

**NORTH MAHARASHTRA UNIVERSITY,
JALGAON**

IDEAL (External Mode) Department

SYLLABUS FOR LL.M-1ST YEAR

PAPER I - LAW AND SOCIAL TRANSFORMATION IN INDIA & JUDICIAL PROCESS

1. Law and social change

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

2. Religion and the law

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

3. Women and the law.

- 3.1. Crimes against women.
- 3.2. Gender injustice and its various forms.
- 3.3. Women's Commission.
- 3.4. Empowerment of women: Constitutional and other legal provisions.

4. Alternative approaches to law

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

5. Nature of judicial process

- 5.1. Judicial process as an instrument of social ordering
- 5.2. Judicial process and creativity in law - common law model - Legal Reasoning and growth of law - change and stability.
- 5.3. The tools and techniques of judicial creativity and precedent.
- 5.4. Legal development and creativity through legal reasoning under statutory and codified systems.

6. Special Dimensions of Judicial Process in Constitutional Adjudications.

- 6.1. Notions of judicial review
- 6.2. ' Role' in constitutional adjudication - various theories of judicial role.

- 6.3. Tools and techniques in policy-making and creativity in constitutional adjudication.
- 6.4. Varieties of judicial and juristic activism
- 6.5. Problems of accountability and judicial law-making.

7. Judicial Process in India

- 7.1. Indian debate on the role of judges and on the notion of judicial review.
- 7.2. The "independence" of judiciary and the "political" nature of judicial process
- 7.3. Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- 7.4. Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges
- 7.5. Institutional liability of courts and judicial activism - scope and limits.

8. The Concepts of Justice

- 8.1. The concept of justice or Dharma in Indian thought
- 8.2. Dharma as the foundation of legal ordering in Indian thought.
- 8.3. The concept and various theories of justice in the western thought.
- 8.4. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

Select Bibliography

1. Bodenheimer, Jurisprudence - the Philosophy and Method of the Law (1997), Universal, Delhi
2. Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi
3. Edward H. Levi, An Introduction to Legal Reasoning (1970), University of Chicago.
4. Henry J. Abraham, The Judicial Process (1998), Oxford.
5. J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi
6. J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworths
7. John Rawls, A Theory of Justice (2000), Universal, Delhi
8. Julius Stone, The Province and Function of Law, Part II, Chs. 1. 8-16 (2000), Universal, New Delhi.
9. Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay.
10. U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
11. W. Friedmann, Legal Theory (1960), Stevens, London

Bibliography

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

PAPER II - INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES.

1. Federalism

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

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

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

4. Democratic process.

- 4.1 Nexus of politics with criminals and the business.

4.2 Election

4.3 Election commission: status

4.4 Electoral Reforms.

4.5 Coalition government, „stability, durability, corrupt practice□

4.6 Grass root democracy.

5. Freedom of press and challenges of new scientific development

5.1. Freedom of speech and right to broadcast and telecast.

5.2. Right to strikes, *hartal* and *bandh*.

6. Emerging regime of new rights and remedies

6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights

6.1.1. Compensation jurisprudence

6. 1.2. Right to education

6.1.2.1. Commercialisation of education and its impact.

6.1.2.2. Brain drain by foreign education market.

7. Right of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

Select bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

PAPER III- COMPARATIVE CRIMINAL PROCEDURE & PENOLOGY: TREATMENT OF OFFENDERS

1. Organisation of Courts and Prosecuting Agencies

1.1. Hierarchy of criminal courts and their jurisdiction

1.1.1. Nyaya Panchayats in India

1.1.1.1. Panchayats in tribal areas

1.2. Organisation of prosecuting agencies for prosecuting criminals

1.2.1. Prosecutors and the police

1.3. Withdrawal of prosecution.

2. Pre-trial Procedure.

- 2.1 Arrest and questioning of the accused.
- 2.2 The rights of the accused
- 2.3 The evidentiary value of statements/ article seized/ collected by the police
- 2.4 Rights to counsel
- 2.5. Role of the prosecutor and the judicial officer in investigation

3. Trial Procedure.

- 3.1 The accusatory system of trial and the inquisitorial system
- 3.2 Role of the judge, the prosecutor and defense attorney in the trial.
- 3.3 Admissibility and inadmissibility of evidence
- 3.4 Expert evidence
- 3.5. Appeal of the court in awaiting appropriate punishment
- 3.6. Plea bargaining

4. Preventive Measures in India

- 4.1 Provisions in the Criminal Procedure Code
- 4.2. Special enactments

5. Introductory

- 5.1. Definition of Penology & Its Importance

6. Theories of Punishment

- 6.1. Retribution
- 6.2. Utilitarian prevention: Deterrence
- 6.3. Utilitarian: Intimidation
- 6.4. Behavioural prevention: Incapacitation
- 6.5. Behavioural prevention: Rehabilitation - Expiation
- 6.6. Classical Hindu and Islamic approaches to punishment.

7. The Problematic of Capital Punishment

- 7.1. Constitutionality of Capital Punishment
- 7.2. Judicial attitudes towards Capital Punishment in India - An inquiry through the statute law and case law.
- 7.3. Law Reform Proposals

8. Imprisonment

- 8.1. The state of India's jails today
- 8.2. The disciplinary regime of Indian prisons
- 8.3. Classification of prisoners
- 8.4. Rights of prisoner and duties of custodial staff.
- 8.5. Deviance by custodial staff
- 8.6. Open prisons
- 8.7. Judicial surveillance - basis - development reforms

Bibliography

- 1 14th and 41st Reports of Indian Law Commission.
 - 2 American Series of Foreign Penal Codes
 - 3 Archbold, Pleading, Evidence and Practice in Criminal Cases
 - 4 Celia Hamptom, Criminal Procedure
 - 5 Christina Van Den Wyngart, Criminal Procedure Systems in European Community Joel Samaha,
 - 6 Criminal Procedure (1997), West
 - 7 Criminal Procedure Code of People's Republic of China.
 - 8 Criminal Procedure Code,1973
 - 9 John N. Ferdico, Criminal Procedure (1996), West
 - 10 K.N.Chandrasekharan Pillai(ed.), R.V. Kelkar's Outlines of Criminal Procedure (2000), Eastern, Lucknow.
 - 11 Patric Devlin, The Criminal Prosecution in England
 - 12 Sanders & Young, Criminal Justice (1994)
 - 13 Sarkar, Law of Evidence
 - 14 The French Code of Criminal Procedure,
 - 15 Wilkins and Cross, Outline of the Law of Evidence
- Note:-The Paper will be taught with reference, wherever necessary, to the procedures in India, England, US France, Russia and China
- 16.A. Siddique, Criminology (1984) Eastern, Lucknow.
 - 17.Alf Ross, On Guilt, Responsibility and Punishment (1975)
 - 18.Anthropology 1969-179 (1986)
 - 19.H.L.A. Hart, Punishment and Responsibility (1968)
 - 20.Herbert L. Packer, The Limits of Criminal Sanction (1968)
 - 21.K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social
 - 22.Law Commission of India, Forty-Second Report Ch. 3 (1971)
 - 23.S. Chhabbra, The Quantum of Punishment in Criminal Law (1970),
 - 24.Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R.Campray & Co., Calcutta.

PAPER IV - LEGAL EDUCATION AND RESEARCH METHODOLOGY

- 1. Objectives of Legal Education**
- 2. Lecture Method of Teaching - Merits and demerits**
- 3. The Problem Method**
- 4. Discussion method and its suitability at postgraduate level teaching**
- 5. Examination system and problems in evaluation - external and internal assessment.**

6. Research Methods

- 6.1. Socio Legal Research
- 6.2. Doctrinal and non-doctrinal
- 6.3. Relevance of empirical research
- 6.4. Induction and deduction

7. Identification of Problem of research

- 7.1. What is a research problem?
- 7.2. Survey of available literature and bibliographical research.
 - 7.2.1. Legislative materials including subordinate legislation, notification and policy statements
 - 7.2.2. Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.
 - 7.2.3. Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - 7.2.4. Compilation of list of reports or special studies conducted relevant to the problem

8. Preparation of the Research Design

- 8.1. Formulation of the Research problem
- 8.2. Devising tools and techniques for collection of data : Methodology
 - 8.2.1. Methods for the collection of statutory and case materials and juristic literature
 - 8.2.2. Use of historical and comparative research materials
 - 8.2.3. Use of observation studies
 - 8.2.4. Use of questionnaires/interview
 - 8.2.5. Use of case studies
 - 8.2.6. Sampling procedures - design of sample, types of sampling to be adopted.
 - 8.2.7. Use of scaling techniques
 - 8.2.8. Jurimetrics
- 8.3. Computerized Research - A study of legal research programmes such as Lexis and West law coding
- 8.4. Classification and tabulation of data - use of cards for data collection - Rules for tabulation. Explanation of tabulated data.
- 8.5. Analysis of data

Selected Bibliography

1. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
2. H.M.Hyman, Interviewing in Social Research (1965)
3. Havard Law Review Association, Uniform System of Citations.

4. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London
5. ILI Publication, Legal Research and Methodology
6. M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978)
7. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
8. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.
9. Pauline V. Young, Scientific Social Survey and Research, (1962)
10. Payne, The Art of Asking Questions (1965)
11. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
12. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London

Paper V- Seminars (100 Marks)-INTERNAL WORK

A topic is assigned to the students in advance. He is required to make four presentations for 25 to 30 minutes on each assigned topic.

Paper VI- Assignments (100 Marks)

- (i) Doctrinal research. (25 marks)
- (ii) Non-doctrinal research. (25 Marks)
- (iii) Clinical Work (25 Marks)
- (iv) Law Teaching (25 Marks)

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SYLLABUS FOR LLM-2ND YEAR

PAPER –I HUMAN RIGHTS

Objective of the course Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realized later and much more during last fifty years since the end of the second world war that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they need capital. Foreign aid and foreign investments were invited but these could very much well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary.

The focus of a course on human rights must be on the national problems with an international or global perspective. The world community's concerns about human rights have been expressed through various conventions. On the national level, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires up to take up cudgels against property discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumer against ruthless and profit seeking, trader or manufactures, provisions against hazardous industries and so on and so forth. Human rights is an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them.

The following syllabus prepared with this perspective will be spread over a period of one semester.

1. Panoramic View of Human Rights.

1. Human Rights in Non-western thought
2. Awareness of Human Rights during the nationalist movement
3. Universal Declaration of Human Rights, Consistent Assembly and Part III, drafting process.
4. Subsequent developments in the International Law and Position in India (e.g. convention of Social discrimination, torture, gender discrimination, environment and the two human rights covenants).

2. Fundamental Rights, Jurisprudence as Incorporating Directive Principles.

1. The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.)
2. The interaction between F.R. and D.P.
3. Resultant expansion of basic needs oriented human rights in India.

3. Right not to be subject to Torture, Inhuman or Cruel Treatment

1. Concepts of torture, third- degree methods.
2. “Justifications” for it
3. Outlawry of torture at international and constitutional law level.
4. Incidence of torture in India
5. Judicial attitudes
6. Law Reform- proposed and pending

4. Minority Rights.

1. Concept of minorities
2. Scope of protection
3. The position of minority “ Women” and their basic rights
4. Communal Riots as involving of Rights

5. Rights to development of individuals and Nations.

1. The UN Declaration on Rights to Development, 1987
2. The need for constitutional and legal changes in India from Human rights standpoint.

6. People’s Participation in Protection and Promotion of Human Rights

6.1. Role of International NGOS.

6.1.1 Amnesty International

6.2.2. Minority Rights Groups

6.2 Contribution of these groups to protection and promotion of human rights in India.

7 Development Agencies and Human Rights.

7.1 Major international funding agencies and their operations in India.

7.2 World Bank lending and resultant violation / promotion of human rights

7.3 Should development assistance be tied to observance of human rights (as embodied in various UN declarations)

8 Comparative Sources of Learning.

8.1 EFC Jurisprudence

8.2 The Green Movement in Germany

8.3 The International Peace Movement.

8.4 Models of Protection of the rights of indigenous people : New Zealand (Maoris) Australia, Aborigines and Canada (Indians)

Select bibliography.

1. M.J. Akbar, Riots After Riots (1988)

2. U. Baxi (ed.) The Right to be Human (1986)

3. U.Baxi, The Crises of the Indian Legal System (1982), Vikas Publication House, New Delhi.

4. F Kazmi, Human Rights (1987)

5. L.Levin, Human Rights (1982)

6. Madhavtirtha Human Rights (1953)
 7. W.P. Gromley , Human Rights and Environment (1976)
 8. H.Beddard. Human Rights and Europe (1980)
 9. Nagendra Singh, Human Rights and International Co-operation (1969)
 10. S.C. Kashyap, Human Rights and Parliament (1978)
 11. S.C.Khare, Human Rights and United Nations (1977)
 12. Moskowitz, Human Rights and World Order (1958)
 13. J.A. Andrews, Human Rights in International Law (1986)
 14. I Menon (ed) Human Rights in International Law (1985)
 15. A.B. Robertson (ed.) Human Rights in International Law (1970)
 16. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of International Law 279 (1978)
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PAPER II- JUVENILE DELINQUENCY

Objective of the course

Juvenile delinquency is considered an important branch of criminology. The impact of juvenile delinquency upon the formation of Indian criminology tradition does not seem to be noticeable. Understanding of crimes and treatment of offenders can be complete without a square grasp of cause, carrots and cures of juvenile delinquency. Increasingly it is being also realized that young offenders require a wholly different criminal justice system and should not be treated in the same way as the adult offender. Juvenile Justice System, although a part of the criminal justice system has now its own autonomous characteristics. In addition, the state and the law have to deal with juvenile in certain situations, as *parents patriae*. The category of neglected children defines the burdens of care which state and society have to assume for neglected children. Most categories of neglected children are themselves the victims of crime. The institutional care of children poses its own distinctive dilemmas. These, too, should be discussed, especially, at the level of resource investment compared with the extent of need. The following syllabus prepared with this perspective will be extended to a period of one semester.

Syllabus.

1. The Basic Concepts

1. The conception of "child" in the Constitution and Penal Code.
2. Delinquent juvenile
3. "Neglected" juvenile
4. The overall situation of children / young persons in India, also with reference to crime statistics (of crimes by and against children)

2. Determining Factor of Juvenile Delinquency.

1. Differential association.
2. Anomie
3. Economic pressure

4. Peer group influence
5. Gang sub-culture
6. Class differentials

3. Legislative Approaches

1. Legislative approaches during the late colonial era
2. Children's Act
3. Legislative position in various states
4. The Juvenile Act
5. Constitutional aspects
6. Distinction between "Neglected" and "delinquent" juvenile.
7. Competent authorities
8. Procedural safeguard for juveniles
9. Powers given to government
10. Community participation as envisaged under the Act.

4. Indian Context of Juvenile Delinquency.

4.1 The child population percentage to total sex-ratio, urban / rural –urban.

4.2 Neglected below poverty line, physically and mentally disabled, orphans, destitute, vagrants

4.3 Laborers

4.3.1 In organized industries like zari, carpet, bidi, glass

4.3.2 In unorganized sector like domestic servant, shops and establishments, rag-pickers, family trade.

4.4 Delinquent- number, sex-ratio, ratio to adult crime, types of offences committed, recidivism, rate of increase background

4.5 Drug addicts

4.6.1 Of violence- sexual abuse, battered, killed parents.

4.6.2 Of criminal activities like bootlegging, drug pollution as a responses of protective approach.

5. Judicial Contribution

1. Social action litigation concerning juvenile justice
2. Salient judicial decisions
3. Role of legal profession in juvenile justice system

6. Implementation

1. Institutions, bodies, personnel
2. Recruiting and funding agencies
3. Recruitment qualifications and salaries or fund
4. Other responsibilities of each agency / person
5. Coordination among related agencies
6. Accountability- annual reports and accessibility of public to juvenile justice institution.
- 7.

7. Preventive Strategies

1. State Welfare programmes health, nutrition, ICWS, grant in aid
2. Compulsory education
3. Role of community, family, voluntary, bodies, individuals.

Select bibliography.

1. National institute of Social Defense, Model Rule under the Juvenile Justice Act 1986 (1986)
2. K.S.Shukla, Adolescent Offender (1985)
3. United Nations, Beijing Rules on Treatment of Young Offender (1985)
4. Myton Weiner, The child and State in India (1990)
5. The United Nations Declaration on the Rights of Children
6. UNICEF periodic materials.

PAPER –III PUBLIC UTILITIES LAW

Objective of the course.

Public utilities are government monopolies, which are services rather than commercial enterprises. The Law of public utilities is contained in the statutes of incorporation and judicial decisions given by court while resolving dispute between the utilities and their consumers or employees or traders or others entering into business relations with them. In this paper a student will study (a) government policy in regard to such utilities in general and to each utility in particular (b) the growth and evolution of the public utilities; (c) patterns of the laws of incorporation and (d) powers, functions and liability of the public utilities vis-à-vis their employees, consumers and others. The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus.

1. Public Utilities.

- 1.1 Railways, Electricity, Gas, Road Transport, telephone, post and telegraph service.
- 1.2 Growth and evolution of public utilities and their legislation.

2. Public Utilities – why Government Monopoly?

- 2.1 Government and Parliamentary Control
- 2.2 Constitutional division of power to legislate

3. Utilities Legislation- Pattern of-

- 3.1 Administrative Authorities- Structure of the Administrative Authorities.
- 3.2 Subordinate legislation.

4. Public Utilities and Fair Rearing

- 4.1 Quasi – Judicial Decision- Administrative Discretion

5. Public Utilities and Consumer Protection.

5.1 Exclusion from M.R.T.P. Act.

5.2 Rights of consumer protected by the Consumer Protection Act

5.3 Rights Arising from law of Contract and law of Torts.

6. Public Utilities and their Employees.

6.1 Application of Article 16 and 311

6.2 Application of Industrial Law-right to strike.

7. Public Utilities and Fundamental Rights

7.1 The right to equality: the airhostess case.

7.2 Are Public utilities “ State” for the purpose of article 12 of the Constitution?

7.3 Extension of the concept of State.

8. Liabilities and special privileges of public utilities.

8.1 In contract

8.2 In tort

8.3 In criminal law

Select bibliography

1. P.M.Bakshi, Television and the law (1986)
2. Vasant Kelkar,” Business of Postal Services”33 I.J.PA .pp 133-141 (1987)
3. G. Ramesh, “ Characteristic of Large Service Organization in a Developing Country like India” 32 J.J.PA 77 (1986)
4. Nalini Paranjape, “ Planning for Welfare in the Indian Railways” 31 J.J.PA 171-180 (1985)
5. Arvind K Sharma “ Semi- Autonomos Enterprises : Conceptual Portrait- Further Evidence on the Theory of Autonomy” 33 J.J.P 99-113
6. S.P.Sathe, Administrative Law (1998)
7. Jain & Jain, Principles of Administrative Law (1986)
8. Jagdish Ul Handbook of electricity Law (1978) Bhaumik,
9. The Indian Railways Act (1981)
- 10.Law Commission of India, 38th Report :
- 11.Indian Post Office Act, 1898 (1968)

Students should consult relevant volumes of Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law, Consumer Protection Law and Labour Law)

PAPER –IV MASS MEDIA LAW

Objective of the course. Mass media such as press, radio and television, films, play a vital role in socialization, culturisation, and modernization of a society. The visual media are bound to have as much greater impact on human mind. But while these media have such a potential value as man educators, they are also susceptible to destructive and harmful uses for promoting criminal anti social and selfish escapist tendencies. While their positive potential as mass educators have to be harnessed for developmental purpose, their negative, harmful potential has to be curbed in public interest. Law plays a dual role vis-a-vis such media. On the one hand, it protects the creative freedom involved in them. On the other, it has to regulate them so as to avoid their possible abuse. This paper will deal with such interaction between law and mass media.

syllabus

1. Mass media- Types of –Press, Films, Radio Television.

- 1.1 Ownership patterns- Press-Private-Public
- 1.2 Ownership patterns- Films- Private
- 1.3 Ownership patterns- Radio & Television. Public
- 1.4 Difference between visual and non-visual media- impact on People's minds.

2. Press- Freedom of Speech and Expression- Article 19(1)(a)

- 2.1 Freedom of the Press.
- 2.2 Laws of defamation, obscenity, blasphemy and sedition
- 2.3 The Laws relating to employees wages and service conditions.
- 2.4 Price and Page Schedule Regulation.
- 2.5 Newsprint Control Order
- 2.6 Advertisement- is it included within freedom of speech and expression?
- 2.7 Press and the Monopolies are Restrictive Trade Practices Act.

3. Films- How far included in freedom in of speech and expression?

- 3.1 Censorship of films- constitutionality
- 3.2 The Abbas Case
- 3.3 Difference between films and Press- why pre- censorship valid for films but not for the press?
- 3.4 Censorship under the Cinematograph Act.

4. Radio and Television- Government monopoly

- 4.1 Why Government department?
- 4.2 Should there be an autonomous corporation?
- 4.3 Effect of television on people
- 4.4 Report of Chanda Committee
- 4.5 Government policy
- 4.6 Commercial Advertisement
- 4.7 Internal Scrutiny of serials, etc
- 4.8 Judicial Review of Doordarshan decisions: Freedom to telecast

5. Constitutional Restrictions.

1. Radio and television subject to law of defamation and obscenity
2. Power to legislate – Article 246 read with the Seventh Schedule
3. Power to impose tax
4. licensing and license fee

Select bibliography.

1. M.P.Jain Constitutional Law of India (1994)
2. Wadhwa H.M. Seerva , Constitutional Law of India Vol I (1991),
3. Tripathi Bombay John B Howard, “ The Social Accountability of Public Enterprises” in Law and Community Controls in New Development Statregies (International Center for Law in Development 1980)
4. Bruce Michael Boyd. “ Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression “ 14 J.I.L.I. 501 (1972)
5. Rajeev Dhavan “ On the press in India” 26 J.I.L.I. 288 (1984)
6. Rajeev Dhavan. “ Legitimizing Government Rhetoric : Reflections on some Aspect of the Second Press Commission” 26 J.I.L.I. 391 (1984)
7. Soli Sorabjee, Law of Press Censorship in India (1976)
8. Justice E.S. Venkaramaih, Freedom of Press : some Recent Trends (1984)
9. D.D.Basu, The Law of Press in India (1980)

Students should consult recent volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law 1 & 11, Administrative Law and Public interest litigation)

Paper V- Dissertation 200 Marks