

2. **Development and Regulation of Industries**
3. **Take-over of Management and Control of Industrial Units**
4. **Sick Undertakings: Nationalisation or Winding Up?**
5. **Licensing Policy and Legal Process - Growing Trends of Liberalisation**
6. **Deregulation of essential commodities: developmental sign or a social mishap?**
7. **Financial Services : Changing Techniques of Regulation**
8. **Critical Issues Regarding the Capital Issues**
  - 8.1. Equity and debt finance
  - 8.2. Global depositories
  - 8.3. De-materialised securities
9. **Problems of Control and Accountability: Regulation of Hazardous Activity**
  - 9.1. Mass disaster and environmental degradation : legal liability and legal remedies
  - 9.2. Public Liability Insurance : adequacy
  - 9.3. Issues in zoning and location of industrial units
10. **Special Aspects of Legal Regulation of Select Public Enterprises**
  - 10.1. Telecom Regulatory Authority
  - 10.2. Insurance Regulatory Authority
  - 10.3. Broadcasting Regulatory Authority
11. **Legal Regulation of Multi-Nationals**
  - 11.1. Collaboration agreements for technology transfer
  - 11.2. Development and regulation of foreign investments
    - 11.2.1. Investment in India : FDIs and NRIs
    - 11.2.2. Investment abroad

### **Select Bibliography**

- S.Aswani Kumar, The Law of Indian Trade Mark (2001), Commercial Law House, Delhi.
- Industrial Policy Resolutions of 1948,1956, 1991
- Industrial Licensing Policy 1970,1975
- Industrial Policy Statements 1973,1977, 1980
- Reports of Committees on Public Undertakings of Parliament.
- Industries (Development and Regulation) Act, 1951
- U. Baxi (ed.), Inconvenient Forum and Convenient Catastrophe The Bhopal Case, (1986) U.Baxi & T. Paul (eds.), Mass Disasters and Multinational Liability (1986)
- U. Baxi & A. Dhandba, Valiant Victims and Lethal Litigation: The Bhopal Case (1989)
- Indian Law Institute, Law of international Trade Transactions, (1973)

### **PAPER – IV : LAW OF EXPORT IMPORT REGULATION**

- 1. Introduction**
  - 1.1. State control over import and export of goods - from rigidity to liberalisation.
  - 1.2. Impact of regulation on economy.
- 2. The Basic Needs of Export and Import Trade**
  - 2.1. Goods
  - 2.2. Services
  - 2.3. Transportation
- 3. International Regime**
  - 3.1. WTO agreement
  - 3.2. WTO and tariff restrictions
  - 3.3. WTO and non-tariff restrictions
  - 3.4. Investment and transfer of technology

- 3.5. Quota restriction and anti-dumping
- 3.6. Permissible regulations
- 3.7. Quarantine regulation
- 3.8. Dumping of discarded technology and goods in international market
- 3.9. Reduction of subsidies and counter measures.

#### **4. General Law on Control of Imports and Exports**

- 4.1. General scheme
- 4.2. Legislative control
  - 4.2.1. Power of control : Central government and RBI
  - 4.2.2. Foreign Trade Development and Regulation Act 1992
  - 4.2.3. Restrictions under customs law
    - 4.2.3.1. Prohibition and penalties
- 4.3. Export-Import formulation : guiding features
  - 4.3.1. Control under FEMA
  - 4.3.2. Foreign exchange and currency
    - 4.3.2.1. Import of goods
    - 4.3.2.2. Export promotion councils
    - 4.3.2.3. Export oriented units and export processing zones

#### **5. Control of Exports**

- 5.1. Quality control
- 5.2. Regulation on goods
- 5.3. Conservation of foreign exchange
  - 5.3.1. Foreign exchange management
  - 5.3.2. Currency transfer
  - 5.3.3. Investment in foreign countries

#### **6. Exim Policy : Changing Dimensions**

- 6.1. Investment policy : NRIs, FIIs (foreign institutional investors), FDIs
- 6.2. Joint venture
- 6.3. Promotion of foreign trade
- 6.4. Agricultural products



6.5. Textile and cloths

6.6. Jewellery

6.7. Service sector

**7. Law Relating to Customs**

7.1. Prohibition on importation and exportation of goods

7.2. Control of smuggling activities in export-import trade

7.3. Levy of, and exemption from, customs duties

7.4. Clearance of imported goods and export goods

7.5. Conveyance and warehousing of goods

**8. Regulation on Investment**

8.1. Borrowing and lending of money and foreign currency

8.2. Securities abroad - issue of

8.3. Immovable property - purchase abroad

8.4. Establishment of business outside

8.5. Issue of derivatives and foreign securities – GDR (global depositories receipts), ADR (American depository receipts) and Uro

8.6. Investment in Indian banks

8.7. Repatriation and surrender of foreign securities

**9. Technology transfer**

9.1. Restrictive terms in technology transfer agreements

9.2. Automatic approval schemes

**Select Bibliography**

Government of India, Handbook of Import Export Procedures, (Refer to the latest edition)

Government of India Import and Export Policy (1997 -2002)

The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi.

Foreign Trade Development and Regulation Act 1992 and Rules

Foreign Exchange Management Act 1999

Marine Products Export Development Authority Act 1972

Customs Manual (Latest edition)

Final Treaty of GATT, 1994.

## **PAPER – V : INSURANCE LAW**

### **1. Introduction**

- 1.1. Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity
- 1.2. Insurance policy, law of contract and law of torts-future of insurance : need, importance and place of insurance
- 1.3. Constitutional perspectives- the Entries 24,25,29,30,47 of List 1 Union List; 23, 24, of List III

### **2. General Principles of Law of Insurance**

- 2.1. Definition, nature and history
- 2.2. The risk - commencement, attachment and duration
- 2.3. Assignment and alteration
- 2.4. Settlement of claim and subrogation
- 2.5. Effect of war upon policies

### **3. Indian Insurance Law: General**

- 3.1. History and development
- 3.2. The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000
- 3.3. Mutual insurance companies and cooperative life insurance societies
- 3.4. Double Insurance and re-insurance

### **4. Life Insurance**

- 4.1. Nature and scope
- 4.2. Event insured against life insurance contract
- 4.3. Circumstances affecting the risk
- 4.4. Amounts recoverable under life policy
- 4.5. Persons entitled to payment
- 4.6. Settlement of claim and payment of money

## **5. Marine Insurance**

- 5.1. Nature and Scope
- 5.2. Classification of marine policies
  - 5.2.1. The Marine Insurance Act, 1963
  - 5.2.2. Marine insurance
  - 5.2.3. Insurable interest, insurable value
  - 5.2.4. Marine insurance policy- condition - express warranties construction of terms of policy
  - 5.2.5. Voyage-deviation
  - 5.2.6. Perils of the sea
  - 5.2.7. Assignment of policy
  - 5.2.8. Partial laws of ship and of freight, salvage, general average, particular charges
  - 5.2.9. Return of premium

## **6. Insurance Against Accidents**

- 6.1. The Fatal Accidents Act, 1855
  - 6.1.1. Objects and reasons
  - 6.1.2. Assessment of compensation
  - 6.1.3. Contributory negligence,
  - 6.1.4. Apportionment of compensation and liability
- 6.2. The Personal Injuries (Compensation insurance) Act 1963
  - 6.2.1. Compensation payable under the Act
  - 6.2.2. Compensation insurance scheme under the Act-Compulsory insurance

## **7. Property Insurance**

- 7.1. Fire insurance
- 7.2. The Emergency Risks (Factories) Insurance
- 7.3. The Emergency Risks (Goods) Insurance
- 7.4. Policies covering risk of explosion
- 7.5. Policies covering accidental loss, damage to property
- 7.6. Policies covering risk of storm and tempest



- 7.7. Glass-plate policies
- 7.8. Burglary and theft policies
- 7.9. Live stock policies
- 7.10. Goods in transit insurance
- 7.11. Agricultural insurance
- 8. Insurance Against Third Party Risks**
  - 8.1 The Motor Vehicles Act, 1988
    - 8.1.1 Nature and scope
    - 8.1.2 Effect of insolvency or death on claims of insolvency and death of parties, certificate of insurance
    - 8.1.3 Claims tribunal: constitution, functions, application for compensation, procedure, powers and award
  - 8.2 Liability Insurance
    - 8.2.1 Nature and kinds of such insurance
    - 8.2.2 Public liability insurance
    - 8.2.3 Professional negligence insurance
- 9. Miscellaneous Insurance Schemes: New Dimensions**
  - 9.1 Group life insurance
  - 9.2 Mediclaim, sickness insurance
- 10. ULIP**
- 11. Role of IRDA**

#### **Select Bibliography**

- John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia, Hongkong.
- Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
- Banerjee, Law of Insurance (1994), Asia Law House, Hyderabad.
- Mitra B.C, Law Relating to Marine Insurance (1997) Asia Law House, Hyderabad

JCB Gilmar and Mustill, *Arnold on the Law of Marine Insurance*, (1981),  
Sweet & maxwell

Birds, *Modern Insurance Law* (1997) Sweet & Maxwell

Colinvaux's *Law of Insurance* (1997), Sweet & Maxwell

O'Mary on *Marine Insurance* (1993), Sweet & Maxwell.

International Labour Office, *Administration Practice of social Insurance* (1985)

E.R. Hardy Ivamy, *General Principles of insurance Law* (1979)

Edwin W. Patterson, *Cases and Materials on Law of insurance* (1955)

M. N. Sreenivasan *Law and the Life Insurance Contract* (1914)

## **PAPER – VI : CORPORATE FINANCE**

### **1. Introduction**

- 1.1. Meaning, importance and scope of corporation finance
- 1.4. Capital needs - capitalisation - working capital - securities-borrowings-deposits debentures
- 1.5. Objectives of corporation finance - profit maximisation and wealth maximisation
- 1.6. Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46, 47, 52, 82, 85, and 86 of List 1 - Union List; entry 24 of List 11 - State List.

### **2. Equity Finance**

- 2.1. Share capital
  - 2.1.1. Prospectus - information disclosure
  - 2.1.2. Issue and allotment
  - 2.1.3. Shares without monetary consideration
  - 2.1.4. Non-opting equity shares

### **3. Debt Finance**

- 3.1. Debentures
  - 3.1.2. Nature, issue and class
  - 3.1.3. Deposits and acceptance
  - 3.1.4. Creation of charges
    - 3.1.4.5. Fixed and floating charges



3.1.5. Mortgages

3.1.6. Convertible debentures

**4. Conservation of Corporate Finance**

4.1. Regulation by disclosure

4.2. Control on payment of dividends

4.3. Managerial remuneration

4.4. Payment of commissions and brokerage

4.5. Inter-corporate loans and investments

4.6. Pay-back of shares

4.7. Other corporate spending

**5. Protection of creditors**

5.1. Need for creditor protection

5.1.1. Preference in payment

5.2. Rights in making company decisions affecting creditor interests

5.3. Creditor self-protection

5.3.1. Incorporation of favourable terms in lending contracts

5.3.2. Right to nominate directors

5.4. Control over corporate spending

**6. Protection of Investors**

6.1. Individual shareholder right

6.2. Corporate membership right

6.3. Derivative actions

6.4. Qualified membership right

6.5. Conversion, consolidation and re-organisation of shares

6.6. Transfer and transmission of securities

6.7. Dematerialisation of securities

**7. Corporate Fund Raising**

7.1. Depositories – IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts)

7.2. Public financing institutions - IDBI, ICICI, IFC and SFC

7.3. Mutual fund and other collective investment schemes

- 7.4. Institutional investments - LIC, UTI and banks
- 7.5. FDI and NRI investment - Foreign institutional investments (IMF and World bank)
- 8. Administrative Regulation on Corporate Finance**
  - 8.1. Inspection of accounts
  - 8.2. Role of SEBI and Tribunal
  - 8.3. Central government control
  - 8.4. Control by registrar of companies
  - 8.5. RBI control

### **Select Bibliography**

- Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
- Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.
- Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999), Oxford.
- Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
- H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
- J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
- Austen R.P., The Law of Public Company Finance (1986) LBC
- R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
- Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
- Gilbert Harold, Corporation Finance (1956)
- Henry E. Hoagland, Corporation Finance (1947)
- Maryin M. Kristein, Corporate Finance (1975)
- R.C. Osborn, Corporation Finance (1959)
- S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)
- V.G. Kulkarni, Corporate Finance (1961)
- Y.D. Kulshreshtha, Government Regulation of Financial management of Private Corporate Sector in India (1986)



Journals - Journal of Indian Law Institute, Journal of Business Law, Chartered Secretary, Company Law Journal, Law and Contemporary Problems.

Statutory Materials - Companies Act and laws relating SEBI, depositories, industrial financing and information technology.

**GROUP (C) - ENVIRONMENT AND LEGAL ORDER**  
**(ENVIRONMENTAL LAW)**

**PAPER – I : ENVIRONMENT AND DEVELOPMENT: LAW**  
**AND POLICY**

**1. The Idea of Environment**

- 1.1. Ancient and medieval writings
- 1.2. Traditions
- 1.3. Natural and biological sciences: perspectives
- 1.4. Modern concept: Conflicting dimension

**2. Development**

- 2.1. Theories of development
- 2.2. Right to development
- 2.3. Sustainable development - national and international perspectives
- 2.4. Developing economies

**3. Policy and Law**

- 3.1. From Stockholm to Rio and after
- 3.2. Post - Independence India
- 3.3. Role of government
  - 3.3.1. Five Year Plans
  - 3.3.2. Forest Policy
  - 3.3.3. Conservation strategy
  - 3.3.4. Water policy

**4. Population, Environment and Development**

- 4.1. Population explosion and environmental impact
- 4.2. Population and development



4.3. Population and sustainable development

## **5. Constitutional Perspectives**

5.1. Fundamental Rights

5.1.1. Right to environment

5.1.2. Enforcement of the right

5.1.3. Directive principles and fundamental duties

5.1.4. Legislative power

5.2. Environment : Emerging concepts and challenges

5.2.1. Polluter pay principle : absolute liability of hazardous industry

5.2.2. Precautionary principle

5.2.3. Public trust doctrine

## **Select Bibliography**

C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer

Madhav Gadgil and Ramachandra Guha, This Fissured Island: An Ecological History of India (1996), Oxford.

R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.

Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi.

Richard L. Riversz, et. al. (eds.), Environmental Law, the Economy and Sustainable Development (2000), Cambridge.

Christopher D.Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana

Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press.

Charles A.R. Webster, Environmental Health Law (1981)

Leelakrishnan, P et. al. (eds.) Law and Environment (1990), Eastern

Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India  
Department of Science and Technology, Government of India, Report of the  
Committee for Recommending Legislative Measures and Administrative

- Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
- Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc. Westbury, New York. Darryl D'Monte, Temples or Tombs Industry versus Environment: Three Controversies (1985), Centre for Science and Environment, New Delhi
- Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3, pp.353-801
- Khosho, Environmental Concerns and Strategies (1988), Ashish, Delhi
- Centre for Science and Environment, The State of India's Environment 1982, The State of India's Environment 1984-85 and The State of Indian Environment 1999-2000.
- World Commission on Environment and Development, Our Common Future (1987), Oxford. Garrett Hardin, The Ostrich Factor: Our Population Myopia (1998), Oxford

## **PAPER – II : RESOURCE MANAGEMENT AND THE LAW**

- 1. Water**
  - 1.1. Salinity
  - 1.2. Bund and spill ways
  - 1.3. Aquaculture and fishing : regulation
  - 1.4. Irrigation
  - 1.5. Ground water management
  - 1.6. Interstate water management and disputes
- 2. Land**
  - 2.1. Controls on land development
  - 2.2. Eco-friendly land planning: conservation, utilisation and conversion.
  - 2.3. Mining and quarrying
- 3. Concepts of Common Property and State Property**
  - 3.1. Forest
  - 3.2. Wildlife

- 3.3. Common facilities and the right to use: roads, parks, pathways, lakes, rivers
- 3.4. Natural heritage - Tribal habitat
- 3.5. Historical monuments
- 3.6. Wet lands: Wise use concept
- 4. Energy**
  - 4.1. Sources
  - 4.2. Energy related environmental problems: tapping, transmission and utilization, indiscriminate use
  - 4.3. Utilization of conventional energy: hydro-electric, thermal and nuclear
  - 4.4. Non-conventional energy: Solar, wind, tidal and biogas

#### **Select Bibliography**

- Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep publications, New Delhi
- WCED, Our Forest, Our Future (1999), Cambridge
- Abraham C.M. Environmental Jurisprudence in India (1999), Cluwer.
- Diwedi, India's Environmental Policies, Programmes and Stewardship (1999), Mc.Millan.
- Enid M.Barron, et.al. (eds.), Royal Commission on Environmental Pollution, London, U.K.(1998), Kluwer.
- David B Wilkins, Animal Welfare in Europe (1997), Kluwer
- Mark Austen and Tamara Richards, Basic Legal Documents on International Animal Welfare and Wild Life Conservation (2000), Kluwer.
- Jack Grosse, Protection and Management of Our Natural Resources, Wild Life and Habitat (1997), Oceana.
- Enid.M.Barson and Ilga Nielson (eds.) Agriculture and Sustainable Use in Europe (1998), Kluwer.
- Trever Hella Well, Blackston's Guide to Contaminated Land (2000), Blackstone Press.
- Leelakrishnan, P et. al. (eds.), Law and Environment (1990)



- Leelakrishnan, P, The Environmental Law in India (1999), Butterworths - India
- Frodorick R.Anderson, et.al. Environmental Improvement through Economic Incentives (1977)Indian Journal of Public Administration, Special Number on Environment and Administration. July-September 1988. Vol. XXXV, No.3
- David Hughes, Environmental Law, (1999) Butterworths, London
- A.R.Bam and P.N.Gantam, Natural Heritage of India (1989), R.K. Publishers, Delhi.
- Standing Committee on Environmental Law American Bar Association, Common Boundary/Common Problems: The Environmental Consequences of Energy Production (1982).
- S.K.Jain and A.R.K.Sastry, Threatened Plants of India: A State of the Art Report (1980)
- Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (1988), Butterworths,India.

### **PAPER – III : PREVENTION AND CONTROL OF POLLUTION**

- 1. Pollution**
  - 1.1. Meaning
  - 1.2. Kinds of pollution and their impact
- 2. Pollution of Water**
  - 2.1. Definition
  - 2.2. Ground water pollution
  - 2.3. Sources
  - 2.4. Critique of existing laws
    - 2.4.1. Machinery
    - 2.4.2. Powers
    - 2.4.3. Function
    - 2.4.4. Offences and penalties
- 3. Pollution of Air**
  - 3.1. Pollutants and effects

- 3.2. Modalities of control
- 3.3. Conflicts of jurisdiction of different control
- 3.4. Agencies
- 3.5. Critique of the existing legal frame work
- 4. Noise Pollution**
  - 4.1. Sources and effects
  - 4.2. Different legal controls
  - 4.3. Need for specific law
- 5. Disposal of Waste**
  - 5.1. Kinds of wastes
  - 5.2. Disposal agencies : local bodies and other agencies
  - 5.3. Disposal and recycling of wastes
- 6. Sanctions against Pollution**
  - 6.1. Efficacy of criminal and civil sanctions
  - 6.2. Corporate liability, civil and criminal
    - 6.2.1. Should penalties be prohibitive?
    - 6.2.2. Civil liability, compensatory and penal
    - 6.2.3. Administrative compensation system
  - 6.3. Incentives to pollution control

### **Select Bibliography**

- Kailash Thakur, Environmental Protection Law and Policy in India (1997),  
Deep & Deep publications, New Delhi
- Enid.M.Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in  
Europe (1998), Kluwer.
- John F.Mc.Eldownery and Sharron Mc.Eldownery, Environmental Law and  
Regulation (2000), Blackstone Press.
- Leelakrishnan, P et. al. (eds.), Law and Environment (1990)
- Leelakrishnan, P. The Environmental Law in India (1999), Butterworths
- Frödorick R.Anderson, et.al. Environmental Improvement Through Economic  
Incentives (1977)



David Hughes, Environmental Law (1999), Butterworths, London

Daniel R. Mandekar, Environmental and Land Controls Registration (1976),  
Bobbs-Merril, New York

Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal  
Case (1986),

Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986).

Armin Rozencranz, et.al. (eds.) Environmental Policy and Law in India (2000).  
Butterworths India.

**PAPER – IV : ENVIRONMENT AND INTERNATIONAL  
LEGAL ORDER**

- 1. International Concern for Environment Protection**
  - 1.1. World environment movement
  - 2.2. Natural and cultural heritage
  - 3.3. Role of international and regional organizations
- 2. International Obligations towards Sustainable Development**
  - 2.1. International financing policy
  - 2.2. World environment fund
  - 2.3. Global Environmental Facility (GEF)
    - 2.3.1. International co-operation
    - 2.3.2. Poverty alleviation
- 3. Marine Environment**
  - 3.1. Marine resources: conservation and exploitation
  - 3.2. Scientific research and exploration
  - 3.3. Antarctic environment
  - 3.4. International Seabed Authority
  - 3.5. Pollution from ships
  - 3.6. Dumping of oil and other wastes into the sea
- 4. Trans-boundry Pollution Hazards**
  - 4.1. Oil pollution
  - 4.2. Nuclear fall outs and accidents



- 4.3. Acid rain
- 4.4. Chemical pollution
- 4.5. Green house effect
- 4.6. Depletion of ozone layer
- 4.7. Space pollution
- 5. Control of Multinational Corporations and Containment of Environmental Hazards**
  - 5.1. Problems of liability and control mechanisms
  - 5.2. Disaster management at international level
  - 5.3. Monopoly of biotechnology by MNCs
- 6. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control**

#### **Select Bibliography**

- Priya Kanjan Trivedi, *International Environmental Laws* (1996), A.P.H. Publishing Corporation, New Delhi.
- Sir Elworthy and Jane Holder, *Environmental Protection: Text and Materials* (1997), Butterworths
- Nathali L.T.J. Horbach, *Contemporary Developments in Nuclear Energy Law* (1999), Kluwer.
- Henrick Ringbom (ed.), *Competing Norms in the Law of Marine Environmental Protection* (1997), Kluwer.
- Claus Bosselmann and Benjamin J. Richardson, *Environmental Justice and Market Mechanism* (1999), Kluwer.
- Jean-Pierre Beurier, *New Tehnologies and Law of Marine Environment* (2000), Kluwer.
- Richard L.Reversz et.al. (eds.) *Environmental Law, the Economy and Sustainable Development* (2000), Cambridge.
- Dovor Vidas, *Protecting the Polar Marine Environment* (2000), Cambridge.
- Aynsley Kellor, *International Toxic Risk Management* (1999), Cambridge.
- Zhiguo Gao, *Environmental Regulation of Oil and Gas* (1998), Kluwer.

- Indian Law Institute, Legal Control of Environmental Pollution (1980)
- Varshney, C.K. (ed.), Water Pollution and Management (1983), Wiley Eastern, New Delhi
- World Commission on Environment and development, Our Common Future (1987), Oxford.
- British Institute of International and Comparative Law, Selected Documents on International Environmental Law (1975), London.
- Standing Committee on Environmental Law American Bar Association, Common Boundary/Common Problems: The Environmental Consequences of Energy Production (1982).
- J.M.Spector, "Elephants, Donkeys and other Creatures? Presidential Election Cycles and International Law of the Global Commons" 15 AM.U. INT'L L.Rev.5, pp 976-1038 (1999)

## **PAPER – V : BIOLOGICAL DIVERSITY AND LEGAL ORDER**

### **1. Bio-diversity**

- 1.1. Meaning
- 1.2. Need for protection of bio-diversity
- 1.3. Dependence of human life on the existence in flora and fauna
- 1.4. Significance of wild life
- 1.5. Medicinal plants
- 1.6. Plant and micro-organism

### **2. Bio-diversity and Legal Regulation**

- 2.1. Utilization of flora and fauna for bio-medical purposes
- 2.2. Experimentation on animals: Legal and ethical issues
- 2.3. Genetic mutation of seeds and micro-organisms
- 2.4. Genetic engineering
- 2.5. Legal mechanisms of control
  - 2.5.1. Recognition of regional and local agencies



3. **Development Projects and Destruction of Bio-diversity : Concept of Sustainable Development**
4. **Problems in Legal Regulation of Medicinal Plants**
  - 4.1. Cosmetic plants
  - 4.2. Animal products
  - 4.3. Utilization of flora and fauna for bio-medical purposes by Multi-national corporations: Problems of control
  - 4.4. Regulation of trade in wild-life products
5. **Legal framework for Development and Protection of Sanctuaries**
  - 5.1. Parks
  - 5.2. Zoos
  - 5.3. Biosphere resources
  - 5.4. Protection of genetic resources for agriculture

### **Select Bibliography**

- Arjun Prasad Nagore, Bibliological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.
- Project Large, Plant Variety Protection and Plant Biotechnology - Options for India (1999), Allied.
- M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983
- Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982).
- K.L.Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation(1982), National Bureau of Plant Genetic Resources, New Delhi.
- P.N. Bhat et.al., Animal Genetic Resources in India (1981)
- P.N. Bhat, "Conservation of Animal Genetic Resources in India, "Animal Genetic Resources, Conservation and Management FAO, Rome, (1981).





## **PAPER – VI : ENVIRONMENTAL LEGISLATION**

### **1. General Laws on Environmental Concern**

- 1.1 Code of Criminal Procedure : Public nuisance
- 1.2. Provisions in the Indian Penal code
- 1.3. Local bodies law : an overview

### **2. Environment (Protection) Act, 1986**

- 2.1. 'Necessary and proper clause' : concentration of power on the Central Government
- 2.2. Delegated legislation: power to make rules, regulation and to issue directions
- 2.3. Delegation of powers

### **3. Coastal Zone Management**

- 3.1. Sea erosion
- 3.2. CRZ Notification
  - 3.2.1. Prohibitions and exemptions
  - 3.2.2. Permissible activities
- 3.3. Classification of zones
- 3.4. Regulation of sea resorts
  - 3.4.1. Eco-tourism
- 3.5. Coastal zone management plans
- 3.6. Aquaculture

### **4. Laws on Hazardous Substance**

### **5. Preparedness on Environmental Disasters**

### **6. Emerging Legal Controls**

- 6.1. Eco-mark
- 6.2. Environmental audit
- 6.3. Environment Impact Assessment
- 6.4. Public participation in environmental decision making
- 6.5. Environment information

### **Select Bibliography**

Leelakrishnan, P et. al. (eds.), Law and Environment (1990), Eastern, Lucknow

- Leelakrishnan, P, The Environmental Law in India (1999), Butterworths, India.
- Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
- Indian Law Institute, Environment Protection Act: An Agenda for Implementation (1987)
- Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol. XXXV, No.3
- Findley, R. W. and Farber, D.A., Environmental Law
- David Hughes, Environmental Law (1999), Butterworths, London
- Armin Rozencranz, et.al. (eds.), Environmental Policy and Law in India (2000), Oxford.

## **GROUP (D) : CONSTITUTIONAL LAW AND HUMAN RIGHTS LAW**

### **PAPER – I : CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

1. **Constitutionalism**
  - 1.1. Authoritarianism - Dictatorship
  - 1.2. Democracy - Communism.
  - 1.3. Limited Government - concept - Limitations on government power.
  - 1.4. What is a Constitution?
  - 1.5. Development of a democratic government in England - Historical evolution of constitutional government.
  - 1.6. Conventions of constitutionalism - law and conventions
  - 1.7. Written Constitutions: U.S.A. Canada Australia Sweden South Africa and India.
  - 1.8. Separation of powers: Montesquieu
  - 1.9. Rule of Law: Concept and new horizons



- 1.10. Marxist concept of constitutionalism
- 1.11. Dictatorship of the proletariat.
- 1.12. Communist State from Stalin to Gorbachov.
- 1.13. Fundamental Rights: Human rights
- 1.14. Judicial Review: European Court of Human Rights
- 1.15. Human Rights: International conventions
- 1.16. Limits & doctrine of domestic jurisdiction in international law.

## **2. Federalism**

- 2.1. What is a federal government?
- 2.2. Difference, between confederation and federation
- 2.3. Conditions requisite for federalism.
- 2.4. Patterns of federal government - U.S.A., Australia, Canada, India.
- 2.5. Judicial review - for federal umpiring
- 2.6. New trends in federalism: Co-operative federalism
- 2.7. India - Central Control v. State Autonomy
- 2.8. Political factors influencing federalism
- 2.9. Plural aspects of Indian Federalism : Jammu & Kashmir, Punjab, Assam.
- 2.10. Dynamic of federalism.

## **3. Pluralism**

- 3.1. What is a pluralistic society?
- 3.2. Ethnic, linguistic, cultural, political pluralism
- 3.3. Individual rights - right to dissent
  - 3.3.1. Freedom of speech and expression
  - 3.3.2. Freedom of the press
  - 3.3.3. Freedom of association
- 3.4. Rights to separateness
  - 3.4.1. Freedom of religion
  - 3.4.2. Rights of the religious and linguistic minorities
  - 3.4.3. Compensatory discrimination for backward classes
  - 3.4.4. Women - rights to equality and right to special protection



- 3.4.5. Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS - Exclusion from Hindu Law.
4. **Uniform Civil Code Non-State law (NSLS) and State Law Systems - Problem of a Uniform Code v personal laws vertical federalism**
5. **Equality in Plural Society.**
  - 5.1. Right to equality and reasonable classification
  - 5.2. Prohibition of discrimination on ground of religion, caste, sex, language.
  - 5.3. Abolition of untouchability
  - 5.4. Secularism - constitutional principles
  - 5.5. Tribal Groups and Equality
6. **Pluralism and International Concerns**
  - 6.1. International Declaration of Human Rights
  - 6.2. Conventions against genocide
  - 6.3. Protection of religious, ethnic and linguistic minorities
  - 6.4. State Intervention for protection of human rights
  - 6.5. Right of self-determination

#### **Select Bibliography**

- Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)
- V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)
- Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28J.I.L.I. 299 (1986)
- M.A. Fazal "Drafting A British Bill of Rights" 27 J.I.L.I. 423 (1985)
- M.P. Jain Indian Constitutional Law (1994), Wadhwa.
- Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.I.L.I. 198 (1985).
- Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 I.C.L.D. 89-108 (1988)

S.P. Sathe, Fundamental Rights and Amendment of the Indian Constitution,  
(1968)

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.

Students should consult relevant volumes of the Annual Survey of Indian Law  
published by the Indian Law Institute.

**PAPER – II :     NATIONAL SECURITY, PUBLIC ORDER, AND**  
**RULE OF LAW**

- 1.     National Security, Public Orders and Rule of Law**
  - 1.1.   Emergency Detention in England - Civil Liberties
    - 1.1.1. Subjective satisfaction or objective assessment?
  - 1.2.   Pre-Independence law.
- 2.     Preventive Detention and Indian Constitution**
  - 2.1.   Article 22 of the Constitution
  - 2.2.   Preventive Detention and Safeguards
  - 2.3.   Declaration of Emergencies
  - 2.4.   1962, 1965 and 1970 Emergencies
  - 2.5.   1975 Emergency
- 3.     Exceptional Legislation**
  - 3.1.   COFEPOSA and other legislation to curb economic offenders
  - 3.2.   TADA: "the draconian law"-comments of NHRC
  - 3.3.   Special courts and tribunals
  - 3.4.   Due process and special legislation
- 4.     Civil Liberties and Emergency**
  - 4.1.   Article 19
  - 4.2.   Meaning of "Security of State"
  - 4.3.   Meaning of "Public Order"
  - 4.4.   Suspension of Article 19 rights on declaration of emergency
  - 4.5.   President's Right to suspend right to move any court
  - 4.6.   Article 21 - special importance - its non-suspendability
  - 4.7.   Suspendability -44th amendment



## **5. Access to Courts and Emergency**

- 5.1. Article 359: ups and downs of judicial review
- 5.2. Constitution (Forty-fourth), Amendment Act, 1978.
- 5.3. Constitution (Fifty-ninth) Amendment Act., 1988.

## **6. Martial Law**

- 6.1. Provisions in English Law
- 6.2. Provisions in the Constitution

## **Select Bibliography**

G.O. Koppell "The Emergency, The Courts and Indian Democracy" 8 J.I.L.I.  
287 (1966)

H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus: A  
Criticism (1978)

International Commission of Jurists, Status of Emergency and Human Rights  
(1984)

N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).

## **PAPER – III : COMPARATIVE CONSTITUTIONAL LAW**

- 1. Constitutionalism, Classification of constitutions
- 2. Conventions in constitutional law.
- 3. Parliamentary and presidential democracy.
- 4. Comparative study of the fundamentals of the constitutional of India, USA, UK. Switzerland, Ireland, Germany and Canada.
- 5. Comparative study of Federalism in India, USA, Switzerland, Ireland, Germany, Canada.
- 6. Comparative study of Amending processes of the constitutions in the U.S.A., India and Switzerland.
- 7. Comparative study of judiciary in India, U.K. U.S.A. and Switzerland.
- 8. Civil, Liberties in India, U.K. U.S.A.
- 9. Affirmative Actions in India and United States.



### Select Bibliography

1. Wheare K.C., "Federal Government", Oxford, 1963.
2. Sawyer, "Modern Federalism" 1969
3. Basu D.D., "Comparative Federalism" PHI. 1987.
4. Walter Bagchot, "English Constitution," Oxford
5. Wade, "Public Law in Britain and India," N.M. Tripathi, 1992.
6. Hood Philips, "constitutional and administrative law". Sweet & Maxwell, London, 1987.
7. Hughes, "Federal Constitution of Switzerland", Oxford.
8. Basu D.D., "Select Constitutions of the World", Sarkar, Calcutta, 1990.
9. Raman Sunder, "Amending Power under the constitution of India, Eastern, 1990.
10. Jeffery Jowell and Dawn Oliver, "The changing constitution."
11. Wheare K.C., "Modern constitutions", Oxford, 1966,
12. Finer, comparative governments, Penguin, 1970
13. Dicey A.V., "Law of the constitution".
14. Jennings Ivor, "Law and the constitution", 1971.
15. Friedrich Karl, "Constitutional Government and democracy" Oxford, 1966,
16. Wade & Bradley, "Constitutional Law," Longman, 1985.
17. Cooley, "Constitution of the U.S.A." 1973.
18. Franke, "Comparative Constitutional Process.
19. Bryce James, "Modern Democracies" McMillan & Co. 1923.

### **PAPER – IV: CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS**

1. **Human Rights: Concept.**
  - 1.1. Human rights in Indian tradition: ancient, medieval and modern
  - 1.2. Human rights in western tradition
  - 1.3. Development of natural rights.
  - 1.4. Human rights in international law and national law

2. **Classification of Human Rights - First, Second and Third Generations: Historical Development**
3. **Human Rights: Politics and Society**
  - 3.1. Colonisation, imperialism and human rights
  - 3.2. Power, practices, accountability and transparency
  - 3.3. Liberalization, privatization and globalization
  - 3.4. Human duties: responsibilities and obligations
4. **Development of the Concept of Human Rights Under International Law**
  - 4.1. Role of International Organization and Human Rights
  - 4.2. Universal Declaration of Human Rights (1948)
  - 4.3. Covenant on Political and Civil Rights (1966)
  - 4.4. Covenant on Economic, Social and Cultural Rights (1966)
  - 4.5. I L O and other Conventions and Protocols dealing with human rights
5. **Role of Regional Organizations**
  - 5.1. European Convention on Human Rights
    - 5.1.1. European Commission on Human Rights/Court of Human Rights.
  - 5.2. American Convention on Human Rights
  - 5.3. African Convention on Human Rights
  - 5.4. Other regional Conventions.
6. **Protection agencies and mechanisms**
  - 6.1. International Commission of Human Rights
    - 6.1.1. Amnesty International
    - 6.1.2. Non-Governmental Organizations (NGOs)
  - 6.2. U.N. Division of Human Rights
  - 6.3. International Labour Organization
  - 6.4. UNESCO
  - 6.5. UNICEF
  - 6.6. Voluntary organizations
7. **International enforcement of Human Rights**
  - 7.1. Role of ICJ and regional institutions



### Select Bibliography

- Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
- Lalit Parmer, Human Rights, (1998).
- Rama Jois, Human Rights: Bharatiya Values, (1998).
- David P. Forsythe, Human Rights in International Relations.
- Lon L. Fuller, The Morality of Law
- John Finnis, Natural Law and Natural Rights, (1980).
- Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi.
- M.G.Chitkara, Human Rights: Commitment and Betrayal, (1996).
- V.D. Kulshreshtha, Landmarks in the Indian Legal and Constitutional History, (1995)
- Robert Lewngat, The Classical Law of India (1998), Oxford.
- Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997).
- Francisco Forrest Martin, International Human Rights Law and Practice, (1997).
- Luck Clements, European Human Rights Taking a Case under the Convention, (1994).
- Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights, (1996).
- R.K.Sinha, Human Rights of the World,(1997).
- Philip Alston, The United Nations and Human Rights A Critical Appraisal, (1992).
- R.S.Sharma and R.K.Sinha, Perspectives in Human Rights Development, (1997).
- The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.
- B.P.Singh Seghal, Human Rights in India, (1996).



Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997).

**PAPER – V :     PROTECTION AND ENFORCEMENT OF  
                          HUMAN RIGHTS IN INDIA**

- 1.     History and Development of Human Rights in Indian Constitution**
  - 1.1.   Constitutional Philosophy - Preamble
  - 1.2.   Fundamental Rights
  - 1.3.   Directive Principles of State Policy
  - 1.4.   Fundamental Duties
- 2.     Judicial Activism and Development of Human Rights Jurisprudence**
- 3.     Enforcement of Human Rights**
  - 3.1.   Formal enforcement mechanisms
    - 3.1.1. Role of Supreme Court
    - 3.1.2. Role of High Courts
    - 3.1.3. Role of Civil and Criminal Courts
    - 3.1.4. Statutory Tribunals
    - 3.1.5. Special Courts
- 4.     Role of India in implementing international norms and standards**
- 5.     National and State Human Rights Commissions**

**Select Bibliography**

- D.D.Basu, Human Rights in Indian Constitutional Law, (1994).  
Vijay Chitnis,(et.al.). Human Rights and the Law: National and Global Perspectives, (1997).  
B.P.Singh Seghal, Law, Judiciary and Justice in India, (1993).  
James Vadakkumchery, Human Rights and the Politics in India, (1996).  
D.R.Saxena, Tribals and the Law, (1997).  
Poornima Advani, Indian Judiciary : A Tribute, (1997).  
Justice Venkataramiah, Human Rights in the Changing World, (1998).  
Paramjit S.Jaiswal and Neshtha Jaiswal, Human Rights and the Law, (1996).

## **PAPER –VI : SCIENCE, TECHNOLOGY AND HUMAN RIGHTS**

- 1. Interrelationship of Science, Technology and Human Rights**
- 2. Implication of Development of Science and Technology on Human Rights**
  - 2.1. Right to environment in the development of science and technology
  - 2.2. Right to development in the advancement of science and technology
  - 2.3. Right to human health and impact of developments in medical sciences
- 3. Medicine and the Law**
  - 3.1. Organ transplantation
  - 3.2. Experimentation on human beings
  - 3.3. Euthanasia (mercy killing)
  - 3.4. Gene therapy
- 4. Issue of Human Rights Ethics in Scientific and Technological Development**
  - 4.1. Sex determination test
  - 4.2. Induced abortion
  - 4.3. Reproductive technology
  - 4.4. Cloning
  - 4.5. Invitro fertilization
  - 4.6. Artificial insemination
  - 4.7. Surrogate motherhood
- 5. Development in Information Technology and Human Rights**
- 6. Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community**
  - 6.1. Right to life
  - 6.2. Right to privacy
  - 6.3. Right to physical integrity
  - 6.4. Right to information
  - 6.5. Right to benefit from scientific and technological progress
  - 6.6. Right to adequate standard of living



### Select Bibliography

- Diane Rowland, Elezabeth Macdonald, Information Technology Law, (1997).
- Suresh T. Viswanathan, The Indian Cyber Law, (2000).
- The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
- D.P.Mittal, Law of Information Technology (Cyber Law), (2000).
- Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999).
- Adwin W. Patterson, Law in a Scientific Age, (1963)
- Steve Jones, Borin Van Leon, Genetics for Beginners, (1993).
- Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990
- Kamenka, E., Ideas and Ideologies Human Rights (1978)
- Galtung, Human Rights in Another Key, (1994)
- Akbar, M.J., Roits After Riots, (1988)
- Baxi, U. (ed.), Rights to be Human, (1986)
- Kazmi, F., Human Rights, (1987)
- Levin L., Human Rights, (1982)
- Gromley W.P., Human Rights and Environment, (1976)
- Madhavitirtha, Human Rights, (1953)
- Beddard H., Human Rights and Europe, (1980)
- Swarup J., Human Rights and Fundamental Freedoms, (1975)
- Nagendra Singh, Human Rights and International Cooperation, (1969)
- Kashyap, S.C., Human Rights and Parliament, (1978)
- Khare S.C., Human Rights and United Nations, (1977)
- Moskowitz, Human Rights and World Order, (1958)
- Drost, Human Rights as Legal Rights, (1965)
- Garling M., Human Rights Handbook, (1979)
- Andrews J.A., Human Rights in Criminal Procedure, (1982)
- Kalaiah A.B., Human Rights in International Law, (1986)