HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

Semester X

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HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

Semester X

B.A.LL. B (Hons.) Batch of 2020-25

[PROFESSIONAL ETHICS]

Course Code	**LLB-C-1001**	**Faculty**	Dr. Ankit Awasthi
Class Hours	60 hours	**Credits**	4
Programme	B.A.LL.B. (Hons.)	**Year**	5 Year
Session Duration	55 Minutes	**Semester**	X Semester

COURSE SUMMARY

The course aims to develop insights into the rules made by the Bar Council of India with respect to the Professional etiquette of advocates in India. It gives an outline of the Advocates Act, 1961 with the landmark decisions of the Supreme Court of India and various High Courts including the Contempt of Courts Act, 1971 and the Consumer Protection Act, 2019.

Upon completion of this course, students would be able to:

- Understand the core values that shape the ethical behavior of an advocate.
- Advocate's rights and responsibilities to act in morally desirable ways, towards moral commitment and responsible conduct.
- Integrating academic learning with experimental learning in a profession.

COURSE OBJECTIVES

CO 01	To give an insight into Historical aspects of the legal profession in India and to discuss the transformation in the field of Legal education in India.
CO 02	To understand the actual working of the Advocates Act, 1961 along with BCI Rules.

CO 03	To develop the understanding of the Professional Ethics required for advocates in India.
CO 04	To discuss the intersection between the Contempt of Court Act, 1971, the Consumer Protection Act, 2019, and the Advocates Act, 1961.

TEACHING PEDAGOGY

Lecture-based teaching pedagogy will be followed, and case laws will also be discussed in Socratic mode as per the requirement of the syllabus. It will include teaching methods like traditional classroom lectures, PPTs, case law studies, tutorials, and short documentaries, with continuous evaluation. Emphasis is placed on fostering critical thinking and understanding.

Apart from abovementioned pedagogy depends on the necessary administrative approvals Seminar and Guest Lectures may also be planned to facilitate in-depth discussions, critical analysis and to provide insights from legal practitioners and experts.

COURSE PLAN

MODULE I: [History of Legal Profession in India] [10 Sessions]

Unit I	▪ Conceptualizing Ethics, Professional Ethics and Legal Profession ▪ History of the Legal Profession in Ancient India and Legal Systems: ▪ The *Vedic* Period: Laws and Legal Concepts ▪ The *Dharmashastras*: Codes of Conduct and Legal Principles ▪ Legal and Administrative Systems
Unit II	▪ History of the Legal Profession in Medieval India and Legal Systems: ▪ Understand the diverse legal systems that coexisted in medieval India, including Hindu, Islamic, and regional customary laws.
Unit III	▪ The Colonial Era and the Emergence of the Legal Profession ▪ The East India Company and the Introduction of English Law to regulate legal profession ▪ The Indian High Courts Act, 1861 ▪ The Indian Bar Councils Act, 1926
Unit IV	▪ Post-Independence India: The Evolution of the Legal Profession ▪ The Constitution of India and the Framework for legal profession: A brief introduction
Unit V	▪ Legal Education in a Globalizing India ▪ Pre-Globalization Legal Education in India ▪ The Colonial Legacy: Legal Education under British Rule ▪ The Impact of Globalization on Indian Legal Education ▪ Pre and Post NLU Model and impact on Legal Education and Profession

Landmark Case laws	a) In the matter of Regina Guha, (1916) 21 CWN 74. b) In the matter of *Madhav Singh*, AIR 1923 Pat 185. c) In the matter of *Babu Prasad Mithal*, AIR 1924 All 253. d) Varun Bhagat v. Union of India & Ors. W.P. (C) No. 68 of 2006 e) Bar Council of India v. Bonnie FOI Law College & Ors. S.L.P. (C) No. 22337 of 2008 f) Bar Council of India v. Bonnie FOI Law College & Ors. (2017) 11 SCC 188 (1) g) V. Sudeer v. Bar Council of India, (1999) 3 SCC 176 h) Bar Council of U.P. v. State of U.P. AIR 1973 SC 231 i) Bar Council of India v. Board of Management, Dayanand College of Law (2007) 2 SCC 202 j) Prem Chand Jain v. R.K. Chabbra, (1984) 2 SCC 302 k) University of Delhi v. Raj Singh, 1994 Supp. (3) SCC 516 l) Prof. Yashpal v. State of Chattisgarh, (2005) 5 SCC 420

Relevant Laws	▪ The Charter of 1726 ▪ The Regulating Act of 1773 ▪ The Royal Charter of 1774 ▪ The Bengal Regulation Act of 1793 ▪ The Regulation Act of 1793 ▪ The Legal Practitioners Act, 1846 ▪ The Legal Practitioners Act, 1846 ▪ The Legal Practitioners Act, 1853 ▪ The Indian High Court Act, 1861 ▪ The Legal Practitioners Act, 1879 ▪ The Legal Practitioner's Act, 1884 ▪ The Legal Practitioners (Women) Act, 1923 ▪ Indian Bar Councils Act, 1926 ▪ Report of the All-India Bar Committee, 1951 ▪ The Advocates Act, 1961 ▪ The University Grants Commission Act, 1956 ▪ Legal Education Rules - before 2008, available at: https://www.barcouncilofindia.org/info/lerb2008 ▪ BCI Rules (Part IV) – Rules of Legal Education, 2008, available at: https://www.barcouncilofindia.org/info/bar-counci-bceugp

	▪ Legal Education Rules - 2019 (Draft), available at, https://www.barcouncilofindia.org/info/ler2019-draft ▪ BCI's Note on Proposed Directions for Reform, 2010, available at, https://www.barcouncilofindia.org/info/reform-of-legal-education ▪ 184th Report on, "the Legal Education & Professional Training an Proposals for Amendments to the Advocates Act, 1961 ▪ The University Grants Commission Act, 1956.

Essential Readings	1. P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010) 2. Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016) 3. Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013) 4. Chuni Lal Anand, "General Principles of Legal Ethics," Law Book Company, 1965 5. R.P. Kangle, "*Kautilya's Arthasastra,*" Motilal Banarsidass Publisher, 2010 6. Sahana Singh, "The Educational Heritage of Ancient India" Notion Press, 2017 7. Kumar, C. Raj. "Legal Education, Globalization, and Institutional Excellence: Challenges for the Rule of Law and Access to Justice in India." *Indiana Journal of Global Legal Studies* 20, no. 1 (2013): 221–52. https://doi.org/10.2979/indjglolegstu.20.1.221 8. Badrinarayana, Deepa. "India's State of Legal Education: The Road from NLSIU to Jindal." *Journal of Legal Education* 63, no. 3 (2014): 521–23. http://www.jstor.org/stable/42898396 9. Minow, Martha. "MARKING 200 YEARS OF LEGAL EDUCATION: TRADITIONS OF CHANGE, REASONED DEBATE, AND FINDING DIFFERENCES AND COMMONALITIES." *Harvard Law Review* 130, no. 9 (2017): 2279–97. http://www.jstor.org/stable/44867673

Suggested Readings	▪ Schmitthener, Samuel. "A Sketch of the Development of the Legal Profession in India." *Law & Society Review* 3, no. 2/3 (1968): 337–82. https://doi.org/10.2307/3053007 ▪ Galanter, Marc. "Introduction: The Study of the Indian Legal Profession." *Law & Society Review* 3, no. 2/3 (1968): 201–17. http://www.jstor.org/stable/3052998 ▪ Veeraraghavan, A.N. "LEGAL PROFESSION AND THE ADVOCATES ACT, 1961." *Journal of the Indian Law Institute* 14, no. 2 (1972): 228–62. http://www.jstor.org/stable/43950131

	▪ Aggarwal, Arjun P. "LEGAL EDUCATION IN INDIA." *Journal of Legal Education* 12, no. 2 (1959): 231–48. http://www.jstor.org/stable/42891345 ▪ Dasgupta, Lovely. "Reforming Indian Legal Education: Linking Research and Teaching." *Journal of Legal Education* 59, no. 3 (2010): 432–49. http://www.jstor.org/stable/42894129 ▪ Woodard, Calvin. "History, Legal History and Legal Education." *Virginia Law Review* 53, no. 1 (1967): 89–121. https://doi.org/10.2307/1071497 ▪ Overview of the Legal Profession in India by Amal Kumar Ganguli, Co-Director of National and Regional Activities. Available at: https://www.uianet.org/en/actions/overview-legal-profession-india

MODULE II: Profession Ethics and duties of Lawyers [10 Sessions]

Unit I	▪ Need and necessity of ethics in the legal profession ▪ Understand the core principles of legal ethics, including confidentiality, accountancy, loyalty, and competence. ▪ Identify ethical dilemmas commonly encountered by legal practitioners.
Unit II	▪ Duties of lawyers towards clients ▪ The Lawyer-Client Relationship ▪ The Duty of Confidentiality ▪ The Duty of Competence and due diligence ▪ Effective Communication and conflict of interests
Unit III	▪ Duties of lawyers towards public, fellow colleagues, self and society ▪ Professional Courtesy and Civility ▪ Avoiding Unfair Competition ▪ Maintaining Professional Competence ▪ Promoting the Rule of Law ▪ Social Responsibility and Ethical Leadership
Unit IV	▪ Bar and Bench relationship ▪ The Role of Lawyers as Officers of the Court ▪ Access to Justice and Legal Aid
Unit V	▪ Role played by a lawyer in the administration of justice and advocate's duty towards legal reform and duty to provide legal aid etc.

Landmark Case laws	a) In re D.C. Saxena, AIR 1966 SC 2481 b) U.P. Sales Tax Service Association v. Taxation Bar Association, AIR 1996 SC 1384

	c) Rizwan-Ul-Hassan v. State of U.P. AIR 1953 SC 250 d) M.Y. Shareef & Others v. Hon'ble Judges of Nagpur High Court & Ors., (1955) 1 SCR 757 e) S.J. Chaudhary v. State, AIR 1984 SC 1755 f) Kokkanda B. Poondacha v. K.D. Ganpathi, AIR 2011 SC 1353 g) V. C. Rangadurai v. D. Gopalan, AIR 1979 SC 281

Relevant Law	▪ Bar Council of India Rules, 1975 (UNDER THE ADVOCATES ACT, 1961) as revised and subsequently amended from time to time up to 30th September, 2009. ▪ Available at: https://www.barcouncilofindia.org/info/bar-counci-jfl1tz ▪ International Covenant on Civil and Political Rights (ICCPR), 1966, Article 14 (3) (d) ▪ The European Convention of Human Rights, 1953 - Article 6 (3)

Essential Readings	▪ P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010) ▪ Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016) ▪ Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013) ▪ Veeraraghavan, A.N. "LEGAL PROFESSION AND THE ADVOCATES ACT, 1961." *Journal of the Indian Law Institute* 14, no. 2 (1972): 228–62. http://www.jstor.org/stable/43950131 ▪ Tuttle, Charles H. "THE ETHICS OF ADVOCACY." American Bar Association Journal 18, no. 1 (1932): 849–82. http://www.jstor.org/stable/25708449

Suggested Readings	▪ Edward F. Barrett, "Adversary System and the Ethics of Advocacy" Notre Dame Law Review (1962) ▪ Ramachandran, V. G. *Journal of the Indian Law Institute* 19, no. 2 (1977): 200–211. http://www.jstor.org/stable/43950476 ▪ Kipnis, Kenneth. "Ethics and the Professional Responsibility of Lawyers." *Journal of Business Ethics* 10, no. 8 (1991): 569–76. http://www.jstor.org/stable/25072186

MODULE III: The Advocates Act, 1961 [10 Sessions]

Unit I	▪ Salient Features of the Advocates Act, 1961 ▪ Introduction to the Advocates Act, 1961 ▪ Historical Background and Objectives of the Act

Unit II	▪ Salient Features of the Bar Council of India Rules ▪ Overview of the Bar Council of India Rules ▪ BCI Rules: Scope and Application
Unit III	▪ Admission and Enrolment of Advocates ▪ Eligibility Criteria for Enrollment ▪ The Role of State Bar Councils ▪ Certificate of Practice ▪ All India Bar Examinations (AIBE)
Unit IV	▪ Disciplinary Actions and Conduct of Advocates ▪ Grounds for Disciplinary Action ▪ Disciplinary Committees and Procedures ▪ Penalties for Professional Misconduct
Unit V	▪ Rulemaking power of BCI and the Central Government ▪ Rulemaking Power of the Bar Council of India under Section 49 of Advocates Act, 1961 ▪ Professional Conduct and Ethics ▪ Disciplinary Proceedings ▪ Legal Education and Training ▪ Rulemaking Power of the Central Government under Section 49A of the Advocates Act, 1961 ▪ Qualifications and Disqualifications of BCI Members ▪ Supervision and Control of State Bar Councils specifically regarding Enrolment of Advocates

Landmark Case laws	a) Indian Council of Legal Aid & Advice v. Bar Council of India, (1995) 1 SCC 732 b) V. Sudeer v. Bar Council of India, (1999) 3 SCC 176

Relevant Laws	▪ Bar Council of India Rules, 1975 (UNDER THE ADVOCATES ACT, 1961) as revised and subsequently amended from time to time up to 30th September, 2009. Available at: https://thc.nic.in/Central%20Governmental%20Rules/Bar%20Council%20India%20Rules.pdf ▪ Educational Criteria & Educational Qualification Required for Admission Into 3 Year And 5 Year Law Courses in India, available at, https://d5wa1rycpxuyp.cloudfront.net/bci/feeds/archive/02-37-educational-criteria-educational-qualification-required-for-admission-into-3-year-and-5-year-law-courses-in-india.pdf ▪ Bar Council of India (Training) Rules, 1995

Essential	▪ P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd

Readings	edition, 2010) ▪ Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016) ▪ Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013)

Suggested Readings	▪ Ramachandran, V. G. *Journal of the Indian Law Institute* 19, no. 2 (1977): 200–211. http://www.jstor.org/stable/43950476 ▪ Veeraraghavan, A.N. "LEGAL PROFESSION AND THE ADVOCATES ACT, 1961." *Journal of the Indian Law Institute* 14, no. 2 (1972): 228–62. http://www.jstor.org/stable/43950131

MODULE IV: Rights and Limitations of such Rights [10 Sessions]

Unit I	▪ Right to Practice: Constitutional and Statutory Basis ▪ Right of Audience ▪ Professional Privileges ▪ Impact of Technology on Legal Practice ▪ Emerging Trends and Challenges in the Legal Profession

Unit II	▪ Right to argue case and right over Professional Fees
	▪ Right of Audience in Different Courts
	▪ Restrictions on the Right to Argue a Case
	▪ Criteria for Fee determination
	  ▪ Limitations on Fee Charging
	  ▪ Restriction on Right to lien

Unit III	▪ Advocate's right to strike ▪ Instances of Advocates' Strikes ▪ Role of State Bar Councils and Bar Council of India in Regulating Strikes ▪ Legal Framework Governing Advocates' Strikes ▪ Impact on the Administration of Justice

Unit IV	▪ Conflicts of interests, lawyers versus client's interests and limitations on the rights of lawyers including restrictions on advertising
	▪ Definition and Types of Conflicts of Interest
	  ▪ The Duty of Confidentiality
	  ▪ The Duty to Avoid Conflict of Interest & Adverse Interests
	  ▪ The Duty to Act in the Client's Best Interest

Unit V	▪ Bar on Advocates from carrying on other professions ▪ The Rationale Behind the Restrictions ▪ The Core Principle of Undivided Attention ▪ Prohibition on Trading or Business and Employment ▪ Permissible Activities

Landmark Case laws	a) R.D. Saxena v. Balram Prasad Sharma AIR 2000 SC 2912 b) New India Insurance Company Ltd v. A.K. Saxena; AIR 2004 SC 311 c) N. K. Bajpai v. Union of India & Another AIR 2012 SC 1310 d) Ex-Capt. Harish Uppal v. Union of India & Another AIR 2003 SC 739 e) Dr. Haniraj L. Chulani v. Bar Council of Maharashtra & Goa AIR 1996 SC 1708 f) Bar council of Maharashtra v. M V Dabholkar AIR 1976 SC 242

Relevant Law	▪ Section 29 – 34 of the Advocates Act, 1961 [Right to Practice] ▪ Rule 47-52 of Bar Council of India Rules, 1985

Essential Readings	▪ P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010) ▪ Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016) ▪ Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013)

Suggested Readings	▪ Frost, Amanda. "THE LIMITS OF ADVOCACY." *Duke Law Journal* 59, no. 3 (2009): 447–517. http://www.jstor.org/stable/20684812.

MODULE V: Liability for Deficiency in service and wrongs committed by Lawyers [10 Sessions]

Unit I	▪ Essential skills of a lawyer ▪ Edward Abbott Parry's "*The Seven Lamps of Advocacy*" ▪ Conceptualizing "An Educational Continuum" ▪ Overview of American Bar Association, "Legal Education and Professional Development - An Educational Continuum, Report on the Task Force on Law Schools and the Profession: Narrowing the Gap" (1992) ▪ Statement of Fundamental Skills and Professional Values ▪ Parlance of legal education and lawyering skills

Unit II	▪ Deficiency in service by advocate and the Consumer Protection Act, 2019 ▪ Definition of Consumer and Service ▪ Concept of Deficiency in Service ▪ Legal Services as a Service under the Act? ▪ Common Instances of Deficiency in Service by Advocates ▪ Negligence and Carelessness, Delay in Service, Misconduct and Professional Misbehavior and Failure to Provide Adequate Legal Advice ▪ Remedial framework available to clients ▪ Judicial Pronouncements on the Applicability of the Act to Legal Services
Unit III	▪ Wrongs committed by Lawyers and the Contempt of Court Act, 1971 ▪ Overview of the Contempt of Court Act, 1971 ▪ Definition and Scope of Professional Misconduct ▪ Disciplinary Proceedings and Penalties ▪ Definition and Types of Contempt of Court - Civil Contempt & Criminal Contempt ▪ Punishments for Contempt of Court
Unit IV	▪ Liability upon an advocate for the wrongs he commits in the course of his professional service ▪ The Concept of Negligence in Professional Practice ▪ Civil Liability of Advocates ▪ Criminal Liability of Advocates

Landmark Case laws	a) Indian Medical Association v. V. P. Shanta (1995) 6 SCC 651 b) Lucknow Development Authority v. M. K. Gupta AIR 1994 SC 787 c) D. K. Gandhi v. M. Maathias 2007 CTJ 909 (CP)NCDRC d) Tiffin Holdings Ltd. v. Millican 49 DLR(2d)216 e) Attorney General v. Times Newspapers Ltd. [1973] 3 All ER 54 f) E. M. Sankaran Namboodiripad v. T. Narayanan Nambiar 1970 AIR (SC) 2015 g) Dr. D.C. Saxena v. Hon'ble The Chief Justice of India 1996 AIR (SC) 2481 h) Delhi Judicial Service Association v. State of Gujarat and others 1991 AIR SC 2176 i) Sugdev v. Deeja Singh AIR 1954 SC 186 j) P.N. Duda v. V. P. Shiv Shankar & Others 1988 AIR 1208 SC

Relevant Law	▪ American Bar Association, "Legal Education and Professional Development - An Educational Continuum, Report on the Task Force

	on Law Schools and the Profession: Narrowing the Gap" (1992) ▪ Legal Practitioners (Regulation and Maintenance of Standards in Profession, Protecting the Interest of Clients and Promoting the Rule of Law) Act, 2010 ▪ The Consumer Protection Act, 1986 – Section 2(1)(g) ▪ The Consumer Protection Act, 2019 - Section 2(11) ▪ Rule 46 of BCI Rules ▪ Article 129 and Article 142(2) of The Constitution of India 1949 ▪ The Contempt of Courts Act, 1971

Essential Readings	▪ P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010) ▪ Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016) ▪ Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013) ▪ Mann, Jeet Singh. "LIABILITY OF THE LEGAL PRACTIONERS FOR PROFESSIONAL NEGLIGENCE: A CRITICAL ANALYSIS." Journal of the Indian Law Institute 51, no. 3 (2009): 385–94. http://www.jstor.org/stable/43953455 ▪ Gary A. Munneke, Legal Skills for a Transforming Profession, 22 Pace L. Rev. 105 (2001), available at: http://digitalcommons.pace.edu/plr/vol22/iss1/3

Suggested Readings	▪ David Pope & Dan Hill, "Mooting and Advocacy Skills," Sweet & Maxwell Publications (3rd edition, 2015) ▪ Keshav Dayal, "Reflections of a Lawyer," Universal Law Publishing Co. (2nd edition, 2011) ▪ Venugopal B.S. "CIVIL LIABILITY OF LAWYERS FOR DEFICIENCY IN SERVICES: A CRITICAL ANALYSIS." *Journal of the Indian Law Institute* 53, no. 2 (2011): 275–309. http://www.jstor.org/stable/43953506 ▪ Macaulay, Stewart. "Lawyers and Consumer Protection Laws." *Law & Society Review* 14, no. 1 (1979): 115–71. https://doi.org/10.2307/3053111 ▪ Rhode, Deborah L. "Ethical Perspectives on Legal Practice." *Stanford Law Review* 37, no. 2 (1985): 589–652. https://doi.org/10.2307/1228628.

MODULE VI: Impact of Globalization on legal services in India [10 Sessions]

Unit I	▪ Understanding Globalization ▪ Impact of Globalization on Nation's economic development & legal profession ▪ Cross-Border Legal Practice ▪ The Role of Lawyers in the Digital Age
Unit II	▪ Introduction to Legal Outsourcing ▪ Drivers of Legal Outsourcing to India ▪ Types of Legal Services Outsourced ▪ Regulatory Framework and Ethical Considerations
Unit III	▪ Role of advocate in providing legal aid services ▪ Definition and Importance of Legal Aid ▪ Historical Perspective of Legal Aid in India ▪ Legal Framework for Legal Aid in India ▪ Constitutional Provisions and case laws regarding Legal Aid in India
Unit IV	▪ Advocate's role in outside court/informal settlement of disputes ▪ Introduction to Alternative Dispute Resolution ▪ Advantages of ADR over Litigation
Unit V	▪ Age bar and entry into practice

Landmark Case laws	a) Ex-Capt. Harish Uppal v. Union of India and Another [2002] b) A.K. Balaji v. Government of India [2012] c) Bar Council of India v. A.K. Balaji and Others [2018] d) R. Muthukrishnan v. Registrar General of the High Court of Judicature at Madras [2019] e) Court on Its own motion v. Nemo [2022]

Relevant Law	▪ Advocates Act, 1961 ▪ Bar Council of India Rules, 1975 ▪ BCI Rules for Registration and Regulation of Foreign Lawyers and Foreign Law Firms in India, 2022, available at: ▪ https://www.livelaw.in/pdf_upload/bar-council-of-india-rules-for-registration-and-regulation-of-foreign-lawyers-and-foreign-law-firms-in-india-2022-463531.pdf ▪ Press release dated 19.3.2023, available at: ▪ https://images.assettype.com/barandbench/2023-03/57a2a39d-a1a9-4d43-ae22-aa1a5fbf3e8d/Press_Release_Dated_19_03_2023.pdf

Essential	▪ Raju Ramachandran, Professional Ethics: Changing Profession and

Readings	Changing Ethics, LexisNexis, Butterworths. (2nd Edition, 2014) ▪ P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010) ▪ David B. Wilkins, Vikramaditya S. Khanna, and David M. Trubek, "An Introduction to Globalization, Lawyers, and Emerging Economies: The Case of India," (Cambridge University Press, 2017) ▪ Shaffer, Gregory, James Nedumpara, and Aseema Sinha. "State Transformation and the Role of Lawyers: The WTO, India, and Transnational Legal Ordering." Law & Society Review 49, no. 3 (2015): 595–629. http://www.jstor.org/stable/43670528 ▪ Bierman, Leonard, and Michael A. Hitt. "The Globalization of Legal Practice in the Internet Age." *Indiana Journal of Global Legal Studies* 14, no. 1 (2007): 29–34. https://doi.org/10.2979/gls.2007.14.1.29

Suggested Readings	▪ Higgins, Andrew. "LEGAL AID AND ACCESS TO JUSTICE IN ENGLAND AND INDIA." *National Law School of India Review* 26, no. 1 (2014): 13–30. http://www.jstor.org/stable/44283780 ▪ Koppell, G. O. "LEGAL AID IN INDIA." *Journal of the Indian Law Institute* 8, no. 2 (1966): 224–51. http://www.jstor.org/stable/43949898 ▪ Jena, Krushna Chandra. "ROLE OF BAR COUNCILS AND UNIVERSITIES FOR PROMOTING LEGAL EDUCATION IN INDIA." *Journal of the Indian Law Institute* 44, no. 4 (2002): 555–68. http://www.jstor.org/stable/43951843 ▪ Ballakrishnen, Swethaa. "'Why Is *Gender* a Form of Diversity?': Rising Advantages for Women in Global Indian Law Firms." *Indiana Journal of Global Legal Studies* 20, no. 2 (2013): 1261–89. https://doi.org/10.2979/indjglolegstu.20.2.1261 ▪ Moore, Peter. "People as Lawyers. Lay Advocacy and Self-Help in the Legal System." *British Journal of Law and Society* 5, no. 1 (1978): 121–32. https://doi.org/10.2307/1409854

READING LIST

Essential Reading List

1. Jonathan Herring, "Legal Ethics," Oxford University Press, 2014
2. Raju Ramachandran, Professional Ethics: Changing Profession and Changing Ethics, LexisNexis, Butterworths. (2nd Edition, 2014)

3. P. Ramanatha Aiyer, Legal & Professional Ethics- Legal Ethics, Duties & Privileges of a Lawyer, Wadhwa Publications, Nagpur. (3rd edition, 2010)
4. D.V. SubbaRao, Sanjiva Row's The Advocates Act, 1961, LexisNexis, Butterworths. (7th ed., 2005)
5. Dr. Kailash Rai, "Legal Ethics: Accountability for Lawyers and Bench-Bar Relations," Central Law Publications (11th edition, 2016)
6. Dr. S. P. Gupta, "Professional Ethics, Accountancy for Lawyers and Bench-Bar Relations," Central Law Agency (5th edition, 2013)

Suggested Reading List

1. Rhonda Breit, "Professional Communication Legal and Ethical Issues," LexisNexis Butterworths (2nd edition, 2011)
2. P.B. Mukharji, Professional Ethics of the Advocate, University of Burdwan. (1975)
3. Justice V.R. Krishna Iyer, Law, Lawyers and Justice, B.R. Publishing Corp. Delhi.
4. Stephen Gillers, Regulation of Lawyers: Problems of Law & Ethics, Little, Brown & Com Boston Toronto, London. (12th edition, 2020)
5. Ross Grauston (ed.), Legal Ethics & Professional Responsibility, Clarendon Press, Oxford. (1996)
6. Gary Bellow & Bea Moultan, The Lawyering Process: Ethics and Professional Responsibility, The Foundation Press, Inc. (1981)
7. Nicolson and Webb, Professional Legal Ethics, Oxford University Press. (2000)

Note: The topics, legislations and cases mentioned are not exhaustive. The instructor of the course shall be at liberty to add new topics/legislations/cases.

HIDAYATULLAH NATIONAL LAW UNIVERSITY, NAVA RAIPUR

B.A.LLB (Hons.) Batch of 2020-25

[CRIMINAL JUSTICE SYSTEM (HONS.)]

Course Code	LLB-H-1002	**Faculty**	Dr. Hina Iliyas
Class Hours	60 hours	**Credits**	6
Programme	B.A.LL.B. (Hons.)	**Year**	V Year
Session Duration	55 Minutes	**Semester**	X Semester

COURSE SUMMARY

This course provides an in-depth understanding of the structure, functions, and processes of the criminal justice system. It examines the roles of law enforcement, judiciary, and correctional institutions in maintaining social order and justice. Key topics include criminal law principles, investigation procedures, trial processes, sentencing, and rehabilitation. The course also emphasizes human rights, procedural fairness, and contemporary issues such as victim rights, restorative justice, and the impact of technology on criminal justice. Designed to equip students with theoretical knowledge and practical insights, the course fosters critical thinking and ethical decision-making in the administration of justice.

Upon completing the course, students will gain a thorough understanding of the criminal justice system and its core institutions. They will be able to analyze legal principles, assess processes such as trials and rehabilitation, and engage with contemporary issues like victim rights and the influence of technology. Emphasizing critical thinking and ethics, the course prepares students to advocate for fairness, accountability, and justice.

COURSE OBJECTIVES

CO 01	To provide students with a foundational understanding of the structure, roles, and interrelation of key institutions within the criminal justice system.
CO 02	To develop the ability to analyze and apply principles of criminal law and procedural

	law in addressing real-world legal and justice-related challenges.
CO 03	To enable students to critically evaluate criminal justice processes, including investigations, trials, sentencing, and rehabilitation, with a focus on fairness and human rights.
CO 04	To encourage awareness of contemporary issues in the criminal justice system, such as victim rights, restorative justice, and the impact of technology, while fostering ethical and critical decision-making skills.

TEACHING PEDAGOGY

The course employs a varied teaching approach, incorporating lectures, multimedia presentations, case law analysis, tutorials, and short documentaries, with ongoing assessment to promote active learning. Focus is placed on fostering critical thinking and exploring the connections between criminal justice and other areas of law. Students are encouraged to engage in discussions, share their viewpoints, and offer insightful feedback to enhance the learning process. Practical skills are developed through the analysis of real-life cases and interactive activities, deepening students' understanding of criminal justice concepts and their practical applications. Additionally, field visits to correctional facilities and police stations provide hands-on experience, while guest lectures from legal professionals and criminology experts provide invaluable insights into the field.

COURSE PLAN

MODULE I: [INTRODUCTION TO CRIMINAL JUSTICE SYSTEM] [12 Sessions]

Unit I	Overview of the Criminal Justice System Historical Evolution and Key Milestones in Criminal Justice • Understanding Different Ages: Primitive Age, Medieval Age and Modern Age • Roman Law • English Law • Evolution and Development In India: Ancient (North India and South India), Medieval and Modern Period
Unit II	Comparative Models of Criminal Justice Systems • Adversarial System • Inquisitorial System

Unit III	Principles of Criminal Justice • Presumption of Innocence • Proportionality of Punishment • Standard of Proof • Reverse Onus of Proof

Landmark Case Laws	a) K.K. Verma v. Union of India, AIR 1954 SC 520 b) Maneka Gandhi v. Union of India, AIR 1978 SC 597 c) R. v. Dudley and Stephens, [1884] 14 QBD 273 (Court of Criminal Appeal) d) M.H. v. State of Madhya Pradesh, AIR 1972 SC 898 e) Miranda v. Arizona, 384 U.S. 436 (1966) (U.S. Supreme Court)
	f) State of West Bengal v. Mohd. Sayeed, AIR 1972 SC 1840 g) Salem v. French Republic, 1989 ECHR 88 (European Court of Human Rights) h) The Queen v. N. T. Dharmapuri, AIR 1955 Mad 603 i) State v. Aftab, AIR 1957 SC 110

Relevant Laws	*Bhartiya Nyaya Sanhita*, 2023 , *Bhartiya Nagrik Suraksha Sanhita, 2023,* Magna Carta(1215), United States Constitution, 1787 (6th Amendment), Code of Criminal Procedure (France), The Constitution of India (Art. 14, 19, 21, 22), Universal Declaration of Human Rights, 1948 (Art. 10) and The International Covenant on Civil and Political Rights (Art. 14), 1966

Essential Readings	• Ratanlal, and Dhirajlal. *The Indian Penal Code: An Analytical Study*. Wadhwa & Company, 2019. • Sinha, R.K. *History of the Indian Criminal Law*. Allahabad Law Agency, 2005. • Sathe, S.P. *Law and Justice in Modern India*. Oxford University Press, 2002. • Sharma, B.R. *Comparative Criminal Justice Systems*. Eastern Book Company, 2009. • Singh, M.P. *Judicial Process in India*. Eastern Book Company, 2015.

Suggested Readings	• Fyzee, Asaf A.A. *Islamic Law and the Indian Judicial System*. Oxford University Press, 2009. • Sharma, B.R. *Comparative Criminal Justice Systems*. Eastern Book Company, 2009.

MODULE II: KEY PLAYERS AND RIGHTS IN THE CRIMINAL JUSTICE SYSTEM [12 Sessions]

Unit I	Key Players in the Criminal Justice System • Law Enforcement: Powers and Responsibilities of Police • Prosecutors: Functions, Appointments, Discretion, and Responsibilities • Defense Counsel: Protecting the Rights of the Accused • Judges and Courts: Appointments, Judicial Role and Independence
Unit II	Rights of the Accused and Victims • Rights of the Accused: Right to Counsel, Right to a Fair Trial • Victim Rights: Compensation and Restorative Justice
Unit III	Juvenile Justice and Special Considerations for Minors • Rights of Rape Victims • Rights of Child Victims under POCSO (Protection of Children from Sexual Offences) Act.

Landmark Case laws	a) R. K. Dalmia v. Delhi Administration, AIR 1959 SC 1641 b) Sheela Barse v. Union of India, AIR 1986 SC 1773 c) Siddharam Satlingappa Mhetre v. State of Maharashtra, (2011) 1 SCC
	694 d) M.H. Hoskot v. State of Maharashtra, AIR 1978 SC 1548 e) Shabnam v. Union of India, (2015) 2 SCC 503

Relevant Law	Juvenile Justice (Care and Protection of Children) Act, 2015, *Bhartiya Nyaya Sanhita*, 2023 , *Bhartiya Nagrik Suraksha Sanhita,* 2023*, Bhartiya Sakshya Adhiniyam,* 2023, The Protection of Children from Sexual Offences Act, 2012 (POCSO).

Essential Readings	• Kelkar, R.V. *Criminal Procedure Code* (5th Edition, Eastern Book Company, 2017). • Sarathi, V.P. *Law of Evidence* (6th Edition, Eastern Book Company, 2019).

Suggested Readings	• Gaur, K.D. *The Indian Penal Code* (7th Edition, Universal Law Publishing, 2018).

MODULE III: CRIMINAL LAW AND PROCEDURE [10 Sessions]

Unit I	General Principles of Criminal Liability • Actus Reus (The physical act) • Mens Rea (The mental state) • Strict liability offenses.
Unit II	Trial Procedures (Pre and Post) • Right to Fair Trial • Role of Evidence in Trial
Unit III	Sentencing and Punishment • Theories of Punishment • Types of Punishments under Criminal Law • Theories of Sentencing • Sentencing Guidelines and Disparities

Landmark Case laws	a) K.M. Nanavati v. State of Maharashtra 1961 AIR 112, 1960 SCR (2) 551 b) Bachan Singh v. State of Punjab AIR 1980 SC 898 c) Navneet Kaur v. Union of India (2005) 5 SCC 241 d) R v. Cunningham 1957 2 QB 396 e) Miranda v. Arizona (1966) 384 U.S. 436 (U.S. Supreme Court)
Relevant Laws	*Bhartiya Nyaya Sanhita*, 2023 and *Bhartiya Nagrik Suraksha Sanhita,* 2023

Essential Readings	• R.V. Kelkar, *Criminal Procedure Code* (8th edn, Eastern Book Company 2019) • Ratanlal and Dhirajlal, *Indian Penal Code* (33rd edn, LexisNexis Butterworths 2021). • Andrew Ashworth, *Criminal Law: Cases and Materials* (8th edn, Oxford University Press 2019).

Suggested Readings	• S. K. Kapoor, *Criminal Law: Text and Cases* (7th edn, Central Law Agency 2017). • J.F. Stephen, *Principles of Criminal Law* (13th edn, Macmillan 2018).

MODULE IV: FORENSIC SCIENCE AND AI's ROLE IN CRIMINAL JUSTICE SYSTEM

[08 Sessions]

Unit I	Forensic Science and Its Role in Criminal Justice
Unit II	Forensic Tools and Techniques in Criminal Investigations • DNA Profiling and Fingerprint Analysis • Ballistics and Crime Scene Reconstruction Digital Forensics and Cyber Crime

Unit III	Artificial Intelligence and Emerging Technologies in Criminal Justice • Introduction • AI and Evidence Analysis

Landmark Case laws	a) K.S. Puttaswamy v. Union of India, (2017) 10 SCC 1 b) R v. Brown, [1994] 2 A.C. 212 (House of Lords) c) People v. Loomis, 881 N.W.2d 749 (Wis. 2016) d) R v. S, [2018] EWCA Crim 1128 e) State of Tamil Nadu v. Suhas Katti, (2004) 1 MLJ (Crl) 225 f) Khurshid v. State, (2014) 4 SCC 122 g) State of U.P. v. Rajesh Gautam, 2003 (2) AWC 1504 h) R v. Doheny and Adams, [1997] 2 Cr App R 121

Relevant Law	Information Technology Act, 2000, Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, The Digital Personal Data Protection Act, 2023, *Bhartiya Nyaya Sanhita*, 2023 , *Bhartiya Nagrik Suraksha Sanhita,* 2023*, Bhartiya Sakshya Adhiniyam,* 2023
Essential Readings	• Duggal, P. *Cyber Crime and Digital Evidence* (LexisNexis, 2016) • Sharma, B.R. *Forensic Science in Criminal Investigation and Trials* (2nd Edition, Universal Law Publishing, 2012).

Suggested Readings	• Toh, D. F. K. *Artificial Intelligence in Criminal Justice* (Springer, 2020).

MODULE V: CONTEMPORARY ISSUES IN CRIMINAL JUSTICE ADMINISTRATION [10 Sessions]

Unit I	Ethics and Professional Conduct in Criminal Justice • Ethical Dilemmas for Legal Professionals • Corruption and Misuse of Power in Law Enforcement and Courts • Safeguarding Justice: Accountability Mechanisms
Unit II	Restorative Justice and Alternative Dispute Resolution • Restorative Justice Principles and Practices • Victim-Offender Mediation • Plea Bargaining and its Role in Criminal Justice

Unit III	Social Issues in the Criminal Justice System • Gender and the Law: Addressing Sexual Offenses • The Role of Public Opinion and Media in Criminal Justice

Landmark Case laws	a) D. K. Basu v. State of West Bengal, AIR 1997 SC 610 b) K. K. Verma v. Union of India, AIR 1954 SC 520 c) State of Maharashtra v. Nikhil Kothari, 2008 (3) SCC 335 d) Vishaka v. State of Rajasthan, AIR 1997 SC 3011 e) State of Uttar Pradesh v. Umesh Kumar, AIR 2010 SC 440 f) R v. Dudley and Stephens, 14 QBD 273 (1884)

Relevant Laws	The Mental Health Care Act, 2017, The Juvenile Justice (Care and Protection of Children) Act, 2015, The Protection of Women from Domestic Violence Act, 2005, *Bhartiya Nyaya Sanhita*, 2023 and *Bhartiya Nagrik Suraksha Sanhita,* 2023

Essential Readings	• Pande, B.B. *Criminal Justice in India: A Critical Analysis*. Allahabad Law Agency, 2006 • Basu, D.K. *Death in Custody: A Case Study of Police Brutality*. Oxford
	University Press, 1997. • Venkata Raman, C.S. *Legal Ethics and Criminal Law*. Eastern Book Company, 2010. • Iyer, V.R. Krishna. *Justice: A Study of the Legal System*. Universal Law Publishing, 2003.

Suggested Readings	• Harrington, Keith P. *Mental Health and Criminal Justice: A Handbook for Social Workers*. Palgrave Macmillan, 2015

MODULE VI: FUTURE OF CRIMINAL JUSTICE SYSTEM [8 Sessions]

Unit I	Criminal Justice in a Globalized World • International Criminal Law: ICC, ICJ, and the Role of International Courts • Extradition, Human Rights, and Cross-Border Legal Issues

Unit II	Law Reform in Criminal Justice Process • Current Reforms in the Indian Criminal Justice System • Prison Overcrowding, and Delayed Justice
Unit III	Challenges and Potential Risks • Technological Inequalities: The risk of marginalized groups being disproportionately impacted by emerging technologies. • The danger of over-reliance on AI and algorithms: Human oversight and intervention in decision-making. • Legal challenges regarding the constitutionality of surveillance technologies, predictive policing, and AI-based sentencing.

Landmark Case laws	a) Shreya Singhal v. Union of India, (2015) 5 SCC 1 b) R v. Doheny & Adams, [1997] 2 Cr. App. R. 121 c) Prosecutor v. Radislav Krstić, ICTY, Case No. IT-98-33-T d) United States v. Microsoft, 253 F.3d 34 (D.C. Cir. 2001)

Relevant Laws	Geneva Conventions (1949) and Additional Protocols (1977), Convention on the Prevention and Punishment of the Crime of Genocide (1948), Rome Statute of the International Criminal Court (1998) and Universal Declaration of Human Rights (UDHR, 1948), The Extradition Act, 1962.

Essential Readings	• Tushnet, M. *The Future of Crime and Punishment* (Harvard University Press, 2020) • Ashley, K.D. *Artificial Intelligence and the Law* (Cambridge University Press, 2021)

Suggested Readings	• Thomas, R. *Digital Justice: Technology and the Internet of Crime* (Oxford University Press, 2019)

READING LIST

- **Essential Reading List**
  1. Pande, B.B. *Criminal Justice in India: A Critical Analysis*. Allahabad Law Agency, 2006
  2. Ratanlal, and Dhirajlal. *The Indian Penal Code: An Analytical Study*. Wadhwa & Company, 2019.
  3. Kelkar, R.V. *Criminal Procedure Code* (5th Edition, Eastern Book Company, 2017).
- **Suggested Reading List**

1. Thomas, R. *Digital Justice: Technology and the Internet of Crime* (Oxford University Press, 2019)
2. Fyzee, Asaf A.A. *Islamic Law and the Indian Judicial System*. Oxford University Press, 2009.
3. Harrington, Keith P. *Mental Health and Criminal Justice: A Handbook for Social Workers*. Palgrave Macmillan, 2015
4. Sharma, B.R. *Forensic Science in Criminal Investigation and Trials* (2nd Edition, Universal Law Publishing, 2012).

Note: The topics, legislations and cases mentioned are not exhaustive. The instructor of the course shall be at liberty to add new topics/legislations/cases.

HIDAYATULLAH NATIONAL LAW UNIVERSITY

B.A.LL.B (Hons.) Batch of 2020-2025

[JUDICIAL REVIEW (HONOURS)]

Course Code	**LLB-H-1003**	**Faculty**	Ms. Aditi Singh Mr. Abhinav Shukla
Class Hours	60 hours	**Credits**	6
Programme	B.A.LL.B. (Hons.)	**Year**	V Year
Session Duration	55 Minutes	**Semester**	X Semester

COURSE SUMMARY

The "Judicial Review" course provides an in-depth understanding of the judicial review process, a cornerstone of constitutional law. It examines the theoretical foundations, historical evolution, and practical applications of judicial review across various jurisdictions, with a special focus on its role in India. The course emphasizes the importance of judicial review in maintaining governance balance, protecting individual rights, and ensuring the rule of law.

Students will explore the scope of judicial review in legislative and administrative contexts, understand its mechanisms through writs, and critically assess its limitations and evolving dimensions. The curriculum incorporates analysis of landmark cases such as *Kesavananda Bharati v. State of Kerala* and *Marbury v. Madison*, offering practical insights into its application.

Key themes include the grounds for judicial review, constitutional constraints, and its broader societal impact, including judicial activism and human rights jurisprudence. The course employs a blend of lectures, discussions, and case analyses, supported by classical commentaries and contemporary legal materials. By the end, students will gain a comprehensive perspective on judicial review, enabling them to critically engage with its principles and practice in diverse legal contexts.

COURSE OBJECTIVES

CO 01	To introduce students to the concept, purpose, and distinctive features of judicial review across various jurisdictions.
CO 02	To develop an understanding of the scope and application of judicial review in legislative, administrative, and governmental actions.
CO 03	To analyze the mechanisms and grounds for judicial review, including the use of writs and procedural propriety.
CO 04	To explore the limitations and expanding horizons of judicial review, including judicial activism and its societal impacts.

TEACHING PEDAGOGY

The course employs a dynamic and interactive pedagogy combining theoretical foundations with practical applications. Instruction includes lectures, discussions, and case analyses to ensure a comprehensive understanding of judicial review. Classical commentaries, landmark case laws, and contemporary resources are utilized to provide diverse perspectives and foster critical thinking. Students engage with source materials, including constitutional debates and legal reports, to contextualize principles in real-world scenarios. Practical exercises, such as analyzing judgments, encourage application-based learning. By integrating theory and practice, the pedagogy aims to deepen students' insights into judicial review and equip them with skills for legal analysis and problem-solving.

COURSE PLAN

MODULE I: INTRODUCTION TO JUDICIAL REVIEW [10 Sessions]

Unit I	Foundations of Judicial Review: Meaning, Definition, Function, Significance, Philosophical Foundations and Justifications
Unit II	Historical Evolution: UK, USA, and India
Unit III	Core Principles of Judicial Review, Judicial Review as a part of the Basic Structure Doctrine
Unit IV	Judicial Review vs. Appeal: Distinction

Landmark Case laws	(a) Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803) (b) McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819) (c) Dr. Bonham's Case, 77 Eng. Rep. 646 (C.P. 1610) (d) Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225

	(e) Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789 (f) S.R. Bommai v. Union of India, AIR 1994 SC 1918 (g) L. Chandra Kumar v. Union of India, AIR 1997 SC 1125 (h) Supreme Court Advocates-on-Record Association v. UoI, AIR 2016 SC 117

Relevant Laws	● The Constitution of India ● The Constitution of the United States ● The Judiciary Act of 1789 (U.S.) ● The Human Rights Act, 1998 (UK)

Essential Readings	● H.M. Seervai, "Constitutional Law of India: A Critical Commentary" ● D.D. Basu, "Commentary on the Constitution of India" ● M.P. Jain, "Indian Constitutional Law"

Suggested Readings	● A.V. Dicey, "An Introduction to the Study of the Law of the Constitution" ● Granville Austin, "The Indian Constitution: Cornerstone of a Nation" ● Bhagawati Prasad Banerjee, "Judicial Control of Administrative Action" ● Alexis, Francis R. "The Basis of Judicial Review of Legislation in the New Commonwealth and the United States of America: A Comparative Analysis." *Lawyer of the Americas* 7, no. 3 (1975): 567–604. http://www.jstor.org/stable/40175549. ● Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review of Constitutional Amendments in light of the 'Political Question' Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India & The United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): 313–36. http://www.jstor.org/stable/45163394. ● Semwal, M. M., and Sunil Khosla. "Judicial Activism." *The Indian Journal of Political Science* 69, no. 1 (2008): 113–26. http://www.jstor.org/stable/41856396. ● Cappelletti, Mauro. "Judicial Review in Comparative Perspective." *California Law Review* 58, no. 5 (1970): 1017–53. https://doi.org/10.2307/3479676.

MODULE II: SCOPE OF JUDICIAL REVIEW [12 Sessions]

Unit I	Judicial Review of Constituent Power
Unit II	Judicial Review of Legislative Action

Unit III	Judicial Review of Administrative Action- Delegated Legislation, Administrative Discretion, Administrative Direction
Unit IV	Judicial Review of Powers of the President-Ordinance making, Mercy Power

Landmark Case laws	(a) Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (b) Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789 (c) L. Chandra Kumar v. Union of India, AIR 1997 SC 1125 (d) Maneka Gandhi v. Union of India, AIR 1978 SC 597 (e) S.R. Bommai v. Union of India, AIR 1994 SC 1918 (f) Epuru Sudhakar v. Government of Andhra Pradesh, (2006) 8 SCC 161 (g) Rameshwar Prasad v. Union of India, (2006) 2 SCC 1 (h) Krishna Kumar Singh v. State of Bihar, (2017) 3 SCC 1

Relevant Laws	● Constitution of India, 1950 ● Government of India Act, 1935

Essential Readings	● H.M. Seervai, "Constitutional Law of India: A Critical Commentary" ● D.D. Basu, "Commentary on the Constitution of India" ● M.P. Jain, "Indian Constitutional Law" ● Jain & Jain, "Principles of Administrative Law" ● Anirudh Prasad, "Judicial Power and Judicial Review"

Suggested Readings	● Granville Austin, "Working a Democratic Constitution: The Indian Experience" ● Sharan, P. "Constitution of India & Judicial Review." *The Indian Journal of Political Science* 39, no. 4 (1978): 526–37. http://www.jstor.org/stable/41854873. ● Uddin, Mohammad Moin, and Rakiba Nabi. "Judicial Review Of Constitutional Amendments In Light Of The 'Political Question' Doctrine: A Comparative Study of the Jurisprudence of Supreme Courts of Bangladesh, India & the United States." *Journal of the Indian Law Institute* 58, no. 3 (2016): 313–36. http://www.jstor.org/stable/45163394. ● Jain, S. N. "Abuse of Discretion—Scope of Judicial Review to Correct Errors of Law through Mandamus and Certiorari." *Journal of the Indian Law Institute* 6, no. 2/3 (1964): 316–20. http://www.jstor.org/stable/43949807. ● Setalvad, M.C.. "Judicial Review Of Administrative Proceedings." *Journal of the Indian Law Institute* 1, no. 1 (1958): 65–72. http://www.jstor.org/stable/43952883.

MODULE III: MECHANISM OF JUDICIAL REVIEW [08 Sessions]

Unit I	Habeas Corpus - The Right to Personal Liberty
Unit II	Quo Warranto - Challenging Authority
Unit III	Mandamus - Compelling Action
Unit IV	Prohibition - Preventing Overreach
Unit V	Certiorari - Correcting Legal Errors

Landmark Case laws	(a) A.K. Gopalan v. State of Madras, AIR 1950 SC 27 (b) Maneka Gandhi v. Union of India, AIR 1978 SC 597 (c) Supreme Court AoR Association v. Union of India, AIR 2016 SC 117 (d) Subhash Sharma v. Union of India, AIR 1991 SC 631 (e) State of Bihar v. Kameshwar Singh, AIR 1952 SC 252 (f) Hussainara Khatoon & Ors vs Home Secretary, State Of Bihar, 1979 AIR 1369 (g) S.P. Gupta & Ors. V. Union of India & Ors., [1982] 2 S.C.R. 365 (h) Kehar Singh v. Union of India (1989) 1 SCC 204 (i) *Maneka Gandhi v. Union of India* (1978) 1 SCC 248 (j) *D.K. Basu v. State of West Bengal* (1997) 1 SCC 416

Relevant Laws	● Constitution of India, 1950 ● The Public Interest Litigation Guidelines (Supreme Court) ● The Protection of Human Rights Act, 1993

Essential Readings	● Jain & Jain, "Principles of Administrative Law" ● De Smith's Judicial Review, 7th Ed., by Harry Woolf, Stanley A. De Smith, et al. ● Anirudh Prasad, "Judicial Power and Judicial Review"

Suggested Readings	● Shekhawat, Vibhuti Singh. "Judicial Review In India : Maxims And Limitations." *The Indian Journal of Political Science* 55, no. 2 (1994): 177–82. http://www.jstor.org/stable/41858807. ● Nirmalendu Bikash Rakshit. "Right to Constitutional Remedy: Significance of Article 32." *Economic and Political Weekly* 34, no. 34/35 (1999): 2379–81. http://www.jstor.org/stable/4408327. ● Thomas, Lily. "Illegality Of Supreme Court Penalizing PIL Petitioners." *Journal of the Indian Law Institute* 46, no. 1 (2004): 99–101. http://www.jstor.org/stable/43952422.

	● Sahu, Geetanjoy. "Public Interest Environmental Litigations In India: Contributions and Complications." *The Indian Journal of Political Science* 69, no. 4 (2008): 745–58. http://www.jstor.org/stable/41856466. ● "Judicial Review: The Indian Experience" by S.P. Sathe, 1985 Journal of the Indian Law Institute, Vol. 27 ● Judicial Review and Constitutional Limitations" by M.K. Pandey, 2017, Indian Law Journal, Vol. 15 ● Judicial Review in India: The Role of Writs" – *Journal of Constitutional and Parliamentary Studies* (2006), Journal of Constitutional and Parliamentary Studies, Vol. 40, Issue 2, pp. 245-267. ● Writ of Prohibition and Certiorari: A Comparative Perspective" – *Journal of Comparative Law* (2017), Journal of Comparative Law, Vol. 34, No. 1, pp. 45-67.

MODULE IV: GROUNDS OF JUDICIAL REVIEW[10 Sessions]

Unit I	Illegality in Administrative Actions
Unit II	Irrationality and Unreasonableness
Unit III	Procedural Inadequacies and Impropriety
Unit IV	Doctrine of Proportionality

Landmark Case laws	(a) R. v. Secretary of State for the Home Department, *ex parte* Fire Brigades Union [1995] 2 WLR 1027 (UK) – (b) State of Rajasthan v. Union of India, (1977) 3 SCC 592 (c) L. Chandra Kumar v. UoI (1997) 3 SCC 261 (d) S.P. Sampath Kumar v. Union of India, (1987) 1 SCC 124

Relevant Laws / Statutes / International Treaties	● The Constitution of India, 1950 ● The Administrative Tribunals Act, 1985 ● International Covenant on Civil and Political Rights (ICCPR), 1966

Essential Readings	● Prasad Anirudh: 'Judicial Power and Judicial Review', Eastern Book Company ● David Feldman, Constitutional Law: Administrative Law and Judicial Review

Suggested	● H.W.R. Wade & C.F. Forsyth, Administrative Law – Chapter on Illegality and

Readings	Public Law ● B. M. Gupte, Law of Judicial Review in India – Illegality in judicial review ● K. R. Gupta, "The Doctrine of Proportionality in Indian Administrative Law" *Indian Journal of Constitutional & Administrative Law*, Vol. 22, No. 1 (2004), Explores the application of proportionality in Indian judicial review. ● A. R. Bodh, "Proportionality in Administrative Discretion: A Comparative Study" *International Journal of Comparative Public Law*, Vol. 15, No. 4 (2011), pp. 321-337 - Discusses the application of proportionality test across jurisdictions & India.

MODULE V: LIMITS OF JUDICIAL REVIEW [10 Sessions]

Unit I	Constitutional Limitation
Unit II	Implied Limitations
Unit III	Exclusion of Judicial Review
Unit IV	Judicial Self Restraint

Landmark Case laws	(a) Minerva Mills Ltd. v. Union of India, (1980) 3 SCC 625 (b) Kesavananda Bharati v. State of Kerala, (1973) 4 SCC 225 (c) Indira Nehru Gandhi v. Raj Narain, (1975) 2 SCC 159 (d) State of Rajasthan v. Union of India, (1977) 3 SCC 592 (e) L. Chandra Kumar v. Union of India, (1997) 3 SCC 261 – (f) S.P. Sampath Kumar v. Union of India, (1987) 1 SCC 124 (g) G. Sundarrajan v. Union of India, (2013) 6 SCC 620 (h) Ram Jawaya Kapur v. State of Punjab, (1955) 2 SCR 225

Relevant Laws	● **The Constitution of India, 1950** ● Article 32 – Grants the right to move to the Supreme Court for enforcement of fundamental rights, which enables judicial review. ● Article 226 - Writ Jurisdiction of the Supreme Court ● Article 323A - Establishes administrative tribunals for service-related matters. This includes disputes over the recruitment and conditions of service for public servants. Only Parliament can establish tribunals under this article.

	● Article 323B Establishes tribunals for a broader range of disputes, including taxation, labor disputes, and electoral matters. Both Parliament and state legislatures can establish tribunals under this article, depending on the subject matter. ● Article 262: Bar on the Jurisdiction of Courts ● Article 243O of the Indian Constitution bars courts from interfering in electoral matters related to Panchayats. ● **The Armed Forces (Special Powers) Act, 1958 (AFSPA)**

Essential Readings	● M.P. Singh, "Constitutional Law of India" (8th Ed., 2021): Provides detailed insights into implied limitations on judicial review in India, including national security and emergency situations. ● J. Alexander, "Implied Limitations on Judicial Review: A Critical Perspective" ● The Evolution of Judicial Review in India" – *Indian Law Review* (2015), Indian Law Review, Vol. 8, Issue 3, pp. 113-136.

Suggested Readings	● Saksena, R.C. "Adjudication by Tribunals in India : Landmark in Field of Natural Justice." *Journal of the Indian Law Institute* 37, no. 2 (1995): 222–30. http://www.jstor.org/stable/43953228. ● Chandrachud, Abhinav. "The Insulation of India's Constitutional Judiciary." *Economic and Political Weekly* 45, no. 13 (2010): 38–42. http://www.jstor.org/stable/25664275. ● Rao, V. Nageswara, and G.B. Reddy. "Doctrine of Judicial Review and Tribunals : Speed Breakers Ahead." *Journal of the Indian Law Institute* 39, no. 2/4 (1997): 411–23. http://www.jstor.org/stable/43953285. ● T. G. R. Seshadri, "Judicial Review and Its Implied Limitations" (2nd Ed., 2020): Discusses the evolving concept of implied limitations in the judicial review process, both in India and globally. ● P. G. Dastur, "Indian Administrative Law" (5th Ed., 2019): Explores implied limitations of judicial review in administrative law and how it is applied in Indian jurisprudence. ● Minister's Speech A 'Constitutional Tort' If It Leads To Acts Of Officers Harming Persons : Supreme Court https://www.livelaw.in/top-stories/ministers-speech-a-constitutional-tort-if-it-leads-to-acts-of-officers-harming-persons-supreme-court-218072 ● T. R. Andhyarujina, "Judicial Review: The Supreme Court in Action" (3rd Ed., 2017) ● Limits of Judicial Review in the Indian Constitution" by A. R. L. D'Souza, 2016,

	Indian Bar Review, Vol. 43 ● G. B. S. Rao, "Self-Restraint in Constitutional Interpretation" (2nd Ed., 2018)

MODULE VI: EVOLVING DIMENSIONS OF JUDICIAL REVIEW [10 Sessions]

Unit I	Judicial Activism vs. Judicial Overreach
Unit II	Public Interest Litigation (PIL): Promoting justice for marginalized and vulnerable groups.
Unit III	Advancement of Human Rights Jurisprudence
Unit IV	Influence and Consequences of Judicial Review

Landmark Case laws	*Keshavananda Bharati v. State of Kerala* (1973) 4 SCC 225 *Vishaka v. State of Rajasthan* (1997) 6 SCC 241: *M.C. Mehta v. Union of India* (1987) 1 SCC 395 *National Legal Services Authority v. Union of India* (2014) 5 SCC 438 *Kuldip Nayar v. Union of India* (2006) 7 SCC 1 Association for Democratic Reforms v Union of India, Writ Petition (Civil) No.880/2017: Electoral Bonds Case

Relevant Laws / Statutes / International Treaties	1. Constitution of India, 1950: ● Article 32: Right to move the Supreme Court for enforcement of Fundamental Rights. ● Article 226: Power of High Courts to issue writs, including Public Interest Litigation. ● Article 21: Right to life and personal liberty, the cornerstone of human rights jurisprudence. 2. The Protection of Human Rights Act, 1993:Establishes the National Human Rights Commission and focuses on human rights protection, a foundation for PILs related to human rights violations. 3. Environmental Protection Act, 1986: Provides a legislative framework for environmental protection and has often been invoked in PILs related to environmental justice.

	4. Universal Declaration of Human Rights (UDHR), 1948: Article 1 (Right to equality), Article 3 (Right to life, liberty, and security), which forms the basis of global human rights principles. 5. International Covenant on Civil and Political Rights (ICCPR), 1966: Articles 6-18 (Rights to life, liberty, and security), providing an international framework for human rights protection that influences domestic judicial review. 6. Convention on the Elimination of All Forms of Racial Discrimination (CERD), 1965: This treaty focuses on the elimination of racial discrimination, aligning with judicial review in the context of equal rights and public interest litigation. 7. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979: Articles 1-16 discuss gender equality and non-discrimination, frequently invoked in judicial activism and PILs related to women's rights. 8. International Labour Organization (ILO) Conventions: Particularly the ILO Convention 111 on Discrimination (Employment and Occupation), influencing judicial review in labor rights matters.

Essential Readings	1. Indian Constitutional Law by M.P. Jain, 8th ed., LexisNexis, 2018. 2. Constitutional Law of India by V.N. Shukla, 12th ed., Eastern Book Company, 2012. 3. Judicial Review in India by M.P. Singh, 2nd ed., Eastern Book Company, 2004.

Suggested Readings	1. Holladay, Zachary. "Public Interest Litigation in India as a Paradigm for Developing Nations." *Indiana Journal of Global Legal Studies* 19, no. 2 (2012): 555–73. https://doi.org/10.2979/indjglolegstu.19.2.555. 2. Dhavan, Rajeev. "PROMISES, PROMISES ...: HUMAN RIGHTS IN INDIA." *Journal of the Indian Law Institute* 39, no. 2/4 (1997): 149–85. http://www.jstor.org/stable/43953266. 3. 4. Aswini K. Ray. "Human Rights Movement in India: A Historical Perspective." *Economic and Political Weekly* 38, no. 32 (2003): 3409–15. http://www.jstor.org/stable/4413888. 5. Anand, A.S. "JUDICIAL REVIEW - JUDICIAL ACTIVISM - NEED FOR CAUTION." *Journal of the Indian Law Institute* 42, no. 2/4 (2000): 149–59. http://www.jstor.org/stable/43953808.

READING LIST

- **Essential Reading List**

Books

1. H.M. Seervai: Constitutional Law of India: A Critical Commentary. [Delhi. Universal Law Publishing Co. Ltd].
2. D.D.Basu: Constitution of India. Nagpur, LexisNexis Buttersworth Wadhwa.
3. Jain, M.P., 'Indian Constitutional Law', Wadhwa and company, Nagpur, Fifth Edition, 2005.
4. Prasad Anirudh: 'Judicial Power and Judicial Review', Eastern Book Company
5. Jha C.D., Judicial Review of Legislative Acts, LexisNexis Buttersworth Wadhwa
6. D D Basu, Administrative Law, Kamal Law House, 6th Edition, 2005
7. M P Jain & S N Jain, Principles of Administrative Law, Wadhwa Publications, 2008

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Books

1. A.V.Dicey. An Introduction to the Study of the Law of the Constitution. (Universal Law Publishing Co)
2. Granville Austin: The Indian Constitution: Cornerstone of a Nation. [New Delhi, Oxford University Press].
3. Harry Woolf, Stanley A. De Smith, et.al,De Smith's Judicial Review, Sweet & Maxwell, 2007.
4. Helen Fenwick, Judicial Review, LexisNexis, 2010
5. Clive Lewis, Judicial Remedies in Public Law, Sweet and Maxwell, 2009
6. Bhagawati Prasad Banerjee &Bhasker Prasad Banerjee, Judicial Control of Administrative Action, Wadhwa & Co., Nagpur, 2001