

# POST-GRADUATE DIPLOMA IN HUMAN RIGHTS & DUTIES (PGDHRD)

(SESSION 2022-23 AND ONWARDS)

# General Rules, Examination, Regulation and Course of Study



# FACULTY OF LEGAL STUDIES MJP ROHILKHAND UNIVERSITY, BAREILLY (U.P) 243006



#### **Objectives:**

Human Right is doubtless the major concern of all societies developed as well as developing. Formerly, human rights were conceived rather narrowly as mere freedom from arbitrary government and classical constitutions provided guarantees of individual liberty or minority protection against the State in their constitutional bill of rights. It was realised much later, and much more so, 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. Their assertion of sovereignty challenged main premises of international law which had been taken as established by the developed nations. These nations had to bring their development and they needed capital. Foreign aid and foreign investments were invited but these could very 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 and duties not only as negative restrictions on the State but as positive obligations for creating an environment in which human being could live with dignity, was necessary. If law was to be a real instrument of social engineering, the lawyers, judges as well as law teachers and law students had to be informed by human rights and duties at the Graduation level that would essentially seek to conscientize the future law teaches, researchers and activists, about human rights and duties. The focus of a P.G. Diploma on human rights and duties and their interrelationships must be on the national problems with on international or global perspective. Thoughts and ideas cannot be parochial or national. They are Universal; but their articulation becomes meaningful only when they are seen in the context of local experience. The contents of the courses must be informed by tranformational dimension. The study methodology must be macro at the thought level and micro at the experience level. While we must therefore focus on the local problems, we must not let the global perspective out of sight. The world community concerns about human rights and duties have been expressed through various conventions. On the national levels, 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 and duties acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty; ignorance; exploitation; discrimination based on casts, colour or sex; make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders and manufacturers, provisions against hazardous industries and so on and so forth. Human rights and duties are important parameter of a just social and future lawyers must be able to assess any programme of social transformation with





reference to them.

# P.G. DIPLOMA IN HUMAN RIGHTS & DUTIES COURSE OF STUDY AND EXAMINATION

WHEREAS, it is necessary to adopt and implement the revised curriculum and rules formulated by the University Grants Commission (Guideline of Model Curriculum and Action Plan for Academic and Administrative Reforms DO No.F-1-2/2009(XI Plan Dated 30 March 2009), M.J.P. Rohilkhand University, Bareilly hereby adopts P.G. diploma in Human Rights & Duties one Year (Two Semester) Degree Course of Study and frames the following general rules and regulations to be applicable from the academic year 2022-23 onwards.

#### 1. P.G. DIPLOMA IN HUMAN RIGHTS

The M.J.P. Rohilkhand University may confer the P.G. diploma in Human Rights & Duties on such candidates who, being eligible for admission to the P.G. diploma in Human Rights & Duties, have received regular instruction in the prescribed courses of study, passed relevant examinations and being otherwise suitable by virtue of their character, have fulfilled such other conditions as may be laid down from time to time by the appropriate authorities.

## 2. THE CURRICULUM AND DURATION OF STUDIES

- A. (i) The Curriculum of study for the P.G. diploma Human Rights & Duties shall comprise of the courses set out in Schedule A.
  - (ii) The Board of Studies in Law shall prescribe the content of various courses of study from time to time and report the matter to the Faculty Board for approval. All the matter regarding courses of study, examination regulation and any amendment shall be sent to the Academic council through Faculty Board as per provision of 7.06 of the first statute of M.J.P. Rohilkhand University.
- **B.** The Curriculum of study for the P.G. diploma in Human Rights & Duties shall be spread over Two Semesters.

### **Explanations:**

- (i) The Two Semesters over which the Curriculum is spread shall, respectively, be called the First, Second Semester.
- (ii) The Curriculum of study for each Semester shall ordinarily be spread over one Term of the Academic Year.
- (iii) There shall be two Terms in each Academic Year.



(iv) The First Term shall extend from the day of reopening of the University after Summer vacation to appointed day in December of the same year, and the Second term shall extend from an appointed day in December to the last working day of the concerned Academic Year.

# 3. REQUIREMENT FOR ADMISSION

# A. Minimum Qualification for Admission:

- (i) Admission to the P.G. diploma in Human Rights & Duties study shall be open to those candidates who have passed the (B.A./B.sc./B.com or equivalent) with 45% marks (Gen. and OBC Category and for SC/ST candidates, pass with 40% (a relaxation of 5% to SC/ST category). Graduation Degree Examination of this University or such Examination of any other University or Institution under 10+2+3 pattern.
- (ii) Admission to P.G. diploma in Human Rights & Duties Course may be granted in order of merit to be formed by the University for this purpose.

# B. Reservation and weightage:

(i) Reservation and weightage shall be as per University Rules

# 4. Regular Course of Study

#### A. Course of Study:

A candidate for the P.G. diploma in Human Rights & Duties shall be required to:

- (i) Study Six Compulsory courses in First semester.
- (ii) Study eight papers in second semester.
- (iii) Write a Dissertation in the Second Semester (one academic year) on a subject approved by the Departmental committee in consultation with the Supervisor.

# (iv) The Departmental committee referred in Para (iii) shall consist of the following:

- (a)Chairman (Head of the Department)
- (b) Four other Full time members of the department by rotation for one year.

# 5. ASSESSMENT OF STUDENTS' PERFORMANCE AND SCHEME OF EXAMINATION PASS PERCENTAGE & PROMOTIONAL CRITERIA:

- Assessment of student's "performance shall consist of 70 marks (End Semester Written Examination) and 30 marks (Internal Assessment).
- The duration of the End Semester Written Examination in shall be three hours for 70 marks.
- For internal assessment of 30 marks, one internal Test+Assignment+Presentation+Viva+seminar shall be in



the class in each course in each term.

- Internal assessment of each paper shall be evaluated by a panel of three teachers of the department. For each paper panel is to be formed by HOD/Principal accordingly.
- Dissertation will carry 100 marks.
- Viva-voce exam will carry 100 marks Viva-voce shall be held soon after the forth semester.
- In each paper 30 marks shall be reserved for award on the bases of continuous internal assessment of the student in the class room. The HOD will notify information regarding each internal assessment at least one week prior of the presentation with consultation to the teacher concern. All awards of marks will be verified by the HOD and will be send to exam controller accordingly.
- The criteria for Internal assessment for each paper will be as follows –

Internal Test- 10 marks

Assignment with presentation – 10 marks

Class room seminar and viva – 10 marks

#### 6. ATTENDANCE

The student whose attendance is less than 75% will not be allowed to appear in the end semester examination. Head of the Department may permit a student to appear in examination by relaxation of 25% attendance in special conditions such as;

- Participation in NCC/NSS camps duly supported by a certificate from competent authority.
- Participation in University or College Team (S) Games or Inter State or Inter University Tournament (S) duly supported a certificate from competent authority
- Participation in any of the co-curricular activity organized by University/ Department duly certified by competent authority.
- Prolonged illness duly certified by superintendent/CMO of government hospital or registered medical practitioners/hospitals.

**Note**: The Vice Chancellor shall have power to condone any deficiency of attendance for cogent reasons.

#### 7. ENROLLMENT

Admitted candidates shall be required to get him/her enrolled with the University if he/she is not already enrolled as a student of this University. They will be required to submit their migration certificate along with the enrolment form and prescribed fee.

#### 8. END SEMESTER EXAMINATION

There shall be an end semester examination at the end of the I and II semesters. The semester examination will be held every year normally in December and May or on the dates declared in the academic calendar of the University. A student proceeding to appear in the end semester examination will submit through the Head of the Department his/her application on the prescribed form along with the required examination fee, etc. to the Registrar of the University.

Every student will have to appear in six respective theory papers examinations in the I and II, semesters. In the II semester, every student will be allotted one dissertation work in lieu of Viva-voce Exam.



#### 9. ALLOTMENT OF THE DISSERTATION

- Allotment of the dissertation will be done by a committee comprising of the Head of the Department, one Professor and one Associate Professor of the Department by rotation according to seniority. The Proposal for dissertation shall be submitted by candidate though head of department.
- Candidate shall be required to submit the Dissertation at least two weeks before the commencement of Second Semester Examination. Prior of submission of dissertation the students shall make a pre submission seminar in department of law, MJPRU. Seminar shall be opened to all faculty members, research scholar and other students of the faculty.
- The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.
- The maximum number of students enrolled for dissertation under one teacher will be as follows-

Assistant Professor – 05

Associate Professor – 08

Professor - 10

 Full time teacher of the department is authorized for dissertation guidance. If there is non availability of full time teachers in the department concern, rest of all student will be supervised by HOD/ principal and Dean accordingly.

#### 10. VIVA-VOCE EXAMINATION:

- The Viva Voce Examination shall be conducted by a Board of Examiners.
- The Board shall consist of three members; one member shall be a Professor/Associate Professor as external member of any other university or college. The head of the department (H.O.D.) shall be a member of the board and one Professor/Associate professor of the department as internal examiner. The internal examiner shall be appointed for every year by rotation.
- The Viva-Voce Examination shall carry 100 marks. The external examiner shall evaluate the candidate out of 70 maximum marks and two examiners shall evaluate out of 15 maximum marks each.
- Candidate shall be required to secure at least 50% marks in the Viva-voce to pass the Examination.

### 11. GREAD POINTS:

O (Outstanding)	10
A+ (Excellent)	9
A (Very Good)	8
B+ (Good)	7
B (Above Average)	6
C (Average)	5
P (Pass)	4
F (Fail)	0
AB (Absent)	0

#### 12. CGPA Calculations:

## **Grading Pattern and illustration of Grading Pattern**

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.



#### Illustration:

Course	Credit	Grade	Grade Point	Credit Grade	SGPA
Semester I					
Paper I	04	B+	7	28	
Paper II	04	B+	7	28	
Paper III	04	B+	7	28	
Paper IV	04	A	8	32	
Paper V	04	В	6	24	
Value Added	04	B+	7	28	
Total	24				196/24=8.1
Semester II					
Core I	04	B+	7	28	
Core II	04	B+	7	28	
Core III	04	B+	7	28	
Core IV	04	B+	7	28	
Core V	04	A	8	32	
Value Added	04	В	6	24	
(Dissertation)	04	B+	7	28	
Viva-voce	04	B+	7	28	224/32=7.0
Total	32			224	

Thus:		
	Credits	SGPA
Semester I	24	8.1
Semester II	32	7.0

Total 56

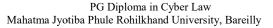
# 13. CONDITION FOR A PASS AND PROMOTION TO NEXT SEMESTER YEAR

For each course, each student has to appear in internal assessment and semester examination otherwise, the student will be awarded an "Ab" grade. The total marks obtained in the end semester examination, and internal assessment the continuous evaluation will be considered to decide the grade in that course In addition, a student also has to get valid credits for value added Skill development modules' courses and grades as per university rules. The grading will be made on a 10-point scale as follows:

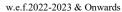
Letter Grade	Grade Point	Description	Range of marks(%)
O	10	Outstanding	95% or above
A+	9	Excellent	85-94%
A	8	Very Good	75-84%
B+	7	Good	65-74%
В	6	Above Average	55-64%
C	5	Average	45-54%
P	4	Pass	36-44%
F	0	Fail	Below 36%
Ab	0	Absent	Absent

For passing the examination in each semester, a candidate must have secured a minimum of 36% marks ("P" Grade: 4 Grade Points) in the course. If the marks obtained by the student in a course are less than the minimum cut-off percentage of marks, then an "F" grade will be awarded. If a student obtains an "F" or "Ab" Grade in any course, he/she will be treated to have failed in the course.

The decision of the teacher regarding the evaluation and the grade shall be final. However, a student submits in writing for a review of his Marks/Grade to the Head/Director who will place the case before the board of



Ordinance & Syllabus





comprehensive viva voce. The decision of the board will be final. The result of the review will be declared by the concerned Head/Director Review is effective only when the grade improves. The review will be allowed only if-

- The prescribed fee is paid.
- The candidate applies within 7 days of the declaration of the grade in that course.
- In matters not covered under this ordinance, general rules of the University shall be applicable.
- In case of any dispute/ambiguity, the decision of the Vice-Chancellor shall be final and binding.

#### 14. RULES OF PROMOTION

A student can not to be promoted to next semester if he/she fails in up to the maximum **three courses (papers)** in first semester. The paper/papers in which a student fail shall be considered as back paper. In **no case** a student having back in **more than three papers** can be promoted to next semester and will be treated to have **year back**. In case of year back, he/she have to take readmission by paying approved tuition fee in same year after the recommendation of HOD/Dean. After readmission students have following options;

- 1. He/ She can choose to pass all the papers of the academic year.
- 2. He/ She can opt to pass the papers in which he/she has failed.
- 3. Students will have to submit their choices/options at the time of readmission.
- 4. No repeat attempt is allowed to pass for internal assessment only.
- 5. He/ She has to repeat complete course i.e. theory and internal assessment both.

#### 15. GENERAL RULES:

These will be the same as applicable for the other law courses of the University.

#### 16. **DEFINITION:**

- I. Course (paper) A segment of the P.G. Diploma programmed i.e. a paper.
- II. Value added courses An optional course to be selected offered by other university teaching department.

## 17. CONVERSION OF MARKS INTO GRADES:

- Grade Points: Grade point table as per University examination rule.
- SGPA (Semester Grade Point Average): Calculation as per University Examination rule.
- YGPA (Year Grade Point Average): Calculation as per University Examination rule.
- CGPA (Cumulative Grade Point Average): Calculation as per University Examination rule.
- Grade Point conversion into Marks: Calculation as per University rule.

#### 18. UPGRADATION AND MODIFICATION OF SYLLABUS

Up-gradation and Modification of the syllabus shall be proposed by the BOS and shall be approved by the Academic Council through Faculty Board time-to-time, as and when required.



#### 1. DETAILS OF SYLLABUS

#### APPENDIX-I

#### **Core Papers:**

# (i) Semester I

- i. Indian Constitutional Law: The New Challenges
- ii. Law And Social Transformation in India
- iii. Mass Media Law
- iv. Jurisprudence and Legal Theory -I
- v. Human Rights
- vi. Value Added Course (Credited) (Right to Information & Good Governance)

# (ii) Semester II

- Jurisprudence and Legal Theory -II
- ii. Law and Justice in Globalized World
- iii. Research Methodology
- iv. Criminal Justice System & H.R.
- v. Comparative Constitutional law
- vi. Value Added Course (Credited) ) (Environmental Awareness)
- vii. Dissertation
- viii. Viva-voce

#### APPENDIX-II

# **Value Added Courses**

## Skill Based in Each Semester a candidate shall take one paper.

- 1. Practice of Yoga (Department of Sports)
- 2. Introduction to Linguistics and Phonetics (Department of Multilingual studies)
- 3. Labour Welfare, Social Security Law, (Department of Business of Administrative)
- 4. Legal Framework governing human relations, (Department of Business of Administrative )
- 5. Pharmaceutical Jurisprudence, (Department of Pharmacy)
- 6. Social Work Profession: Concept, Philosophy and Development, MSW, (Department of SocialWork)
- 7. Computer Applications/ Computer fundamental, (Department of CSIT)
- 8. Right to Information & Good Governance
- 9. Security Law, (Department of CSIT)



- 10. Labour Jurisprudence, MSW (Department of SocialWork)
- 11. Clinical Legal Aid, (Department of Law)
- 12. Environment Awareness, (Department of Education)

# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER PAPER- I INDIAN CONSTITUTIONAL LAW-THE NEW CHALLENGES

1. Introduction: Indian Constitutional Law has been an outcome of labour of constitutional framers.

Constitutional Governance always faces new challenges and ameliorating aspirations of such a plural democracy based on rule of law and judicial review is very challenging itself.

#### 2. Course Outcome:

- C.O. 1: The objective of this paper is to study the nature of constitutional governance.
- C.O. 2: It is intended to highlight the role of constitution to face new challenges of society.
- C.O. 3: This paper further intends to expose the intricacies of challenges of constitutional governance.
- C.O. 4: To Understand the concept of Constitutional Morality.

### 3. Programme Outcome:

- P.O. 1: To understand and distinguish the role of Constitution to tackle the problems of society
- P.O.2: To understand the impact of Constitution in making public opinion.
- P.O.3: To Inculcate the value of legal research

#### 4. Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

## **Unit I: Indian Federal Structure**

(8 Lectures)

- 1.1 Federalism: Creation of New States, Special status of certain States & Article 370,
- 1.2 Federal Comity-Relationship of trust and faith between Centre and State,
- 1.3 Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
- 1.4 Separation of Power: Doctrine of Separation of Powers and checks and balances,

# **Unit II: Judicial Framework & Constitutional Governance**

(8 Lectures)

- 2.1 Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: Implementation, Judicial autonomy and independence,
- 2.2 Accountability of Executive, Legislature and Judiciary.
- 2.3 Democratic Process: Election and Electoral reforms, Election Commission.
- 2.4 The Rule Of Law: The independence of judiciary as an aspect of separation of



powers/Divisionof functions.

2.5 Constitutional Morality, Right to Dissent, Doctrine of Legitimate Expectation, Inlusive and Egalitarian Governance.

#### **Unit III: State & Constitutional Governance**

(8 Lectures)

- 3.1 The Executive: Constitutional status, Powers and functions of the President vis-a vis form of Government.
- 3.2 The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation OnPrivileges.
- 3.3 The Judiciary: Status, Power, functions and contemporary developments, Power of JudicialReview.
- 3.4 Constitutional torts and compensatory Jurisprudence, Contractual Liability of State Fundamental Duties & Citizenship

# Unit IV: Equality, Liberty & Constitutional Governance

(8 Lectures)

- 4.1 Liberalization & Social Justice
- 4.2 Right to Equality: Privatization and its Impact On Affirmative Action.
- 4.3 Empowerment of Women.
- 4.4 Freedom of Press and Challenges of New Scientific Development,
- 4.5 Data Protection & Privacy

# **Unit V: Constitutional Governance & Emerging Trends**

(8 Lectures)

- 5.1 Emerging regime of new rights and remedies.
- 5.2 Reading Directive Principles and Fundamental Duties into Fundamental Rights.
- 5.3 Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.
- 5.4 Implementation of International Obligation : Human Rights, Environmental protection and International trade.

# **Books:**

- 1. D.D. Basu, Shorter Constitution of India
- 2. M.P. Jain, Constitution of India
- 3. M.P. Singh, Comparative Constitutional Law
- 4. T.K. Tope, Constitution of India
- 5. Dr. Amit Singh, Indian Constitutional law: The New Challenges (Vol. 1, 2, University Publication New Delhi)



# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER PAPER II LAW AND SOCIAL TRANSFORMATION IN INDIA

1. Introduction:



Law is considered a social phenomenon. It removes the hindrances that hinder human growth. The legal phenomenon in spite of having a unique, objective identity is inherently tied to the social realities. The modern anthropocentric world considers individual as the center of the universe and law along with society must serve this individual. A tectonic shift in the society is bound to change the legal culture of a country. A Kelsenian/normative approach necessitates that Constitution changes the society whereas the sociological approach is of the view that it is the society that transforms the legal structure. Indian has adopted the latter approach. The purpose of the course is to familiarize the students with the changing dynamics of the Indian Legal system from post-independence to the current era of globalization.

#### 2. Course Outcomes:

- **C.O. 1**: To assess the concept of social transformation and its impact on the legal culture.
- **C.O. 2**: To evaluate the social problems affecting the Indian nation state and its legal solutions.
- **C.O. 3 :** To critically evaluate the existing legal structure and its efficacy in solving the current social evils of the nation state .
- **C.O. 4**: To assess the legal culture of India in a post globalized era

## 3. Program Outcomes

- P.O.1: To foster an inter disciplinary approach in order to assess the social reality of law in India
- P.O.2: To assess the changing nature of law in India in the era of "Right Based jurisprudence".
- P.O.3: To encourage a Critical method of thinking among the students to assess the legal situation
- **P.O.4:** To assess the social impact and outcome of law.

#### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

## **UNIT I: Law and Social Change**

(8 Lectures)

- 1.1 Meaning of Social Change and Social Transformation.
- 1.2 Relation between Law and Society: The Consensus and Conflict model
- 1.3 Social, Economic and Educational Corollary
- 1.4 Law and Morality.

#### **UNIT II: Constitution and Social Change**

(8 Lectures)

- 2.1 The normative method and sociological mode of change.
- 2.2 Constitutional Amendments and Social change
- 2.3 Basic Structure theory as a balancing factor
- 2.4 Women Empowerment and Social Dichotomy
- 2.5 Liberty and Social Acceptance



## **UNIT III: Globalization and Constitution of India**

(8 Lectures)

- 3.1 Impact of Globalization on the vision of Article 38 and Article 39 (b), (c) of the Constitution.
- 3.2 Impact of Globalization on the legal aspects of Industries and Agriculture in India .
- 3.3 Impact of Human Rights on Indian Legal Culture.
- 3.4 Status of Welfare state in a Globalized Economy.

#### **UNIT IV: Social Transformation & Modern India**

(8 Lectures)

- 4.1 Regionalism and Law: Right to Movement, Residence and Business
- 4.2 Language Policy and Indian Constitution: Official, State and Court Language
- 4.3 Freedom of Religion and Religious Minorities
- 4.4 Reservation Policy in India: Schedule Caste, Schedule Tribe and Backward Class

## **UNIT V: Contemporary Issues in Indian Legal Culture**

(8 Lectures)

- 5.1 Citizenship Law of India and Identification Documents in India.
- 5.2 Right to Privacy and Supreme Court of India.
- 5.3 Alternate Dispute Resolution Mechanism and Social Upliftment
- 5.4 Good governance and RTI

#### **Resources:**

- 1. Marc Galanter (ed.) Law and Society in Modern India, Oxford.
- 2. Robert Lingat, The Classical Law of India,
- 3.U. Baxi, The Crisis of the Indian Legal System,
- 4. Duncan Derret, The State, Religion and Law in India,
- 5.H.M.Seervai, Constitutional Law of India.
- 6. TarnginiSriraman, In Pursuit of Proof: A History of identification Documents in India, Oxford publications
- $7. Chris \ Thornhill, \ A \ Sociology \ of \ Constitutions: \ Constitution \ and \ State \ legitimacy \ in \ Historical-Sociological \ Perspective \ , Cambridge \ Publications \ .$
- 8 .Anupama Roy, Mapping Citizenship in India, Oxford Publication.
- 9 .Gautam Bhatia, The Transformative Constitution: A Radical Biography in Nine Acts, Harper Collins India
- 10. Dr. Amit Singh, Law And Social Transformation In India (Vol. 1, 2, University Publication New Delhi)



# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER PAPER III MASS MEDIA LAW

#### 1. Introduction

To introduce the media and constitutional governance.

#### 2 .Course Outcomes:

- C.O. 1: To develop media awareness.
- C.O. 2: to apprise the students about media.
- C.O. 3: to apprise the incumbents about digital rights.

#### 3 .Program Outcomes

To make students understand the role of media in constitutional governance.

#### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### Unit I

#### Media, Ethics and the Constitution

(8 Lectures)

- 1.1 Disseminating facets of media, Understanding the Concept of Media, History of Media, Theories of Media, Evolution of Media in India and
- 1.2 Media Legislation (including Media Laws in US, Scrips Newspapers Chain, Foreign Direct Investments in Media
- 1.3 Media & Copyright issues Right to Information Act 3005: New tool for Press Freedom Media and Journalists: Working Journalists Act and Press Council & Human Rights Trial by Media: Influence on Adjudicators
- 1.4 Press-Freedom of Speech and Expression-Article 19 (1) (a)Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition.
- 1.5 Media and social Media Laws

Unit II (8 Lectures)



#### Advertisement and the Law

- 2.1 Basis of Advertisement: Constitutional Freedom of Commercial Speech, Drug and Magic Remedies (Objectionable Advertisements) Act and other Laws regulating Advertisements
- 2.2 Content of Advertisements: Civil and Criminal liability
- 2.3 Unfair Practices through Advertisements and Consumers Rights, Advertising Standards Council of India: A Private Regulatory, Misleading Advertisements: Need for New Law
- 2.4 Advertisement-is it included within freedom of speech and expression?
- 2.5 Press and the Monopolies and Restrictive Trade Practices Act.

#### Unit III: Electronic Media and Regulatory Law

(8 Lectures)

- 3.1 Convergence of New Media in the Internet: Cinema, Social Media, Expansion of Electronic Media:

  Broadcast sector TV and Radio
- 3.2 Autonomy of Public Sector Broadcaster: Prasar Bharti Law
- 3.4 Freedom of Private Broadcasting: Broadcasting Regulation Bill and Cable TV Network Regulation Act
- 3.5 Cinematography Act, Pre-censorship, Indecent Representation of Women (Prohibition) Act and Young Persons (Harmful Publications) Act Information Technology Act 3000

# Unit IV: Media & Self Regulation

(8 Lectures)

- 4.1 History of Media Law in India
- 4.2 Constitutional Rights of Media & Limitations on Freedom of Speech and Expression
- 4.3 Media & Other Constitutional Aspect

#### **Unit V: Constitutional Restrictions**

(8 Lectures)

- 5.1 Radio and Television subject to law of defamation and obscenity,
- 5.2 Power to legislate-Article 246 read with the Seventh Schedule.
- 5.3 Power to impose tax-licensing and licensing fee.

## **Select Bibliography**

- 1. H.M.Seervai, Constitutional Law of India,
- 2. M.P.Jain, Constitutional Law of India,



- 3. John B.Howard, The Social Accountability of Public Enterprises,
- 4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
- 5. Soli Sorabjee, Law of Press Censorship in India,
- 6. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends, 1984
- 7. D.D.Basu, The Law of Press of India,
- 8. RajeeveDhavan, Legitimating Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984
- 13. tionalism" 62 (6) Stanford Law Review 1583-1628(June 3010).



# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER PAPER-IV JURISPRUDENCE AND LEGAL THEORY- 1

#### 1. Introduction:

Legal philosophy is backbone of legal discourse. Philosophical investigation of different ideas and theories is core of the legal study. This paper aims to introduce to the students the different schools and theories of legal philosophy so as to develop their analytical, critical and comparative approach to legal study. Scientific investigation of an idea is fulfilling and enriching experience and this paper inculcates the value of inquisitiveness, inquiry and inclusivity of ideas.

#### 2.Course Outcomes:

- **C.O. 1:** Grasp the fundamentals of different schools and their dominant ideas.
- **C.O.2:** Understand the concept of law and legal order in the backdrop of the theories of different schools.
- **C.O.3:** Apply their understanding of law in different legal systems;
- C.O.4: Identify and analyze problems of legal order and their analysis with multiple perspectives.
- **C.O.5:** To appreciate establishment of an egalitarian legal order.

### 3. Program Outcomes

- **P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- P.O.2: Demonstrate the ability scientific, critical and comparative inquiry of the theory and ideas;
- **P.O.3:** Identify legal issues and application of legal ideas thereto;
- **P.O.4:** Inculcating the value of research;
- **P.O.5:** Demonstrate the ability to solve problems with an holistic approach;

# 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

### **UNIT I Legal Philosophy & Natural Law School**

(8 Lectures)

- 1.1 Legal Philosophy & Jurisprudence
- 1.2 Jurisprudence: Distinct Study & Synthetic Jurisprudence
- 1.3 Jurisprudence: A Priori & A Posteriori, Deductive & Inductive Method
- 1.4 Natural Law School: Roman & Greek School, Thomist& Sophist, Social Contract, Dark Ages,

Stammler &Kohler

**UNIT II: Historical School & Analytical School** 

(8 Lectures)



- 2.1 Maine & Status to Contract, Anthropology & Law
- 2.2 Kelsen: Pure Theory of Law: Normative Character of Law
- 2.3 Hart: Minimum Content of Morality, Morality & Law Discourse in Contemporary World

# UNIT III: Philosophical School & Sociological School (8 Lectures)

- 3.1 Kant & Hegel: Idealism, Metaphysical and Materialism, Dialectical Materialism
- 3.2 Sociology of Law and Sociological Jurisprudence
- 3.3 Inhering: Interest Theory
- 3.4 Roscoe Pound: Theory of Interests & Social Engineering

# **UNIT IV: Realist, Critical Studies & Feminism (8 Lectures)**

- 4.1 Badman Theory, Jurimetrics & Skepticism& Scandinavian School
- 4.2 Critical Legal Studies
- 4.3 Feminism: Liberal & Radical Approach

# UNIT V: Modernism and Post-Feminism and Post Modernism School (8 Lectures)

- 5.1 Modernism & Deconstructionism
- 5.2 Post-feminism and Post Modernism Discourse
- 5.3 Contemporary Discourse

#### **Books:**

- 1. Bodenehimer, Jurisprudence-The Philosophy & Method of Law, Universal, Delhi
- 2. R.W.M. Dias, Jurisprudence, Indian Reprint-Adithya Books, Delhi
- 3. Fitzgerald, Salmond on Jurisprudence, Tripathi, Bombay
- 4. Dhyani S N, Jurisprudence-A Study of Indian Legal Theory.
- 5. Wayne Morrison, Jurisprudence, Cavendish Publication.
- 6. Llyod, Introduction to Jurisprudence, Sweet and Maxwell.
- 7. N.E. Simmonds, Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell).
- 8. Brian Bix, Jurisprudence: Theory and Context, Carolina Academic Press, 1999.
- 9. Roger Cotterrell, Politics of Jurisprudence.



# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER PAPER-V HUMAN RIGHTS

#### 1. Introduction

The paper aims to introduce human rights in national and international Legal Order.

#### 2 .Course Outcomes:

C.O. 1: Human Rights

C.O. 2: human rights protection scheme

C.O. 3: Human Rights Protection in International Order

#### 3 .Program Outcomes

To inculcate the value of protection of Human Rights.

#### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

# Unit I: Panoramic View of Human Rights

(8 Lectures)

- 1.1 Human Rights in Non-Western Thought, Awareness of Human Rights during the nationalist movement, Universal Declaration of Human Rights, Constituent Assembly and Part III, drafting process,
- 1.2 Subsequent developments in International Law and the Position in India (e.g., Convention of Social Discrimination, Torture, Gender discrimination, Environment and the Two human right covenants.)
- 1.3 Fundamental Rights Jurisprudence as Incorporating Directive Principles The dichotomy of Fundamental Rights and Directive Principles, The interaction between Fundamental Right and Directive Principles, Resultant expansion of basic needs oriented human rights in India.

# Unit II: Right not be Subject to Torture, Inhuman or Cruel Treatment

(8 Lectures)

2.1 Conceptions of torture, third-degree methods, 'Justification' for it, Outlay of torture at international and constitutional law level, Incidence of torture in India, Judicial attitudes, Law Reform-proposed and pending. Minority Rights: Conception of minorities, Scope of protection, The position of minority 'Woman' and their basic rights, Communal Riots as involving violation of rights.



Unit III (8 Lectures)

Rights to Development of Individuals and Nations: The U.N.Declaration on right to Development, 1987, The need for constitutional and legal changes in India from human rights standpoint. People's Participation in Protection and Promotion of Human Rights: Role of International NGOS, Amnesty International, Minority Rights Groups, International Bars Association, Law Asia, Contribution of these groups to protection and promotion of human rights in India.

Unit I (8 Lectures)

- 4.1 Development Agencies and Human Rights: Major International funding agencies and their operations in India,
- 4.2 World Bank lending and resultant violation/promotion of human rights,
- 4.3 Should development assistance be tied to observance of human rights (as embodied in various UN declarations)
- 4.4 Comparative Sources of Learning: EEC Jurisprudence,
- 4.5 The Green Movement in Germany,
- 4.6 The International Peace Movement,
- 4.7 Models of Protection of the rights of indigenous peoples: New Zealand (Maoris), Australia,

Aborigines and Canada (Indians).

- 4.8 Freedom: Free Press-its role in protecting human rights,
- 4.9 Right of association, Right to due process of law,
- 4.10 Access and Distributive justice.

Unit V (8 Lectures)

- 4.1 Independence of Judiciary: Role of the Legal Profession,
- 4.2 Judicial appointments-tenure of judges,
- 4.3 Qualifications of judges,
- 4.4 Separation of judiciary from executive.
- 4.5 European Convention of Human Rights: European Commission/Court of Human Rights,
- 4.6 Amnesty International, PUCL, PUDR,
- 4.7 Citizens for Democracy,
- 4.8 Minorities Commission, Human Rights Commission,
- 4.9 Remedies Against Violation of Human Rights.



## **Select Bibliography**

- 1.M.J. Akbar, Riots after Riots, 1988
- 2.U. Baxi (ed.) The right to be Human, 1986
- 3.U.Baxi, The Crisis of the Indian Legal System, 1982
- 4.F. Kazmi, Human Rights, 1987
- 5.L. Levin, Human Rights, 1982
- 6.H. Beddard, Human Rights and Europe, 1970
- 7. Nagendra Singh, Human Rights and International Co-operation, 1969
- 8.S.C.Kashyap, Human Rights and Parliament, 1978
- 9. Moskowitz, Human Rights and World Order, 1958
- J.A. Andrews, Human Rights in International Law, 1986



# P.G. DIPLOMA IN HUMAR RIGHTS I SEMESTER VALUE ADDED COURSE RIGHT TO INFORMATION & GOOD GOVERNANCE

### **Course Objective**

- The course is designed to equip students, how the right to information infuses transparency and Accountability in governance and preventing abuse of power.
- The aim of the course is to highlight the basic guidelines of RTI Act, the relationship between
- Right to information act and good governance and the issues relating to RTI act to adopt the best practices in governance.
- To make them learn as to how the concept of human development is directly linked to human rights. A rights-based approach demands participation in governance and development, which guaranteed access to information can provide.
- The right to information is a basic right that underpins good governance, democracy, poverty eradication and the practical realization of human rights.

#### Course Contents

Unit I:

Origin and Concept of Right to Information, Good Governance and Right to Information, Origin and Concept of Good Governance.

Unit II:

Right to Information under International Conventions and Declarations, Right to Information under regional instruments

Unit III:

Right to Information under Indian Constitution- Fundamental rights and right to information; Judiciary and right to information;

Unit IV:

Right to Information Act 2005 in India-Public authorities and their obligation Implementation of Right to Information Act in private sector, Judicial review and Right to Information Act, Information related to the third party and protection of right, Appeals under right to information law.

Unit V:

Right to Information in different Statutes in India. The Official Secrets Act, 1923; The Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972, Indian Evidence Act, 1972 etc. Right to information and Empowerment of the people, Voters right to know.

#### Reference of Book:

- Faizan Mustafa: Constitutional Issues in Freedom of Information: International and National Perspectives
- De Smith : Judicial Review of Administrative Action
- M.P.Jain: Cases and Materials on Administrative Law
- M.P.Jain : Constitution of India
- D.D.Basu : Comparative Administrative Law
- Datar, Arvind P.: Constitution of India
- Brownlie I : Basic Documents on Human Rights
- Rajkumar. C.: Corruption and Good Governance



# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER PAPER I JURISPRUDENCE AND LEGAL THEORY- II

#### 1. Introduction:

The nature of law has changed drastically in the 21<sup>st</sup> century. We are living in the age of post modernism where Skepticism is in vogue. The contemporary era does not ask as to "what is the law?" or what is the nature of legal enterprise? What is required now is a moment of reflexivity. One must question whether law is truly an independent, objective phenomenon or a range of different phenomena which are loosely grouped under the heading of law? In addition to the Liberal – Positivist approach to law, various other Schools have made their inroads into the ontology of law. The paper is an attempt to incorporate these new approaches and to develop a sense of reflection among the students. International social movements are affecting legal cultures all across the world and academics have opened new epicenters of knowledge. Third World Scholars have challenged the hegemony of Western intelligentsia and the Bretton Woods system has been challenged by the South Block ever since the outbreak of the sub-prime mortgage crisis. The issue of justice and human rights has gained momentum. The paper tends to investigate the new wave in the understanding of law in a Gridlock world.

#### 2. Course Outcome

- **C.O. 1:** To analyze the changing nature of Law in the 21<sup>st</sup> century.
- C.O. 2: To analyze and interpret the impact of international social movements on law.
- **C.O. 3**: To understand and interpret the new approaches to law.
- **C.O. 4**: To analyze the concepts of justice and rights as applicable in the 21<sup>st</sup> century.

#### 3. Program Outcomes

- To inculcate an inter disciplinary approach in order to understand the nature of law.
- To assess the changing nature of law.
- To assess the changing nature of Law, State, Sovereignty and Justice.

#### 4. Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### **UNIT I: Law in a Post Modern World.**

(8 Lectures)

- 1.1 Law and Post modernism: Critical Legal School , Ideas of Roberto Unger , Duncan Kennedy , Michel Foucalt, Jacques Derrida .
- 1.2 Queer Jurisprudence.
- 1.3 Feminist Jurisprudence.
- 1.4 Law and Ideology.



# UNIT II: Law, State and Sovereignty in a Contemporary world.

(8 Lectures)

- 2.1 Challenges to Sovereignty in the 21st century: Subsidiairty, Sovereignty as Responsibility,
- 2.2 Chunk theory of Sovereignty, Globalization, The concept of Fail / Weak State.
- 2.3 Post 9/11 world and State: Philosophy of Carl Schmitt, Giorgio Agamben, The concept of Bio Politics.
- 2.4 Cosmopolitanism and Globalization as an alternate to the State system.
- 2.5 The concept of Demosprudence.

#### **UNIT III**: Changing notion of Justice in a contemporary world

(8 Lectures)

- 3.1 Rawlsian Difference Principle and the ideas of Nozick and Sen
- 3.2 Global Distributive Justice : Views of Peter Singer , Thomas Pogge , KokChor Tan, Martha Nussbaum, Refugee justice ,
- 3.3 Anti GlobalizationMovement: Meaning, Nature and Scope.

#### **UNIT IV: Minorities & Governance**

(8 Lectures)

- 4.1 Right of Self-determination and the Minorities.
- 4.2 Ethnic Minorities and Governance
- 4.3 Sustainable Development, Inclusive Governance

#### **UNIT V: Recent Global Trends**

(8 Lectures)

- 5.1 TWAIL scholarship.
- 5.2 Importance of Legal monism in establishing international peace.
- 5.3 Global Administrative Law: Meaning, Nature and Scope.
- 5.4 Global Governance, Post Secularism and Public Reason
- 5.5 Linguistic Philosphy, Wittgenstein, Interpretation of Law,

# **Bibliography**

- 1. Encyclopedia of Global Justice ,Deen Chatterjee (ed) , Springer.
- 2. Global Governance by Thomas Weiss, Polity.
- 3. Global justice: The basics by Huw. L. Williams and Carl Death, Routledge.
- 4. Jurisprudence : from the Greeks to Post Modernism by Wayne morrsion , Lawman (India) , Private Limited .
- 5. Globalization and After by Dasgupta and Kelly ,Routledge.
- 6. Legality and legitimacy by David Dyzenhaus, Cambridge publication.
- 7. Sovereignty as Responsibility by Luke Glanville, Chicago university press.
- 8. International Law from Below by BalakrishnaRajagopal, Cambridge.

# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER PAPER II LAW AND JUSTICE IN GLOBALISED WORLD

#### 1. Introduction:

Global world is known for its pervasiveness. Justice governed by rule of law has been epicenter of modern global world. Rights and duties and its interplay with people and corresponding role of state has been very changing in the modern world. The business and its interplay with rule of law and democratic constitutional governance is very important dynamics of modern world.

#### 2 .Course Outcomes:

- **C.O. 1:** Grasp the fundamentals of philosophical and analytical skills including close reading, logical analysis and exemplary modes of problem solving;
- **C.O.2:** Understand the concept of justice as a political and legal ideal and appreciate the different motivations and assumptions behind key conceptions of justice;
- **C.O.3:** Apply their understanding of justice in adopting a critical perspective on the nature of the laward legal systems;
- **C.O.4:** Identify and analyze problems of justice within and beyond national communities with a specialemphasis on the distinction between national, international, global and cosmopolitan justice; and **C.O.5:** To appreciate the institutional and practical dimensions of securing a just and equitable society.

# 3. Program Outcomes

- **P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- **P.O.2:** Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative basedon that investigation;
- **P.O.3:** Identify legal issues in facts and applying rules and policy to facts;
- **P.O.4:** Perform comprehensive legal research;
- **P.O.5:** Demonstrate the ability to solve problems in light of a client"s objectives: anticipating consequences and assessing risks;

#### 4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

**Unit I : Legal Philosophy & Utilitarianism Lectures)** 

(8

1.3	Non-Utilitarian Theories of Justice	
Unit II: La Lectures)	aw & Justice	(8
	2.1 Law and Justice	
	2.2 Rawls & Nozick, Sen and Justice	
	2.3 The Separation of Law and Morals	
	2.4 The Unity of Law and Morals	
Unit III: Ed Lectures)	conomic Justice & Rights & Governance	(8
	3.1 Rights Based Theory of Justice	
	3.2 Economic Analysis of Law and Justice	
	3.3 Justice in Critical Legal Studies	
Unit IV: So Lectures)	ocialism & Communism	(8
	4.1 Marx, Law and Justice	
	4.2 Communitarian Justice	
	4.3 Economic State & Laissez	
	4.4 Faire State	
Unit V: Fe Lectures)	eminism & Global Justice	(8
,	5.1 Feminist Theories of Justice	
	5.2 Cosmopolitan Justice	
	5.3 Global Justice	
Resource	s:	

- 1. Aristotle. Nicomachean Ethics, OUP Oxford, 3009. (Excerpts)
- 2. Simmonds, N.E. Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition(Sweet &Maxwell) pp. 1-15.
- 3. Bix, Brian. Jurisprudence: Theory and Context, Carolina Academic Press, 1999, Chapter 1.
- 4. Williams, Bernard. Philosophy as a Humanistic Discipline, Princeton University Press, 3006.
- 5. Mill, JS. Utilitarianism, Chapters 1 & 2

1.1 Legal and Philosophical Analysis

1.2 Utilitarian Justice

- 6. Smart, J.J.C and Williams, Bernard. Utilitarianism: For and Against, Cambridge UniversityPress,1973.
- 7. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press,3002,pp. 23-52.
- 8. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge: Cambridge UniversityPress, 1982,Chapter 1.
- 9. Rawls, John. A Theory of Justice, Harvard University Press, 3009, Chapter 1.

- 10. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press,3002,Chapter 3.
- 11. Sen, Amartya. The idea of justice. Harvard University Press, 3011. Chapter 1, 2, 10
- 12. Cohen, G.A. Rescuing Justice and Equality, Harvard University Press, 3008.
- 13. Hart, Herbert Lionel Adolphus. The Concept of Law. OUP Oxford, 3012, Chapter 6
- 14. Coleman, Jules. "Beyond Inclusive Legal Positivism", Ratio Juris, 22(3) 3009.
- 15. Hart, Herbert Lionel Adolphus. The Concept of Law, OUP Oxford, 3012, Chapters 1, 5, 8 & 9.
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- 18. Dworkin, Ronald, Law"s Empire, Belknap Press, 1986, Chapter 2.
- 19. Guest, S. "Integrity, equality and justice", Revue Internationale de Philosophie, 59(3), 3005
- 20. Posner, Richard A. The Economics of Justice, Harvard University Press, 1981, Chapter 3.
- 21. Dworkin, Ronald. A Matter of Principle, OUP Oxford, 3001, Chapter 12.
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- 23. Kennedy, Duncan. "Form and substance in private law adjudication", Harvard Law Review, 89(8), 1976.
- 24. Unger, Roberto Mangabeira. The Critical Legal Studies Movement: Another Time, a GreaterTask.Verso Books, 3015.
- 25. Waldron, Jeremy. "DidDworkin Ever Answer the Crits?" in Scott Hershovitz (ed), Exploring Law"sEmpire: The Jurisprudence of Ronald DworkinOUP Oxford, 3006.
- 26. Sypnowich, Christine, The Concept of Socialist Law, Oxford: Clarendon, 1990.
- 27. Cohen, G.A. Self-Ownership, Freedom and Equality, Cambridge University Press, 1995.
- 28. Cohen, G.A. If You're An Egalitarian How Come You're So Rich?, Harvard University Press,3001(Revised edition).
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- 30. Putnam, Ruth Anna. "Why not a Feminist Theory of Justice?" in M Nussbaum and JGlover(ed.) Women, Culture and Development: A Study of Human Capabilities, Oxford UniversityPress,1995.
- 31. Walzer, M. Spheres of Justice, Basic Books New York, 1983.
- 32. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge University Press, 1982.
- 33. Rawls, John. The Law of Peoples, Harvard University Press, 3001.
- 34. Pogge, Thomas W. "An egalitarian law of peoples", Philosophy & Public Affairs 23(3), 1994.
- 35. Pogge, Thomas, "What is global justice?" (3003).
- 36. Nagel, Thomas, "The problem of global justice", Philosophy & Public Affairs 33 (2), 3005.
- 37. Miller, David. National Responsibility and Global Justice, Oxford University Press, 3007.

# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER PAPER III RESEARCH METHODOLOGY

#### 1. Introduction:

Research is the most important aspect of higher learning. This paper aims to introduce the research foundation, types, tools, techniques and methods for doctrinal and non-doctrinal method. It also makes the students aware about the research universe, research design, research tools and method. Research plan and execution is the most important aspect of this paper.

#### 2 .Course Outcomes:

- **C.O. 1 :** To understand the dimensions of legal research.
- **C.O. 2**: To be able to find out research problem and hypothesize the research universe and tooltechniques for the same .
- C.O. 3: To apply various tools and techniques in doctrinaire and non-doctrinaire researches.
- **C.O. 4**: To be able to understand the use of ICT in researches.

#### 3. Program Outcomes

- To inculcate the value of inter disciplinary research attitude.
- To assess the importance of investigation and exploration of facts in law & policy makingand in its enforcement.
- To encourage to find out legal issues in a comparative way of social problems and itssolutions via legal researches.
- To train in comprehensive comparative legal

#### research.4 .Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

# **Unit I: Research Methods** Lectures)

(8

- 1.1 Research, Meaning & Significance
- 1.2 Legal Research, Socio-Legal Research
- 1.3 Doctrinal and Non-Doctrinal
- 1.4 Relevance of Empirical Research
- 1.5 Induction and Deduction

# **Unit II: Identification of Problem of Research Lectures**)

(8

- 2.1 Research Problem
- 2.2 Formation of Research Problem

- 2.3 Sampling Technique, Meaning, Type & Scaling
- 2.3 Questionnaire / Interview, Observation
- 2.4 Compilation of List of Reports or Special Studies Conducted Relevant To The Problem

# **Unit III Research Design & Tools Lectures**)

(8

- 3.1 Steps in Preparation of Research
- 3.2 Devising tools and techniques for collection of Data: Methodology
- 3.3 Methods for the collection of statutory and case materials and juristic literature, Use of casestudies,
- 3.4 Literature Review, Jurimetrics, Case Study & Case Law Analysis
- 3.5 Hypothesis, Nature, Type, Formulation, Testing & Variables

# **Unit IV Classification and Tabulation of Data Lectures**)

(8

- 4.1 Rules for Tabulation
- 4.2 Explanation of tabulated data
- 4.3 Analysis of Data, Report Writing & Interpretation
- 4.4 Plagiarism & Research Ethics, Copyright Violations, Fair Use, Citation & Bibliography

# **Unit V Computerized Research Lectures**)

(8

- 5.1 Legal Research & Computer
- 5.2 Use of software for legal research SPSS
- 5.3 Use of Computer, Mobiles and Camera in Data Collection
- 5.4 Use of Power Point Presentation and Explanation, Audio Visual

#### **References:**

- 1. M. O. Price, H. Bitner and Bysiewiez, Effective Legal Research
- 2. Pauline V. Young, Scientific Social Survey and Research
- 3. William J. Grade and Paul K. Hatt, Methods in Social Research, McGraw Hill Book Company, London.
- 4. H. M. Hyman, Interviewing in Social Research
- 5. Payne, The Art of Asking Questions
- 6. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Research
- 7. Morris L. Cohan, Legal Research in Nutshell, West Publishing Co.
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# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER PAPER-IV CRIMINAL JUSTICE SYSTEM & H.R.

#### Introduction:

Criminal justice is one of the critical areas of human rights where the legal system is tested on a continous basis for preservation of peace and security in society on the one hand and the prevention of human dignity of both the victims of crime and accused of crime.

### **Objectives:**

- 1. To give a detailed understanding of the concept, history and development of human rights.
- 2. To understand various theories of rights.
- 3. To understand international treaties and documents on human rights.
- 4. To understand the various dimensions of Article 21 of the Constitution of India.

#### Outcomes:

- 1 Students will get a better understanding of the concept of human rights.
- 2 Students will be able to understand the various international instruments and agencies forensuring human rights.
- 3 Students will develop interest in becoming peace ambassadors.

#### UNIT-I: The Concept, History and Development of human Rights

(8 Lectures)

- i. History of human rights civilization ii. Magna Cart, iii. British Bill of Rights iv. Declaration of Rights of Man and Citizen vi. International Bill of Rights
- ii. Are Human Rights a universal concept?
- iii. Treaty Law as the main source of Human Rights
- iv. Legal nature of human rights obligations
- v. Scope of application

#### **Theories of Rights**

i. Natural Rights Theory ii. Legal/Positivist Theory iii. Marxist Theory iv. Cultural Theory v. Sociological theory

## **UNIT-II: International Bills and Criminal Justice System**

(8 Lectures)

- i. Universal Declaration on Human Rights: a. History of the Declaration b. Structure of the Declaration c. Legal Significance
- **ii.** Rights under Criminal Justice System and International Covenants: ICCPR and ICESCR a. Nature and Characteristic b. Optional Protocols
- **ii.** Rights under Criminal Justice System and Regional Instruments a. European Convention on HumanRights b. American Convention on Human Rights

UNIT-III (8 Lectures)

In India a. History and Development of Human Rights in Indian Constitution. b. Constitutional Philosophy. c. Preamble d. Human Rights Problems requiring the need of criminal justice - namely police atrocities, e. Protection of Human Rights in Criminal Justice Administration i. Compensation jurisprudence ii. Art. 30 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

UNIT-IV (8 Lectures)

Art. 21 Impact of expansive interpretation on criminal jurisprudence, Meaning of terms: Life and Personalliberty Fair Procedure Due Process of Law iv. Right of Accused Arrest, Hand Cuffing Bail, Speedy Trial Torture Custodial v. Violence Compensation Public Interest Litigation: Direct access to Courts in case of violation of Fundamental Right and other implicit rights vi. Death Penalty in Light of Art. 21 vii. Art. 22 Protection to Accused in case of punitive detention Protection ageist Preventive Detention

UNIT-V (8 Lectures)

Role of various Agencies in Protection of Human Rights under CJS i. At International Level i. Human Rights and the United Nations Charter: ii. Normative and Institutional Framework of the UN iii. Role of the permanent organs of the UN, Human Rights iv. Commissions, UN High Commissioner for Human Right iii. At National Level i. The Protection of Human Rights Act, 1993 and amendments. ii. National Human Rights Commission iii. State Human Rights Commissions. iv. Human Rights Courts v. Other Commissions.vi. Emerging regime of new human rights under CJS in India.

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# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER PAPER- V COMPARATIVE CONSTITUTIONAL LAW

#### 1. Introduction

The paper introduces the comparative constitutional study and approach.

#### 2 .Course Outcomes:

- **C.O. 1:** Comparative study of constitutions
- C.O. 2: Constitutional Borrowings.
- **C.O. 3**: Constitutional Interlinkage.
- 3 .Program Outcomes The paper introduces the understanding about Comparative

## Constitutions.4 . Assessment Plan

Assessment as per university policy relating to implementation of choice based credit system (CBCS) to all the programs offered at M.J.P. Rohilkhand University.

#### **UNIT I: Constitutional Governance**

(8 Lectures)

- 1.1 Federal & Unitary Governance
- 1.2 Constitution, Constitutionalism & Governance
- 1.3 Features of Constitutionalism
- 1.4 Comparison of Federal Governance in Indian, UK & USA

#### **UNIT II: Rule of Law**

(8 Lectures)

- 2.1 Rule of Law & Constitutional Governance
- 2.2 Equality & Rule of Law
- 2.3 Equality & Affirmative Action
- 2.4 Discrimination & Equality

#### **UNIT III: Judicial Review**

(8 Lectures)

- 3.1 Judicial Review & Constitutional Governance
- 3.2 Judicial Review & Interpretation of Constitution
- 3.3 Writs & Remedies
- 3.4 Judicial Accountability

## **UNIT IV: Separation of Power & Division of Power**

(8 Lectures)

- 4.1 Separation of powers
- 4.2 The Doctrine of Checks and Balances

- 4.3 Rule of Law and Separation of Powers in the Indian Constitution
- 4.4 Division of Powers & Judiciary

# **UNIT V: Contemporary Constitutional Governance** Lectures)

(8

- 5.1 Privacy & Digital Rights
- 5.2 LGTBQ Rights
- 5.3 Indigenous People & Minority Rights
- 5.4 Displaced Persons & Refugee, Vulnerables & Might

#### **BOOKS:**

- 1. H.M.Seervai, Constitutional Law of India
- 2. M.P.Jain, Constitutional Law of India,
- 3. John B. Howard, The Social Accountability of Public Enterprises,
- 4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
- 5. Soli Sorabjee, Law of Press Censorship in India
- 6. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends,
- 7. D.D.Basu, The Law of Press of India RajeeveDhavan, Legitimating Government Rhetoric : Reflections on Some Aspects of the Second PressCommission, 26 JILI 391, 1984

Dr. AMIT SINGH
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# P.G. DIPLOMA IN HUMAR RIGHTS II SEMESTER VALUE ADDED COURSE ENVIRONMENTAL AWARENESS

Course description Law and policy plays a major role in the conservation and management of natural resources as well as pollution control. This course intends to introduce the students to the vast field of Environmental Law and Policy. The course would be divided into three broad areas. The first part would cover the basic concepts and principles of Environmental Law. This would include judicial precedents, which now forms an essential part of environmental jurisprudence. The second part would be divided into specific introductory modules on forests and wild life including bio-diversity related laws; Air and Water related laws including mega projects and marine laws; and laws relating to hazardous substances. The third part would discuss the developments at the international level in the field of environmental law. At the end of the course it is expected that the students would be familiar with the overall Environmental Law and Policy regime of the country as well as its international obligations. It is expected that the case studies would equip them with basic knowledge and skills to understand environmental law issues.

#### UNIT-I

#### **Basic Concepts in Environmental Law.**

An introduction to the legal system; Constitution, Acts, Rules, Regulations; Indian Judiciary, Doctrine of precedents, judicial review, Writ petitions, PIL–liberalization of the rule of locus standi, Judicial activism. Introduction to environmental laws in India; Constitutional provisions, Stockholm conference; Bhopal gas tragedy; Rio conference.

General principles in Environmental law: Precautionary principle; Polluter pays principle; Sustainable development; Public trust doctrine. Overview of legislations and basic concepts.

#### UNIT-II

#### Forest, Wildlife and Biodiversity related laws

Evolution and Jurisprudence of Forest and Wildlife laws; Colonial forest policies; Forest policies after independence Statutory framework on Forests, Wildlife and Biodiversity: IFA, 1927; WLPA, 1972; FCA, 1980; Biological Diversity Act, 2002; Forest Rights Act, 2006. Strategies for conservation—Project Tiger, Elephant, Rhino, Modulew leopard.

#### **UNIT-III**

#### Air, Water and Marine Laws

National Water Policy and some state policies Laws relating to prevention of pollution, access and management of water and institutional mechanism: Water Act, 1974; Water Cess Act, 1977, EPA, 1986. Pollution Control Boards Ground water and law Judicial remedies and procedures Marine laws of India; Coastal zone regulations. Legal framework on Air pollution: Air Act, 1981; EPA, 1986

# **UNIT-IV**

## **Environment protection laws and large Projects**

Legal framework on environment protection-Environment Protection Act as the framework legislation-strength and weaknesses; EIA; National Green tribunal The courts infrastructure projects.

## **UNIT-V**

#### **Hazardous Substances and Activities**

Legal framework: EPA and rules made thereunder; PLI Act, 199 Principles of strict and absolute liability

# **International Environmental law**

An introduction to International law; sources of international law; law of treaties; signature, ratification Evolution of international environmental law: Customary principles; Common but differentiated responsibility, Polluter pays.

Dr. AMIT SINGH
Head of department Law

# P.G. DIPLOMA IN HUMAN RIGHTS & DUTIES II SEMESTER PAPER-VII Dissertation

#### ALLOTMENT OF THE DISSERTATION

- Allotment of the dissertation will be done by a committee comprising of the Head of the Department, one Professor and one Associate Professor of the Department by rotation according to seniority. The Proposal for dissertation shall be submitted by candidate though head of department.
- Candidate shall be required to submit the Dissertation at least two weeks before the commencement of Fourth Semester Examination. Prior of submission of dissertation the students shall make a pre submission seminar in department of law, MJPRU. Seminar shall be opened to all faculty members, research scholar and other LL.M. students of the faculty.
- The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.
- The maximum number of students enrolled for dissertation under one teacher will be as follows-

Assistant Professor – 05

Associate Professor – 08

Professor - 10

• Full time teacher of the department is authorized for dissertation guidance. If there is non availability of full time teachers in the department concern, rest of all student will be supervised by HOD/ principal and Dean accordingly.

Dr. AMIT SINGH
Head of department Law
M. LPR II. Bareille

# P.G. DIPLOMA IN HUMAN RIGHTS & DUTIES II SEMESTER PAPER-VIII Viva voce

#### **VIVA-VOCE EXAMINATION:**

- The Viva Voce Examination shall be conducted by a Board of Examiners.
- The Board shall consist of three members; One member shall be a Professor/Associate Professor as external member of any other university or college. The head of the department (H.O.D.) shall be a member of the board and one Professor/Associate professor of the department as internal examiner. The internal examiner shall be appointed for every year by rotation.
- The Viva-Voce Examination shall carry 100 marks. The external examiner shall evaluate the candidate out of 70 maximum marks and two examiners shall evaluate out of 15 maximum marks each.
- Candidate shall be required to secure at least 50% marks in the Viva-voce to pass the Examination.

# 1. Value added course (any one for each semester)

#### Right to Information & Good Governance

## **Course Objective**

- The course is designed to equip students, how the right to information infuses transparency and
  - Accountability in governance and preventing abuse of power.
- The aim of the course is to highlight the basic guidelines of RTI Act, the relationship between
- Right to information act and good governance and the issues relating to RTI act to adopt the best practices in governance.
- To make them learn as to how the concept of human development is directly linked to human rights. A rights-based approach demands participation in governance and development, which guaranteed access to information can provide.
- The right to information is a basic right that underpins good governance, democracy, poverty
  eradication and the practical realization of human rights.

#### **Course Contents**

Unit I:

Origin and Concept of Right to Information, Good Governance and Right to Information, Origin and Concept of Good Governance.

Unit II:

Right to Information under International Conventions and Declarations, Right to Information under regional instruments

Unit III

Right to Information under Indian Constitution- Fundamental rights and right to information; Judiciary and right to information;

Unit IV:

Right to Information Act 2005 in India-Public authorities and their obligation Implementation of Right to Information Act in private sector, Judicial review and Right to Information Act, Information related to the third party and protection of right, Appeals under right to information law.

Unit V:

Right to Information in different Statutes in India. The Official Secrets Act, 1923; the Public Records Act, 1993; The Public Records Rules, 1997; The Freedom of Information Act, 2002; The Commission of Inquiry Act, 1952; The Commission of Inquiry (Central) Rules, 1972, Indian Evidence Act, 1972 etc. Right to information and Empowerment of the people, Voters right to know.

#### Reference of Book:

- Faizan Mustafa: Constitutional Issues in Freedom of Information: International and National Perspectives
- De Smith : Judicial Review of Administrative Action
- M.P.Jain: Cases and Materials on Administrative Law
- M.P.Jain : Constitution of India
- D.D.Basu : Comparative Administrative Law
- Datar, Arvind P. : Constitution of India

Dr. AMIT SINGH Head of department Law

- Brownlie I : Basic Documents on Human Rights
- Rajkumar. C.: Corruption and Good Governance

# Value added course (any one for each semester) SECURITY LAW

- 8. Objective: To provide knowledge in the field of law and practices related to securities and financial markets and to train students to deal with legal and economic aspects of them.
- iii. Unit-1;
- iv. Overview of Capital and Financial Markets Capital Market: Introduction, meaning and significance, Investors and companies, Securities laws and and significance, Financial Market: Introduction, meaning and significance, Financial reforms and present scenario, Regulatory authorities governing financial market.
- v. Unit-2;
- vi. Sebi Act, 1992 & Security Contract (Regulation) Act, 1956
- vii. Objective, Powers and Functions of SEBI Securities Appellate Tribunal, Appeals, Appearance before SAT
- viii. Unit-3;
- **ix.**Depositories Act, 1996 Definitions, setting up depositories, its type, role, functions, Admission of securities, Dematerialization rematerialisation, Depository process, Inspection and penalties, Internal audit, concurrent audit of depository participants.
- x. Unit-4;
- xi.Other Related Laws Limited Liability Partnership, Venture capital, Mutual Fund, Foreign Direct Investment, Foreign Trade
- xii. (Development & Regulation) Act, 1992, The Foreign Exchange Management Act, 1999.
- xiii. Acts and Statutes (As Amended)

The Companies Act, 2013

- xiv. 2. The Securities Contracts (Regulation) Act, 1956
- xv. 3. The Securities Exchange Board of India Act, 1992
- xvi. 4. The Depositories Act, 1996
- xvii. 5. The Limited Liability Partnership Act, 2008
- xviii. 6. The Foreign Exchange Management Act, 1999

xix.

XX.

- xxi. Refrences:
- xxii. 1. Singh, Avtar; Company Law; Eastern Book Company
- xxiii. 2. Kuchhal, M.C. and Vivek; Modern Indian Company Law; Shree Mahavir Book Depot
- xxiv. 3. V.L.Iyer; SEBI practical manual.
- xxv. 4. TAXMAN; SEBI manual.

# Value added course credited Paper: Clinical legal Aid

# **Course Objective**

Legal aid mainly means providing free legal aid services for free to the needy or the poor section of the society. These are those people who are not capable to afford a legal representative for them who can fight a case for them. So the government has brought out the service of free legal aid to the needy people. There are certain objectives of the government to establish a system of the free legal system. And the **Right to Free Legal Aid** is also mentioned under Article 39A of the Constitution of India.

**Unit- I: Public Interest Litigation** Public interest litigation in judicial activism and public welfare, Merits and demerits of public interest litigation, Locus standi and public interest litigation, Human right and public interest litigation, Prison and Prisoners and public interest litigation, Police and public interest litigation, Environmental protection and public interest litigation, Labour and public interest litigation, legal system and public interest litigation, Education and public interest litigation, Politics and public interest litigation, Poverty and public interest litigation.

**Unit- II:** legal aid under Criminal Procedure. Code and rights of accused, Constitution, functions and powers of National Legal Service Authority and State Legal Service Authority,

**Unit- III:** Lok-adalat. Lok-adalat system means justice of the door steps of people, Organization of lok-adalat, its power and nature of its award, Objects and necessity of Legal aid camps and legal literacy.

**Unit- IV: Para Legal Training**. Object and importance of para legal training, Writing of case comment, Law office management, Use of computer in legal work and legal research in support of P.I.L.

**Unit- V:** Introduction to ICT and Cyberspace. Evolution and Growth of ICT, Computer Hardware, Software and Packages, Networking Concepts, Introduction to Cyberspace and Its Architecture, Evolution and Basic Concepts of Internet, Social Issue in the Regulation of Cyberspace, The Regulability of Cyberspace, E-Governance, Issues Concerning Democracy, National Sover-eignty, Personal Freedom, Emerging Social Issues from, Digital Divide, Promotions of Global Commons, Open Source Movement.

#### References:

- 1. Law, Poverty, and Legal Aid: Access to Criminal Justice, S. Muralidhar,
- 2. Legal Aid: Catalyst for Social Change, Raman Mittal
- 3. Comparative Legal Aid Systems and India, Jeet Singh Mann Histories of Legal Aid: A Comparative and International Perspective, Felice Batlan, Marianne Vasara-Aaltonen.

# Valve added course credited Computer Applications/ Computer fundamental

#### UNIT-1:

**Introduction to Computers:** Definition of Computers, History and Generations of Computers, Characteristics of computer, Classification of Computers. Fundamental Block diagram of Computer: CPU, Input & Output Unit. Input devices, Output devices, Types of printer's, Memory, CD-ROM, Hard disk, Floppy disk.

**Software:** Definition of Software, Types of Software-System software, Application software and Utility software. Computer Languages: Definition, types of Programming languages, Language Processors: Assemblers, Interpreters, Compiler and Editors. Introduction to Operating Systems: Types of Operating System, Functions of Operating System examples. MS-DOS Internal and External Commands.

#### UNIT-2:

**Windows:** Introduction to Windows, Starting Windows, Desk Top, Task Bar, Start Up Menu Working with programs and icons-Adding, removing, starting and quitting programs and icon. Working with files and folders-creating, deleting, opening, finding, copying, moving and renaming files and folders. Control Panel, setting, My Computer, Recycle bin, My documents, drives. Windows notepad, Accessories and windows Explorer.

**MS-Word:** Overview of Word Processing, Parts of word window, Types of Menus . Opening, creating saving, cut, copy and paste. print and print preview. Find and Replace, Header& Footer, save & save as, Borders and shading, Bullets & Numbering, spelling and Grammar, Word count, Mail Merge, Table handling and important shortcut keys, Macros.

#### UNIT-3:

**MS-PowerPoint:** Overview of MS-PowerPoint, Slides, PowerPoint views, Auto content wizard, Custom Animation, Transition and build effects, Printing slides and important shortcut keys.

**Internet, World Wide Web:** Introduction to Internet, Internet Access, Internet Basics, Protocols-TCP/IP,HTTP,FTP, Addressing, World Wide Web(WWW), Web Pages & HTML,Web browsers, Searching for information-search engines. Internet chat. Applications of Internet. Advantages and Disadvantages of Internet.

#### **UNIT-4:**

**E-mail:** Introduction to e-mail, Mailing basics, e-mail ethics, creating an e-mail id, spanning, composing a mail, receiving and replying the mail, Advantages and Disadvantages of e-mail services, Mailing lists, News groups.

**Networking& web Designing:** The need and use of Computer Networks. Concepts of Networking-LAN, WAN, MAN. ISP's in India and their responsibilities. Video Conference, downloading and uploading files. Introduction to HTML, Basic tags, Formatting tags, Style sheets, Table handling, Lists, Hyperlinks in HTML.

## UNIT-5:

MS-EXCEL: Overview of Spreadsheet, Opening, creating, saving work sheet and work book. Copy &paste, insert rows/columns, formatting, formula, print& print preview,. Functions: Types of functions, sort, filter and basic operations. Advanced features such as charts/graphs.

Different formulae for calculations.

**MS-ACCESS:** Overview of MS-Access, Main elements of Access, Table, Queries, creating Forms, entering and updating data using Forms, finding, editing and deleting data in a Form, Reports, Relationships.

#### **REFERENCES:**

- 1. Microsoft Office 2007 Training Guide, BPB Publications-2010
- 2. Fundamentals of Computers, V Rajaraman 6<sup>th</sup> edition PHI Learning Private Limited 2014
- 3. Sanjay Saxena: A First Course in Computers. Vikas Publishing House.
- 4. Peter Norton: Computing Fundamentals. 6<sup>th</sup> Edition, McGraw Hill-Osborne,2007
- 5. Alexis Leon and Marthews Leon: Introduction to Computers, Leon Vikas, 1999.
- 6. Microsoft Office 2007 Training Guide, BPB Publications-2010
- 7. Fundamentals of Internet & WWW, Greenlaw & Hepp, Tata McGraw Hill 2002
- 8. Fundamentals of Computers, V Rajaraman 6<sup>th</sup> edition PHI Learning Private Limited 2014
- 9. Sanjay Saxena: A First Course in Computers. Vikas Publishing House. HTML 4 for Dummies, Ed Tittel 5<sup>th</sup> edition