

I INTRODUCTION

The Indian Society of International Law (the Society), a premier national institution for the promotion of international law, teaching and research was established in 1959, primarily due to the efforts of V.K. Krishna Menon and was inaugurated in the same year by the then Prime Minister Jawaharlal Nehru. The Society has on its rolls honorary members who are distinguished international jurists. Judge Radha Binod Pal, Dr. K. Krishna Rao, Judge Nagendra Singh and numerous other international lawyers of eminence have served the Society at one time or the other.

In the year 1960, the Society started publishing *Indian Journal of International Law*, a quarterly journal, recognised and acknowledged worldwide. In 2001, the Society started publishing *ISIL Year Book of International Humanitarian and Refugee Law* focusing on the development of International Humanitarian Law (IHL) and Refugee Law. In addition to these two publications, the ISIL has started publication of a quarterly *Newsletter*. The ISIL has also published and continue to publish several books and monographs on international law.

The Indian Academy of International Law and Diplomacy (the Academy), the teaching wing of the Society, was founded in October 1964 to further the objective of dissemination of knowledge of International Law. It is a matter of pride for the Academy that its post-graduate diploma courses are not only rated highly in India but also throughout the world. The course offered by the Academy covers a wide range of topics. The Academy offers Post-Graduate Diploma courses of the duration of one academic year in *International Law & Diplomacy*, *Law of International Institutions*. Encouraged by the success of these courses, the Academy has introduced Post-Graduate Diploma courses in *Human Rights and International Humanitarian and Refugee Laws* and *International Trade and Business Law* from the year 1999. The Academy also offers six month certificate courses in *International and National Intellectual Property Rights Law*,

International and National Environmental Law, Law of Air Transport and Aviation Liability and Private International Law. The classes are held in the evening from 6.00 PM to 7.30 PM on weekdays. The students of the Academy comprise of lawyers, law students, government officials, business executives and junior diplomats from various embassies. The Academy strives to impart knowledge on legal problems involving the interests of developing countries of Asia, Africa, Latin America and Oceania. The Academy takes particular care to acquaint the students with international treaties, diplomatic communication, statutory enactments and judicial decisions.

The teaching staff of the Academy consists of the faculty members of Delhi University, Jawaharlal Nehru University, Indian Society of International Law, officers of the Legal and Treaties Division of Ministry of External Affairs and other experts from various national and international organisations. In addition, special and guest lectures are arranged and delivered by officials and others associated with the decision-making and policy implementing bodies.

More than 5000 students have availed themselves of the diploma and certificate courses conducted by the Academy so far. The response of the students and their enthusiasm encouraged the Academy to institute the V.K. Krishna Menon Memorial Prize to be awarded to the best student of the one-year diploma course in each course conducted by the Academy. In year 2008 the Society instituted three independent awards in the name of legal luminaries who had served the Society in various capacities. The awards are as follows:

- (a) Judge Nagendra Singh Memorial Award for PG Diploma in International Human Rights, Humanitarian and Refugee Laws
- (b) Krishna Rao Memorial Award for PG Diploma in International Trade and Business Law
- (c) M.K. Nawaz Memorial Award for Certificate course in International and National Intellectual Property Rights.

The Indian Academy of International Law & Diplomacy offers one year Post-Graduate Diploma in the following courses:

1. International Law, Law of International Institutions & Diplomacy;
2. Human Rights, International Humanitarian & Refugee Laws;
3. International Trade and Business Law;
4. International Law; and
5. Law of International Institutions.

The last two courses (No. 4 and 5) are affiliated to the Department of Political Science, University of Delhi. The students who enroll themselves for these courses are required to attend classes at ISIL regularly but the question papers for the examinations are to be set by the University of Delhi and the students have to appear for the examination at the University of Delhi campus.

The Academy also offers six month Certificate Courses in:

1. International and National Intellectual Property Laws;
2. International and National Environmental Laws;
3. Law of Air Transport and Aviation Liability; and
4. Private International Law.

II

THE INDIAN ACADEMY OF INTERNATIONAL LAW AND DIPLOMACY RULES AND REGULATIONS

A. Rules and Regulations for the Diploma and Certificate Courses

- (i) *Eligibility for Admission* - For the Post-Graduate Diploma and Certificate Courses, the requirement is a Bachelor's degree from a recognised University. A degree in law/commerce/business management is desirable for students interested in pursuing the course in International Trade and Business Law. The Academy reserves the right to relax this requirement if it is satisfied that the practical professional experience of the applicant is adequate to make up this eligibility requirement.
- (ii) *Course of Study* - The syllabus for the course of study will be prescribed from time to time. The current syllabus is given in this Prospectus.
- (iii) *Schedule for the Classes* – Instructions: The Diploma and Certificate Courses are conducted on weekdays from 6 p.m. to 7.30 p.m. as per the following schedule:
 - Post-Graduate Diploma Course in International Law & Diplomacy: (Three days in a week);
 - Post-Graduate Diploma Course in International Trade and Business Law: (Three days in a week);
 - Post-Graduate Diploma Course in Human Rights, International Humanitarian & Refugee Laws: (Three days in a week);The duration of all Certificate Courses are six month. They are conducted two days in a week.
- (iv) *Medium of Instruction and Examination* - The medium of instructions and examinations shall be English.
- (v) *Attendance*–Candidates are required to attend not less than 2/3rd of the lectures. The Secretary-General/Director of the Academy may, at his discretion, condone the deficiency in attendance only

on the compassionate grounds, provided that representation supported by documentary evidence is submitted.

(vi) *Evaluation*–The evaluation process of these courses consists of:

- (a) Examination at the end of academic session.
- (b) Assignments: Every candidate is required to submit an assignment in each of the prescribed papers. The candidate is free to select a topic of his own choice from the prescribed course content.
- (c) Attendance & class participation.

The mark allocated for examination is 50% and for assignments, attendance and class participation is 50%.

(vii) *Discipline*: The Secretary-General/Director of the Academy has the power to strike off the name of any student from the roll who is grossly irregular in attendance, or wanting in discipline in spite of warning.

(viii) Grading Pattern

Percentage Range	Grade	Class/Division
70%+	A+	Honours/Distinction
65-69%	A	First Division
60-64%	A-	""
55-59%	B+	Second Division
50-54%	B	Second Division
Less than 50%	F	Fail

B. Rules Relating to the Post-Graduate Diploma and Certificate Courses Examination

- (i) Every candidate for the Diploma and Certificate courses is required to submit an assignment for each paper before the end of the course work. Depending upon the availability of time the students may also be asked to present these assignments before the class.
- (ii) Every candidate of the Diploma Course is required to appear for an examination in the papers as given in the course content.

- (iii) The examination in each paper shall be of three hours duration and shall carry 50 marks.
- (iv) The candidate appearing for the examinations shall be bound by the prescribed rules of examination.
- (v) The minimum marks required to pass the examination in each paper shall be 50%. A student who has passed the examination with at least 60% of aggregate marks shall be placed in the First Division. A student who secures 75% will be declared to have passed in First Division with Distinction. All other candidates who have secured the minimum qualifying marks will be placed in the Second Division.
- (vi) The Examination Committee may grant grace marks upto 5% in appropriate situations.
- (vii) No candidate may appear for the Diploma Examination more than twice and a candidate must pass the examination within four years from his first admission to the respective Diploma Course.
- (viii) Candidates who have failed in the examination, or failed to appear in the examination after having put in the requisite attendance, may be allowed to appear in the subsequent examinations only on their being enrolled as ex-students.
- (ix) Notwithstanding anything contained herein, any matter requiring expeditious disposal to cover situations affecting students will be decided by the Examination Committee constituted for this purposes by the Secretary-General, and its decision will be final.

C. Course Fees

Fees for the International Trade and Business Law Course

Registration Fee	Rs. 100/-
Tuition Fee	Rs. 10,000/-
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 500/- (for all papers)
For one paper	Rs. 200/-

For more than one paper	Rs. 500/-
Marks Sheet	Rs. 50/-

Fees for the International Law & Diplomacy and Human Rights Courses

Registration Fee	Rs. 100/-
Tuition Fee	Rs. 3,000/-
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Library Fee	Rs. 500/- per annum
Examination Fee	Rs. 500/- (for all papers)
For one paper	Rs. 200/-
For more than one paper	Rs. 500/-
Marks Sheet	Rs. 50/-

Fees for the Courses Affiliated with the University of Delhi

Registration Fee	Rs. 7/-
Tuition Fee	Rs. 1,500/-
Enrolment Fee	Rs. 100/-
University Development Fee	Rs. 300/-
Library Fee	Rs. 500/- per annum
Library Deposit (Refundable)	Rs. 1,500/- (optional)
Examination Fee	Rs. 180/- (for all papers)
Marks Sheet	Rs. 50/-

Fees for the Certificate Courses

Registration Fee	Rs. 100/-
Tuition Fee	Rs. 2,500/-
Library Fee	Rs. 50/- per annum
Examination Fee	Rs. 500/- (for all papers)
Marks Sheet	Rs. 50/-

D. Award

V. K. Krishna Menon Memorial Prize in International Law and Diplomacy

The Academy will award a prize to the candidate who obtains the highest aggregate percentage of marks in the Academy's Diploma Examination in International Law and Diplomacy in

the first division with 60 per cent marks and above. The prize is known as V.K. Krishna Menon Memorial Prize.

If no candidate is found eligible for the above mentioned award, the Academy will not award the prize for that year.

The Academy shall award the candidates securing highest marks in other courses also on similar conditions.

III

COURSE OUTLINES

1. INTERNATIONAL LAW AND DIPLOMACY

INTRODUCTION

A study of the international legal rules and principles binding on states and other International person in their mutual relation is essential in contemporary world. International Law is founded primarily by state parties and custom. It is also referred to as the Law of Nations. Modern International Law is linked to the evolution of the modern territorial states system, which emerged in Western Europe in the sixteenth and seventeenth centuries. Some of its rule, therefore, come under the increasing challenge from the non-western world where many independent states emerged after world war II. However, it must be stressed that both categories of states accept and approve in principle the traditional system of international law.

A great churning is taking place in the global life since 1990's, particularly, increased globalisation and centralised decision making on global issues through WTO and other such bodies have left their indelible mark on the very process of International Law making and there is hardly any aspect of national or individual life that is unaffected by the emerging International Law. The Post Graduate Diploma in International Law, Law of International Institutions and Diplomacy, covers all the critical developments, from early 16th century till date, in the field of international law.

The course has been revised on several occasions to incorporate the latest developments taking place in the contemporary world.

Paper I: International Law

1. Perspectives on International Law
 - (a) Origin and Nature
 - (b) Is International Law, "Law"?

- (c) Theories and Bases of International Law
 - (d) Asian-African Contribution to the Development of International Law. Attitude of Asian-African Countries towards Modern International Law
2. Sources of International Law
 - (a) Treaties and Conventions
 - (b) Customary Principles of International Law
 - (c) General Principles of International Law
 - (d) Judicial Decisions and Juristic Writings
 - (e) General Assembly Resolutions
 - (f) Non-Governmental Bodies and International Law Making
 - (g) Codification and Progressive Development of International Law
 3. Subjects of International Law
 - (a) International Personalities
 - (b) States as Primary Subjects
 - (c) Status of Individuals under International Law
 - (d) Other entities- International Organisations, Colonial Territories, MNCs
 4. Sovereign Equality of States in International Law
 - (a) Concepts of Sovereignty
 - (b) Contemporary Doctrinal Developments
 - (c) Equality of States under International Law
 - (d) Equality under UN Charter
 5. Relationship between International Law and Municipal Law
 - (a) Theories
 - (b) State Practice – UK, USA, India
 - (c) Extra – Territorial Application of Municipal Law
 6. Recognition of States and Governments
 - (a) Doctrines
 - (b) *De facto* and *De jure*
 - (c) Legal Effects of Recognition
 7. State Jurisdiction
 - (a) Territory: Acquisition and Loss of Territory
 - (b) Principle of Exercise of Jurisdiction

- (c) Special Aspects:
 - (i) Criminal Jurisdiction, Hijacking, Extradition and Asylum
 - (ii) Law of the Sea
 - (iii) Air Law – Sovereignty in Air Space, Freedoms and Liability
 - (iv) Outer Space and Antarctic
 - (v) State Immunity and Diplomatic Immunity
- 8. State Succession
- 9. State Responsibility
 - (a) Elements of International Responsibility
 - (b) Concept of 'Denial of Justice' by a State
 - (c) State Responsibility in Respect of the Protection of Lives and Property Claims
 - (d) Nationality of Claims
 - (e) Exhaustion of Local Remedies: the Calvo Clause
 - (f) The Theory of Permanent Sovereignty over Natural Resources
 - (g) Attempts at Codification of the Law of State Responsibility
- 10. Law of Treaties
 - (a) Vienna Convention on the Law of Treaties
 - (b) State Practice – India, Interpretation of Treaties by Indian Courts
- 11. Environmental Law
- 12. The Legality of War and Use of Force
 - (a) Outlawry of War – Historical Evolution
 - (b) Position within the UN Charter
 - (c) Definition of Aggression
 - (d) The Legality of Use of Nuclear Weapons
- 13. Non – Intervention
- 14. Peaceful Settlement of International Disputes
 - (a) UN Charter
 - (b) Friendly Relations Declaration, 1970
 - (c) International Arbitration and the International Court of Justice
- 15. Sanctions of International Law
 - (a) Reciprocity

- (b) International Organisation
- (c) International Criminal Court and the Rome Statute
- (d) Unilateral Sanctions – Legality

Paper II. Law of International Institutions

- I. Introduction
 - (a) Genesis, Nature of International Institutions and their Place in the Contemporary World
 - (b) Definition and Classification of International Organisations
 - (c) Role and Functions
 - (d) Approaches to International Organisations
2. Developments in the 19th Century
 - (a) The Concert of Europe
 - (b) The Hague Conferences, 1899 and 1907
 - (c) Public International Unions
3. League of Nations
 - (a) Constitutional Framework
 - (b) Structure and Functions
 - (c) Role in Major Challenges to Collective Security
 - (d) Mandate System
 - (e) Overall Assessment
4. United Nations – Constitutional Issues
 - (a) Sources of the Charter
 - (b) Nature of the Charter – Treaty or Constitution?
 - (c) Purpose and Principles
 - (d) Membership
 - (e) Domestic Jurisdiction
 - (f) Self-Defence
5. United Nations – Structural Issues
 - (a) Principal Organs and their powers
 - (b) Relationship between the General Assembly and the Security Council
 - (c) Uniting for Peace Resolution
 - (d) Structural and Institutional Reforms
6. United Nations – Peace and Security

- (a) Limitation of Use of Force
 - (b) Pacific Settlement of Disputes
 - (c) Attempts in Collective Security- From Korean Crisis to Gulf Crisis
 - (d) Evolution of Peacekeeping Operation – First and Second Generations
7. United Nations- Inter Linking of Issues
 - (a) Decolonisation
 - (b) Development Concerns of Third World
 - (c) Disarmament
 8. International Economic/Financial Institutions
 - (a) UN Development Programme (UNDP)
 - (b) General Agreements on Tariffs and Trade (GATT) and World Trade Organisation (WTO)
 - (c) UN Conference on Trade and Development (UNCTAD)
 - (d) UN Commission on International Trade Law (UNCITRAL)
 - (e) International Monetary Fund (IMF)
 - (f) World Bank (IBRD)
 9. International Social and Humanitarian Organisations
 - (a) International Labour Organisation (ILO)
 - (b) United Nations Educational, Scientific and Cultural Organisation (UNESCO)
 - (c) UN High Commissioner for Refugees (UNHCR)
 - (d) International Red Cross Committee (ICRC)
 10. Regional Organisations
 - (a) European Community/Union
 - (b) North Atlantic Treaty Organisation (NATO)
 - (c) African Union
 - (d) South Asian Association for Regional Cooperation (SAARC)
 - (e) Organisation of American States
 11. Future of International Institutions

Paper III. International Relations and Diplomacy

1. Introduction to Diplomacy

- (a) Definitions, Concepts and Features.
 - (b) Its contribution to practice of international relations.
 - (c) Diplomacy and Foreign Policy.
 - (d) Meanings of state, sovereignty, anarchy, international system, balance of power, polarity.
2. Conceptual and Practical History
- (a) Tribal Origins – the Greeks – the Renaissance – Italian City States – Machiavellian contribution -- Richelieu and French contribution to *raison d'état* and balance of power –the Thirty Years' War and the Treaty of Westphalia.
 - (b) Oriental Heritage – Mythological references – Kautilya – Ashoka's Envoys – the Chinese tradition – Indonesia Mussawarah.
 - (c) Golden Age of Classical or Old Diplomacy – diplomacy for status quo -- the Concert of Europe – the Alliance System – diplomacy for change – Italian and German unifications – personalities – Metternich, Cavour, Bismarck.
 - (d) New Diplomacy – collapse of balance of power in Europe and the First World War -- the Russian Revolution – Wilsonian Idealism of 'open diplomacy' – Idealist interwar diplomacy – League experiment – Appeasement -- Stalin, Hitler and Western democracies – Second World War.
 - (e) Diplomacy in the Postwar world – creating the United Nations – Bretton Woods institutions – America and the reconstruction of Western Europe – diplomacy in the service of Containment – military alliances – war in the Third World.
 - (f) Total Cold War – Détente – accommodation – brinkmanship – collapse of the Soviet Union and the end of the Cold War.

- (g) Post Cold War – visions of the emerging world order – End of History? – Clash of Civilizations? – Back to the Future? – American Hegemony?
- (h) Diplomacy in a uni-multi-polar world – prevention and preemption – humanitarian intervention and war against terrorism. Crisis of Diplomacy?
- 3. Third World Diplomacy
 - (a) Decolonization and new sovereign states – burden of sovereign existence – diplomatic options – alliance versus Non Alignment – North-South divide in numerous arenas.
- 4. Indian Experiences and Experiments
 - (a) Change and continuities in political, economic and cultural diplomacy – nuclear diplomacy.
- 5. Arms Race, Arms Control and Disarmament
 - (a) Causes and Consequences of arms race – attempts at arms control and disarmament – bilateral – regional – multilateral and UN-led efforts – Nuclear proliferation and non-proliferation efforts.
- 6. Contemporary Diplomacy
 - (a) Emerging trends in UN diplomacy – diplomacy and energy security – the European Union example – environmental diplomacy – economic diplomacy – cultural and media diplomacy – diplomacy in the face of unconventional threats – terrorism as diplomacy through other means? – religious diplomacy – being a diplomat in the age of post-diplomacy.
- 7. Contemporary International Politics
 - (a) ASEAN, SAARC, NAFTA, AU, SCO – Rise of the Rest – Asian resurgence and the rise of India and China – new historical experience for conducting new international politics – anticipating futures.

SELECTED READINGS

Paper I: International Law

A. General Principles of International Law

1. Akehurst, Michel, *Modern introduction to International Law*, 5th ed (George Allen and Unwin, London, 1984).
2. Alexandrowicz, C. H., *An Introduction to the History of the Law of Nations in the East Indies in 16th, 17th and 18th Centuries*.
3. Anand, R. P., *Compulsory Jurisdiction of the ICJ* (Asia Publishing House, New Delhi, 1986).
4. _____, *Development of Modern International Law and India* (Nomos, Germany, 2005).
5. _____, *International Law and the Developing Countries* (Banyan Publications, New Delhi, 1986).
6. _____, *New States and International Law* (Vikas Publications, New Delhi, 1994).
7. _____, *Salient Documents of International Law* (Banyan Publication, New Delhi, 1994).
8. _____, *Studies in international Law and History: an Asian Perspective* (Martinus Nijhoff Publishers, 2004).
9. Balkrishna, Rajgopal, *International Law from Below: Development, Social Movements and Third World Resistance* (Cambridge University Press, UK, 2004).
10. Brierly, J. L., *Law of Nations: An Introduction to the Law of Peace*, 6th ed (Oxford University Press, London, 1998).
11. Brownlie, Ian, *Principles of International Law*, 5th ed (Oxford University Press, London, 1998).
12. Conforti, Benedetto, *The Law and Practice of the United Nations* (Martinus Nijhoff Publishings, 2005).

13. Dixit, R.K. & Jayaraj, C, *Dynamics of International Law in the New Millennium* (Manak Publications, New Delhi,
14. Dixit, R.K. , Shankardass, R.K.P., Jayaraj, C & Sinha, Manoj K., *International Law: Issues and Challenges*(ISIL & Hope India Publications, New Delhi, 2009)
15. Green, L. C., *International Law through the Cases*, 3rd ed (Stevens and Sons, London, 1970).
16. Harris, D. J., *Cases and Materials on International Law*, 6th ed (Thomson and Sweet and Maxwell, London, 2004).
17. Mani, V. S., *Basic Principles of Modern International Law* (Lancers Book, New Delhi, 1993).
18. Nawaz, M. K., *Changing Law of Nations* (Eastern Law House, New Delhi, 2000).
19. Oppenheim's, *International Law of Peace*, vol. 1, 9th ed. (London, 1992).
21. Patel, Bimal (ed.), *India and International Law* (Martinus Nijhoff Publishings, Leiden, 2005).
22. Shaw, M. N., *International Law* (Cambridge University Press, New York, 2005).
23. Starke, J. G., *Introduction to International Law*, 10th ed Butterworths, London, 1992).
24. Weeramantry, C. G., *The World Court: Its Conceptions, Constitutions and Contributions* (A Sarvodaya Vishava Lekha Publications, Sri Lanka, 2002).

B. International Air and Space Law

1. Bilyou, Air Law (1963).
2. Diederiks, Versehoor, *Introduction to Air Law* (Kulwer Law and Taxation, Dordrecht, 1983).
3. Gal, Gyula, *Space Law* (Academiai Kiado, Budapest, 1969).
4. Jasentuliyana, N. and Roy, S. K. Lee, (eds), *Manual Space Law* (Dobbs Ferry, New York, Oceania Publications, 1969).

5. Jenks, C. W., *Space Law* (Praeger, New York, 1969).
6. Johnson, D. H. N., *Rights in the Air* (Manchester University Press, Manchester, 1965).
7. Lachs, Manfred, *Law of Outer Space: An Experience in Contemporary Law Making* (Sijthoff, Leiden, 1972).
8. Mani, Bhatt and Reddy, *Air Law and Policy in India* (Lancers Books, New Delhi, 1994).
9. Mani, V. S., et al., *Recent Developments in International Space Law and Policy* (Lancers Books, New Delhi, 1997).

C. International Environmental Law

1. Birnie, P. W. and Boyle, A., *International Law and the Environment* (Clarendon Press, Oxford, 1998).
2. Kiss, A. and Shelton, Dinah, *International Environmental Law* (Transnational, New York, 1991).
3. Conference Papers, *Fifth International Conference on International Environmental Law*, 2 Volumes, (ISIL, 2007)

D. Law of the Sea

1. Anand, R. P., *Origin and Development of the Law of the Sea* (Martinus Nijhoff, The Hague, 1983).
2. Churchill, R. R. and Lome, A. V., *The Law of the Sea* (Manchester University Press, Manchester, 1983).
3. O'Connell, D. P., *The International Law of the Sea* (Clarendon Press, Oxford, 1982).

Paper II: Law of International Institutions

1. Abi-Saab, Georges (eds), *The Concept of International Organisation* (UNESCO, Paris, 1981).

2. Archer, Clive, *International Organisations* (Routledge, London, 1992).
3. Benett, A. Le Roy, *International Organisations: Principles and Issues* (Prentice Hall, Englewood Cliffs, 1988).
4. Bowett, D. W., *Law of International Institutions* (Sweet of Maxwell, London, 1983).
5. Inis L. Claude, Jr., *Swords and Ploughshares: Problems and Progress of International Organisation* (St Martin's Press, McGraw-Hill, 1971).
6. James, Alan, *Peacekeeping in International Politics* (A Politics of Peace Keeping, 1990).
7. Kaufman, Johan, *The United Nations Decision-Making* (1980).
8. Kelsen, Hans, *The Law of the United Nations* (Stevens and Sons, London, 1951).
9. Khan, Rahamatullah, *The Implied Powers of the United Nations* (Vikas Publications, Delhi, 1969).
10. Lelland, Goodrich et. al., *The Charter of the United Nations* (Stevens and Sons, London, 1969).
11. Luard, Evan, *The United Nations: How It Works and What It Does?* (1994).
12. Nicholas, Herbert, *The United Nations as a Political Institution* (Oxford University Press, New York, 1963).
13. Northedge, F. S., *League of Nations: Its Life and Times* (Holmes st. Meler, New York, 1986).
14. Peterson, M. J., *The General Assembly in World Politics* (1969).
15. Rajan, M. S. et. al., *The Non-Aligned and the United Nations* (South Asia Publication, New Delhi, 1987).
16. Rajan, M. S. et. al., *United Nations at Fifty and Beyond* (Lancers Books, New Delhi, 1996).
17. Reuter, Paul, *International Institutions* (George Aliens Unwin, London, 1958).
18. Saksena, K. P., *The UN and the Collective Security: A Historical Analysis* (1974).

19. Taylor Paul and Groom, A. 3. R., *International institutions at Work* (ed). (Pinter VII, London, 1990).
20. Taylor, Philips, *Non State Actors in International Politics* (Westview Press, 1984).
21. Twitchett, Kenneth 3., *The Evolving United Nations: A Prospect for Peace?* (Europa for the David Davies, London, 1971).
22. UN Library, *The League of Nations in Retrospect* (Walter De Gruyter Inc., 1980).
23. UNITAR, *United Nations and Maintenance of International Peace and Security* (1987).
24. Williams, Douglas, *The Specialist Agencies and the United Nations: The System in Crisis* (Hurst, London, 1987).
25. Wright, Quincy, *International Law and the United Nations* (Asia Publishing House, Bombay, 1960).
26. Zimmermann, Alfred, *The League of Nations and the Rule of Law* (Ruse!! and Rusell, 1936).

Paper III: International Relations and Diplomacy

1. Bailey, T. A., *The Art of Diplomacy: The American Experience* (Meredith, New York, 1968).
2. Bull, Hedley (1977). *The Anarchical Society: A Study of Order in World Politics*, New York: Columbia University Press.
3. Claude, Inis, *Swords and Ploughshares: The Problems and Progress of International Organisations* (Mc Graw Hill St Martins Press, New York, 1965).
4. Gartmann, F. B., *The Relations of Nations* (Mcmillan, London, 1983).
5. Der Derian, James (1987). *On Diplomacy: A Genealogy of Western Estrangement*, Oxford: Basil Blackwell.
6. Ferguson, Niall (2006). *The War of the World*, London: Penguin.
7. Hankey, *Diplomacy by Conference* (F. Benn Ltd., London, 1946).

8. Hutchinson, Robart, *Weapons of Mass Destructions* (Weidenfield and Nicholson, London, 2003).
9. Judt, Tony (2007). *Postwar: A History of Europe Since 1945*, London: Pimlico/Random House.
10. Khanna, Parag (2008). *The Second World: Empires and Influence in New Global Order*, London: Allen Lane-Penguin
11. Kennedy, Paul (1988). *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*, London: Fontana Press-Harper Collins
12. Kissinger, Henry (1994). *Diplomacy*, New York: Simon and Schuster.
13. Krishnamurty, G.V.G., *Dynamics of Modern Diplomacy* (National Publication, Delhi, 1968).
14. -----, *Modern Diplomacy: Dialectics and Dimensions* (Sagar Publications, New Delhi, 1980).
15. Luard, Evan, *International Agencies. The Emerging Framework of Inter-dependence* (Macmillan, 1983).
16. Morgenthau, H, *Politics Among Nations* (Scientific Book Agency, Calcutta, 1967).
17. Nicholson, H., *Evolution and Diplomatic Method*(1960)
18. Raja Mohan, C. (2004), *Crossing the Rubicon: The Making of India's New Foreign Policy*, New Delhi: Penguin-Viking.
19. Rana, Kishan S., *The 21st Century Ambassador: Plenipotentiary to Chief Executive* (2005).
20. Reuters, Paul, *International Institutions* (George Allen & Unwin, London, 1958).
21. Satow, E., *Guide to Diplomatic Practice* (Longmans Greens Co., London, 1962).
22. Sen, B., *Diplomats Handbook of International Law and Practice* (Martinus Nijhoff, The Hague, 1993).
23. Wellesley, *Diplomacy in Fetters* (Hutchinson & Co., London, 1944).

24. Text of the Vienna Conventions on Diplomatic Relations, 1961.

Available at: http://untreaty.un.org/ilc/texts/instruments/english/conventions/9_1_1961.pdf

**FACULTY FOR
INTERNATIONAL LAW & DIPLOMACY**

1. Prof. R.P. Anand, Executive President, ISIL
2. Prof. Rahmatullah Khan, Secretary General, ISIL
3. Dr. R. K. Dixit, Treasurer, ISIL
4. Dr. P. S. Rao, Former Member, International Law Commission
5. Shri Narinder Singh, Joint Secretary, Legal and Treaties Division, MEA
6. Prof Lakshmi Jambholkar, Prof of Law (Retd.), University of Delhi, Delhi
7. Prof. V. S. Mani, Director, Gujarat National Law University, Gujarat
8. Prof. Pushpesh Pant, Jawaharlal Nehru University, New Delhi.
9. Prof B. S. Chimni, Jawaharlal Nehru University, New Delhi.
10. Prof Yogesh K. Tyagi, Jawaharlal Nehru University, New Delhi
11. Prof Bharat H. Desai, Jawaharlal Nehru University, New Delhi
12. Prof Chintamani Mahapatra, Jawaharlal Nehru University, New Delhi
13. Shri C. Jayaraj, Member, Executive Council, ISIL
14. Dr. V.G. Hegde, Associate Professor, Jawaharlal Nehru University, New Delhi
15. Dr V. D. Sharma, Senior Legal Officer, Legal & Treaties Division, MBA
16. Shri M. K. Rao, Senior Legal Officer, Legal & Treaties Division, MBA
17. Dr. A. Sudhakar Reddy, Senior Legal Officer, Legal & Treaties Division, MEA
18. Dr. Luther Rangreji, Legal Officer, Legal & Treaties Division, MEA

19. Dr. Manoj Kumar Sinha, Director, ISIL
20. Shri Shikhar Ranjan, Senior Legal Officer, AALCO
21. Dr. Ravindra Pratap, Assistant Professor, I. P. University, Delhi
22. Dr. Burra Sreenivas, Legal Advisor, ICRC, New Delhi
23. Dr. Ch. Benarji, Legal Advisor, ICRC, New Delhi
24. Shri. D. Sridhar Patnaik, Assistant Professor, ISIL.
25. Shri Vinal Kumar Singh, Assistant Professor, ISIL, New Delhi
26. Dr. Anwar Sadat, Assistant Professor, ISIL, New Delhi
27. Shri Rajesh Babu, Senior Legal Officer, AALCO, New Delhi

2. HUMAN RIGHTS, INTERNATIONAL HUMANITARIAN AND REFUGEE LAWS

INTRODUCTION

Human Rights may be said to those fundamental rights to which every man or woman inhabiting any part of the world entitled to, by virtue of having been born as a human being. Persistence, vigilance and living actions by the people themselves for protection of human rights are essential. Indeed, an essential pre-requisite for progressive realisation of human rights is popular awareness of and support for universally accepted human rights norms and standards. It is in the hope of spreading human rights awareness, the ISIL has started Post Graduate Diploma Course in Human Rights, International Humanitarian and Refugee Laws. ISIL's Post Graduate Diploma course, which was started in the year 1999, runs in collaboration with the International Committee of the Red Cross (ICRC), the United Nations High Commissioner for Refugees (UNHCR),

The whole course is conducted over two semesters – August to December and January to April. The said course comprises of three papers. The section on humanitarian law touches upon on the Development of International Humanitarian Law, Hague Conventions, Four Geneva Conventions 1949 and Additional Protocols I, II (1977) and III

(2005) and their implementation measures. The section on Refugee Law includes Historical Development of Refugee Law, Identification and Determination of Refugees, 1951 Convention on Refugees and its 1967 Protocol and UN Guiding Principles on Internal Displacement. Few classes are devoted to the topic whether India should sign 1951 Convention or not and Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights. Convention for the Elimination of All Forms of Racial Discrimination, 1965, Convention for the Elimination of All Forms of Discrimination Against Women, 1979 and Convention on the Rights of the Child, 1989 etc., will be discussed under human rights section. This section also covers the role played by Indian Judiciary, NHRC and NGO's in promotion and protection of human rights in India. Reading materials and other relevant documents provided by the ICRC and the UNHCR are more than sufficient to cover whole syllabus.

HUMAN RIGHTS LAW

SEMESTER I

International Law on Human Rights

1. Introduction: The Historical Development of Human Rights Law.
2. Universal Declaration of Human Rights and International Covenant on Civil and Political Rights
3. The Right to Life
4. The Right against Torture
5. International Covenant on Economic, Social and Cultural Rights.
6. The Right to Development
7. The Rights of Child
8. Racial Discrimination
9. Discrimination Against Women

SEMESTER II

Human Rights in India

1. Historical and Constitutional Development of Human Rights in India
2. Fundamental Rights and Directive Principles of State policy under the Indian Constitution.
3. Fundamental Duties under the Indian Constitution
4. Role of Judiciary in Protection of Human Rights in India
5. Role of National Institutions like National Human Rights Commission of India, Ombudsman etc.
6. Protection of Vulnerable Sections of Society in India (Tribals, Women, Minorities, Children, Aged, Disabled)
7. Role of Non-Governmental Organizations in the Protection of Human Rights in India
8. Poverty and Human Rights in India
9. Career in Human Rights in India

INTERNATIONAL REFUGEE LAW

SEMESTER I

1. Origin and Development of International Refugee Principles
2. The 1951 UN Convention on the Status of Refugees and its 1967 Protocol
3. The Definition of Refugee including the Exclusion and Cessation of Refugee Status
4. Statute and Role of the UNHCR
5. Asylum and the Principle of Non-Refoulement
6. Durable Solutions
7. Internally Displaced Persons
8. Safe Haven Concepts, Principles of Family Unity etc.
9. Vulnerable Groups of Refugees including Women, Children and Victims of Torture

SEMESTER II

1. UN Charter, UDHR, International Bill of Rights

2. UN Convention on the Prohibition Against Torture and Degrading Treatment, Convention for the Elimination of All Forms of Racial Discrimination
3. UN Convention on the Rights of the Child, UN Convention for the Elimination of All Forms of Discrimination against women
4. Ratification of International Instruments by India and their Impact on Refugee Protection in India, the Impact of the Bangkok Principles – Asian African Legal Consultative Organisation and Indian Obligations to Provide Refugee Protection
5. National Framework for Refugee Protection in India – Relevant Provisions of the Constitution of India
6. Foreigner Act, 1946, Relevant provisions of the IPC, Problem of Detention of Refugees/Arrests/discharge/Surety etc.
7. Role Played by Indian Administrative Authorities, the Judiciary, NHRC, SAARC LAW and Other Institutions/Groups/NGO's Including the Role of the Informal Consultations on Status of Refugees and Migratory Movements in South Asia.
8. Issues relating to the Accession to the Refugee Conventions
9. Security Concerns Relating to the Refugees in South Asia
10. Global Overview of Refugee Assistance Programmes
11. Preventive Strategies
12. Burden Sharing, UNHCR Intervention with Internally Displaced Persons, Problems of Statelessness, Concept of Temporary Refugee, Irregular Movement of Refugees, Internal Flight Alternative

INTERNATIONAL HUMANITARIAN LAW

SEMESTER I

A. Introduction to International Humanitarian Law

1. Nature and Definition of IHL – Historical Background and Origins of IHL (including a South Asian perspective)

2. IHL as a part of International Law – Sources of Modern IHL -Development of the Geneva Conventions and Additional Protocols
3. Fundamental Rules of IHL – Applicable in Armed Conflict
4. Concept of War – International and Non-International Conflicts

B. Protection of Defenceless

1. The General Obligations of Humane Treatment – Role of ICRC – Wounded, Sick and Shipwrecked persons
2. Combatant Status
3. Protection of POW's
4. Women and Children and Other Vulnerable Groups including Refugees

SEMESTER II

C. Limitation on Means and Methods of Warfare

1. General Limitations on the Conduct of War– Limits on the Choice of Methods and Means of Warfare
2. Specific Weapons – Chemical, Biological, Nuclear etc.
3. Anti-personnel Land Mines
4. Protection of Cultural Property and Natural Environment

D. Law of Non-International Armed Conflicts

1. Historical Development and Conditions of Application – Common Article 3
2. Additional Protocol II to the Geneva Conventions of 1949 – A Critical Evaluation
3. Situation of Internal Disturbances and Violence – IHL and Human Rights
 - (i) Implementation of International Humanitarian Law:
 - (ii) National Implementation of IHL – Status in South Asia
 - (iii) Role of National Legislation – Role of Military Law – Representation of Breaches

- (iv) International Implementation of IHL – Protecting Power Concept and Role – Other International Measures War Crime Tribunals and Developments in International Criminal Law

SELECTED READINGS

Paper I. Human Rights Law

1. Agarwal, H. O., *Implementation of Human Rights Covenants with Special Reference to India* {Kitab Mahal, Allahabad, 1983}.
2. Aggarwal, Om Prakash, *Fundamental Rights and Constitutional Remedies* (Metropolitan Books, New Delhi, 1954).
3. Aggarwal, S. K., *Public Interest Litigation in India* (Indian Law Institute Publication, New Delhi, 1986).
4. Aiyar, S. P., and Raju, S.V., (ed.), *Fundamental Rights of the Citizen* (Academic Books Limited, New Delhi, 1972).
5. Alston, Philip (ed.), *The United Nations and Human Rights: A Critical Appraisal* (Clarendon Press, Oxford, 1992).
6. _____, *The United Nations and Human Rights* (Clarendon Press, Oxford, 1955).
7. Anand, R. P., *Sovereign Equality of States in International Law* (Martinus Nijhoff, Dordrecht, 1980).
8. Ando, Nisuke (ed.), *Towards Implementing Universal HR* (Martinus NijhoffPublishings, London, 2004).
9. Ankumab, Evelyn, A., *The African Commission on Human Rights People 's Rights: Practice and Procedures* (Martinus Nijhoff, The Hague, 1996).
10. AN-Na'zm, A. and Deng, Francis (ed.), *Human Rights in Africa: Cross Cultural Perspectives* (Brookings Institution, Washington, 1990).
11. Austin, Granville, *The Indian Constitution: Cornerstone of a Nation* (Clarendon Press, Oxford, 1969).

12. Basu, Durga Das. *Human Rights in Constitutional Law* (Prentice Hall, New Delhi, 1994).
13. Bossyut, M. J., *Guide to the "Travaux Preparatoires" of the International Covenant on Civil and Political Rights* (Martinus Nijhoff, Dordrecht, 1987).
14. Buergenthal, T. (ed.), *Human Rights in National and International Law* (Manchester University Press, Manchester, 1968).
15. _____ and Norris, R., *Human Rights in the Inter-American System* (Dobbs Ferry, New York, 1983).
16. Burgers J. H. and Daneius, H., *The United Nations Conventions Against Torture* (Martinus Nijhoff, Dordrecht, 1988).
17. Cassese, Antonio, *Self Determination of Peoples* (Cambridge University Press, Oxford, 1995).
18. Clark, R. S., A, *United Nation & High Commissioner for Human Rights* (Martinus Nijhoff, The Hague, 1972).
19. Cotler, Irwin and Eliadis, F. P. (ed.), *International HR Laws, Theory and Practice* (The Candian HR Foundation, Montreal, 1992).
20. Cranston, M., *What are Human Rights* (Bodley Head, London, 1973).
21. Drzemczewski, A., *European Human Rights Convention in Domestic Law* (OUP, Oxford, 1983).
22. Dixit, R.K. , Shankardass, R.K.P., Jayaraj, C & Sinha, Manoj K., *International Criminal Law: Issues and Challenges*(ISIL & Hope India Publications, New Delhi, 2009)
23. Fleck, Dieter (ed.), *The Handbook of Humanitarian Law in Armed Conflicts* (OUP, London, 1998).
24. Fleineg, Thomas, *What are Human Rights?* (Sydney, The Federations Press, 1999).
25. Kaul, J.L. & Sinha, Manoj K., *Human Rights and Good Governance* (Satyam Law International, New Delhi, 2008)
26. Naiks, Susan and Eliadis, F. P. (ed.), *International Human Rights Lexicon* (Oxford University Press, New York, 2005).

27. Narikar, Hobet D., *The Law Relating to HRs* (Buliman Publishings, Bangalore, 2004).
28. Saibaba, G. and Rao, Sreenivasa, *Structural Adjustment and Implications of Human Rights* (Serials Publications, New Delhi, 2003).
29. Sinha, Manoj Kumar, *Basic Documents of International Human Rights and Refugee Laws* (Manak Publishers, New Delhi, 2000).
30. _____, *Enforcement of Economic, Social and Cultural Rights: International and National Perspectives* (Manak Publishers, New Delhi, 2006).
31. _____, *Implementation of Basic Human Rights* (Manak Publishers, New Delhi, 1999).
32. _____, *Global Governance, Human Rights and Development* (Satyam Law International, New Delhi, 2009)

Paper II. International Humanitarian Law

1. Cahill, Kavin M., *Basics of International Humanitarian Missions* (NY: Fordham University Press, 2003).
2. Geza, Herczegh, *Developments of International Humanitarian Law* (Akademiai Kiado, Budapest, 1984).
3. Henckaerts, Jean Marie and Beck- Doswald, Louise, *Customary International Humanitarian Law* (Cambridge University Press, UK, 2005).
4. Hingorani, R. C., *Humanitarian Law* (OUP, New Delhi, 1987).
5. Lattimer, Mark and Sands, Philippe (ed.), *Justice for Crimes Against Humanity* (Hart Publishing, USA, 2003).
6. Sinha, Manoj Kumar, *Humanitarian Intervention by the United Nations* (Manak Publishers, New Delhi, 2002).
7. Teson, Fernando, R., *Humanitarian Intervention: An Enquiry into Law and Morality* (Transnational Publishers, New York, 1997).

8. Welsh, Kavin M., *Humanitarian Interventions and International Relations* (Oxford University Press, New York, 2004).

Paper III. Refugee Law

1. Carlier, Jean Yves, et. al., *Who is a Refugee? A Comparative Case Law Study* (Kluwer Law International, The Hague, 1971).
2. Chimni, B. S., *International Refugee Law: A Reader* (Sage Publications, New Delhi, 2000).
3. Debbas, Gowlland Vera, *The Problem of the Refugees in the Light of Contemporary International Law Issues* (Martinus Nijhoff London, 1995).
4. Goodwin, Gill, Guy, S., *The Refugee in International Law* (Clarendon Press, 1996).
5. Harris, D. J., et al., *Law of the European Convention on Human Rights* (Butterworths, London, 1995).
6. Hathaway, James, C., *The Law of Refugee Status* (Butterworths, Toronto, 1996).
7. Kahn, Walter, *Guiding Principles on Internal Displacement: Annotations* (Studies in Transnational Legal Policy, Washington, 2002).
8. Korn, David A., *Exodus-Within Borders: An Introduction to the Crisis of Internal Displacement* (Brookings Institutions Press, Washington, 1999).
9. Mishra, Omprakash (ed.), *Forced Migration in the South Asian Region* (Delhi: Manak Publications, PA. Ltd., 2004).
10. Singh, Nagendra, *The Role and Record of the UN High Commissioner for Refugees* (Macmillan, New Delhi, 1994).
11. Trakroo, Ragini and others, *Refugee and the Law* (Human Rights Law Network and Sbcio Legal Information Centre, New Delhi, 2005).

**TEACHING FACULTY FOR HUMAN RIGHTS AND
INTERNATIONAL HUMANITARIAN & Refugee LAWS**

1. Justice Rajinder Sachar, Retired Chief Justice of Delhi High Court
2. Prof R.P. Anand, Executive President, ISIL, New Delhi
3. Prof Rahmatullah Khan, Secretary General, ISIL
4. Dr. P. S. Rao, Member, International Law Commission
5. Dr. R. K. Dixit, Treasurer, ISIL
6. Prof Lakshmi Jambholkar, former Professor of Law, University of Delhi, Delhi
7. Prof. V. S. Mani, Director, Gujarat National Law University, Gujarat
8. Prof S. K. Verma, former Professor of Law, University of Delhi, Delhi
9. Prof Satpal Nalwa, Member, Executive Council, ISIL
10. Prof. Yogesh K. Tyagi, Jawaharlal Nehru University, New Delhi
11. Prof B. S. Chimni, Jawaharlal Nehru University, New Delhi
12. Prof. M. P. Singh, Former Head and Dean, University of Delhi
13. Prof B. B. Pandey, University of Delhi
14. Prof. Bharat H. Desai, Jawaharlal Nehru University, New Delhi
15. Ms. Carol Batchler, Chief of Mission (India), UNHCR
16. Christopher Harland, Regional Legal Advisor, ICRC
17. Dr. Sanoj Ranjan, Communication Officer, ICRC, New Delhi
18. Shri C. Jayaraj, Member, Executive Council, ISIL
19. Wing Commander Praful Bakshi, Consultant ICRC
20. Ms. Naina Kapoor, Director, SAKSHI
21. Ms. Sumbul Rizvi, Protection Officer, UNHCR
22. Shri Shambhu Chopra, Advocate, Allahabad High Court
23. Shri Y.S.R. Murthy, PMO
24. Dr. A. Sudhakar Reddy, Legal Officer, MEA
25. Dr. Manoj Kumar Sinha, Director, ISIL
26. Dr Burra Sreenivas, Senior Legal Officer, AALCO
27. Major General A. J. S. Sandhu
28. Wing Commander U. C. Jha, New Delhi
29. Ms. Ragini Trakroo, Social Legal Information Centre, New Delhi
30. Prof. J. L. Kaul, Professor of Law, University of Delhi

31. Ms. Yamini Pandey, Assistant Protection Officer, UNHCR
32. Shri Vinith Mehra, Durable Solution Assistant, UNHCR
33. Shri Vinai Kumar Singh, Assistant Professor, ISIL
34. Shri D. Sridhar Patnaik, Assistant Professor, ISIL
35. Dr. Anwar Sadat, Assistant Professor, ISIL

3. INTERNATIONAL TRADE AND BUSINESS LAW

INTRODUCTION

Since 1980s, liberalization of national economies has become a worldwide phenomenon. This has resulted in an unprecedented growth in the volume of international trade and cross-border economic exchanges. Until recently, international trade was regulated by disparate legal regimes, but with the establishment of the World Trade Organization (WTO) from 1 January, 1995, international trade in all its conceivable dimensions is sought to be regulated by the unified and global legal regime instituted by the WTO. The legal regime requires States Parties to conform their national laws and regulations to the prescriptions set by the WTO within the stipulated transitional periods. Consequently, national legal frameworks relating to international trade in goods and services, and intellectual property rights is under a process of revision. At the same time, a number of international agencies and conventions, uniform law, model laws, legal guides and guidelines aimed at the eventual unification and harmonisation of disparate national laws and practices in the field of international trade. As a result, this area has become so sophisticated and specialized that at times even business executives and their in-house counsels find themselves at their wits' end in coping with the legal complexities raised by international business transactions.

With a view to provide an insight to the corporate executives and their legal counsels into the present legal framework governing international trade transaction and to keep them abreast with the legal developments taking place in this area, the Society has instituted a post-graduate diploma course in International Trade & Business Law since 1999.

Paper I: Private Law of International Trade

1. Theories of International Trade
2. International Sales Contract
 - a) Sale Contract- Elements of the Law of Contract
 - b) Essentials of Sales Contracts, Performance of the Contract
 - c) Conflict Situation
 - d) Uniform Law on Formation of Sales Contracts
 - e) Vienna Convention on Contracts for the International Sale of Goods, 1980
 - f) UN convention on the Limitation Period in International Sale of Goods, 1973
 - g) Types of International Sale of Contracts
 - h) Incoterms: F.O.B. and its Variations
 - i) CIF and its Variations
 - j) Other Options
 - k) Rights and Duties of Sellers and Buyers *vis-a-vis* Types of Contracts
 - l) Standard Contract Forms, Forward Exchange Contract, Model Contracts Sponsored by the UN Commission for Europe
 - m) Counter Trade
 - n) Reciprocal Sales Agreements
 - o) Barter
3. International Payments
4. Letters of Credit (Financing)
 - a) Carriage of Goods by Sea – Bill of Lading or Charter Party
 - b) Indian Law: Indian Carriage of Goods by Sea Act, 1925 (amended in 1993), Multimodal Transportation of Goods Act, 1993; Commercial Practices covering Bill of Lading, Charter Party on Liner Practices, 1972
 - c) International Convention on the Unification of Certain Rules relating to Bills of Lading (Hague Rules)

- d) Visby Protocol, 1968; Additional Protocol, 1979
- e) (Indian) Bill of Lading Act, 1856
- 5. Insurance
 - a) Cargo Insurance for Land, Air and Marine Movement of Goods, General Rules of Liability
- 6. Joint Ventures
- 7. Financing of International Sales
 - a) Contract of Credit: Legal Position and Commercial Practices
 - b) Terms of Payment and Rights and Duties of Parties
 - i) Documentary Collection: Bills of Exchange/Documentary Drafts
 - ii) Documentary Credit! Letter of Credit
 - iii) ICC Uniform Customs and Practices for Documentary Credit
 - c) Merchant Finance for Exports – Bank Guarantees and other Contract Guarantees, Role of Financial and Risk Institutions in the Negotiation of Documents
 - d) Credit Risk Coverage: Export Credit and Guarantees Corporation (ECUC)
 - e) Realization of Payments
 - i) FEMA – Foreign Exchange Management Act, 1999
 - ii) RBI Guidelines and Statutory Restrictions
 - iii) Guidelines of the Central Government
- 8. Licensing and Technology Agreement

Paper II: Public Law of International Trade and International Trade Institutions

- 1. Historical Background of the GATT, 1947
- 2. Evolution of the WTO, 1994
 - a) Structure, Principles and Working
 - b) Difference between GATT and WTO
- 3. Agreement on Safeguards
- 4. Agreement on Anti-Dumping

5. Special and Differential Treatment under the WTO
6. Agreement on Subsidies and Countervailing Measures
7. Trade in Agriculture
8. Agreement on the Application of Sanitary and Phytosanitary Measures
9. Agreement on Technical Barriers of Trade
10. TRIPS
11. TRIMS
12. Trade in Services

Paper III: Settlement of Disputes in International Trade

1. Methods of Settlement of Disputes
2. ADR and International Trade Disputes
3. International Arbitration, Conciliation, Mediation and Litigation
4. Online Dispute Resolution
5. Settlement of Disputes in Various WTO Multilateral Agreements viz-Balance of Payments, Dumping, Countervailing Measures and Allied Matters.
6. Dispute Settlement Body (DSB) in WTO
7. UNCITRAL Model of Settlement of Disputes

Paper IV: International Economic Institutions

1. International Monetary Fund (IMF)
 - a) Structure and Functions
 - b) Concept of Par Value Systems
 - c) Currency Convertibility
 - d) Breakdown of Par Value System
 - e) Conditionality of IMF
2. International Bank for Reconstruction and Development (IBRD)
 - a) Structure and Functions
 - b) International Finance Corporation
 - c) International Development Association

- d) Lending by World Bank
- 3. UNCTAD and NIEO
- 4. Regional Development Banks
 - a) Structure and Functions
 - b) Asian Development Bank
 - c) Inter American Development Bank
 - d) Banking in Relation to European Union
- 5. Environment and International Trade Law
- 6. Trade and Investment
- 7. Sustainable Development
- 8. Transnational Companies
- 9. Capital Market Regulation
 - a) SEEI Act
 - b) Insider Trading Laws
 - c) Merger and Acquisition Laws

SELECTED READINGS

Paper I. Private Law of International Trade

1. Abell, Mark and Sen, Lisa, *Franchising in India* (Eastern Law House, Calcutta, 1998).
2. Bam Gaiy, B., *International Commercial Arbitrations in the United States; Commentary and Materials* (Kluwer, Dordrecht, 1994).
3. Bernstein, Ronald, *Handbook of Arbitration Practice* (Sweet and Maxwell, London, 1993).
4. Bevan, Alexander, *Alternative Dispute Resolution* (Sweet and Maxwell, London, 1992).
5. Chuah, J.C.T, *Law of International Trade* (Sweet and Maxwell, London, 1998).
6. Coe, Jack J., *International Commercial Arbitration: The American Principle and Practice in Global Context* (Transnational Publishers, New York, 1997).
7. Honnold, John, *Uniform Law for International Sales under the 1980 United Nations Sales Convention* (Kluwer Law International, The Hague, 1982).

8. Indian International Law Foundation, *Franchising: Legal, Business and Social Issues* (Siba Exim PA. Ltd, Delhi, 1997).
9. Jayaraj, C. & Govindaraj, V.C, *Non- Resident Indians and Private International Law (ISIL & Hope India Publications, New Delhi, 2008)*
9. Kleso, Robert, *International Law of Commerce* (Denim's and Co, New York, 1976).
10. Meron, Theodor, *Investment Insurance in International Law* (Oceana Publications, 1976).
11. Moens, Gabriel and Giles, Peter, *International Trade and Business Law, Policy and Ethics* (Canadian Publishing, London, 1998).
12. Ramu, S. Shiva, *Franchising* (Wheeler Publishing, New Delhi, 1997).
13. Rao, P.C., *The Arbitration and Conciliation Act, 1996* (Universal Law Publishing Co. Pvt. Ltd., Delhi, 1997).
14. Singhanian, D.C, *Foreign Collaborations and Investments in India: Law and Procedure* (Universal Law Publishers, New Delhi, 1999).
15. Tetley, William, *Marine Cargo Claims* (International Shipping Publications, Canada, 1998).
16. Thommem, T. Kochu, *Bills of Lading in International Law and Practice* (Eastern Book Company, Lucknow).
17. Tom-George, Minarbene, *International Commercial Arbitration (Institutional Arbitral Rules) UNCITRAL, ICSID, WIPO* (Sheriden Book Company, New Delhi, 1996).
18. Van Hot Jaoomijhi, *Commentary on the UNCITRAL Arbitration Rules: The Application by the Iran-US Claims Tribunal* (T. M. C. Asser Institute, The Hague, 1991).
19. Wellens, Kamal, *Economic Conflicts and Disputes before the World Court (1922-1999): A Functional Analysis* (Kluwer Law International, The Hague, 1996).

Paper II. Public Law of International Trade and International Trade Institutions

1. Appleton, Arthur, *Environmental Labelling Programmes: International Trade Law Implications* (Kluwer Law, The Netherlands, 1997).
2. Arup, Christopher, *The New World Trade Organisation Agreements* (Cambridge University Press, Cambridge, 2000).
3. Bagchi, Jayant, *World Trade Organisation: An Indian Perspective* (Eastern Law House, Calcutta, 2000).
4. Chowdhury, Salil K. and Saharay, H. K., *Law of Trade Marks, Copyrights, Patents and Designs* (Kamal Law House, Calcutta, 1996).
5. Correa, Carlos. M, *IPRs, The WTO and Developing Countries* (Zed Books Ltd, London, 2000).
6. Day, D. M. and Griffin, Bernardette, *The Law of International Trade* (Butterworths and Lexis Nexis, London, 2003).
7. Dijck, Pitol, Vom and Faber, Gemit, *Challenges to the New World Trade Organisation* (Kluwer Law International, The Netherlands, 1996).
8. Gervais, Danie, *The TRIPS Agreement: Drafting History and Analyses* (Sweet and Maxwell, London, 1998).
9. Goyal, Anupam, *The WTO and International Environmental Law: Towards Conciliation* (Oxford University Press, New Delhi, 2006).
10. Gupta, R. K., *World Trade Orgnsnisation- Text (2Vols)*.
11. Hammond, Suddards, *An Anatomy of the World Trade Organisation* (Kluwer Law International, 1997).
12. Jackson, John, H, *The Jurisprudence of GA TT and the WTO* (Cambridge University Press, Cambridge, 2000).
13. Jackson, John, H., *The World Trading System* (MIT Press, Cambridge, 2nded, 1998).

14. Koul, A. K., *The General Agreement on Tariffs and Trade: GATT/World Trade Organisation (WTO) Law, Economic and Politics* (Satyam Books, New Delhi, 2005).
15. Marco, Bronckers and Reinhard, Quick (ed), *New Directions in International Economic Law: Essays in Honour of John, H Jackson* (Kluwer Law International, 2000).
16. Naftel and Spiwak, *The Telecoms Trade War: The U.S. The European Union and WTO* (OUP, Portland, 2000).
17. Palmeter and Mavroits, *Dispute Settlement in the World Trade Organisation* (Kluwer Law International, 1999).
18. Pescatore, Pierre, *Handbook of WTO/GATT Dispute Settlement* (Transnational Publishers, New York, 1997).
19. Petersmann, Ernst-Ulrich, *The GATT/WTO Dispute Settlement Systems : International Law, International Organisations and Dispute Settlement* (Kluwer Law International, The Hague, 1997).
20. *International Trade Law and the GATT/ U/TO Dispute Settlement System* (Kluwer Law International, The Hague, 1997).
21. Pratap, Ravindra, *India at the WTO Dispute Settlement System* (Manak Publications PA. Ltd, 2004).
22. Kumar, Ratnesh, *WTO Structure, Functions, Tasks and Challenges* (Deep and Deep Publications, New Delhi, 1998).
23. Schmittoff, M. Clive, *The Law and Practice of International Trade* (Stevens and Sons, London, 1986).
24. Singer, Hatti and Tandon, *TRIPS, The Uruguay Round and Third World Interests* (BR. Publications, India, 1999).
25. Stewart and Dwyer, *U/TO, Anti-Dumping and Subsidy Agreements* (Kluwer Law International, 1998).

26. WTO, From GATT to the WTO-The Multilateral Trading System in the New Millennium (Kluwer Law International, 2000).

TEACHING FACULTY FOR INTERNATIONAL TRADE & BUSIENSS LAW

1. Prof A. K. Kaul, Vice-Chancellor, National Law University, Jodhpur
2. Prof B. S. Chimni, Vice Chancellor, NUJS, Kolkatta
3. Prof Lakshmi Jambholkar, Professor of Law (Retd), University of Delhi, Delhi
4. Prof S. K. Verma, Professor of Law, University of Delhi, Delhi
5. Prof J. L. Kaul, University of Delhi, Delhi
6. Shri A. K. Ganguli, Senior Advocate, Supreme Court
7. Shri Sarvesh Chandra, Former Chairman, FERA
8. Capt. J. S. Gill, Former Treasurer, ISIL
9. Dr. V.G. Hegde, Associate Professor, JNU, New Delhi
10. Dr. K. S. Kardam, Director, Patent Office, New Delhi
11. Shri M. K. Rao, Senior Legal Officer, L&T Division, MBA
12. Mr. Rizvi, Deputy Legal Advisor, ONGC, New Delhi
13. Dr. Amitendu Palit, Economic Advisor, Ministry of Finance, GOI
14. Dr. Archana Negi, Assistant Profesor, Jawaharlal Nehru University, New Delhi
15. Dr. Ravindra Pratap, Assistant Profesor, I. P. University, Delhi
16. Mr. James Nedumpara, Advocate
17. Dr. Manoj Kumar Sinha, Director, ISIL
18. Shri Vakul Sharma, Advocate
19. Shri Arvind Kohli, Chartered Secretary
20. Shri Vinai Kumar Singh, Assistant Professor, ISIL
21. Dr. Anwar Sadat, Assistant Professor, ISIL
22. Shri. D. Sridhar Patnaik, Assistant Professor, ISIL
23. Shri Raju K. D., Deputy Secretary, PHDCII
24. Shri Rajesh Babu, Senior Legal Officer, AALCO
25. Ms. Padmini Singh, Prosecution Officer, CBI

CERTIFICATE COURSES

I. INTERNATIONAL AND NATIONAL INTELLECTUAL PROPERTY RIGHTS LAW

INTRODUCTION

This Course is aimed at imparting comprehensive knowledge regarding Intellectual Property Rights. This Course covers Patents, Copyrights and Trademarks, Designs and Geographical Indications including Plant Varieties, Biological Diversity and Inventions relating to Information Technology. The Course reflects upon the Indian position regarding IPR in the background of developments in the field of International Law relating to IPR. The recent developments pertaining to IPR will also be undertaken in order to apprise the students. The PG Certificate Course in IPR consists of three papers.

Paper I

1. Intellectual Property Rights in General
 - a) Concept of Property
 - b) Definition and Nature of Intellectual Property Rights
 - c) Kinds of Intellectual Property Rights
 - d) Historical Aspects of International Protection for the Intellectual Property Rights
 - e) Major International Treaties dealing with Intellectual Property Rights
2. Patents
 - a) Definition of Patents
 - b) Kinds of Patents- Product-patent, Process-patent, Software-patent
 - c) Patent Protection
 - d) Infringement
 - e) Remedies
 - f) TRIPS, PCT and the Indian Patents Act, 2005

Paper II

1. Copyrights
 - a) Definition of Copyright

- b) Copyright and Related Rights
 - c) Copyright Protection
 - d) Infringement
 - e) Remedies
 - f) Berne Convention, Rome Convention, WCT, WPPT, TRIPS and Copyrights Act, 1999
2. Trademark
- a) Definition of Trademarks
 - b) Kinds of Trademarks- Domain Name Dispute, Cyber World
 - c) Trademarks Protection
 - d) Infringement
 - e) Remedies
 - f) Madrid Agreement, Paris Convention, TRIPS and the Trademarks 1999

Paper III

1. New Intellectual Property Order (This paper will introduce other related aspects of Intellectual Property Rights)
 - a) Geographical Indications
 - b) Plant Varieties and Biological Diversity
 - c) Industrial Design and Layout - Designs of Integrated Circuits

SELECTED READINGS

1. Aldons, Guy, *Terrill on the Law of Patents*, 12th Edition (Sweet & Maxwell, London, 1971).
2. Alikhan, Shahid and Mashelkar, Raghunath, *Intellectual Property and Combative Strategies in the 21st Century* (Kluwer International, The Hague, 2004).
3. Bainbridge, D. I., *Intellectual Property Law*, 3rd Edition (Pitamar Publisher, London, 1996).
4. Bare Act, *Intellectual Property Laws* (Universal Laws, Delhi, 2004).
5. Barrett, Magreth, *Intellectual Property: Cases and Materials*, 2nd Edition (West Group, USA, 2001).
6. Baxter, J. W., *World Patent Law & Practice* (Sweet & Maxwell, 1968)

7. Blanco, T. A., *Patents for Inventions*, 4th Edition (Stevenson, London, 1974).
8. Boggsch, Arpad, *The Law of Copyright under the Universal Convention* (A. W. Sijthoff, Leiden, 1970).
9. Chimni, B. S., *System of Intellectual Property & Transfer of Technology including Global Challenges and Problems: An Appraisal of Indian Patent System*.
10. Choudhury, Salil K. and Saharay, K. K., *Law of Trade Marks, Copyright, Patents and Designs* (Kamal Law House, Calcutta, 1996).
11. *Commercial's Intellectual Property Manual* (Universal Publication, Delhi, 2003).
12. Cornish, W. R., *Intellectual Property: Patent, Copyrights and Trade Marks* (Maxwell, London, 1989).
13. Cornish, W., *Case and Materials on Intellectual Property*, 4th Edition (Sweet and Maxwell, London, 2003).
14. Dutfield, Graham, *Intellectual Property Rights, Trade and Biodiversity: Seeds and Plant Varieties* (Earthscan Publication, London, 2000).
15. Gervais, Danniell, *The TRIPS Agreement Drafting History and Analysis* (Sweet & Maxwell, London, 1998).
16. Gorman, Robert A. and Gimsburg, J. C., *Copyrights: Law and Materials*, 6th Edition (New Delhi: Eastern Law House, 2004).
17. Henry, Nicholas, *Copyright Information Technology Public Polk* (Marcel Dekker House, NY, 1976).
18. *Intellectual Property and Private International Law* (Clarendan Press, Oxford, 1998).
19. Keayta, B. K., *Patent System & Related Issues at a Glance* (NWGPL, New Delhi, 1991).
20. Koul, A. K. and Ahuja, V. K., (ed.) *Law of Copyright: From Gutenberg's Invention to Internet* (Faculty of Law, DU, Delhi, 2001).
21. Koul, A. K. and Ahuja, V. K., *The Law of Intellectual Property Rights: In Prospect and Retrospect* (DU, Delhi, 2001).
22. *Lal Commentaries on Law of Copyright and Neighbouring Rights*, 3rd Edition (Delhi Law House, Delhi, 1997).
23. Lange, David and Others, *Intellectual Property: Case and Materials* (West Group, USA, 1998).

24. McFarlane, Gavin, A., *Practical Introduction to Copyright* (McGrawHill Book Co., London, 1982).
25. Narayanan P., *Patent Law: Supplement Issue*, 3rd Edition (Eastern Law House, New Delhi: 1999)
26. _____, *Copyright Law* (Eastern Law House, New Delhi, 1986).
27. _____ *Copyrights and Industrial Designs*, 3rd Edition (Eastern Law, New Delhi 2004)
28. _____, *Intellectual Property Law*, 3rd rev. Edition (Eastern Law House, New Delhi, 2004)
29. _____, *Law of Trade Marks and Passing-off* 4th Edition (Eastern Law House, New Delhi, 2004).
30. Nasir, William Z., *Crisis in Copyrights*, (Marcel Dekker, NY, 1976).
31. *National Working Group Laws, Third World Patent Convention* (NWGPL, New Delhi, 1990).
32. Nitya, *Conquest by Patent on Patent Law & Policy* (NWGPL, New Delhi, 1970).
33. *NPC Seminar on Transfer on Technology & Patent System Patent Law* (Eastern Law House, Lucknow, 2005).
34. Phillips, J.J., *Whale on Copyrights* (Sweet & Maxwell, London, 1997).
35. prabudha, Ganguli, *Gearing up for Patents: The Indian Scenario* (Universal Press, Hyderabad, 1998).
36. Roy, Chaudhury Satish, *Trade Marks, Copyrights, Patents and Design Law* (Kamal Law House, Calcutta, 1996).
37. Sahai, Suman, *Micro Organisms and Intellectual Property Rights* (GENE Campaign, New Delhi, 1998).
38. Sangal, P. S. and Ponnuswami, K., *Intellectual Property Law* (Udh Pubn., Delhi, 1994).
39. Scher, V. Alexander, *Patenting the Invention* (Mathewe Bude & Co., New York, 1948).
40. Singh, Shiv Sahai, (ed.) *The Law of Intellectual Property Rights* (Deep & Deep Publications, New Delhi, 2004).
41. Singhal, J. P., *The Copyrights Act, 1957* (Law Book Co., Allahabad, 1977).
42. Stewart, S. M., *International Copyright and Neighbouring Rights* (Butterworths, London, 1983).
43. Tritton, Guy, *Intellectual Property in Europe*, 2nd Edition (Sweet & Maxwell, London, 2002).

44. UNCTAD-ICTSD, *Resources Books on TRIPS and Development* (UNCTAD, USA, 2005).
45. Verkey, Elizabeth, *Law of Patents* (Eastern Law House, Lucknow, 2005).
46. Wadebra, B. L., *Law Relating to Patents Trade Mark Copyright Designs & Geographical Indications*, 3rd Edition (Universal Law Publishing, Delhi, 2004).
47. Wadlow, Christopher, *Enforcement of Intellectual property in European and International Law* (Sweet & Maxwell, London, 1998).
48. Watal, Jayashree, *Intellectual Property Rights in the WTO and Developing Countries* (Sweet & Maxwell, New Delhi, 2004).

TEACHING FACULTY FOR INTERNATIONAL AND NATIONAL INTELLECTUAL PROPERTY RIGHTS

1. Prof A. K. Kaul, Vice-Chancellor, National Law School, Jodhpur
2. Prof. S. K. Verma, University of Delhi, Delhi
3. Prof B. S. Chimni, Vice-Chancellor, NUJS, Kolkotta
4. Prof. Ashwini K. Bansal, University of Delhi, Delhi
5. Dr. K. S. Kardam, Director, Patent Office, Delhi
6. Dr. V. G. Hegde, Associate Professor, Jawaharlal Nehru University, New Delhi
7. Dr. Manoj Kumar Sinha, Director, ISIL
8. Shri Vakul Sharma, Advocate
9. Shri Rabin Majumder, Advocate, Supreme Court
10. Dr. Moumita Das, IGNOU
11. Ms. Padmini Singh, Prosecution Officer, CBI
12. Dr. Anwar Sadat, Assistant Professor, ISIL
13. Shri Vinai Kumar Singh, Assistant Professor, ISIL
14. Shri D. Sridhar Patnaik, Assistant Professor, ISIL
15. Shri Gopa Kumar, Research Officer, CENTAD

2. INTERNATIONAL AND NATIONAL ENVIRONMENTAL LAW

Introduction

Understanding environment is important for saving our planet earth and its healthful survival. The structure of the certificate course is aimed at imparting among students a detailed overview about the sources of International Environmental Law, major multilateral environmental agreements and protocols and the general principles of international environmental law to deal with issues of common concern (climate change, ozone layer depletion, biological diversity) to humankind. The last part of the course structure touches upon the legislations aimed at checking levels of pollution and protecting environment in India. The whole course is divided into three papers.

Paper I:

Evolution and Sources of International Environmental Law

1. What is International Environmental Law and how it grew?
2. Customary International Environmental Law with emphasis on Trail Smelter Arbitration Award, Lake Lenox Arbitration Award and Corfu Channel Case etc.
3. Stockholm Declaration 1972 and Rio Declaration 1992
4. Agenda 21 of the Rio Conference
5. Impact of the Stockholm Conference and the Rio Conference on the Emergence of International Environmental Law
6. World Summit on Sustainable Development held in Johannesburg, 2002
7. Major Multilateral Environmental Agreements (global and regional)
 - a) Long-Range Transboundary Air Pollution (LRTAP), 1979
 - b) Vienna Convention for the Protection of Ozone Layer 1985 and the Montreal Protocol for the Phasing out of Ozone Depleting Substances

- c) United Nations Framework Convention on Climate Change (UNFCCC) 1992 and the Kyoto Protocol 1997
- d) Convention on Biological Diversity (CBD) 1992 and the Biosafety Protocol 2000

Paper II

1. General Principles of International and National Environmental Law
 - a) Polluter Pays Principle
 - b) Precautionary Principle
 - c) Principle of Common but Differentiated Responsibility
 - d) Principle of Sustainable Development
2. The Role of International Organizations in the Evolution of International Environmental Law
 - a) UNEP's Contribution in the Field of International Environmental Law
 - b) United Nations Specialized Agencies and the International Environmental Law
3. Implementation of International Environmental Law Through the Financial Mechanism
 - (a) Montreal Protocol Multilateral Fund, 1990
 - (b) Global Environment Facility (GEF), 1991

Paper III

1. Human Rights Approach to International and National Environmental Law
2. Impact of International Environmental Law in India
 - a) Environmental Legislations in India
 - i) The Wild life (Protection) Act of 1972
 - ii) The Water (Prevention and Control of Pollution Act of 1974)
 - iii) The Air (Prevention and Control of Pollution) Act of 1981
 - iv) The Environment Protection Act of 1986 etc.
 - b) Agencies for Environment Protection (Central Pollution Control Board and State Pollution Control Board)
 - c) Role of Ministry of Environment and Forest (MoEF) in the Protection of Environment

SELECTED READINGS

Paper I

Books

1. Arif, Najmul, (ed.), *International Environmental Law, Basic Documents and Select References* (Lancers Books, New Delhi, 1996)
2. Birnie, Patricia and Boyle, Alan, *Basic Documents on International Law and The Environment* (Clarendon Press, Oxford, 1995).
3. _____, *International Law & The Environment* (Clarendon Press, Oxford, 1994).
4. Desai, Bharat, *Institutionalising International Environmental Law* (Transnational Publishers, New York, 2004).
5. Sands, Philip, *Principles of International Environmental Law Frameworks, Standards and Implementation* (Manchester University Press, Manchester, 1995).

Articles

1. Anwar Sadat, "Johannesburg Summit 2002 Rich Nations Fail to Keep Human Concerns at the Centre", *Mainstream*, vol. xl, no. 42, October 5, 2002, pp. 30-32.
2. _____, "The Role of International Union for Conservation of Nature and Natural Resources (IUCN) in the Governance of Biological Resources", *Indian Journal of International Law* vol. 45, no. 4 October/December (2005), pp. 510-533.
3. K. S., Muhammed Hussain, "World Summit on Sustainable Development, Johannesburg: A Critical Appraisal", *Indian Journal of International Law*, vol. 42, no. 3 July-September (2002) pp. 348-369.
4. Kimball, A. Lee, "Toward Global Environmental Management: The Institutional Setting", *Yearbook of International Environmental Law*, vol.3(1992), pp. 3-17.
5. McAffrey, S.C. Handl, O and H. Taubenfeld, "Ten Years After Stockholm: International Environmental Law: A Panel", *Proceedings of American Society of International Law*, vol. 77 (1983) 411.

6. Sand, H. Peter, "UNCED and The Development of International Environmental Law", *Yearbook of International Environmental Law*, vol.3(1992), pp.3-17.
7. Schacter, Oscar, "Development of International Environmental Law", *Journal of International Affairs*, vol. 44, no.2(1991) pp. 457-493.
8. Sohn, B. Louis, "The Stockholm Declaration on Human Environment", *Harvard International Law Journal* vol. 14(1973) pp. 423-456.

Primary Sources

1. Framework Convention on Biological Diversity 31 ILM815 (1992).
2. Kyoto Protocol 37 ILM22 (1998).
3. Cartagena Protocol on Biosafety to the Convention on Biological Diversity 39 ILM 2000.

Paper II

Books

1. Sands, Philip, *Principles of International Environmental Law* (Manchester University Press, Manchester, 1995).

Articles

1. Bacon, T. C., "The Role of the United Nations Environment Programme (UNEP) in the Development of International Law", *The Canadian Yearbook International Law*, vol. xii (1974) pp. 255-266.
2. Dembach, I. C., "The Global Environment Facility: Financing the Treaty Obligations of Developing Nations", *Environmental Law Reporter*, vol. xxiii, no.3(1993) pp. 10124-10132.
3. Ramkrishna, Kilaparti, "UNEP: An Assessment of its Impact", *Indian Journal of International Law*, vol. 24 (1984) pp. 346-372.

Paper III

1. Doelle, Meinhard, " Climate Change and Human Rights: The Role of International Human Rights in Motivating States to Take Climate Change Seriously", *Mac quarie Journal of International and Comparative EnvironmentalLaw*, vol. 1, no.2(2004) pp. 179-216.
2. Horn, Laura, "The Implications of the Concept of Common Concern of Human Environment" *Macquarie Journal of International and Comparative Environmental Law*, vol. 1, no.2(2004) pp. 233-268.

Books

1. Anand, R. P., Khan, Rahmatullah and Bhatt, S., *Law, Science and Environment* (Lancers Books: New Delhi, 1987).
2. Desai, Bharat, *Environmental Laws of India* (Lancers Books: New Delhi, 1994).
3. Divan, Shyam and Rosencranz, Armin, *Environmental Law and Policy in India*, (Oxford University Press: Oxford, 2001).
4. Singh, Gurdip, *Environmental Law in India*, (MacMillan: New Delhi, 2005).
5. Upadhyay, Sanjay, *Handbook on Environmental Law, Forest Laws, Wildlife Law and The Environment*, 3 Volumes (Lexis Nexis: New Delhi, 2002).

Teaching Faculty for International and National Environmental Law

1. Prof. Rahmatullah Khan, Secretary General, ISIL
2. Prof. R.P. Anand, Executive President, ISIL
3. Prof. Gurdip Singh Bahri, University of Delhi
4. Prof Bharat H. Desai, Jawaharlal Nehru University, New Delhi
5. Dr. Luther M. Rangreji, Legal Officer, MEA
6. Dr. Manoj Kumar Sinha, Director, ISIL
7. Shri Shikhar Ranjan, Senior Legal Officer, AALCO
8. Dr. Anwar Sadat, Assistant Professor, ISIL
9. Shri Vinai Kumar Singh, Assistant Professor, ISIL
10. Shri D. Sridhar Patnaik, Assistant Professor, ISIL

LAW OF AIR TRANSPORT AND AVIATION LIABILITY

INTRODUCTION

International air transportation is the vascular system of modern international States and the nerve network of international society. Problems in international air transportation by their nature have an international perspective. This is more evident today than at any time in the past, due to the intensification of transboundary trade, the internationalisation of the division of work and the acceleration of technological progress. The International dimensions of air transportation and its activities are not only discernible in communication across the border of several sovereign states, it also created common problems in the policy and laws between countries at different stages of development. The policies and legal problems are often novel and have considerable complexity.

‘With a view to provide an insight for various sections of people i.e., legal counsels who are involved in the air transportation sector and consumers, into the present legal framework governing international air transport and to keep them abreast with the legal developments taking place in this area, the Society has instituted a course in International Law of Air Transport and Aviation Liability. The whole course is divided in two papers.

Paper I

I. Introduction

- a) Sovereignty over Air Space
- b) Cujus est solum, ujus est useque ad coelum
- c) Paris Convention 1910
- d) Paris Convention 1919

2. Freedom of Air
 - a) Chicago Convention 1944
 - b) International Air Transit Agreement 1944
 - c) International Air Transport Agreement 1944

3. Bilateral Air Service Agreements (BASA)
 - a) Bermuda Agreement 1946
 - b) Bermuda Agreement 1977
 - c) Cabotage and Grand Cabotage

4. Bilateralism vs. Multilateralism
 - a) Deregulation of Air Transportation
 - b) Trade in Air Services
 - c) Commercial Practices in Air Transport

5. Safety and Security in Aviation
 - a) The Tokyo Convention 1963
 - b) The Hague Convention 1970
 - c) The Montreal Convention 1971
 - (d) Protocol for the Suppression of Unlawful Acts of Violence at Airports serving International Civil Aviation, 1982

Paper II

1. Liability of the Carrier towards Passengers
 - a) Warsaw Convention, 1929
 - b) Hague Protocol 1955
 - c) Montreal Interim Agreement, 1966
 - d) Guatemala City Protocol, 1971
 - e) Montreal Protocols, 1, II, III, and IV, 1975
 - f) Modernization of Warsaw System: Montreal Convention 1999

2. Liability of the Carrier towards Third Parties
 - a) Rome Convention 1933
 - b) Rome Convention 1955

3. Interception of Aircraft
 - a) Aerial Intrusion
 - b) Article 3 bis
4. Dispute Settlement Mechanism
5. New Aviation Policy of India
 - a) Air Transport Domestic and International
 - b) Open sky policy towards Cargo and passenger
 6. New Anti Hijacking Policy

SELECTED READINGS

1. *Air Law Review*
2. *Air Laws and Treaties of the World* (U. S. Government Printoff, Strawss, Williams, 1961).
3. Beaumont and Shawcross, *Air Liability*, 2 vols.
4. Bhatt, S., *The New Aviation Policy of India: Liberalisation and Deregulation* (Lancers Books, New Delhi 1997).
5. Brancker, J. W. S., *IATA and What it Does?* (A. W. Sijthoff, Leydon, 1977).
6. Chia-Jui Cheng, *The Use of Air and Outer Space Cooperation and Competition* (The Hague, Kluwer Law International, 1998).
7. _____, *The Use of Air Space and Outer Space for All Mankind in the 21st Century* (The Hague, Kluwer Law International, 1995).
8. Diederiks, Verschoor *Introduction to Air Law* (Kluwer Law and Taxation, Dordrecht, 1983).
9. Drionn H., *Limitations of Liability in International Air Law* (1954).
10. Fredrick, John, H., *Commercial Air Transportation* 5th Edition (Richard U. Irwin, Homewood, 1961).
11. Gronford, K., *Air Charter and Warsaw Convention* (Martinus Nijhoff, 1956).
12. Hene, Derek, H., *The Law of Sea and Air Traffic* (Shaw & Sons, London, 1955).
13. *Indian Aircraft Manual* (Government of India Press, New Delhi, 1968).
14. *Indian Carriage by Air Act, 1972*

15. Kamminga, M. S., *The Aircraft Commander in Commercial Transportation* (Martinus Nijhoff, The Hague, 1953).
16. Kriendler, L. S., *Aviation Accident Law* (Mathew Bender, Ohio, 1971).
17. Mani, V. S. (ed), *Air Law and Policy in India* (Lancers Books, New Delhi, 1994).
18. McNair, *Law of the Air* (Eastern Press, London, 1964).
19. Miller, Georgette, *Liability in International Air Transport* (Kulwer Derester, Netherlands, 1977).
20. Ridley, Jasper, *The Law of the Carriage of Goods by Land, Sea and Air*, 3rd ed (1971).
21. S. Bhatt, *International Aviation and Outer Space Law and Relations: Reflections on Future Trends* (New Delhi, Asian Institute of Transport Development, 1996).
22. Sundberg, I. W., *Air Charter*(1961).
23. Wright, Robert, W., *The Law of the Air Space* (Bobbs-Merrill Co., New York, 1968).
24. Yearbook of Air and Space Law (McGill University Press, Institute Law of Air Space Law).

TEACHING FACULTY FOR LAW OF AIR TRANSPORT AND AVIATION LIABILITY

1. Prof. V.S. Mani, Director, GNLU, Gujarat
2. Prof. Lakshmi Jambholkar, Professor of Law (Retd.), University of Delhi, Delhi
3. Prof S. Bhatt, Retd. Professor, Jamia Hamdard, New Delhi
4. Dr. G. S. Sachdeva, Chief Legal Officer, German Embassy
5. Dr. Ranjan Kaul, Advocate, Supreme Court
6. Dr. I. C. Batra, Member, Executive Council, ISIL
7. Dr. A. Sudhakara Reddy, Legal Officer, Legal & Treaties Division, MEA
8. Dr. Ch. Banerji, Legal Officer, ICRC, New Delhi

PRIVATE INTERNATIONAL LAW

INTRODUCTION

The six month certificate course in Private International Law is aimed at imparting knowledge to young lawyers in matters concerning transactions involving foreign laws and foreigners in India in the context of globalisation liberalisation and privatisation (GLP) besides matters in the area of matrimony and law of obligations.

This course will be started only after fifteen students are registered for this course.

Paper I. General

1. Private International Law- Definition and Scope, Exception to Private International Law
2. Jurisdiction – Bases and Limitations
3. Domicile
4. Procedure in Private International Law
5. Foreign Judgments and Arbitral Awards

Paper II

1. Law of obligations
 - a) Contracts
 - b) Proper Law doctrine
 - c) Particular Topics
2. Law of Torts
 - a) Theories
 - b) English and Indian Law of Foreign Trade
3. Marriage
 - a) Nature of Marriage;
 - b) Validity of Marriage
 - c) Matrimonial Causes, Divorce, Annulment, Recognition of Foreign Divorce Decrees
4. Adoption

SELECTED READINGS

1. Broch, L.G, "The Recognition of Foreign Decrees of Divorce and Separation in Norwegian Laws", *Netherlands International Law Review* vol. 14(1967).
2. Christian von, "Environmental Damage in Private International Law" *Recuil Des Cours*, no. 268, (The Hague, Boston, London: Martinus Nijhoff Publishers, 1997).
3. De Nova Ro Dilfo, "Historical and Comparative Introduction to Conflict of Laws", *Recuil Des Cours*, vol. II, no. 118, (Layde: A.W. Sijthoff, 1966).
4. Dolinger, Jacob, "Evolution of Principles for Resolving Conflicts in the Field of Contract and Torts", *Recuil Des Cours*, no. 283 (The Hague, Boston, London: Martinus Nijhoff Publishers, 2000).
5. Govindaraj, V.C., "The Rule of Selection" Rule in Conflict of Laws – The So – Called American Revolution: A Critique", *Indian Journal of International Law*, vol. 45, no. 4 (2005).
6. Graveson, Ronald H., "Comparative Aspects of the General Principles of private International Law", *Recuil Des Cours*, vol. II, no. 109, (Layde: AW. Sijthoff, 1963).
7. Graveson, Ronald, "Problems of Private International Law", *Recuil Des Cours*, vol. 1, no. 141, (Layde: A.W. Sijthoff, 1974).
8. Grinsburg, Jane C., "The Private International Law of Copy Right in an Era of Technological Change", *Recuil Des Cours*, no. 273 (The Hague, Boston, London: Martinus Nijhoff Publishers, 1998).
9. Li, Haopei, "Some Recent Developments in the Conflict of Laws of Succession", *Recuil Des Cours*, vol v, no. 224 (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1990).
10. Lillich, Richard B., "Duties of States Regarding the Civil Rights of Aliens", *Recuil Des Cours*, vol III, no. 161 (Netherlands: A.W. Sijthoff and Noordhoff, 1978).
11. Mehren, Von AT., "Recognition and Enforcement of Foreign Judgment" General Theory and the Role of Jurisdictional Requirements", *Recuil Des Cours*, vol. II, no.

- 167 (Netherlands: AW. Sijthoff and Noordhoff, 1980), pp. 13-112.
12. Mengozzi, Pado, "Private International Law and the WTO", *Recueil Des Cours*, no. 292, (The Hague, Boston, London: Martinus Nijhoff Publishers, 2001).
 13. Mosconi, Franco, "Exceptions to the Operation of Choice of Law Rules", *Recueil Des Cours*, vol. v, no. 217, (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1989).
 14. North, P. M., "Development of Rules of Private International Law in the Field of Family", *Recueil Des Cours*, vol. 1, no. 166 (Netherlands, A.W. Sijthoff and Noordhoff, 1980).
 15. Palsson, Lennart, "Rules, Problems and Trends in Family Conflict of Laws- Especially in Sweden", *Recueil Des Cours*, vol. IV, no. 199 (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1986).
 16. Reese, W., "Discussion of Major Areas of Choice of Law", *Recueil Des Cours*, vol.1, no. III, (Layde: A.W. Sijthoff, 1964).
 17. Van, Loon J.H.A., "International Cooperation and Protection of Children with Regard to Inter-Country Adoption", *Recueil Des Cours*, vol. VII, no.244, (Dordrecht, Boston, London: Martinus Nijhoff Publishers, 1993).
 18. Winter De, L. I, "Nationality or Domicile? – The Present State of Affairs", *Recueil Des Cours*, vol. III, no. 128 (Leyde: Sijthodd, 1969).

TEACHING FACULTY FOR PRIVATE INTERNATIONAL LAW

1. Prof. V.C. Govindaraj, Vice-President, ISIL
2. Prof. Lakshmi Jambholkar, Member Executive Council, ISIL
3. Dr. V.C. Hegde, Associate Professor, JNU
4. Shri R. Venkataramani, Senior Advocate, Supreme Court of India
5. Shri C. Jayaraj, Former Secretary General, ISIL