

SYLLABUS
LL.M.(General)
Semester Scheme

I & II Semester Examination	2024-25
III & IV Semester Examination	2025-26



W.e.f. 2024-25

Institute of Law
M S Brij University, Bharatpur

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Dr. Sandesh P. Singh
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LLM II Semester

Paper Code	Paper	Credits	Marks
CO6	Jurisprudence and Legal Theory	4	100
CO7	International Humanitarian Law	4	100
CO8	Administrative Process and Regulatory Mechanism	4	100
CO9	International Environmental Law	4	100
CO10	Comparative Law of Marriage, Divorce and Civil Code	4	100
VAC 2	Basics of Cyber Law	2	50

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Dr. Santosh P. Singh

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Second Semester

JURISPRUDENCE AND LEGAL THEORY

Paper Code:CO6

4 Credits

Max. Marks:100(60+40)

Objective of the Course: The Jurisprudence course provides a foundational and critical understanding of the nature, scope, and significance of legal theory, exploring its relationship with philosophy, justice, and law-making in both global and Indian contexts. It covers major schools of thought including Analytical, Natural Law, Historical, Sociological, Realist, and Critical Legal Studies. The Analytical School is studied through the works of Bentham, Austin, Kelsen, Hart, Dworkin, Rawls, and Nozick. Natural Law theories are examined from Greek origins to modern contributions by Aquinas, Grotius, Kant, Fuller, and Finnis, including debates with positivists. The Historical School highlights legal evolution through thinkers like Savigny and Maine, while Sociological and Realist Schools include contributions from Marx, Engels, Ihering, Ehrlich, Duguit, and Pound. American and Scandinavian Realism provide further practical and psychological insights into law. The Critical Legal Studies Movement challenges objectivism and legal formalism, intersecting with feminism and postmodernism. The course also examines modern theories of justice by Rawls and Nozick. Overall, it aims to develop a well-rounded, analytical, and contextual approach to legal thought.

Unit I

Introduction to Jurisprudence: Meaning, Nature and Scope of Jurisprudence, Importance of Jurisprudence, Understanding Relationship between jurisprudence and philosophy, Concept of Justice and Order, New Horizon of Jurisprudence as Extraversion, Classification of Jurisprudence into Schools.

Analytical School: Meaning of Positivism-Analytical positivism of Bentham and Austin, Kelsen's Pure Theory of Law, Hart's Concept of Law, Dworkin's criticism, Hart-Fuller Controversy, Hart-Devlin's Debate.

Unit II

Natural Law School: Meaning of Natural Law, History of Natural Law, View of St. Thomas Aquinas, Period of Renaissance/Reformation. View of Immanuel Kant and Hegel, Stammler and Natural Law with variable content, Fuller and the Morality of Law, Hart on Natural Law, Finnis and Restatement of Natural law.

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Historical, Sociological and Realist School: Savigny's concept of Volksgeist, Contribution of Henry Maine; Sociological theories of law, Contribution of Ihering and Ehrlich, Duguit's theory of Social Solidarity, Roscoe Pound's Social Engineering and Classification of Interests, American and Scandinavian Realism.

Unit III

Critical Legal Studies Movement: Introduction, Grounds of Critical Legal Studies Movement, Parameters of Critical Legal Studies Movement, Feminism, Post Modernism, Theory of Justice: Rawls and Nozick

Unit IV

Sources of Law: Custom, Legislation, Precedent

Legal Concepts: Person, Possession, Ownership, Obligation and Liability, Right and Duties

Suggested Readings

G.W. Paton: A Text book of Jurisprudence, 4th Edition; Clarendon Press, Oxford, 1972.

R.W.M. Dias, Jurisprudence. 5th Edition; Aditya Books Private Ltd., New Delhi, 1994.

W. Friedmann: Legal Theory, 5th Edition; Columbia University Press, New York

Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6th Edition, Sweet and Maxwell, London, 1994.

Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.

Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.

S.N. Dhyani: Fundamentals of Jurisprudence: The Indian Approach, 2nd Edition, Central Law Agency, Allahabad, 1997.

Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.

Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.

Dr. S. K. Mishra
(Mishra)

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Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

Julius Stone, Social Dimension of Law & Justice.

C. K. Allen, Law In the Making.

H.L.A. Hart, Law, Liberty and Morality.

Prof. Julius Stone, Province & functions of Law.

Ronald Dworkin, Morality principle.

Patton, Text on Jurisprudence.

John Rawls, Theory of Justice.

Prof. A. Lakshminath, Precedent in Indian Legal System

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INTERNATIONAL HUMANITARIAN LAW

Paper Code:CO7

4 Credits

Max. Marks:100(60+40)

Objective of the Course: The objective of this course is to provide students with a principled and critical understanding of International Humanitarian Law (IHL), focusing on its role in regulating armed conflicts and safeguarding human dignity. It aims to:

- Develop a deep comprehension of the humanitarian values underpinning IHL and their relevance in contemporary conflict situations.
- Enable students to critically assess the legal framework governing the conduct of hostilities and protection of non-combatants.
- Encourage the interpretation and application of key IHL principles—such as distinction, proportionality, military necessity, and humanity—in complex legal and factual contexts.
- Strengthen the ability to analyze and evaluate national and international mechanisms for the implementation and enforcement of IHL, including judicial accountability for war crimes.
- Promote scholarly engagement with emerging issues and challenges in IHL, and foster a professional commitment to the advancement of humanitarian norms in both academic and practical fields.

Unit I

- Jus In Bello and Jus Ad Bellum,
- Definition and Concept of International Humanitarian Law (IHL),
- Origin and Historical development of IHL,
- Sources of IHL
- Ancient Indian Philosophies on the Law of War,

Unit II

- Meaning and Classification of Armed Conflict
- Application of IHL in Various Conflict Situations & Common Article 3 of the Geneva Conventions: Its Applicability

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- **Fundamental Principles of the Law of Armed Conflict-** The Principle of Humanity, The Principle of Distinction, The Principle of Military Necessity, The principle of proportionality, The Principle of prohibition on causing unnecessary suffering and superfluous injury

Unit III

- **Legal Framework for Protecting Civilians during Armed Conflict-**
 - Geneva Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949
 - Geneva Convention II on Wounded, Sick and Shipwrecked of Armed Forces at Sea, 1949
 - Geneva Convention III on Prisoners of War, 1949
 - Geneva Convention IV relative to the Protection of Civilian Persons in Time of War

Unit IV

- **Implementation of International Humanitarian Law:**
 - National Implementation of IHL; Role of National Legislations;
 - International Implementation of International Humanitarian Law;
 - Role of the United Nations; Role of the ICRC; International Fact-finding Commission;
- **International Criminal Law Mechanisms for Implementation of IHL-** Introduction to the General Concept of War Crime Trials; Early War Crimes Trials: Nuremberg and Tokyo Trials; The Ad Hoc War Crimes Tribunals for the former Yugoslavia and Rwanda; Developments Concerning Creation of a Permanent International Criminal Court

Suggested Readings-

1. Gary D . Solis, The Law of Armed Conflict (Cambridge University Press 2010).
2. Emily Crawford and Alison Pert, International Humanitarian Law (Cambridge University Press 2015).
3. Robert Kolb and Richard Hyde, An Introduction to The International Law of Armed Conflicts (Hart Publishing 2008).

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4. Catherine Phuong, The International Protection of Internally Displaced Persons (Cambridge University Press 2005).
5. Fleck, Dieter (ed), The Handbook of International Humanitarian Law (2nd edn, OUP 2008)
6. Puneet Pathak, International Humanitarian and Refugee Law, (1ST edn., Eastern Book Company 2021)
7. Kailash Jeenger, A Humanitarian Critique of International Humanitarian Law, (1st edn., Springer Singapore 2025)
8. Sanoj Rajan, International Humanitarian Law in India, (Thomson Reuters, New Delhi 2020)

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ADMINISTRATIVE PROCESS AND REGULATORY MECHANISM

Paper Code:CO8

4 Credits

Max. Marks:100(60+40)

Objective of the Course: The objective is to focus on a theoretical and analytical study of various aspects of administrative law in a comparative manner, with particular emphasis on the impact of globalization and liberalization on its growth. It further aims to apprise students of the ingrained constitutional and rights-based challenges associated with administrative rule-making, while discussing the techniques and remedies already in practice to address these challenges, and encouraging critical analysis of their efficacy. Additionally, the course seeks to endow students with a critical and analytical understanding of the procedures followed by the government and its instrumentalities in the exercise of their powers and functions, the mechanisms through which such powers are regulated or controlled, and the remedies available to individuals whose rights may be affected by such administrative actions.

Unit I

Administrative Law– Meaning and Scope

Meaning and Definition of Administrative Law; Sociological Aspects of Administrative Law; Development and Scope of Administrative Law; Red Light, Green Light and Amber Light theories of Administrative Law; Classification of Administrative Actions; Global Administrative Law

Basic Constitutional Concepts Influencing Growth of Administrative Law

A. Rule of Law - Dicey's formulation of Rule of Law; Fallacy of Dicey's aspect of the Welfare State and the Rule of Law; Rule of Law in mixed economy; formal and Ideological concepts of Rule of Law; Constitutional provisions embodying the idea of Rule of Law

B. Separation of Powers - Doctrine as propogated by Montesquieu; Rationale of this doctrine in theory and practice; Separation of Powers under different Constitutions; Judicial Pronouncements on Separation of Powers

Unit II

Rule-Making Power of The Administration

Nature, Necessity and Source of administrative rule-making power; Limits on delegation of rule-making power to the administrative authority; categories of administrative rule-making

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power; Control mechanisms of administrative rule-making power- procedural control, legislative control and Judicial control

Administrative Tribunals

Reasons for the Growth of Administrative Adjudication; Salient features of Administrative Tribunals; Distinction between- Tribunals and Courts, Tribunals and Quasi-judicial bodies; Advantages of Tribunals- openness, fairness, cheap and speedy remedy, easy accessibility, absence of technicalities of evidence and procedure, etc.; Structure, Powers and Procedure of Administrative Tribunals established under Article 323A and 323B of the Constitution of India, 1950 with special reference to the Central Administrative Tribunal established under the Administrative Tribunals Act, 1985; Reforms required in tribunal system in India in the light of judicial decisions, Law Commission reports and reforms taken place in other countries

Unit III

Redressal of Complaints against The Administration: The Institution of Ombudsman

Meaning, Origin and Development of the Institution of Ombudsman; Need of Ombudsman- Limitations in redress through Courts, Twin problems of mal-administration and Corruption; Matters usually included or excluded from Ombudsman's Jurisdiction; Various legislative proposals for appointment of Lokpal at the Centre; Legal and Constitutional Position of the Lokpal under the successive Lokpal Bills of 1968, 1971, 1977, 1985, 1989 and 1996, 2001; Working of Lokayuktas and other Institutions in some States; Critical Analysis of the Lokpal and Lokayukta Act, 2014

Unit IV

Inquiries & Investigations

The Commission of Inquiry Act, 1952- Object and Scope of the Act; Power of Central/State Government to appoint a Commission of Inquiry- discretionary and mandatory nature of power; Power and Procedure of the Commission of Inquiry; Compliance with the Principles of Natural Justice; Effectiveness- submission of report and follow up action; The Central Vigilance Commission Act, 2003- Constitution, Powers and procedure.

Regulatory Agencies

Need of Regulatory Bodies; Composition, Structure, Powers And Procedures of these Regulatory Bodies, including; the Securities and Exchange Board of India under the Securities

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and Exchange Board of India Act, 1992, the Prasar Bharati under the Prasar Bharati (Broadcasting Corporation of India) Act, 1990.

Suggested Readings

- Beatson, Matthews and Ellitto's Administrative Law: Text and Materials (4th ed., 2011)
- H.W.R. Wade & C.F. Forsyth, Administrative Law (11th ed., 2014)
- P.P. Craig, Administrative Law (6th ed., 2008)
- B.L. Jones & J.F. Garner, Garner's Administrative Law (8th ed., 1996)
- K.C. Davis, Administrative Law Treatise (2nd ed., 1980)
- W. Friedmann, Law in a Changing Society (1959)
- M.P. Jain and S.N. Jain, Principles of Administrative Law (7th ed., 2013)
- M.P. Jain, Cases and Materials on Indian Administrative Law (1994)
- Carol Harlow and Richard Rawlings, Administrative Law in Context: Restoring a lost connection" Public Law 28-42 (2014)
- Paul Craig, UK, EU and Global Administrative Law: Foundations and Challenges (The Hamlyn Lectures) (2015)
- Upendra Baxi, Introduction – The Myth and Reality of the Indian Administrative Law in I. P. Massey, Administrative Law (2017)
- S.P. Sathe, The Tribunal System in India (1996)
- Upendra Baxi, "The Rule of Law in India", 3 Sur (2007) 6
- V.S. Deshpande, Judicial Review of Legislation (1975)
- Stephen G. Breyer and Richard B. Stewart, Administrative Law and Regulatory Policy (1979) Chapters 1-3
- K.C. Davis, Administrative Law Text (1971) 1-15
- W. Friedman, Law in a Changing Society (1959) Chapter 11
- Mike Taggart, "The Impact of Corporatisation and Privatisation on Administrative Law", 51 Australian Journal of Public Administration 368-373 (1992)
- Peter Bayne, "Administrative Law and the New Managerialism in Public Administration", 62 The Australian Law Journal 1040-1045 (1988)
- A.V. Dicey, Introduction to the Study of the Law of the Constitution (9th ed.) Chapters IV and XII
- A.V. Dicey, "The Development of Administrative Law in England", 31 LQR 148 (1915)
- Ramaswamy, "Rule of Law in a Planned Society", 1 JIL (1959)

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- Upendra Baxi “Developments in Indian Administrative Law” in Public Law in India (A.G. Noorani ed.) (1982) 136
- B. Bhardwaj, “Delegated Legislation in India”, 1963 SCJ (J) 26
- J.A.G. Griffith, “The Constitutional Significance of Delegated Legislation in England”, 48 Mich L. Rev 1079 (1950)
- Report of Committee on Ministers’ Powers (1932), Cmd. 4060 (Reprinted 1972)
- Alan Wharm, “Judicial Control of Delegated Legislation – The Test of Reasonableness”, 36 Mod LR 611 (1973)
- R.M. Jackson, “Judicial Review of Legislative Policy”, 18 Mod. L. Rev. 571 (1955)
- S.N. Jain, “Validity of Retrospective Delegated Legislation - The Court Develops a New Principle”, 23 JILI 102 (1981)
- Report of the Committee on Administrative Tribunals and Enquiries (Franks Committee) Comd. 218 (1957)
- Law Commission of India, 14th Report on Judicial Administration (1958) 675-695
- Sarbjit Kaur, Service Tribunals- An Introduction (2015)
- Administrative Reforms Commission, Interim Report on the Problems of Redress of Citizens’ Grievance (1966)
- P.K. Tripathi, “Lokpal: The Proposed Indian Ombudsman”, 9 JILI 175 (1967)
- Rajeev Dhavan, “Engrafting the Ombudsman Idea on a Parliamentary Democracy – A Comment on the Lokpal Bill, 1977”, 19 JILI 257 (1977)
- Balram K. Gupta, “A Balance-Sheet of State Lokayuktas”, 26 JILI 122 (1984)
- K.S. Shukla & S.S. Singh, Lokayukta : A Socio Legal Study (1988) IIPA, New Delhi
- Estimates Committee, System of Redressal of Grievances (1991-92) First Report, Tenth Lok Sabha
- Normal Lewis and S.S. Singh, Ombudsman: India and the World Community (1995) IIPA and British Council
- S.L. Rao “Policy and Legal Framework for Regulation” in Transition to a Liberalized Environment – Experiences and issues in Regulation (Leena Srivastava and S.K. Sarkar ed.) (1999) 27-32
- S. Sunder and S.K. Sarkar “Framework for Regulation: The Indian Experience” in Transition to a Liberalized Environment – Experiences and issues in Regulation (Leena Srivastava and S.K. Sarkar ed.) (1999) 39-53

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- Robert Baldwin, et. al. The Oxford Handbook of Regulation, Chapter 1 Introduction: Regulation - the Field and the Developing Agenda (2010) 1-12
- Robert Baldwin, et. al. The Oxford Handbook of Regulation, Chapter 3 Regulatory Rationales Beyond the Economic: In Search of the Public Interest by Mike Feintuck (2010) 39-61

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INTERNATIONAL ENVIRONMENTAL LAW

Paper Code:CO9

4 Credits

Max. Marks:100(60+40)

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

Unit I

Introduction to International Environmental Law: Origin, history, and development of International Environmental Law. Stockholm Declaration of the United Nations Conference on the Human Environment, 1972, World Charter for Nature, 1982, and Rio Declaration on Environment and Development, Johannesburg Declaration on Sustainable Development, Rio 2012, and Sustainable Development Goals

Unit II

Principles of International Environment Law: Intergenerational Equity, Polluter Pays Principles, Precautionary Principles, Public Trust Doctrine. World Commission on Environment and Development, Our Common Future, 1987. Notion Of Sustainable Development and Sustainable Development Goals, 2030

Unit III

State Liability in Environmental Matters

State liability for environmental harm and the viability of a liability regime, Disposal and Dumping of Hazardous Wastes, Regulation of Hazardous Wastes

Dispute Settlement under International Environmental Law

Dispute settlement and effectiveness of international environmental law

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Procedures in International Environmental Law

Environmental impact assessment, regulatory measures, and public participation

Unit IV

Law of Climate Change and Biodiversity Protection-Overview of international responses to Climate Change consisting of the United Nations Framework Convention on Climate Change, The Kyoto Protocol, Paris Agreement. Proceedings and decisions of various COPs and challenges. Overview of the main provisions, and loopholes under the Convention on Biological Diversity, Access to Genetic Resources and Benefit-Sharing under Nagoya Protocol, Biodiversity Clearing Mechanism and legal initiative

Suggested Readings

- Birnie and A. Boyle, "International Law and Environment" 2009. Oxford University Press.
- Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press.
- Singh Gurdip, "Environmental Law" 2016 Eastern Book Company, Lucknow (India).
- Phillippe Culet, Intellectual Property Protection and Sustainable Development, (2004) Lexis Nexis Butterworth, New Delhi. 19
- Caldwell, Lynton Keith," International Environmental Policy: Emergence & Dimension.
- World Commission on Environment and Development, Our Common Future (1987) Oxford University Press.
- Aynsley Kellor, International Toxic Risk Management (1999), Cambridge University Press.
- Abdul Haseeb Ansari, Future Directions in Conservation of Biological Diversity: An Interdisciplinary Approach, in Michael I Jaffery, Jeremy Firestone and Karen Bubna-Litic, Biodiversity Conservation Law & Livelihoods Bridging the North- South Divide, Cambridge University Press, 2008).
- Daniel Bodansky, The Art and Craft of International Environmental Law, (Harvard University Press 2010) Chapter 2.
- Adil Najam "Developing Countries and Global Environmental Governance: From Contestation to Participation to Engagement," (2005) 5 International Environmental Agreements 303-321.

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- Usha Natarajan, 'Third world Approaches to International Law (TWAAIL) and the Environment' in Research Methods in Environmental Law, Andreas Philippopoulos Mihalopoulos and Victoria Brooks (eds) Edward Elgar 2017, 207-236.
- Parvez Hassan, 'Role of the South in the Development of International Environmental Law' Chinese Journal of Environmental Law 1 (2017) 133-157.
- Daniel Bodansky, The Art and Craft of International Environmental Law, (Harvard University Press 2010), Chapter 5 & 9.
- Pierre-Marie Dupuy, Ginevra Le Moli and Jorge E. Viñuales, (2021) 'Customary International Law and the Environment in The Oxford Handbook of International Environmental Law (2 ed.) Lavanya Rajamani and Jacqueline Peel (eds) (Oxford University Press 2021) 385-401.
- Robert Esposito, "The ICJ and the Future of Transboundary Harm Disputes: A Preliminary Analysis of the Case Concerning Aerial Herbicide Spraying (Ecuador v. Colombia)," (2010) Pace International Law Review Online Companion, 1-22.
- Daniel Bodansky, 'The Role and Limits of the International Court of Justice in International Environmental Law' in The Cambridge Companion to the International Court of Justice, Carlos Esposito and Kate Partlett, (eds) (Cambridge University Press, 2020)
- John H Knox, "The myth and Reality of Trans Boundary Environmental Impact Assessment," (2002) 96 American Journal of International Law, 291-319.
- Yoshifumi Tanaka, Costa Rica v. Nicaragua and Nicaragua v. Costa Rica: Some Reflections on the Obligation to Conduct an Environmental Impact Assessment 2017 26(1) Review of European Comparative and International Environmental Law, 91-97.
- Leslie-Anne Duvic-Paoli, "The Status of the Right to Public Participation in International Environmental Law: An Analysis of the Jurisprudence," (2012) 23 (1) Yearbook of International Environmental Law, 80-105.
- Christina Voigt, International Environmental Responsibility and Liability (February 23, 2021). Available at <https://ssrn.com/abstract=3791419> or <http://dx.doi.org/10.2139/ssrn.3791419>.
- Philippe Sands, Jacqueline Peel et al. 'Liability for Environmental Damage' in Principles of International Environmental Law (Cambridge University Press 2012) 700-772.
- PS Rao, "International Liability for Transboundary Harm," (2004) 34 Environmental Policy and Law 224-231.

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- Daniel Bodansky, Jutta Brunnée, and Lavanya Rajamani,(2017) International Climate Change Law,(Oxford Univeristy Press)
- Maika Meguro, Litigating Climate Change through International Law: Obligations Strategy and Rights Strategy, Leiden 2020 33(4) Journal of International Law 933-951.
- Lavanya Rajamani Daniel Bodansky. 'The Paris Rulebook: Balancing International Prescriptiveness With National Discretion' (2019) 68(4) International and Comparative Law Quarterly 1023-1040.
- Lavanya Rajmani,'Reflections on a Decade of Change in international Environmental Law' (2021) 10 (1) Cambridge International Law Journal , 6-31.
- Florentina Simlinger, Benoit Mayer (2019) 'Legal Responses to Climate Change Induced Loss and Damage' in Loss and Damage from Climate Change. Climate Risk Management, Policy and Governance Mechler R., Bouwer L., Shinko T., Surminski S., Linnerooth-Bayer J. (eds) Springer 2019)
- Elisa Morgera Elsa Tsioumani, (2010) Yesterday, Today, and Tomorrow: Looking Afresh at the Convention on Biological Diversity, 21(1) Yearbook of International Environmental Law 3-40.
- Charles R.McManis, Burton Ong, Routledge Handbook of Biodiversity and the Law (Routledge 2017).
- Elisa Morgera, Matthias Buck, Elsa Tsioumani, The 2010 Nagoya Protocol on Access and Benefit-sharing in Perspective: Implications for International Law and Implementation Challenges, (Martinus Nijhoff Publishers 2012)
- Stephen C. McCaffrey (2007) The Law of International Watercourse, (Second ed Oxford University Press)
- Louis J. Kotzé , Reimagining The Human Environment Relationship (UNEP 2022).Bharat Desai, International Environmental Governance, towards UNEPO, (Brill 2014).

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17

COMPARATIVE LAW OF MARRIAGE, DIVORCE AND CIVIL CODE

Paper Code:CO10

4 Credits

Max.Marks:100(60+40)

Objective of the Course:

- To understand the concept, institution, and legal status of marriage and divorce in personal laws of various religions in India.
- To examine the comparative structures, remedies, and grounds for matrimonial reliefs under Hindu, Muslim, Christian, and Parsi laws.
- To evaluate the constitutional challenges in the pluralistic personal law system.
- To critically analyze the debate on Uniform Civil Code and the role of judiciary and legislature in family law reforms.

Unit I

Marriage – Concept, Validity, and Conditions

- Nature and legal character of marriage: Sacrament vs. Contract
- Hindu Marriage Act, 1955 – Essentials, ceremonies, prohibited relationships
- Muslim Marriage – Essentials of Nikah, forms, dower, legal capacity
- Christian Marriage – Essentials and solemnization under Indian Christian Marriage Act, 1872
- Parsi Marriage – Formalities under the Parsi Marriage and Divorce Act, 1936
- Comparative table: Capacity, age, consent, polygamy, registration

Unit II

Matrimonial Rights and Obligations

- Rights and duties of spouses in different personal laws
- Maintenance and separate residence – statutory and judicial perspectives
- Restitution of conjugal rights: legal basis, effectiveness, and criticism
- Guardianship and custody of children in different religions
- Comparative understanding of gender roles and legal protection

Unit III

Divorce and Judicial Separation

- Hindu Marriage Act – grounds for divorce, mutual consent, desertion, cruelty
- Dissolution under Muslim Law – Talaq, Khula, Mubarat, Triple Talaq, Dissolution of Muslim Marriages Act, 1939
- Christian Law – divorce and nullity under Indian Divorce Act, 1869

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- Parsi Law – divorce procedure and grounds under the Parsi Marriage and Divorce Act, 1936
- Comparative criticism and evolving standards of matrimonial reliefs

Unit IV

Civil Code and Emerging Legal Reforms

- Constitutional debates on Article 44 and Article 25–28
- Uniform Civil Code – history, feasibility, objections and support
- Role of judiciary and legislature in personal law reforms
- Special Marriage Act, 1954 – An interreligious civil marriage framework
- 21st Law Commission Reports and their relevance

Suggested Readings:

1. Paras Diwan – Law of Marriage and Divorce
2. Aqhil Ahmad-Mohammadan Law
3. Fyzee - Outlines of Mohammedan Law
4. Mulla-Mulla on Mohammadan Law
5. Poonam Pradhan Saxena- Family Law
6. Flavia Agnes – Family Law: Volume I and II
7. Tahir Mahmood – Muslim Law in India and Abroad
8. Archana Parashar – Women and Family Law Reform in India

Relevant Bare Acts:

- Hindu Marriage Act, 1955
- Muslim Personal Law (Shariat) Application Act, 1937
- Dissolution of Muslim Marriages Act, 1939
- Indian Christian Marriage Act, 1872
- Indian Divorce Act, 1869
- Parsi Marriage and Divorce Act, 1936
- Special Marriage Act, 1954

*Wishes
(Nishant)*

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भारतीय अकादमिक प्रथम*

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BASICS OF CYBER LAW

Paper Code: VAC 2

2 Credits

Max.Marks:50(40+10)

Objective of the Course: This course is designed to introduce students to the foundational concepts of computer and the evolving cyber space. It aims to help students understand the impact of computers and web technologies on society and the growing need for cyber law. The course explores the meaning, definition, and nature of cyber-crimes, tracing their genesis and evolution in the Indian context. A key objective is to familiarize students with the provisions, contraventions, offences, and jurisdictional aspects of the Information Technology Act, 2000. It also covers the objectives of the IT Act in promoting safe digital practices. Further, the course provides insights into e-Governance, e-Commerce, e-Contracts, and the legal implications of online transactions, including damages, penalties, and mechanisms for dispute resolution through adjudicating authorities and the Cyber Appellate Tribunal. A special focus is given to the Digital Personal Data Protection Act, 2023 and its interrelation with fundamental and human rights, especially the right to access cyberspace. Overall, the course aims to equip students with a comprehensive legal and practical understanding of cyber law in the contemporary digital age.

Unit-I: Basic of Computer & E- commerce

- History of Computers and its impact on society.
- Computers and its components, Application Software and System Software.
- E-Governance,
- E-Commerce and Trade, E- Contract.
- Damages and Penalties.
- Electronic Governance.

Unit-II: Cyber Space & Data Protection

- A brief overview of Information Technology Act, 2000.
- Relevant provisions from Indian Penal Code (BNS), Indian Evidence Act (BSA), Bankers Book Evidence Act, Reserve Bank of India Act, etc.
- Concept of electronic signature and digital signature.
- Legal recognition of Digital Signature.
- Cyber Crimes - Definitions – Nature - Types of Cyber Crimes
- Issues relating to investigation of cyber crimes in India

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- Data protection and privacy concerns in cyberspace -Need to protect data in cyberspace - Types of data - Legal framework of data protection - Data protection bill -an overview - GDPR compliance.
- Digital Personal Data Protection Act, 2023.

Suggested Readings

Justice Yatindra Singh: Cyber Laws

Jyoti Rattan: Cyber laws and Information Technology

Verma S.K. Mittal Raman: Legal Dimension of Cyber Space

Shreya Singhal vs U.O.I AIR 2015 Supreme Court 1523

KS Puttaswami v UOI, 2017 10 SC 1

Recommended Books:

1. The Information technology Act, 2000; Bare Act- Professional Book Publishers, New Delhi.
2. Julian JB Hickey., E-Commerce; Law, Business and Tax Planning, Jordan Publishing Limited,2000.
3. Parag Diwan and Shammi Kapoor., Cyber and E-Commerce Laws with Information Technology Act,2000 & Rules therewith, Bharat Publishing House, New Delhi, 2nd Edition,2000.
4. Bakshi, P.M., and Suri, R.K., Cyber and E-Commerce Laws, Bharat Publishing House, New Delhi;2002.
5. Suri, R.K. and T.N. Chhabra., "Cyber Crimes," New Delhi Pentagon Press,2002.
6. Joga Rao, S.V., "Law of Cyber Crimes and Information Technology Law", Wadhwa and Company, Nagpur, 1st Edition, 2004.
7. Sharma, S.R., "Dimensions of Cyber Crime", Annual Publications Pvt. Ltd., 1st Edition, 2004.
8. Augastine, Paul T., "Cyber Crimes and Legal Issues",Crecent Publishing Corporation, 2007.

(Nishant)

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