHTS OF VULNERABLE GROUPS

- 2.1 Women's Rights: International and National Standards
- 2.2 Children's Rights: International and National Standards
- 2.3 Scheduled Castes and Scheduled Tribes
 - 2.3.1 Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
 - 2.3.2 Constitutional and Legal Rights of Scheduled Caste and Scheduled Tribes
- 2.4 Elderly Persons
 - 2.4.1 The United Nations Principles on Rights of Elderly

2.4.2 The Maintenance and Welfare of Parents and Senior Citizens Act, 2007
and other Provisions

3. HUMAN RIGHTS OF DISADVANTAGED GROUPS I

- 3.1 Stateless Persons, internally displaced persons and refugees
 - 3.1.1 Concept of Nationality and Citizenship
 - 3.1.2 Concept and Causes of Statelessness and its International Legal Standards
 - 3.1.3 Consequences of Statelessness on Human Rights
- 3.2 Indigenous Peoples
 - 3.2.1 International Norms Relating to Tribal and Other Indigenous Groups
 - 3.2.2 UN Declaration on the Indigenous Peoples 1995,
 - 3.2.3 UN Voluntary Fund for Indigenous Populations 1985
 - 3.2.4 UN Declaration on the Rights of Indigenous Peoples 2007
- 3.3 Rights of Migrant workers
 - 3.3.1 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families-1992
 - 3.3.2 Right of Migrant Workers in India

4. HUMAN RIGHTS OF DISADVANTAGED GROUPS II

- 4.1 HIV positive persons and AIDS victims and Human Rights: International and National Scenario
 - 4.1.1 International Human Rights Obligations and HIV
 - 4.1.2 States' obligation to respect and protect Human rights and Violations
- 4.2 Disabled Person and Human Rights
 - 4.2.1 Convention on the Rights of Persons with Disabilities, 2006
 - 4.2.2 Laws Relating to Disabled in India
 - 4.2.3 Right to health of persons with disabilities in India
- 4.3 Right of LGBT People: International and National Scenario
- 4.4 Sex Workers and Human Rights
 - 4.4.1 The Immoral Traffic (Suppression) ACT of 1956

5. INSTITUTIONAL SAFEGUARDS FOR HUMAN RIGHTS PROTECTION

- 5.1 National Commissions
- 5.2 State Commissions
- 5.3 Various Landmark Judgments
- 5.4 Role of Media
- 5.5 Role of Non-Governmental Organizations

References:

- 1. Sinus, J., Women, Health and the Environment: An Anthology: Tabular Information on Legal Instruments dealing with HIV Infections and AIDs (Geneva: WHO, 1994).
- 2. Upendra Baxi : Dignity In and With Naz, Law Like Love
- 3. B.D. Sharma, Rights of Tribals, Journal of the NHRC, Vol. 1, 2002, 79-132

4. Chandrima Chatterjee and Gunjan Sheoran: Vulnerable Groups in India, Centre for Enquiry into Health and Allied Themes, 2007, Mumbai
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12. International Covenant on Economic, Social and Cultural Rights, UN General Assembly Resolution 2200A (XXI), A/6316 (1966)
13. United Nations. (2011). The United Nations Speaks Out: Tackling Discrimination on Grounds of Sexual Orientation and Gender Identity. [Brochure]. www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTBrochure.aspx
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SEMESTER– III

Name of Course	Semester	Core/Elective/ Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective		Human Rights And Environment Protection	5	100	Three Hours

PAPER – 4: HUMAN RIGHTS AND ENVIRONMENT PROTECTION

Course Objectives:

- Through the centuries of their growth, societies had done their best to keep their neighborhood clean and health.
- Industrialisation brought in its wake unprecedented and unpredicted environmental hazards and upset the old ethos and equilibrium.
- The environmental consciousness is an offshoot of this saga of industrial growth. It is said that the world environmental consciousness had made a radical change in the character of international law from a moral code of ethics among nations to an almost positive law imposing on the states to observe environmental norms.
- Striking a significant note at the close of the last millennium, areas of international concern on environment are legion.
- Modes of reconciling the conflicts are also varied. The concept of sustainable development is a significant tool both at the international level and at the domestic system for reconciliation of environmental values and developmental needs.

Course Contents:

1. MEANING, NATURE AND SCOPE OF ENVIRONMENT

- 1.1 Meaning and Concern for Environment, historical Perspective,
- 1.2 Pollution and its effects on environment and life on earth,
- 1.3 Right to clean environment: Right to environment versus right to development
- 1.4 Threats to environment.

2. INTERNATIONAL APPROACH TO ENVIRONMENT PROTECTION AND HUMAN RIGHTS

- 2.1 Interrelation between Environment and Human rights
 - 2.1.1 Stockholm Conference (The United Nations Conference on Human Environment, 1972)
 - 2.1.2 Aims and Objectives and Framework of the Conference,
- 2.2 United Nations Declaration on the Human Environment, 1972
- 2.3 World Commission on Environment and Development (1987)
- 2.4 The United Nations Conference on Environment and Development, (UNCED) (Earth Summit, 1992) Agenda 21: Blue Print for action in 21st century and HR
 - 2.4.1 Aims, Objectives and Framework of the Conference,

- 2.4.2 Earth Charter or Rio Declaration
- 2.5 General Assembly Special Session on the Environment (1997) (Earth Summit +5)

3. HUMAN RIGHTS APPROACH TO ENVIRONMENTAL PROTECTION

- 3.1. Constitutional Perspective towards Environment
- 3.2 Traditional Knowledge and Environment Protection
 - 3.2.1 Right to Indigenous People
 - 3.2.2 Intellectual Property aspect of Traditional Knowledge
 - 3.2.3 Issues of Benefit Sharing of Traditional Knowledge
- 3.3 Rights of Forest Dwellers
 - 3.3.1 The Scheduled Tribes and other Traditional Forest Dwellers (Recognition and Forest Right) Act, 2006
- 3.4 Right of Future Generations

4. ENVIRONMENT POLLUTION AND LEGAL ORDER FOR PROTECTION IN INDIA

- 4.1. The Water Act, 1974 and the Air Act 1981
 - Regulatory Authorities and their Powers & Functions, Pollution Control Measures, Remedies
- 4.2 Environment (Protection) Act, 1986
 - 4.2.1 Regulatory authorities and their powers and functions
 - 4.2.2 Environment Protection Measures
 - 4.2.3 Remedies
- 4.3 Environment Impact Assessment Notification, 1994 and Public Hearing Notification, 1997

5. JUDICIAL APPROACH, ENFORCEMENT & INSTITUTIONAL MECHANISM FOR ENVIRONMENT PROTECTION IN INDIA

- 5.1. Judicial Approach: Writ under Art. 32 and 226, Landmark Judgments
 - 5.1.1 Polluter Pays Principles: Absolute Liability of Hazardous Industries
 - 5.1.2 Precautionary Principle
 - 5.1.3 Public Trust Doctrines
 - 5.1.4 Judicial Expansion of Article -21
- 5.2 Tribunal: National Green Tribunal (NGT Act, 1995)
- 5.3 National Environment Appellate Authority
- 5.4 CPCB and State Pollution Control Boards: Process and Remedies

References:

- 1. John, K. Thomas (ed) 2005 Human Rights of Tribal Isha Books, New Delhi
- 2. Amar Gupta 2005 Human Rights of Indigenous People Isha Books H.M.Seervani(ed) 2006
- 3. Constitutional law of India Universal Law Publisher, Co. Pvt. Ltd.
- 4. J.K.Das, 2001 Human Rights and Indigenous Peoples A.P.H. publishing Corporation, New Delhi

5. Macrory (2010) Regulation, Enforcement and Governance in Environmental Law (Hart Publishing Paperback)
6. Holder and Lee, Environmental Protection, Law and Policy (Cambridge University Press, 2007)
7. Birnie Patricia Boyle Alan and Redgwell Catherine, International Law and the Environment, 3rd Edition, Oxford University Press.
8. Stranks Jeremy, The A-z of the Environment, Viva Books Publication
9. Ramaswamy R Iyer, Water and the Laws in India (Centre for Policy Research, New Delhi, Sage Publications 2009).
10. Jain, S. N., Alice Jacob, and Subash C. Jain (1971), Interstate Water Disputes in India: Suggestions for Reform of Law (New Delhi: The Indian Law Institute)
11. Rao, D. S. (1998), Inter-State Water Disputes in India: Constitutional and Statutory Provisions and Settlement Machinery.
12. Leelakrishnan P, Environmental Law in India, Lexis Nexis- New Delhi
13. Shyam Diwan, Armin Rosencranz, Environmental Law and Policy in India, Oxford
14. Legal Control of Environmental Pollution by Mahesh Mathur – Deep & Deep Publication, New Delhi
15. Environmental Law by Dr H N Tiwari – Allahabad Law Agency
16. Law Relating to Environmental Pollution and Protection by Dr N Maheswar Swamy – Asian Law House
17. Environmental Law in India, P Leelakrishnan, LexisNexis (2016)
18. Environmental Law, S C Shastri, Eastern Book Co (2017)
19. Gromley W.P., Human Rights and Environment, (1976)

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SEMESTER– III

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	3	Elective		Problem, Protection and Enforcement of Human Rights	5	100	Three Hours

PAPER – 5: PROBLEM, PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS

Course Objectives:

- Understand some specific societal problem of Human Rights violation against weaker sections and legislative provisions for their protection and explain the constitutional vision of social justice.
- Conceptualize the scope of whistle blowing in constitutional governance and describe the merits and demerits of the decision-making institutions and distinguish the working of Courts and Tribunals.
- Explain the judicial, legal and administrative issues involving the access to justice as human rights.
- Student will be able to analyse and identify state obligation to the promotion and protection of human rights under the United Nations Charter at national level with its mechanism and Role of NGO and education of Human rights.
- Familiarising students with the judicial activism in protecting human rights and enables them to evaluate the adequacy of the methods of enforcement.

Course Contents:

1. SOCIETAL PROBLEMS AND STATUS OF HUMAN RIGHTS

- 1.1 Indian Society: Social Structure, Social Inequality, Caste Hierarchy
- 1.2 Core problems: Poverty, illiteracy, Custodial violence
- 1.3 Some Specific Problems of violation in public domain
 - 1.3.1 Communal and Caste conflicts, State, landlords, employers, etc.
 - 1.3.2 Discrimination on Basis of Cast, Social, Cultural, Political and Economic
- 1.4 Violations in private domain: Within the Family, by Dominant

2. PROBLEMS OF HUMAN RIGHTS ENFORCEMENT IN INDIA

- 2.1 The Directive Principles of State Policy: The Question of Effectiveness and Enforcement
- 2.2 Fundamental Rights and Repressive Laws: Preventive Detention, MISA, TADA & POTA, Armed Forces (Special Powers) Act, National Security Act and Criminal Law Amendment etc.
- 2.3 Legislation for the Weaker Sections: The Question of Enforcement
- 2.4 Social prejudices against Caste, Women, Minorities etc.

3. HUMAN RIGHTS PROTECTIVE MECHANISM AT GLOBAL LEVEL

- 3.1 UN General Assembly and UN Security Council,
 - 3.2 UN and United Nations High Commissioner for Human Rights (OHCHR)
 - 3.3 ECOSOC - United Nations Commission on Human Rights (UNCHR) (up to 2006) & United Nations Human Rights Council (UNHRC),
 - 3.4 United Nations Human Rights Committee under the ICCPR
 - 3.5 International Court of Justice (ICJ) & International Criminal Court (ICC)
 - 3.6 ILO Declaration on Fundamental Principles and Rights at Work
- 4. CONSTITUTIONAL GOVERNANCE AND HUMAN RIGHTS PROTECTION**
- 4.1 Constitutional provision: Legislature, Executive, Judiciary
 - 4.2 Constitutional Remedies: Articles 51, 253 with 246, PIL (Art. 32 & 226)
 - 4.3 Tribunals: (Article 323 - A & B) Administrative Tribunals, NGT, Water Disputes Tribunal etc.
 - 4.4 Role of Judiciary through Land mark Judgments – PIL
- 5. INSTITUTIONAL FRAMEWORKS FOR HUMAN RIGHTS ENFORCEMENT IN INDIA**
- 5.1 National Specialized Agencies: Law Commission, SC/ST Commission, Minorities Commission, Women's Commission, Child Right Commission and Human Rights Commission
 - 5.2 Professional Councils: Press, Medical, Bar
 - 5.3 NGOs, Social movements and various pressure groups
 - 5.4 Human Rights Education: Problems and Prospects

References:

1. Bhagwati, P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharut, 1985). Bhargava, G.S. and
2. Dr. B. H. Bharad, Dr. R R. Singh, Dr. A. P. Dasani "Human Rights: International Orders and Perspectives" Bookends Publishing, New Delhi (2021)
3. R.M.Pal, ed., Human Rights of Dalits: Societal Violation (New Delhi: Gyan Publishing House, 2000).
4. Bhatia, K.L. and others, Social Justice of Dr. B.R. Ambedkar (New Delhi: Deep and Deep, 1995).
5. Borgohain, Bani, Human Rights: Social Justice and Political Change (New Delhi: Kanishka Publishers, 1999).
6. Chandra, Shailja, Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles (New Delhi: Deep and Deep, 1998).
7. (2003) Human Rights: International protection monitoring, enforcement (Paris: UNESCO Publishing).
8. D.D.Basu, Human Rights in Indian Constitutional Law, (1994).
9. Vijay Chitnis, (et.al.). Human Rights and the Law. National and Global Perspectives, (1997).
10. B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).
11. James Vadakkumchery, Human Rights and the Politics in India, (1996).
12. D.R.Saxena, Tribals and the Law, (1997).
13. Poornima Advani, Indian Judiciary: A Tribute, (1997).
14. Justice Venkataramiah, Human Rights in the Changing World, (1998)
15. Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).

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Semester – IV

Sr. No.	Course Title	Credit	Marks	Teaching Hours per Week
1.	Dissertation / Submission & Viva-Voce (Core Course-6)	10	(150+50) 200	10
2.	Legal Research Practical (Doctrinal & Non Doctrinal Research) (Core Course-7)	05	100	05
3.	Skill Enhancement (Class Room Teaching & Clinical Research Report) (Core Course-8)	05	100	05
	Sub-Total	20	400	20
	Grand Total	85	1700	85

SEMESTER– IV

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	4	Core		Dissertation / Submission & Viva-Voce	10	(150+50) 200	

PAPER – 1: DISSERTATION / SUBMISSION & VIVA-VOCE

Course Objectives:

- This subject will help the students to enhance their research, analytical and writing skills.
- This subject will help the students to enhance their research, analytical and writing skills.
- Student could improve your analytical and cognitive abilities

Course Contents:

This course is a research oriented. Every student has to carry out Dissertation should be on topics from the area of specialization chosen topic or issue from the subjects taught in the last three semesters and approved by the Departmental Committee. The dissertation is expected to be an in depth and critical/analytical/comparative analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, articles and books relevant to the topic in the form of footnotes and bibliographical references, Typed and bound dissertations shall be of uniform pattern with applying Legal Research Methodology which is to be submitted for evaluation internally and externally has to appear for viva-voce.

1. STUDENTS ARE REQUIRED TO FOLLOW THE STEPS GIVEN BELOW FOR PREPARATION OF DISSERTATION

- Title of the study
- Objectives of the study
- Significance & Utility of the Study
- Research Problem/ Problem of the study
- Objectives of the study
- Hypothesis
- Review of Literature
- Operational concepts and variables of the study
- Research Design:
 - a) Nature/ Type of the study b) Method of data collection c) Sources of data
- Collection
- Limitations of the study

- Possible contribution of the study
- Chapterization / Scheme of the Study

2. LL.M STUDENTS ARE REQUIRED TO FOLLOW THE FOLLOWING STRUCTURE FOR DISSERTATION

- Cover
- Cover Page
- Certificate
- Declaration Certificate by Candidate
- Acknowledgement
- List of Case Laws
- List of Tables
- Abbreviations
- Contents
- Chapter I: Introduction (Theoretical Background and Research Methodology)
- Chapter II to V
- Chapter VI: Conclusions (Major Findings and Suggestion)
- Bibliography (Books, Journals, Newspapers, Websites, Research Reports, Magazines etc.)
- Annexures (Interview Schedules, Questionnaires, Master Charts, Acts, Bills, Maps etc.)

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SEMESTER– IV

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	4	Core		Legal Research Practical (Doctrinal & Non Doctrinal Research)	5	100	

PAPER – 2: LEGAL RESEARCH PRACTICAL (DOCTRINAL & NON DOCTRINAL RESEARCH)

Course Objectives:

- Learning while doing
- Sensitize the students for research
- Sensitize the students for teaching
- Sensitize the students for social work

The practical examination shall be held at the end of the third semester on Research Methodology Law. Teaching and Clinical work. There shall be 50 Marks each for Doctrinal research and for Non-doctrinal research. As well as 50 marks each for Class room teaching and clinical Research work.

Course Contents:

1. DOCTRINAL RESEARCH (50 MARKS)

Each student is assigned in advance a separate topic and asked to collect materials. A period of during the semester can be set apart for carrying out this assignment in the library. The materials indicated or collected during the assignment shall be submitted and evaluated by a team of faculty members.

2. NON-DOCTRINAL RESEARCH (50 MARKS)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed by a team of faculty members.

The Doctrinal research and Non Doctrinal Research in spiral/Hard bound in two copies to college and evaluate by a team of faculty members.

❖ TOOLS OF RESEARCH:

1. Statutory materials.
2. Reports of Committees.

3. Legal history
4. Judgments
5. Case Reports
6. Case and Digest
7. Conference Proceedings
8. Online available information
9. Any information which is already published

❖ **STEPS IN RESEARCH REPORT:**

1. Introduction (context and general background)
2. Statement of research problem.
3. Objectives
4. Literature review
5. Hypotheses/research question.
6. Data Collection (Identification of material and cases etc.
7. Discussion (Critical commentary by examining the objectives and hypotheses and deriving inferences)
8. Conclusions/Recommendations
9. Bibliography
10. Appendix

❖ **THE RESEARCH MUST COMPLY WITH THE FOLLOWING FORMAT:**

1. Size of paper: A4
2. Margins: Top: 1", Left: 1.5", Right: 1" and Bottom: 1".
3. Paper quality: Normal Paper
4. Printing: printing on both sides only with 1.5 line spacing
5. Font: Times New Roman
6. Title / Top and Inner first pages: Title of Project Report.
7. Declaration by the Scholar
8. Others papers
9. Table of contents

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SEMESTER– IV

Name of Course	Semester	Core/Elective/Allied/Practical/Project	Course/Paper Code	Course/Paper Title	Credit	Practical / Viva Exam Marks	External Exam Time Duration
LL.M.	4	Core		Skill Enhancement (Class Room Teaching & Clinical Research Report)	5	100	

PAPER – 3: SKILL ENHANCEMENT (CLASS ROOM TEACHING & CLINICAL RESEARCH REPORT)

Course Objectives:

- The students after completion of their master degree will be well equipped with teaching styles, teaching objectives and teaching methods.
- Students can assist departments and program to think about their curriculums. When outcomes are defined, departments can map the outcomes onto the courses that they teach to identify areas within the program where outcomes may overlap (or otherwise be redundant) or where gaps may exist.
- Allow instructors to indicate what knowledge, skills and abilities students are expected to have mastered at the end of their course allow them to communicate expectations to students.
- Provide students with a way to articulate the knowledge and abilities that they have gained and to express what they know to others.

Course Contents:

1. CLASS ROOM TEACHING (50MARKS)

A topic is assigned to the student in advance. He/She is required to handle a class for 60 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students. They can select any of the methods of teaching. In legal education practical, the LL.M. students are evaluate by a team of Faculty members or experts.

2. EXTENSION LEGAL SERVICES & CLINICAL RESEARCH REPORT (50MARKS)

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint with court proceedings, working of a business organization, tackling of labour disputes, family disputes, drafting of business or other deeds and with public interest litigation. The

initiative and potential of the student and the actual work turned out by him shall be assessed by a team of Faculty members.

As a part of clinical research each student has to visit for 10 working days in two different Legal Institutions / NGO to each to understand the functioning of these institutions and its relation with the Human rights and society related issues at large and has to submit a report for evaluation and evaluate by faculties.

❖ **STEPS ARE REQUIRED TO FOLLOW IN CLINICAL RESEARCH REPORT:**

1. Certificate issued by Institution
2. Summary of Report
3. Table of Content
4. Introduction of visited institution
5. Constitution of Institution
6. Functions
7. Work areas
8. Contribution
9. Analysis
10. Conclusion.

❖ **THE CLINICAL RESEARCH REPORT MUST COMPLY WITH THE FOLLOWING FORMAT:**

1. Size of paper: A4.
2. Margins: Top: 1", Left: 1.5", Right: 1" and Bottom: 1".
3. Paper quality: Normal Paper.
4. Printing: printing on both sides only with 1.5 line spacing.
5. Font: Times New Roman.
6. Title / Top and Inner first pages: Title of Clinical Research Report.
7. Declaration by the Scholar.
8. If Photographs available

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