

# Chanakya National Law University, Patna

## LL.M. 2024-25; SEMESTER- 1

**Course Title: Constitutional values and Fundamental Duties**

**Seminar Paper-I (2 Credits)**

### Course Overview

The curriculum is designed to focus on in depth exploration of Constitutional values and their role in protection of Fundamental duties. Course is designed for encompasses a comprehensive study of Indian constitution, Rule of law, Separation of Power, Constitutional values for Justice, Liberty, Equality, Fraternity and Fundamental Duties.

### Learning Outcomes

After completion of this course students develop a theoretical as well as practical understanding of constitution and constitutional Values. The outcome can be summed up as follows:

- Understand the foundational concepts and evolution of constitution and Fundamental Duties.
- Analyse the structure, function, and legal frameworks of Constitution.
- Examine the role of constitution in protection of Fundamental Duties
- Critically assess the effectiveness and challenges of society and role of Constitution in solving that challenges.
- Engage in practical applications through case studies and role of constitution in the growing society.

### List of Topics/ Modules

| Topic/ Module | Content   | Sessions / Lectures |
|---------------|---|---------------------|
| Unit I:       | <b>The constitution of India –an Introduction</b><br><br>1. Federal Republic, Role of Law, Separation of Powers | 1-5                 |

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|                    | 2. Sovereignty, Socialism, Democracy<br>3. Secularism and <i>Sarva Dharma Sama Bhava</i>   |       |
| <b>Module II:</b>  | <b>Constitutional Values</b><br>1.Legislative or Normative functions<br>2.Executive and Administrative functions<br>3.Judicial and quasi-judicial functions  | 6-18  |
| <b>Module III:</b> | <b>Common Institutional Problems</b><br>1. Legal personality<br>2. Membership and representation of members<br>3. Law governing the activities of International Organizations.<br>4. Financial Aspects | 19-25 |

### **Recommended Text Books:**

- O hood Phillips-constitutional and administrative Law.
- Dicey- Law of the constitution.
- India as a Secular State By Donald Eugene Smith
- Durga Das Basu, Shorter Constitution of India, LexisNexis
- M.P. Jain, Indian Constitutional Law, Wadhwa and Company
- V.N.Shukla, Constitution of India, Eastern Book Company.
- H.M.Seervai, Constitutional Law of India, Universal Law Publishing Company
- Dr. Narendra Kumar, Constitutional Law of India, Allahabad Law Agency
- Rosalind Dixon and Adrienne Stone, The Invisible Constitution in Comparative Perspective (Comparative Constitutional Law and Policy), Cambridge University Press
- Fali S. Nariman, You Must Know Your Constitution, Hay House Publication India

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### Instructor Details

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|--------------------------|--|
| Name of the Instructors: | 1. Dr.Vijay Kumar Vimal                                    |
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**Chanakya National Law University, Patna**  
**LL.M., I Semester, A.Y. 2024-25 Seminar Paper - I Group C**

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| <b>Course Title: Competition and Anti-Trust Law – A Comparative Study between India, USA, and the European Union</b> |
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### **Course Overview**

This course provides a comprehensive exploration of competition law, examining the legal frameworks that regulate market competition in India, the United States, and the European Union. By analysing the structures, enforcement mechanisms, and key case laws of these jurisdictions, students will gain a deep understanding of the global dynamics of competition law as applied to diverse economic contexts.

The course will delve into various aspects of competition law, including anti-competitive practices such as cartels, price-fixing, bid-rigging, and predatory pricing. It will also explore strategies to curb monopolistic tendencies, such as merger control, abuse of dominance, and essential facilities doctrine. The course will address the unique challenges posed by the rise of digital platforms and the regulation of Big Tech companies.

In addition to theoretical concepts, the course will emphasize practical applications through in-depth study of landmark cases. Students will have the opportunity to analyze real-world scenarios and understand how competition law principles are applied in practice. The course will also consider the broader economic, political, and social factors that influence the development and enforcement of competition laws.

By engaging with these topics, students will develop a strong foundation in competition law, equipping them to navigate the complexities of modern markets and contribute to the development of fair and competitive business environments.

### **Learning Outcomes**

The course aims not only to help the student develop a clear understanding of the theoretical concepts but also enable them to apply the same in any given situation.

On completion of the course, students will be able to:

1. Demonstrate a deep understanding of fundamental competition and anti-trust principles, including the treatment of anti-competitive practices, abuse of dominance, and merger control.
2. Critically compare and contrast the competition law frameworks and enforcement mechanisms in India, the United States, and the European Union, identifying key similarities, differences, and evolving trends
3. Analyze landmark case law from each jurisdiction, assessing its impact on the development and application of competition and anti-trust law.
4. Assess the effectiveness of competition regulatory authorities, such as the CCI, FTC, and EC, in maintaining market fairness and preventing monopolistic behavior.
5. Evaluate the unique challenges posed by digital markets and Big Tech to competition law and how these challenges are addressed differently across jurisdictions.

**Module one** deals with Introduction to Competition and Anti-Trust Law

**Module two** focuses on Competition Law in India

**Module three** deals with Anti-Trust Law in the USA

**Module four** covers Anti-trust Law in the European Union

**Module five** Comparative Analysis of Anti-trust Law of India, USA and European Union

**Module six** deals with Emerging Trends and Global Perspectives

### List of Topics/ Modules

| Topic/ Module   | Contents/ Concepts   | Sessions / Lectures |
|---|--|---------------------|
| <b>Module I: Introduction to Competition and Anti-Trust Law</b> | <ul style="list-style-type: none"> <li>• Definition and objectives of competition law.</li> <li>• Historical development of competition law in global context.</li> <li>• Economic rationale behind competition policies.</li> </ul> | 1-3                 |

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|  | <ul style="list-style-type: none"> <li>• Key principles of anti-trust law: prohibition of anti-competitive agreements, abuse of dominant position, and merger control.</li> </ul>   |     |
| <b>Module II: Competition Law in India</b>   | <ul style="list-style-type: none"> <li>• Overview of the Competition Act, 2002.</li> <li>• Structure and functions of the Competition Commission of India (CCI).</li> <li>• Key provisions: Anti-Competitive Agreements, Abuse of Dominance and Regulation of Combination.</li> <li>• Analysis of landmark case laws: <i>Google</i>, <i>Coal India</i>, <i>Amazon-Future Group</i>.</li> <li>• Challenges in enforcing competition law in India.</li> </ul> | 4-6 |
| <b>Module III: Anti-Trust Law in the USA</b> | <ul style="list-style-type: none"> <li>• Overview of key statutes: Sherman Act (1890), Clayton Act (1914), Federal Trade Commission Act (1914).</li> <li>• Role of the Federal Trade Commission (FTC) and the Department of Justice (DOJ) in anti-trust enforcement.</li> <li>• Analysis of significant cases: <i>United States v. Microsoft</i></li> </ul>   | 7-9 |

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|  | <p><i>Corp., FTC v. Qualcomm, United States v. Apple Inc.</i></p> <ul style="list-style-type: none"> <li>• Modern challenges: Big Tech and anti-trust regulation.</li> </ul>  |       |
| <b>Module IV: Anti-trust Law in the European Union</b>                                   | <ul style="list-style-type: none"> <li>• Legal framework: Treaty on the Functioning of the European Union (TFEU) – Articles 101 and 102.</li> <li>• Role of the European Commission and the European Court of Justice in enforcing competition law.</li> <li>• Key concepts: Cartels, Abuse of Dominance, and Merger regulation.</li> <li>• Analysis of landmark cases: <i>Google Shopping, Intel Corp., Microsoft Corp.</i></li> <li>• Impact of Brexit on competition law in Europe.</li> </ul> | 10-12 |
| <b>Module V: Comparative Analysis of Anti-trust Law of India, USA and European Union</b> | <ul style="list-style-type: none"> <li>• Differences in competition law frameworks between India, the USA, and the EU.</li> <li>• Jurisdictional approaches to anti-competitive practices.</li> <li>• Comparative assessment of enforcement mechanisms.</li> </ul>  | 13-15 |

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|   | <ul style="list-style-type: none"> <li>• Cross-border challenges in regulating multinational corporations.</li> <li>• The role of political, economic, and cultural factors in shaping competition law.</li> </ul>  |       |
| <b>Module VI:</b> Emerging Trends and Global Perspectives | <ul style="list-style-type: none"> <li>• Digital markets and competition law.</li> <li>• Role of competition law in addressing environmental sustainability.</li> <li>• Global cooperation and convergence in anti-trust law.</li> <li>• Recent development and future challenges in Competition Law</li> </ul> | 16-19 |

### **Recommended/Reference Text Books and Resources:**

#### **Text Books**

1. *Competition Law*. Oxford University Press by Whish, R., & Bailey, D. (2021).
2. *Amazon's Antitrust Paradox*. The Yale Law Journal by Khan, L. M. (2017).
3. *Competition Law of the European Union and UK*. Oxford University Press by Furse, M. (2021).
4. *Antitrust Law and Economics* by Keith N. Hylton.
5. *Competition Law in India* by T. Ramappa – A focused study on India's competition law framework



### Instructor Details

|                                |   |
|--------------------------------|---|
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**Chanakya National Law University, Patna**  
**LL.M. (Group – E: Criminal Law) 2024-25; SEMESTER- I**

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| <b>Course Title: Collective Violence (Seminar Course: 3 Credits)</b> |
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### **Course Overview**

Collective violence is a subject that has received only scant attention in the traditional courses in criminal law and criminology, even though collective violence is prevailing in different forms in society. Whether it is atrocities against untouchables, communal riots, political violence by militant and extremist groups, gender-based violence, or violence involved in terrorism, they are all manifestations of different forms of collective violence. Mouthing the generalities such as the “criminalization” of politics in such contexts is often not helpful. Instead, a closer, deeper, and more focused investigation is required to understand collective violence. Thus, this course focuses on collective political violence witnessed in communalism, separatism, and insurgency. By so doing, this seminar course is divided into four modules.

The first module focuses on unpacking the relationship between violence and the existence of modern nation-states to understand the diverse forms of contentious politics, collective violence, and coordinated destruction in episodic and everyday forms of state-making.

The second module empirically engages with the instances and experiences of collective violence in cases of communal violence, separatist violence, and insurgencies to reflect upon the nature of collective violence and state-making in India, based on the relationship between diverse state and non-state actors.

The third module specifically focuses on the role of media coverage in facilitating the state-making project by defining the contours of the relationship between state and non-state actors in the public sphere.

The last module reflects on the difficulties of seeing both state violence and welfare as two sides of the same coin and the role of civil society in finding democratic solutions to collective violence.

Based upon the above modules, this seminar course asks: Is state-making an organized crime? Is coercive exploitation a significant variable in state-making? What happens when state-led coercive exploitation is met with popular resistance? How do such interactions shape nation-states? What is the role of state, market, and civil society actors in this interaction? These questions will form the core of discussion in this seminar course.

## Learning Outcomes

This course aims:

- (a) for a closer, deeper, and more focused investigation of collective violence;
- (b) to understand it as contentious politics, integral to modern state-making, involving state and non-state actors.

After completing the course, the students will be able to:

1. Understand the relationship between collective violence and modern nation-state.
2. Comprehend the role of institutions and socio-cultural regional contexts in determining the nature of collective violence
3. Critically understand the episodes and experiences of collective violence through the lenses of power differential, shaping the relationship between state and non-state actors in collective violence.
4. Critically appreciate the legislative and policy solutions to collective violence in democracies.

## List of Topics/ Modules

| Topic/ Module  | Contents   | Sessions / Lectures |
|--|--|---------------------|
| <b>Module I:</b><br><b>Introducing Collective Violence</b>                                     | <ul style="list-style-type: none"><li>• Violence and Modern Nation-States</li><li>• Contentious Politics, Collective Violence, and Coordinated Destruction</li></ul> | 1-10                |
| <b>Module II:</b><br><b>Collective Violence and Nation-State in India</b>                      | <ul style="list-style-type: none"><li>• Communalism, Separatism, Insurgency</li><li>• Violence, and State and Non-State Actors</li></ul>                             | 11-30               |
| <b>Module III:</b><br><b>Collective Violence, Media, and Politics of Nation-State in India</b> | <ul style="list-style-type: none"><li>• Collective Violence and the Role of Media</li><li>• (Un)biased Media Coverage of Collective Violence</li></ul>               | 31-40               |
| <b>Module IV:</b>  | <ul style="list-style-type: none"><li>• Role of Civil Society</li></ul>  | 41-45               |

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| <b>Mitigating Collective Violence in India</b> | <ul style="list-style-type: none"> <li>• Governmental Interventions</li> </ul> |  |
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## Essential Reading Material:

### Module I

1. Charles Tilly. (2017). “War Making and State Making as Organized Crime”, in Ernesto Castenada, and Cathy Lisa Schneider (eds.) *Collective Violence, Contentious Politics, and Social Change: A Charles Tilly Reader*. New York and London: Routledge.
2. Charles Tilly. (2017). “The Politics of Collective Violence”, in Ernesto Castenada, and Cathy Lisa Schneider (eds.) *Collective Violence, Contentious Politics, and Social Change: A Charles Tilly Reader*. New York and London: Routledge.
3. Julie Skurski and Fernando Coronil. (2006). “Introduction: States of Violence and Violence of States”, in Fernando Coronil and Julie Skurski (eds.) *States of Violence*. Ann Arbor: Michigan University Press.

### Module II

4. Paul Brass. (2013). “Forms of Collective and State Violence in South Asia”, [Microsoft Word - Paul Brass - Forms of Collective and State Violence in South Asia.doc \(yale.edu\)](#)
5. Christophe Jaffrelot. (1996). *The Hindu Nationalist Movement in India*. New York: Columbia University Press. (Read ‘Introduction’, ‘Conclusion’, and ‘Epilogue’)
6. Sumantra Bose. (2003). *Kashmir: Roots of Conflict, Paths to Peace*. Harvard University Press. (Read ‘Introduction’, and Chapter 3: ‘War in Kashmir’)
7. Nandini Sundar. (2016). *The Burning Forest: India’s War in Bastar*. New Delhi: Juggernaut Books.
8. Nandini Sundar. (2014). “Mimetic Sovereignties, Precarious Citizenship: State Effects in a Looking-Glass World”, *Journal of Peasant Studies*, 41(4), 460-490.
9. Sikata Banerjee. (2000). *Warriors in Politics: Hindu Nationalism, Violence, and the Shiv Sena in India*. New York: Routledge. (Read Chapters 2, 3, 4, and 5)

### Module III

10. Arvind Rajagopal. (2001). *Politics After Television: Hindu Nationalism and the Reshaping of the Public in India*. Cambridge: Cambridge University Press. (Read ‘Introduction’, and ‘Conclusion’)
11. Sahana Udupa and Stephen Mc Dowell. (2017). *Media as Politics in South Asia*. London: Routledge. (Read ‘Introduction’, and select a case/chapter of your interest)

### Module IV

12. Ashutosh Varshney. (2002). *Ethnic Conflict and Civic Life: Hindus and Muslims in India*. New Haven and London: Yale University Press. (Read Chapter 12 ‘Ethnic Conflict, the State, and Civil Society’)
13. Amartya Sen. (2006). *Identity and Violence: The Illusion of Destiny*. New York: Norton and Company. (Read Chapters 7, 8, and 9)

**Note: The course instructor may suggest additional readings.**

### Instructor Details

|                                |  |
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## Seminar Paper- Collective Violence

Dear Students,

Writing a seminar paper may seem difficult, but if you plan and follow the details below, it can be both easy and enriching. The following note will help you develop a **seminar paper (around 8000 words)**. The first section deals with its development and the second section details the evaluation mechanism for the course.

### Section I: Developing Seminar Paper

#### Pre-Writing Stage (Reading, Reflecting, Planning, and Organizing Logically)

1. Choose a topic that interests you, aligns with the focus areas outlined in the course design, and detailed in the introductory lectures.
2. Consult your professor for guidance.
3. Search material on your topic through **credible sources** like journals, books, databases, and other sources. Stay away from sources like Wikipedia etc.
4. Document, detail, and organize notes and information from the sources (primarily secondary literature).
5. Use the quoted material in double inverted commas and paraphrase if necessary. But do cite the works used and do not claim someone else's idea as yours. It's always good to give due credit!
6. Boil down to a specific query/question/concern and develop a THESIS (argument/explanation/answer) for the same, based on your reading.  
**(Your rough draft of the synopsis is ready. Present it in the class to discuss and deliberate.)**
7. Formulate a clear and concise statement that summarizes your main argument or position. Fit it with a detailed outline of the paper, outlining the key points of discussion in each section, along with the word limits.  
**(Your final synopsis is ready. Present it in the class to discuss and deliberate.)**
8. After incorporating the relevant suggestions, you are good to go with the paper writing!

## Structure of the Seminar Paper

A well-structured seminar paper should have the following sections:

(a) **Introduction:**

- I. The introduction draws the attention of your reader and its purpose is to motivate him/her to read it.
- II. Tell the reader why your topic is important and how it can benefit him/her.
- III. Provide background information and clearly state your thesis.
- IV. Navigate your reader with the structure of your paper. What a reader should expect from each section (paragraph).
- V. These points need to be detailed in separate paragraphs.  
**(Ideally, a paragraph is about one point and there should be a logical flow between different paragraphs. Thus it is important to connect the paragraphs. This rule is applicable for the entire paper and it helps the reader to be with the author)**

(b) **Main Body:** This section can be one or divided into two parts: Argument (thesis) and Counterargument (Antithesis)

- I. Explain the question you are addressing in more detail.
- II. Explain the research you were doing.
- III. Refer to the literature you studied or Narratives you have gathered through diverse, yet credible sources.
- IV. Use evidence from your research to back up your claims.
- V. Do not summarize and leave the reader to develop connections. Arrange/ Structure your content to deal with the goal/concern raised by you.
- VI. Give the counterpoint/narrative to elaborate on the weaknesses of the thesis. Again substantiate with the evidence.

(c) **Discussion:** This section allows you to bring the argument and counterargument in dialogue with each other. Thus, acknowledge and address opposing viewpoints to strengthen your argument (thesis with which you began and later elaborated in the main body).

***(d) Conclusion:***

- I. Summarize the key points to state that you started with a problem, gave a thesis, and engaged with an antithesis.
  - II. Reflect on the results of this exercise and justify your thesis.
  - III. If possible, reflect on the takeaways for understanding similar problems in other cases of collective violence.
  - IV. Briefly, state the limitations and your opinion on the topic.
9. Your Final Seminar Paper is almost ready and can be submitted after polishing (correct grammar and spelling mistakes, flow of reading, typo errors, formatting, etc.).
  10. Ensure you are consistent with the Citation Style (APA, Bluebook, OSCOLA, Harvard, MLA, etc.). The thumb rule is to be consistent with any style you choose.
  11. Do Similarity and AI checks to generate reports.
  - 12. Your Final Seminar Paper is ready for submission!**

**Section II: Evaluation of Seminar Paper**

1. Classroom presentation of Rough Draft of Synopsis: 10 Marks
2. Classroom presentation of Final Synopsis: 15 Marks
3. Classroom presentation of Final Seminar Paper (Viva-Voce): 15 Marks
4. Written Seminar Paper: 55 Marks
5. Classroom Attendance: 5 Marks
6. Students are free to work individually or in groups (to be approved by the professor)
7. In cases of high Similarity, the following schema will be followed:
  - 11-15 % - A deduction of 5 Marks in the written assignment.
  - 16-30% - A deduction of 10 Marks in the written assignment.
  - 31-50% - A deduction of 25 Marks in the written assignment.
  - 51% and Above – May award a penalty of 0 Marks out of 55 Marks.
8. Artificial Intelligence (Chatbots, etc.) is not allowed for content generation of your assignments. In cases of detection of AI use, the following schema will be applicable:



- 21-30% - a deduction of 10 Marks in the written assignment.
  - 31-50% - a deduction of 25 Marks in the written assignment.
  - 51% and Above - May award a penalty of 0 Marks out of 55 Marks.
  - In cases where AI and Similarity are found, marks may be deducted for both.
9. In cases of Group Work, marks will be assigned to the individual members based on the performance of both the group and individual members, assessed by the teacher. Thus, every member has to significantly contribute to the group work. In presentations and viva voce, every group member has to be present and perform individually.
10. Marks obtained in the Written Seminar Paper component (55 Marks) will be the same for all the group members (in cases where the seminar paper is written in a group).

Best Wishes!

Dr. Amit Jain

# Chanakya National Law University, Patna

LL.M. 2024-25; SEMESTER- I

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| <b>Course Title: Indian Constitutional Law: The New Challenges</b> |
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## Course Overview

The Constitution of India constitutes the ‘fundamental law’ of the land expression of which has several significant implications. It is under this fundamental law that all laws are made and executed, all governmental authorities act and the validity of their functioning adjudged. No legislature can make a law and no governmental agency can act contrary to the Constitution. No act, be it executive or legislative or judicial or quasi-judicial or any administrative agency, can stand if contrary to the Constitution. The Constitution thus conditions the whole governmental process in India. The Judiciary is obligated to see that the provisions of the Constitution are not violated by any governmental organ. This function of the Judiciary entitles it to be called as the ‘Guardian’ of the Constitution and it can declare an Act of the legislature or an administrative action contrary to the Constitution, *ultra vires*. Thus, the very study of the Indian Constitutional Law implies several challenges. One of the salient features of the Constitution of India is that it is not static or rigid, but flexible; and flexibility gives rise to change or amendments; change being the principle of development. In its development, it faces new challenges at every phase it passes; and it is more when it comes across the establishment of a ‘*modern information technology State*’. This course outlines some of the important contemporary challenges leading the scholars through a pool of questions seeking answers.

Module 1. Definition and development of the concept of ‘State’ and its contemporary role.

Module 2. Definition of ‘law’: A revisit of the philosophical schools of law

Module 3: Challenges of Anti-defection laws in India

Module 4. Right to Equality and status of Affirmative Action

Module 5. Distribution of Powers in the Indian Federal Structure and its challenges

-Law making Powers

-Taxing Provisions and GST Act

-Sharing of resources among the Center and the States

Module 6. Freedom of Speech and Expression, Freedom of Press in the Scientific Era.

Module 7. Emerging Trends of Rights and Remedies

Module 8. Understanding of Secularism and its challenges

Module 9. Separation of Power: A Misnomer in India?

Module 10. The Doctrine of Invisible Rights under Indian Constitution

### **Learning Outcomes**

The course aims to discuss and inculcate the scholars with the extensive knowledge of the provisions of the Constitution of India. The course chalks out various challenges that are faced by the Constitution of India particularly it takes into consideration the contemporary issues.

On completion of the course, the scholars will be able to identify the New Challenges to the Constitution of India. They also would have developed the skill of identification of challenges and proposing viable solutions to them.

### **List of Topics/ Modules**

| <b>Topic/ Module</b>  | <b>Contents/ Concepts</b> | <b>Sessions / Lectures</b> |
|---|---------------------------|----------------------------|
| Module 1. Definition and development of the concept of 'State' and its contemporary role. | As in the Module I        | 1-3                        |
| Module 2. Definition of 'law': A revisit of the philosophical schools of law              | As in the Module II       | 4-6                        |
| Module 3: Challenges of Anti-defection Laws in India                                      | As in the Module III      | 7-9                        |
| Module 4. Right to Equality and status of Affirmative Action                              | As in the Module IV       | 10-12                      |

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| Module 5. Distribution of Powers in the Indian Federal Structure and its challenges | As in the Module V    | 13-15 |
| Module 6. Freedom of Speech and Expression, Freedom of Press in the Scientific Era. | As in the Module VI   | 16-18 |
| Module 7. Emerging Trends of Rights and Remedies                                    | As in the Module VII  | 19-21 |
| Module 8. Understanding of Secularism and its challenges                            | As in the Module VIII | 22-24 |
| Module 9. Separation of Power: A Misnomer in India?                                 | As in the Module IX   | 25-28 |
| Module 10. The Doctrine of Invisible Rights under Indian Constitution               | As in the Module X    | 29-32 |

### Evaluation Criteria

| Components               | Description  | Weightage in % |
|--------------------------|--|----------------|
| Attendance               | Minimum 75 % of attendance is compulsory for appearing in the End Semester Examinations.                       | 5%             |
| Project Report           | The submission has to be done on time. A penalty of 0.25 marks each will be deducted for the subsequent delay. | 20%            |
| Presentation             | As per the schedule announced by the Examination Section   | 5%             |
| End-Semester Examination | As per the schedule announced by the Examination Section   | 70%            |

### Recommended/Reference Text Books and Resources:

1. Durga Das Basu, Shorter Constitution of India, LexisNexis

2. M.P. Jain, Indian Constitutional Law, Wadhwa and Company
3. V.N.Shukla, Constitution of India, Eastern Book Company.
4. H.M.Seervai, Constitutional Law of India, Universal Law Publishing Company
5. Dr. Narendra Kumar, Constitutional Law of India, Allahabad Law Agency
6. G. P. Tripathi, Constitutional Law – New Challenges, Central Law Publications
7. Rosalind Dixon and Adrienne Stone, The Invisible Constitution in Comparative Perspective (Comparative Constitutional Law and Policy), Cambridge University Press
8. Fali S. Nariman, You Must Know Your Constitution, Hay House Publication India
9. Anita N. Sable, Supreme Court on Rights of Minorities In India, Global Education Limited

#### **Instructor Details**

|                                |                                |
|--------------------------------|--------------------------------|
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Signature

# **Chanakya National Law University, Patna**

## **MASTER OF LAWS (LL.M.) A.Y. 2024-25; SEMESTER- I**

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| <b>Course Title: Law and Justice in a Globalizing World</b> |
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### **Course Overview:**

Law and Justice are inter-related and interdependent concept. Securing justice is the ultimate goal of all the civilised society and the government. This paper 'Law and Justice in globalised world', discusses the meaning of Law, justice and issues in the globalised world. The learning approach has been modelled with a view to study the juristic concepts of law and their implications in Indian as well as global society. Justice is the end of all struggles, wants and wishes of any individual and society. Whenever there is discrimination, a word of injustice screams out of mouth and the search of justice starts in the democratic-administrative-judicial setup. Every person is governed by law and wants justice when it is found that the implication was unjust. Hence this paper will try to understand law in terms of Indian constitution and justice with reference to Preamble –Political economic and social justice as referred under chapter III, IV & IVA of the Constitution. The concept of injustice is essentially to be learnt for learning justice. The juristic study is the investigation into the concept of law and its implications in the courts in order to achieve justice. Here the study about various philosophers will help in the understanding of municipal as well as global issues. The constitutional cases will open the mind of students, will help in learning the crux of the subject. The municipal law and international law interface will be subject matter of discussion. The global issues of poverty, unemployment, child marriage, old age, sickness, health are to be discussed in this paper.

The first module will discuss the concept of law in Global concept with reference to various jurists. Whether these concepts travel globally even today? The Second module will discuss the concept of justice, types of justice and global justice with reference to contemporary jurists. The third and fourth module discusses globalisation and the law, and thinkers on global justice respectively. The fifth module will discuss various issues/debates with respect to law and justice in a globalising world.

### **Objective:**

To understand the concept of Law and Justice in global context.

To build up capacity and analytical ability for resolving the issues with respect to global justice.

### **Learning Outcome:**

This paper will cultivate the mind of the students towards 'what law is', relation between law and justice, barriers to justice, and how justice can be achieved'. This will discuss various socio-legal political issues of day to day life. Hence the students will be acquainted with the current problems and they will be in a capacity to analyse the situation and draw conclusions.

**Pedagogy:**

1. Class presentation, Assignment of research project, and class discussion.

**Credit: 03. Number of Classes: 48.**

**Course Contents: It contains five modules:**

**Module 1:****Law in Global Context:**

**William Twining** (Globalisation and legal theory), William Twining and Bentham, William Twining and Ronald Dworkin, William Twining and Llewellyn, Technology globalisation and law, Twining on technology, ideology and ethics of society, Did the concept of law of St. Thomas Aquinas, John Austin, Jeremy Bentham, HLA Hart, Kelsen, Savigny, Henry Maine, Ihering, Ehrlich, Leon Duguit, Dean Roscoe Pound, Stammler and realistic philosophers travel well in the world and contributed to globalisation of law?; Richard Posner's economic analysis of law; Calabresi's economic analysis of Law (economics to analyse legal world); Law and Marxism; Law in the context of Indian constitution and dharma.

**Module 2:****Concept of Justice:**

**Aristotle**, Plato, Justice According to Law and morality; Aspects of Justice, Types of Justice – distributive justice, socio-economic-political justice, substantive and procedural justice; Utilitarian Justice-Bentham and J S Mill; dimensions of global justice and international law; Michael sandal's communitarianism and justice; John Rawls and concept of Justice; Amartya Sen's idea of Justice (Niti and Nyay and Capacity building approach); Rule of Law and Justice; Justice-Equity and Good Conscience; compensatory justice; Issues of Justice with reference to Chapter III, IV & IVA of Indian Constitution; Public Interest Litigation (PIL) and justice; Global law and International Criminal justice.

**Module 3:****Globalization and the Law:**

**A. Meaning of Globalisation**, Types of Globalisation, (financial, technological, Socio-economic political and cultural); Phases of Globalisation, Globalisation of law, Impact of Globalisation on trade, commerce, education and Agriculture, creation of market, increasing competition, inter-state stability and security, creation of wealth and promotion of equality; law, legal system and legal institutions; International Submits (G20 and G7) etc and Global Justice; Climate change Energy and SDGs; Environmental issues and transfer of technology; Internal and international security; public order and Rule of Law; Globalisation and Indian Economy-LPG.

**B. Municipal Law**, International Law and Globalisation; UDHR, Conventions and Globalisation; New Economic policy and Globalisation; LPG (Liberalisation, Privatisation and Globalisation); WTO and Globalisation; Economic Social and Cultural Justice; impact of globalisation and human rights-UDHR, ICCPR, ICESCR, Universal declaration on Human duties and Responsibilities(UDHDR).Development of duty Jurisprudence. UNCITRAL(Arbitration).

## Module 4:

### Thinkers on Global justice:

**A. John Rawls** (Principles of Justice, Justice as fairness, original position and sense of justice ,the good of justice, distributive justice ); **Amartya sen** ( Niti and Nyaya), **Robert Nozick** ( liberalism and theory of distributive justice and taxation ) ; **Richard Posner**( Economic analysis of Law); **Anthony Giddens** ( Globalisation and consequences of modernity, worldwide happenings are shaped by distant events and social relations); **Michael Sandel's** Communitarianism ,

**B. M.K.Gandhi**-(Truth, peace and Human rights, Civil disobedience, non-cooperation movement ,quit India Movement , honesty and truthfulness, Trusteeship , juris conscience and justice ,restorative justice ,Sarvodaya ,Gram swaraj, Towards new education in globalised world. ; **B.R.Ambedkar**-( concept of social justice, emancipatory justice) ; **Ram Manohar Lohia's** (democratic socialism and social justice , Sapta Kranti ,small mission based village industry ,village cooperative ,New world ,economic order) ; **Jai Prakas Narayan's** [Sampurna Kranti , socialism and redistribution of property ,egalitarian society ,annihilation of caste and original position (Ram Rajya),Peoples Union of Civil liberty (P U C L)]; **Binova Bhav**-Bhoodan movement ; **Upendra Baxi'** on Access to Justice , Future of human rights ,Right to property and contract ,Bhopal and Beyond ,Judicial globalisation ,environmental economic and political justice ,economic globalisation and re-colonialization, MNCs and citizen's rights ,Women's rights as human rights , Foreign direct investment , polarisation of north and south ,World bank IMF and privatisation , Technology genetically modified crops sustainable agriculture and human rights justice .

## Module 5:

### Debates on Justice in the Globalised World:

Municipal justice in globalising world, Is there global Justice with regards to the policy of 'one earth, one family and one future', Has Globalisation Promoted to Human Dignity, Globalisation and Sustainable goals, Naxalism and Terrorism, Armed Conflicts and displaced persons, Problems of Refugees, Right to food, right to education, international migration of workers, Employment in globalising world and human rights issues, impact of globalisation-contractual employment and out sourcing , Development with Justice and Good governance. Education and Globalisation, Problems of Senior citizens in Globalisation, Child rights and Globalisation, Impact of Globalization on Judicial Process and Administration of Justice, Corruption in Administration, family dispute in globalised world- property, succession, adoption and women empowerment, Role of Commissions in Access to Justice- Women, Children, Dalits; feminism and realisation of gender justice, globalisation and corruption and good governance, globalisation and development , Caste census and reservation.

### Suggested Readings:

1. William Twining: Globalisation and Legal Theory .Global concept of Law.
2. **Justice:** Aristotle's Conception of Justice; Aristotle's Theory of Justice; Western Theories of Justice Michael J. Sandel: Green Penguin Co UK publication
3. Aspects of Justice: Sweet and Maxwell/ Universal Law Publication.
4. The Idea of Justice: Amartya Sen.
5. Theories of Justice: John Rawls.



6. Robert Nozice: Anarchy, State and Utopia.
7. Anthony Giddens: Globalisation and Legal Thinking
8. Constitution of India: T. K .TOPE (Revised by Justice Sujata V Manohar.)
9. A.V. Dicey.-Rule of Law: A Cosmopolitan Model of Global Justice:
10. Political Theory and Thought: western and Indian Tradition.epgp books (E-Pathsala)
11. Random reflections: Justice V R Krishna Iyer.
12. Law justice and Globalisation: Prof. Rahul Tripathi.
13. Sudarsan Iyenger on M.K. Gandhi.
14. My Experiment with Truth –M.K.Gandhi.
15. Trusteeship –M.K.Gandhi
16. Sapta Kranti- Dr. Ram Manohar Lohiya
17. Sampurna Kranti –Jaiprakash Narayan
18. Bhoodan Andolan –Binova Bhav
19. Annihilation of Caste and Class-Dr. B R Ambedkar.
20. History of Freedom movement –D.D. Basu.
21. Future of Human Rights- Prof. Upendra Baxi.
22. Articles written by Prof. Upendra Baxi.
23. Anomalies in Law and Justice: Justice R.V.Raveendran, EBC Publication
24. Random Reflections: Justice V R Krishna Iyer, Lexis-Nexis Publications.

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| <b>Name of the Instructor:</b> | <b>Prof. (Dr.) S C ROY</b> |
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# Chanakya National Law University, Patna

Academic Session: 2024-25

LL. M.

Semester- I

Course Title: RESEARCH METHODS

Compulsory Paper – : Credits : 3

## Course Overview

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on practical training in conducting research in this course. By the end of the course the students are expected to develop a scientific approach to socio legal problems. They should be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research and workshops/seminars.

## Learning Outcomes

To develop legal research skills & legal reasoning and apply it during programme & in Legal practice. Recognise primary and secondary sources of legal research material. Use and apply secondary sources, case law and legislation using both paper based and online resources to a research problem. Develop correct research strategies to critically evaluate the relevance, quality, authority and currency of the research materials. Demonstrate good legal writing skills, including an understanding of the use and preparation of legal research material in legal writing and the correct methods of legal referencing.

| Topic/<br>Module | Contents/ Concepts  | Sessions /<br>Lectures |
|------------------|---|------------------------|
| Module I:        | <b>INTRODUCTION</b><br>Law and society: mutual relationship and interaction, Meaning of research, Objectives of legal research, Types of research, Nature and scope of socio-legal research, Factors affecting legal research, Inter-disciplinary research, Common law and Civil law systems.               | 12 Lectures            |
| Module II:       | <b>LEGAL RESEARCH AND METHODOLOGY</b><br>Sources of information, Identification and formulation of a research problem, Review of literature, Formulation of hypothesis, Research design, Methods of legal research: doctrinal and non-doctrinal research, Preparation of synopsis, Rules of interpretation. | 12 Lectures            |
| Module III:      | <b>RESEARCH METHODS</b><br>Research Design, Various Steps in Research: Research Process, Research Problem: Identification and Formulation, Hypothesis, Use of Library, Use of Modern Technology/ Computer Assisted Research, Tools and Techniques for Collection of Data                                    | 10 Lectures            |

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|-------------------|---|--------------------|
|                   | <ul style="list-style-type: none"> <li>• Primary and Secondary Sources</li> <li>• Literature Review</li> <li>• Observation Method</li> <li>• Questionnaire</li> <li>• Schedule</li> <li>• Interview</li> <li>• Case study</li> <li>• Sampling</li> <li>• Jurimetrics</li> </ul> <p>Analysis and Interpretation of Data, Use of Deductive and Inductive Methods in Research, Preparation of Research Report and Writing of Research report, Budgeting of Research,</p> |                    |
| <b>Module IV:</b> | <b>RESEARCH TECHNIQUES</b><br>Data collection: tools and techniques, Sampling procedure, Survey and Case study method, Scaling and Content Analysis, Use of Questionnaires, Schedule, Observation and Interview, Legal Material, Interpretation and Analysing Data, Statistical tools.  | <b>12 Lectures</b> |
| <b>Module VI:</b> | <b>Plagiarism</b><br>Ethical and Legal Issues: Plagiarism and Copyright Violation.  | <b>04 Lectures</b> |

#### **TEXT BOOKS**

1. Agrawal, S.K; Legal Education in India; Eastern Book House
2. Legal Research and Methodology; Indian Law Institute
3. Legal Research and Research Methodology, Dr. G P Tripathi and Dr. Ajay Kumar, Central Law Publication, Allahabad

#### **REFERENCE BOOKS**

1. Pauline, V.; Scientific Social Survey and Research; Prentice-Hall of India
2. Madhava Menon, N.R.; A Handbook of Clinical Legal Education; Tata McGraw Hill
3. William, Goode; Methods in Social Research; Tata McGraw Hill
4. Journal on Research Methodology; Indian Law Institute
5. Index to Indian and Foreign Legal Articles; National Law University, Delhi
6. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn and Bacon, 2001).
7. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985).
9. Dennis P. Forcese and Stephen Richer (ed.), *Stages of Social Research – Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
11. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
12. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hill Book Co., 1985).
13. Harvard Law Review Association, *The Bluebook: Uniform system of Citation*

(Harvard Law Review, Harvard).

14. Janathan Anderson, *Thesis and Assignment Writing* (Wiley Eastern Ltd., New Delhi).
15. Johan Galtung, *Theory And Methods of Social Research* (London: George Allen & Unwin Ltd., 1970).
16. Leon Festinger (ed.), *Research Methods in Behavioral Sciences* (Holt, Rinehart and Winston, New York, 1953).
17. Pauline V. Young, *Scientific Social Surveys and Research* (New Delhi : Prentice Hall of India Pvt. Ltd., 1984).
18. Selltitz, Jahoda *et.al.*, *Research Methods in Social Relations* (Holt, Rinehart and Winston, New York, 1964).
19. Vijay K. Gupta, *Decision Making In The Supreme Court of India (A Jurimetric Study) – Alternatives in Judicial Research* (Delhi : Kaveri Books, 1995).

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