

UNIVERSITY OF MUMBAI



DEPARTMENT OF LAW

HANDBOOK OF

INFORMATION

LL.M.

2022-2023

विश्वविद्यालयगीतम्

इदं सुन्दरं मन्दिरं शारदाया
मुम्बापुरीविश्वविद्यालयम् ।
कलाशास्त्रवाणिज्यशाखाधिरूढा
अमूढा विमुक्ता विहंगा वयम् ॥१॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥धृ॥

सत्यं वदामो धर्मं चरामो
नयामो नृणां दुःखभारं लयम् ।
स्वकार्ये रतानां सदा जागृतानां
भवेत्किं भविष्येऽपि कस्मात्भयम् ॥२॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

युवा स्यात् बलिष्ठो युवा स्यात् गरिष्ठो
युवा ध्येयनिष्ठोऽपि भूयात्स्वयम् ।
यदि स्यात्युवा राष्ट्रकर्तव्यनिष्ठः
सम्मानयेत् तं हि लोकत्रयम् ॥३॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

यंदामहे भारतं पूजनीयं
स्वदेशात्परं नास्ति देवालयम् ।
अत्रैव सर्वे प्रतिष्ठापयामो
ममत्वेन सार्धं समत्वं नयम् ॥४॥
शृण्वन्तु सर्वे दृढं निश्चयम् ॥

कवी - श्री. वसंत बापट

संगीत - श्री. प्रभाकर पंडित

DEPARTMENT OF LAW

I. INTRODUCTION:

The Department of Law, University of Mumbai is located at the heart of the Commercial Capital of India i.e. Mumbai on the first floor of the historical building of University of Mumbai, Fort, Mumbai - 400 032. It was established in November 1959 for the purpose of imparting post- graduate legal education and to promote legal research.

General norms for LL.M. Course:

The LL.M. Course, is intended to produce Academicians and Lawyers of competence and expertise, as it is imperative that the students should have an in-depth knowledge not only of the Concepts and basic Principles of law, but also of Social, Political and Economic aspects of law, as well as dynamics of law.

Department Faculty (Full Time):

Dr. Swati D. Rautela, (B.S.L.), LL.B., LL.M. SET, Ph.D.

(Law) Professor Head, Department of Law & I / C Director, UMLA

Dr. Rajeshri N. Varhadi, B.A., LL.M., Ph.D. (Law) Professor &, Former I/C Director, UMLA, University of Mumbai, Former Warden, Madame Cama Girls Hostel, Churchgate Mumbai, Former Member, Maharashtra State Consumer Disputes Redressal Commission.

Dr. Sanjay V. Jadhav, M.Com. LL.M., Ph.D. (Law), Assistant Professor.

Dr. Smt. Alka R. Patil, M. Com, LL.M. Diploma in Cyber Law, NET. Assistant Professor

Smt. Deepali S. Harugade, (B.S.L.), LL.B., LL.M. SET Assistant Professor.

Shri Sheetal Kumar Setia, B.A., LL.M. Assistant Professor.

The teaching staff of department consists of full-time teachers, Adjunct faculties and Part-time lecturers, who are either recognized post-graduate teachers for Law Colleges or persons of eminence in the field of their specialization.

Endowment Lectures:

The Department organises the following Endowment Lectures in Law:

- (1) Sir Chimanlal Setalvad Memorial Lecture
- (2) Justice Telang Memorial Lecture
- (3) Justice P. B. Gajendragadkar Law Lecture

(4) Justice Lallubhai Shah Memorial Lecture

(5) Ms. Yougindra Khushlani Law Lecture

Justice M. C. Chagla Chair in the subject of —**Human Rights and Civil Liberties**||:

In the year 2009, **Justice M. C. Chagla Chair** in the subject of —**Human Rights and Civil Liberties**|| has been established in the Department of Law by Chief Justice M.C. Chagla Memorial Trust. **Dr. Rashmi M. Oza**, B.Sc. LL.M., NET, Ph.D. (Law) is presently the I/c Professor of Justice M.C. Chagla Chair in _Human Rights and Civil Liberties.

Alumni Association of the Department of Law:

The Department of Law has an active Alumni Association, with its members being experts in various specializations including Medico-legal Law, Narcotics Law, Cyber Law, Customs & Excise Law and Admiralty Law, etc.

Alumni Association website: mulawalumni.org

Prominent Alumni of the Department include:

Hon'ble Justice Prakash D. Naik, Judge, Bombay High Court

Hon'ble Justice V. M. Kanade, Lokayukta Maharashtra State & Former Judge, Bombay High Court

Hon'ble Justice B. N. Srikrishna, Former Judge, Supreme Court of India

Hon'ble Justice Ferdino Rebello, Former Chief Justice, Allahabad High Court

Hon'ble Justice S. Radhakrishnan, Former Judge, Bombay High Court

Hon'ble Justice Dr. Pratibha Upasani, Former Judge, Bombay High Court

Hon'ble Justice R. Y. Ganoo, Former Judge, Bombay High Court

Dr. Poornima Advani, Former Chairperson, National Commission for Women

Alumni at International Level

Ms. Juliet Souza, Solicitor, London, UK

Mrs. Parvati Valle, Attorney, Arizona, U.S.A.

Mr. Naresh Gehi, Attorney, New York, U.S.A.

Duration of the course:

Two years consisting of four semesters.

Intake:

100 students per Group.

Timing of the lectures:

LL.M. Lectures are held between 4.00 p.m. to 8.00 p.m. on week days.

Academic Terms: 2022-2023

For the academic year the arrangement of terms is as under :-

Faculty of Interdisciplinary (Law): - Including all **Certificate, Diploma, Post-graduate Diploma, Degree and Master Degree Courses** under the Faculty of Law be as under:—

First term — 1st July 2022 to 24th December, 2022 } Both days

Second term — 02nd January, 2023 to 20th May, 2023 inclusive

- 1) Ganpati Vacation 1st September to 4th September 2022
- 2) Diwali Vacation from **19th October, 2022** to **5th November, 2022** (both days inclusive)
- 3) Winter Vacation Break from **26th December 2022 to 31st December 2022**(Both days inclusive)
- 4) Summer Vacation from **22nd May, 2023** to **30th June, 2023** (both days inclusive)

Rules of Admission:

O.5231. There shall be Entrance Examination for all students seeking LL.M. admission in the Department.

The minimum qualification for a candidate of general category making an application for admission to the LL.M degree course is a LL.B. degree of this University or a degree recognized as equivalent thereto. Candidates belonging to reserved category may make an application to the LL.M degree course with a pass class.

N.B.: —

The students who have passed LL.B. degree from other than Mumbai University are required to obtain Provisional Statement of Eligibility Certificate from Eligibility Section, Dr. Babasaheb Ambedkar Bhavan, Santacruz (E.), Vidyanagari, Mumbai-400098. They are further required to pay the amount in the Department of Law as a fee for procedural Document Verification as prescribed by this University from time to time for confirmation of the validity of their certificates of their previous University and confirmation of Eligibility to their LL.M. Course.

O.5232. An application for admission to the LL.M degree course must be made in the prescribed form and be submitted to the Department of Law within

the prescribed time, immediately after the declaration of the results of the LL.B. degree examination of this University held in first half of every year.

O.5233. Admission forms for the LL.M. degree course shall be referred to the Admission Committee comprising of the Head, University Department of Law and the recognized Post-graduate teachers of the University to fix the criteria of admission.

O.5234. The students selected for admission to LL.M. degree course shall register themselves with University of Mumbai as the Post-graduate students.

O. 5235. Students will not be permitted to pursue the LL.M. degree course simultaneously with any other course of this or any other recognized University.

O.5236. Admission of the students shall be made in accordance with the merits at the LL.M Entrance exam and marks secured at LL. B degree.

O.5237. Admission to the LL.M. degree course shall be made for the entire academic year, i.e. for both the First and Second Semesters at the beginning of the academic year at one time.

O.5238. A Candidate for being eligible for the Second Semester must have successfully kept terms for the First Semester, irrespective of the result of the First Semester Examination.

O.5239. A candidate for being eligible for admission to the Third and Fourth Semester must have either passed in the First and Second Semesters or must have got exemption in atleast six papers of the First and Second Semesters. Student who remains absent or fail in the Third Semester Practical Examination is required to pay only examination fees to become eligible to appear for Practical Examination.

O.5240. Unless students pass all the Theory papers and Practical paper of third Semester examinations and dissertation of the Fourth Semester, their final result shall not be declared.

O.5241. Admission for the students of Backward Classes shall be in accordance with the Government Policy. Students applying for admission under the reserved category other than SC/ST are required to submit non creamy- layer certificate along with their application form. Students applying for admission for other reservation will be admitted as per the government policy from time to time.

N.B.: —Students are required to submit all the documents required for Scholarship / Freeship within one month of their admission to the course failing which their application for Scholarship / Freeship will be rejected without any intimation.

R. 4356. The LL.M. course shall consist of Foundation course of 4 papers and any one optional Group of 6 papers from Six Groups.

R.4357. The First Semester shall be of two Foundation Papers and two Papers of an Optional Group. Each Paper shall be of 100 Marks. (4credits)

R.4358. The Second Semester shall be of two Foundation Papers and the next two Papers of Optional Group opted by the student in the First Semester. Each Paper shall be of 100 Marks(4credits)

R. 4359.The third semester shall be last two papers of optional group. Each paper shall be of 100 Marks. (4 credits each).

In addition there shall be practical examination of 100 marks (Four Credits) as under:

1. Classroom Teaching & Seminar – 40 marks (20 marks each)
2. Choice of Practical Components comprising of 50 marks to the students from the following Component.
3. 10 marks attendance

Choice of Practical Component:

- (a) Legal Aid
- (b) Loopholes / Lacunae in existing laws and reports
- (c) Comparative study and its utility in context of India
- (d) Debate on any contemporary legal issue
- (e) Book Review / Group Discussion on current Legal Affairs
- (f) Surprise Written Test (g) Case Comments.

R.4360. Revised; The Fourth Semester shall be of Dissertation of 80 marks and Viva-presentation of 20 marks (4 credits).

For the balance 100 marks the students would have choice to select the topic for project from the topics listed in the syllabus of the group opted which will have interdisciplinary approach. Out of 100marks (4credits), 50 marks (2 Credits) would be for project and 50 marks (2 credits) for viva – presentation.

R.4361.

- (a) Passing Standards:
50% to 59% Second Class 60% and above First Class
- (b) No LL.M. student shall be allowed to appear for the examination unless he/she has attended 75% of the total number of lectures and seminars conducted in each Semester.
- (c) No Class will be awarded to the students in the First, Second and Third Semester examination.
- (d) The Class will be awarded on the basis of the total performance of the student in all the four Semesters. However, a student claiming exemption will be titled to pass class only.

- (e) To pass LL.M. examination, a student must obtain a minimum of 45 percent of the marks in each paper and 50 percent in aggregate in each of the Semester.
- (f) Dissertation shall be evaluated by a team of teacher of the concerned group and external expert nominated by the Head of the Department. The Marks shall be awarded after joint consultation by both the evaluators.
- (g) A student may be exempted at his choice from appearing in any of the papers, if he has secured at least 50% of the total marks in that paper.
- (h) Students failing in Dissertation/Project and Viva Examination in the Fourth Semester shall undergo again the Dissertation and Viva as the case may be. The final approved dissertation shall be submitted on CD in addition to two hard copies. The same procedure shall apply to failure in Choice based credits.
- (i) The medium of course is English only.

Note 1: All research projects, dissertations & other research assignments are required to be in accordance with the circular of the University of Mumbai dated 15th June 2018, no. Exam. /Thesis/Uni/VCD/947 of 2018 and University Grants Commission (Promotion of Academic Integrity & Prevention of Plagiarism in Higher Educational Institutions) Regulation 2018.

LL.M. SYLLABUS

LL.M. PROGRAMME - OBJECTIVE

- To develop research skills among students
- To ensure specialized knowledge in the field of Law
- To encourage students to pursue further research education in the field of Law
- To motivate students to pursue their career in teaching profession

LL.M. PROGRAMME – OUTCOME

- This programme enables students,

To acquire specialized knowledge in the respective domains of
Legal studies and practice

- To pursue their further education across the globe.
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

CURRICULUM SUMMARY:

a. Foundation Papers

1. Law and Social Transformation in India
2. Indian Constitutional Law: New Challenges.
3. Judicial Process
4. Legal Education and Research Methodology

b. Optional Groups

1. Constitutional and Administrative Law.
2. Business Law
3. Intellectual Property and Information Technology
4. Human Rights Law
5. Criminal Law and Criminal Administration
6. Environmental Law.

c. Dissertation and Choice Based Project work

FOUNDATION PAPER I — LAW AND SOCIAL TRANSFORMATION IN INDIA (4 CREDITS)

OBJECTIVE

- Optimal utilization of knowledge of Jurisprudence towards the society.
- To study the social problems of society and find their solution.
- To have a legally tenable approach towards social problems.

OUTCOME

- This course enables students:
- To raise legal and social awareness.
- To make suggestions to the law makers for enacting the law accordingly.

- To make suggestions regarding Implementation of the laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change:

Law as an instrument of social change.

Law as the product of traditions and culture. Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Religion and the Law:

Religion as a divisive factor. Secularism as a solution to the problem.

Reform of the law on secular lines: Problems. Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law:

Language as a divisive factor: Formation of linguistic states. Constitutional guarantees to linguistic minorities. Language policy and the Constitution, Official language; multi-language system. Non-discrimination on the ground of language.

4. Community and the law:

Caste as a divisive factor

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices. Protective discrimination; Scheduled Castes, Tribes and Backward Classes. Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law:

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions

6. Children and the Law:

Child labour

Sexual exploitation.

Adoption and related problems. Children and education.

Module – IV (1 Credit)

7. Modernization and the Law:

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Modernization of social institutions through law. Reform of family law

Agrarian reform –Industrialization of agriculture. Industrial reform: Free enterprise v. State regulation– Industrialization v. environmental protection.

Reform of court processes.

Criminal law: Plea bargaining; compounding and payment of compensation to victims.

Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.

Prison reforms

Democratic decentralization and local self government.

8. Alternative approaches to law:

Naxalite movement: causes and cure

References: —

Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford

Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi.

D.D. Basu, Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi. H.M. Seervai, Constitutional Law of India (1996), Tripathi.

J.B. Kripalani, Gandhi: His Life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.

Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988)

M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.

Robert Lingat, The Classical Law of India (1998), Oxford. Manushi, A Journal About Women and Society.

Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Armol Publications, Delhi.

Savitri Gunasekhare, Children, Law and Justice (1997), Sage Indian

U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi.

U. Baxi (ed.), Law and Poverty Critical Essays (1988). Tripathi, Bombay.

FOUNDATION PAPER II— INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES

(4 Credits)

OBJECTIVES

- To give an insight of the Constitutional Law.
- To have an astute understanding about the comparative study of Constitutional Law.
- To provide rights and remedies under the Constitution.

OUTCOME

This course enables students:

- To analyze the new challenges faced under Constitutional law.
- To Implement the constitutional laws through measures available with the judiciary.
- To bring about Constitutional reforms.

Module – I (1 Credit)

1. Federalism:

Creation of new states

Allocation and share of resources—distribution of grants in aid The inter-state disputes on resources

Centre's responsibility and internal disturbance within State.

Directions of the Centre to the State under Article 356 and 365.

Federal Comity: Relationship of trust and faith between Centre and State

Special status of certain States. Tribal Areas, Scheduled Areas

2. —State: Need for widening the definition in the wake of Liberalization.

Module – II (1Credit)

- 3. Right to equality: privatization and its impact on affirmative action.**
- 4. Empowerment of Women.**
- 5. Freedom of press and challenges of new scientific development:**
Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh

Module – III (1 Credit)

- 6. Emerging regime of new rights and remedies:**
Fundamental Rights Directive Principles and Fundamental Duties.
Compensation jurisprudence. Right to education.
Commercialization of education and its impact. Brain drain by foreign education market.
- 7. Rights of minorities to establish and administer educational institutions and state control.**
- 8. Secularism and religious fanaticism.**

Module – IV (1 Credit)

- 9. Separation of powers: stresses and strain** Judicial Activism and judicial Restraint PIL: implementation
Judicial independence.
Appointment, transfer and removal of judges.
Accountability: executive and judiciary. Tribunals
- 10. Democratic process:**
Nexus of politics with criminals and the business.
Election commission: status.
Electoral Reforms
Coalition government, ‘_stability, durability, corrupt practice’
Grass root democracy.

References: —

- Indian Constitutional Law: New Challenges (Paperback, Shyamlal Verma), India Publishing Company, 2018.
- Constitutional Law- New Challenges (English, Paperback, GP Tripathi), Publisher: Central Law Publications
ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
- Universal's Landmark Judgments Covering More than 100 Leading Cases of India, 12th Edition 2017 - Including Prescribed Cases for Supreme Court Advocate-On-Records Examination (English, Paperback, Universal's),

FOUNDATION PAPER III - JUDICIAL PROCESS (4 Credits)

OBJECTIVE

- To impart knowledge about significance of law and justice in the society
- To educate students about judicial activism and bring about creativity.
- To provide Guidelines to legislature to adopt significant legislative changes.

OUTCOME

This course enables students

- To develop acquaintance with various theories of justice.
- To acquire skill of judgment writing.
- To efficiently use of various rules of Interpretation of statutes in dealing with the cases.

Module – I (1 Credit)

1. Nature of judicial process:

Judicial process as an instrument of social order Judicial process and creativity in law –common law model – Legal Reasoning and growth of law – change and stability.

The tools and techniques of judicial creativity and precedent. Legal development and creativity through legal reasoning under statutory and codified systems.

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

Notions of judicial review

‘Role’ in constitutional adjudication – various theories of review.

Tools and techniques in policy-making and creativity in constitutional adjudication, Varieties of judicial activism

Problems of accountability and judicial law making.

Module – III (1 Credit)

3. Judicial Process in India:

Indian debate on the role of judges and on the notion of judicial review.

The ‘independence’ of judiciary and the ‘political’ nature of judicial process.

Judicial activism and creativity of the Supreme Court – the tools and techniques of creativity.

Judicial process in pursuit of constitutional goals and values – new dimensions of judicial activism and structural challenges

Institutional liability of courts and judicial activism – scope and limits.

Module – IV (1 Credit)

4 The Concept of Justice:

The Concept of justice or Dharma in Indian thought Dharma as the foundation of legal order in Indian thought. The concept and various theories of justice in western thought.

Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

5 Relation between Law and Justice:

Equivalence Theories – Justice as nothing more than the positive law of the stronger class

Dependency theories – For its realization justice depends on law, but justice is not the same as law.

The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

References: —

Bodenheimer, Jurisprudence – the Philosophy and Method of the Law (1997), Universal, Delhi.

Cardozo, The Nature of Judicial Process (1995) Universal, New Delhi.

Henry J. Abraham, The Judicial Process (1998), Oxford.

Edward H. Levi, An introduction to Legal Reasoning (1970), University of Chicago.

Julius Store, The Province and Function of Law. Part II, Chs. 1.8-16 (2000), Universal, New Delhi.

J. Stone, Precedent and the Law: Dynamics of Common Law Growth (1985) Butterworth

J. Stone, Legal System and Lawyers' Reasonings (1999), Universal, Delhi. John Rawls, A Theory of Justice (2000), Universal, Delhi.

Rajeev Dhavan, The Supreme Court of India – A SocioLegal Critique of its Juristic Techniques (1977), Tripathi, Bombay.

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.
W. Freidmann, Legal Theory (1960), Stevens, London.

FOUNDATION PAPER IV – LEGAL EDUCATION AND RESEARCH METHODOLOGY (4 Credits)

OBJECTIVE

- To inculcate values of Research and Ethical Research in the domain of Legal studies
- To motivate students to pursue research in the field of Law.
- To encourage students to undertake Socio-legal research projects.

OUTCOME

This course enables students

- To pursue further research either from India and Abroad in the fields of Law.
- To use of ICT techniques in pursuing research in Law.
- To develop Interdisciplinary approach of pursuing research in Law.

Module – I (1 Credit)

- 1. Objective of Legal Education.**
- 2. Methods of Teaching – Merits and demerits.**
- 3. Examination reforms.**

Module – II (1 Credit)

- 4. Clinical Legal Education – Legal aid, Legal Literacy, Legal survey and Law reform.**

Module – III (1 Credit)

5. Research Methods:

Socio Legal Research Doctrinal and non-doctrinal Induction and deduction.

6. Identification of Research Problem and formulation of Hypothesis:

Research problem

Survey of available literature and bibliographical research
Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the —rule of the case tracing the history of important cases and ensuring that these have not been over-ruled; discovering judicial conflict in the area pertaining to the research problem and the reasons thereof.

Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.

Compilation of list of reports or special studies conducted relevant to the problem.

Module – IV (1 Credit)

7. Preparation of the Research Design:

Devising tools and techniques for
collection of data: Methodology.

Methods for the collection of statutory and case materials and juristic literature.

Use of historical and comparative research materials Use of observational studies

Use of questionnaires/interview Use of case studies

Sampling procedures – design of sample, types of sampling to be adopted.

Use of scaling techniques

Computerized Research – A study of legal research programmes such as Lexis and West law coding etc. Classification and tabulation of data – use of cards for data collection – Rules for tabulation, Explanation of tabulated data. Analysis of data.

References: —

Erwin C. Surrency, B. Fieff and J. Crea, A Guide to Legal Research (1959)

H.M. Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

High Brayal, Nigel Dunean and Richard Crimes, Clinical legal Education: Active learning in your law school, (1998) Blackstone Press Limited, London.

M.O. Price, H. Bitner and Bysiewicz, Effective Legal Research, (1978).

Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Harvard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

N.R. Madhava Menon, (ed) A handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

Pauline V. Young, Scientific Social Survey and Research, (1962)

S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay

William J. Grade and Paul K. Hatt, Method in Social Research, McGraw-Hill Book Company, London.

OPTIONAL GROUPS GROUP-I – CONSTITUTIONAL AND ADMINISTRATIVE LAW

According to Hugo Grotius —The Constitution of every state has been preceded by a social contract and people have chosen the form of Government which they thought as most suitable to them based on social, economic, political circumstances existing therein that state.

The Constitution of India is supreme law of land. The objective of this paper is to introduce and interpret the basic fundamental concepts and principles of Constitutional law. This is to enable the students to study and understand the different aspects, issues and challenges of the subject.

PAPER I – CONSTITUTIONALISM: PLURALISM AND FEDERALISM (4 Credits)

OBJECTIVE

- To impart legal knowledge about the philosophical growth and development of Constitution of India.
- In depth analysis of Federal Governance in India
- Comparative analysis of Pluralism and Constitution Jurisprudence

OUTCOME

After completion of this paper students will be in position to

- Know Constitution Philosophy and Practice in India
- Analyse Constitutional basic Structure

- Carry out comparative studies of Constitutional Provisions in U.S.A & Australia, Canada

Module – I (1 Credit)

1. Constitutionalism:

Authoritarianism – Dictatorship Democracy – Communism.
Limited Government – Concept – Limitations on government power.
What is a Constitution?
Development of a democratic government England – Historical evolution of constitutional government.
Conventions of constitutionalism
Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.
Separation of powers: Montesquieu. Rule of Law: Concept and new horizons Marxist concept of Constitutionalism
Dictatorship of the proletariat.
Communist State from Stalin to Gorbachov. Fundamental Rights: Human rights
Judicial Review: European Court of Human Rights. Human Rights: International conventions. Limits & doctrine of domestic jurisdiction in International Law.

2. Federalism:

What is a federal government?
Difference between confederation and federation. Conditions requisite for federalism.
Patterns of federal government – U.S.A., Australia, Canada, India.
Judicial review – for federal umpiring
New trends in federalism: Co-Operative federalism India – Central Control v. State Autonomy
Political factors influencing federalism
Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam. Dynamic of federalism.

Module – II (1 Credit)

3. Pluralism:

What is a pluralistic society?
Ethnic. Linguistic, cultural, political pluralism
Individual rights – right to dissent
Freedom of speech and expression
Freedom of the press
Freedom of association
Rights to separateness

Freedom of religion
Rights of the religious and linguistic minorities
Compensatory discrimination for backward classes
Women – right to equality and right to special protection
Scheduled Tribes, Distinct Identity – protection against
exploitation – NSIS – Exclusion from Hindu Law

Module – III (1 Credit)

4. Uniform Civil Code:

Non-State law (NSLS) and State Law Systems—Problems of
Uniform Code v personal laws – vertical federalism.

5. Equality in Plural Society:

Right to equality and reasonable classification
Prohibition of discrimination on ground of religion, caste, sex,
language.
Abolition of untouchability
Secularism—constitutional principles
Tribal Groups and Equality

Module – IV (1 Credit)

6. Pluralism and International Concerns:

Universal Declaration of Human Rights
Conventions against genocide
Protection of religious, ethnic and linguistic minorities
State intervention for protection of human rights
Right of self-determination

References: —

- H.M. Seervai, Constitutional Law of India (1993), Tripathi,
Bombay Students should consult relevant volumes of the Annual Survey of
Indian Law Published by the Indian Law Institute.
Judicial Law Making and the Place of the Directive Principles in the Indian
Constitution, 1 J.I.L.I. 198 (1985)
M.A. Fazal —Drafting A British Bill of Rights 27 J.I.L.I. 423 (1985)
M.P. Jain Indian Constitutional Law (1994), Wadhwa Jagat Narain— Rhett
Ludwikowski, —Judicial Review in the socialist Legal Systems : Current
Development 37 I.C.L.D.89-108 (1988)
Upendra Baxi, —Law, Democracy and Human Rights 5, Lokayan Bulletin
4 (1987)
V.M. Dandekar —Unitary Elements in a Federal Constitution 22 E.P.W.
1865 (1988)

PAPER-II- NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW (4 Credits)

OBJECTIVE

- In depth understanding about Rule of Law in the context of the Indian Constitution
- Analysis of Preventive Detention Laws in the light of Constitutional Jurisprudence
- Critical Appraisal of National Security of Public order in India

OUTCOME

After completion of this paper students will be in position to

- know various detention laws such as COFEPOSA and laws relating to economics offences
- Carry out critical analysis of Human Rights issues of detainees in the light of Constitutional Provisions
- Perform in depth analysis of detention Laws

Module – I (1 Credit)

1. National Security, Public Orders and Rule of Law:

Emergency Detention in England

Civil Liberties Subjective satisfaction or objective assessment?

Pre-Independence law

2. Preventive Detention and Indian Constitution: Article 22 of the Constitution

Preventive Detention and Safeguards

Declaration of Emergencies

1962, 1965 and 1970 Emergencies

1975 Emergency

Module – II (1 Credit)

3. Exceptional Legislation:

COFEPOSA and other legislation to curb economic offenders

TADA: —The draconian Law— comments of NHRC Special courts and tribunals

Due process and special legislation

4. Civil Liberties and Emergency:

Article 19

Meaning of —Security of State

Meaning of —Public Order

Suspension of Article 19: rights on declaration of emergency

President's Right to suspend right to move any court

Article 21 – special importance- its non-suspendability -44th Amendment

Module – III (1 Credit)

5. Access to Courts and Emergency:

Article 359: Ups and downs of judicial review

Constitution (Forty-fourth), Amendment Act, 1978

Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law:

Provisions in English Law

Provisions in the Constitution

Module – IV (1 Credit)

7. Human Rights in India:

Constitutional Philosophy

Human Rights of Disadvantaged Groups – Women, Children,

Dalits, Unorganized Labour and Minorities. Police, Prison

and Human Rights Judicial Activism.

References: —

G.O. Koppell —The Emergency, The Courts and Indian Democracy 8 J.I.L.I. 287(1966)

H.M. Seervai, The Emergency, Future Safeguards and the habeas Corpus : A Criticism (1978)

International Commission of Jurists, Status of Emergency and Human Rights (1984)

N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966)

PAPER III—COMPARATIVE CONSTITUTIONAL LAW (4 Credits)

OBJECTIVE

- To impart knowledge about comparative constitution
Provisions of selected Countries like, UK, USA,

- Switzerland, Ireland, with regard to the form of Governance
- Comparative studies of Constitutional Amendments of Countries like UK, USA and India
 - In depth study of Affirmative Actions in India and United States
 - In depth studies of some landmark judgement of foreign countries.

OUTCOME

This course enables students

- To develop global competence amongst students with regard to constitutional jurisprudence
- To gain knowledge and In depth understanding about civil rights and liberties in India, USA and Canada
- To pursue further research with other foreign countries with regard to constitutional philosophy
- To understand and know the judicial interpretation and procedures of judiciary of different countries.

Module – I (1 Credit)

1. Constitutionalism, Classification of Constitutions
2. Conventions in Constitutional Law.
3. Parliamentary and Presidential Democracy.

Module – II (1 Credit)

4. Comparative Study of the fundamentals of the Constitutions of India, USA, UK, Switzerland, Ireland, Germany and Canada.
5. Comparative Study of Federalism in India, USA, Switzerland, Ireland, Germany, Canada.

Module – III (1 Credit)

6. Comparative Study of Amending Processes of the Constitutions in the USA, India and Switzerland.
7. Comparative Study of Judiciary in India, UK, USA and Switzerland.

Module – IV (1 Credit)

8. Civil Liberties in India, UK, USA
9. Affirmative Actions in India and United States.

References: —

- Bryce James, *Modern Democracies*, McMillan & Co., 1923.
- Basu D.D., —*Select Constitutions of the World*, Sarkar, Calcutta, 1990.
- Basu D.D., —*Comparative Federalism*, PHI. 1987.
- Cooley, —*Constitution of the U.S.A.*, 1973.
- Dicey A.V., —*Law of the Constitution*

Friedrick Karl, —Constitutional Government and Democracy, Oxford, 1966.
 Franke, —Comparative Constitutional Process.
 Finer, Comparative Governments, Penguin, 1970.
 Hood Philips, —Constitutional and Administrative Law, Sweet & Maxwell, London, 1987.
 Hughes, —Federal Constitution of Switzerland, Oxford.
 Jeffery Jowell and Dawn Oliver, —The Changing Constitution.
 Jennings Ivor, —Law and the Constitution, 1971.
 Raman Sunder, —Amending Power under the Constitution of India, Eastern, 1990.
 Sawyer, —Modern Federalism, 1969.
 Wheare K.C., —Federal Government, Oxford, 1963
 Walter Bagehot, —English Constitution, Oxford.
 Wade, —Public Law in Britain and India, N.M. Tripathi, 1992.
 Wheare K.C., —Modern Constitutions, Oxford, 1966.
 Wade & Bradley, —Constitutional Law, Longman, 1985.

PAPER IV— ADMINISTRATIVE PROCESS: NATURE AND SCOPE (4 Credits)

OBJECTIVE

- To impart the knowledge of Administrative Laws jurisprudence in context to Indian Constitution
- In depth analysis about administrative procedure such as ordinance making process in India
- In depth studies about Doctrine of separation of power, delegated legislation, checks and balances over administrative action

OUTCOME

This course enables students:

- To pursue competitive exams like UPSC, MPSC
- To develop an understanding Comparative Administrative Law – India, USA, UK, France, and Germany

Module – I (1 Credit) 1.

Administrative Process:

Nature and meaning
 The role of civil service
 The role of administrative agencies

2. Administrative Process : Regulation to De-regulation and Control to Decontrol-Globalization and Liberalization:

Constitutional standards

Comparative aspects

Module – II (1 Credit)

3. Rule of Law:

Changing dimensions

Regulation of administrative process

4. Separation of Powers: From Rigidity to Flexibility.

Module – III (1 Credit)

5. Delegated Legislation: Problems, Process and Control.

6. Power and duty:

Doctrine of police power

Doctrine of eminent power

Taxing power

Responsibility and accountability

Module – IV (1 Credit) 7.

Administrative Discretion:

Structuring and limiting

Impact of technological development

8. Comparative Administrative Law – India, U.S.A., U.K., France, Germany.

References: —

Dicey, Introduction to the Law of the Constitution Davis, Discretionary Justice

De Smith, Judicial Review of Administrative Action (1995)

M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.I,

Friedman, The State and the Rule of Law in a Mixed Economy

Jain & Jain. Principles of Administrative Law (1986) Tripathi Wadha, Nagpur

PAPER V—ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL (4 Credits)

OBJECTIVE

- Analysis of administrative process and judicial control
- Detailed study of Judicial review against administrative action
- To know about emergency rights and remedies for citizens against administrative action

OUTCOME

This course enables students:

- To understand Doctrine of locus standi and relevance of public interest litigation against administrative action
- To understand about the alternative remedies by way of filing appropriate processing before tribunals
- To get knowledge about limitation of doctrine of judicial review

Module – I (1 Credit) 1.

Concepts and Agencies:

Common law countries
French system

2. Judicial Review in India:

Historical development
Powers of the Supreme Court
Powers of the High Court
Role of subordinate judiciary

Module – II (1 Credit)

3. Jurisdiction:

Finality clause
Conclusive evidence clause
Law and fact-distinction
Exclusionary clause

4. Grounds of Review:

Doctrine of ultra vires
Unreviewable discretionary powers: from Liversidge to Padfield
Discretion and Justifiability
Violation of fundamental rights

Extraneous consideration and/or irrelevant grounds
Delegation
Acting under dictation
Malafide and bias
Lack of rationality and proportionality Oppressing
decision Absence of proportionality

Module – III (1 Credit) 5.

Procedural fairness:

Legitimate Expectation
Natural justice and duty to act fairly
Bias and personal interest Fair
hearing

6. Remedies:

Writs
Injunction and declaration

Module – IV (1 Credit) 7.

Limits of judicial review:

Locus standi and public interest litigation
Laches
Res Judicata
Alternative remedies

8. Judicial Review of Delegated Legislation.

References: —

Bagawati Prasad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur
De Smith, Judicial Review of Administrative Action (1995), Sweet and
Maxwell
I.P. Massey, Administrative Law (1995), Eastern, Lucknow Jain &
Jain, Principles of Administrative Law (1986) Tripathi
M.P. Jain, The Evolving Indian Administrative Law (1983), Tripathi,
Bombay
M.P. Jain, Cases and Materials on Administrative Law (1996), Vol. Wadha,
Nagpur.
S.P. Sathe, Administrative Law (1998), Butterworths, India.

PAPER VI – PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MALADMINISTRATION

(4 Credits)

OBJECTIVE

- In depth studies about public authorities in India such as ombudsman, CBI, Vigilance Commission
- Historical study about Ombudsman mechanism in India ➤
- Analytical studies about financial control in India

OUTCOME

It will help the students

- To acquire special knowledge about role played by investigating agencies in India
- To acquire expertise practice before special courts like CBI court, Lokayutas etc.
- To pursue further research in the field of Public authorities and power Holders with control on maladministration.

Module – I (1 Credit)

1. Ombudsman:

The concept

Comparative perspective Evolving Indian models- Lokpal, Lokayukta Institutions.

2. Commission of Inquiry.

Module – II (1 Credit) 3.

Vigilance Commissions.

4. Investigation Agencies: the CBI

Module – III (1 Credit)

5. Inquiries by Legislative Committees.

6 Legislative Control.

Module – IV (1 Credit)

7. Financial Control – Comptroller and Auditor General.

8. Judicial Inquiries.

References: —

Donald C. Rowat, The Ombudsman (1966), George Allan and Unwin Ltd., Toronto.

Donald C. Rowat. The Ombudsman (1966) George Allan and Unwin Ltd., Toronto

Jain & Jain, Principles of Administrative Law (1986) Tripathi K.S.

Shukla and S.S. Singh, Lokayukta : a Social Legal Study (1988), Indian Institute of Public Administration, N. Delhi.

SEM IV – COMPONENTS OF CHOICE BASED CREDIT SYSTEM (4 credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

GROUP-I: CONSTITUTIONAL & ADMINISTRATIVE LAW

1. Constitutional law and Access to Justice: Law and Justice in a Globalizing world
2. Role of Civil Society in Governance in the Economic and Social Development of a Country.
3. Changing Dimensions of Judicial Interpretation of Constitution : Judicial Trends & Approach
4. System of Governance – Comparative Constitutionalism
5. Right to Health – A Constitutional Perspective
6. Judicial Review of Administrative Action – Scope & Limitations
7. Right to Livelihood & Social Entrepreneurship and Right to Development under the Constitution
8. Right of Indigenous Persons & Sustainable Development – Constitutional Perspective

REFERENCE BOOKS: —

Cambridge University Press: Comparative Constitutional Law & Policy. John Hatchard, Muna Ndulo, Peter Slinn: Comparative Constitutionalism & Good Governance; Cambridge University Press
Mahendra Singh: Comparative Constitutional Law; Eastern Book Co.
M.P. Jain : Indian Constitutional law; Lexis Nexis
Dr. Subhash Kashyap: Framing of Indian Constitution; Universal law Pub. Delhi
D.D. Basu: Comparative Constitutional law; Wadhwa & Co.
Seervai H.M: Constitutional Law of India – A Critical Commentary; Pub. N.M. Tripathi
Vikram David Amar: Global Perspective on Constitutional Law; Oxford University Press

GROUP-II BUSINESS LAW PAPER I – FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS [4 Credits]

OBJECTIVE

- To enhance the student's knowledge regarding the foundation theory of contract
- To analyse and study Fundamental Principles in formulation of Contract Law
- To analyse the principle of International Contracts.
- To analyse Law relating to Electronic Contracts.

OUTCOME

This course enables students to :

- Acquire special knowledge in the field of Contract Law with special emphasis on Contracts National and International ➤ Develop drafting skills in the field of augmentation. ➤ Practice in the field of insurance sector and banking sector.

Module – I (1 Credit)

Nature, Object and Multi-Dimensional Scope.
Foundation
Theories of Law of
Contract Individualism
Freedom of Contract.
Sanctity of Contract.
Encroachment on Freedom of Contract

Module – II (1 Credit)

Legislative Intervention.
Socio-economic Factors.
Limitations on Sanctity of
Contract. Conceptual Analysis:
Contract Essentials of Contract.
Specific Contracts.
Standard-form contract, Exemption Clauses, Protective Measures.
Quasi- Contract:
Doctrine of Unjust Enrichment, Law of Restitution.
Doctrine of Frustration: Grounds and Effects of Frustration.

Breach of Contract and Remedies. U.N.
Convention on Sales.

Module –

III Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.

Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.

Definition and Meaning of Arbitration

Arbitration Agreement and Arbitration Clause in Agreement Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

Composition of the Arbitral Tribunal Number / Appointment of Arbitrators

Disqualification / Removal of Arbitrators

Termination of Authority of Arbitrator

Jurisdiction of Arbitral Tribunal

Conduct of Arbitral Proceedings Making of Arbitral Award.

Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award

Other Internationally Accepted modes of Alternative Disputes Resolution. -(ADR)

Commercial Arbitration

Conciliation.

References: Fundamental Principles of Law of Contract:

Anson – Law of Contract

Cheshire, Fifoot and Furmston-Law of Contract Cheshire and Fifoot– Cases on Law of Contract

Chitty's Mercantile Contracts (1st Indian Reprint)-2001

Dutt – Indian Contract Act,

Dr. Meena Rao – Fundamental Concepts in Law of Contract Dr. Meena Rao – Consent in Law of Contract.

Law of Contract – Dr. Avtar Singh

The Law of Contracts: An Outline (2ndEd.) – Dr. Nilima Chandiramani.

Pollock & Mulla – Indian Contract Act and Specific Relief Act Schelsinger – Formation of Contract

Sale of Goods and Partnership (For U.N. Convention on Sales)

– Dr. Nilima Chandiramani

United Nations Convention on Sales by the United Nations Commission.

Alternative Disputes Resolution — (ADR):

Bansal A.K. — Law of International Commercial Arbitration. Justice

Bachawat's Law of Arbitration and Conciliation.

Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.

Law of Arbitration and Conciliation—Dr. Avtar Singh

O. P. Malhotra - Arbitration and Conciliation Act

Rao P. C. and William Sheffield - Alternative Disputes Resolution— What it is and How it works.

PAPER II—GLOBAL TRADE UNDER WORLD TRADE ORGANISATION (4 Credits)

OBJECTIVE

- To introduce students towards the development of international trade laws.
- World Trade Organization-Establishment, Scope, Functions, Secretariat Decision making.
- Assist students and enable them to understand various perspectives of General Agreement on Trade in Services.
- Anti-Dumping laws and Counterfeiting.
- Dispute Settlement Mechanisms.

OUTCOME

On successful completion of this course, students will be able to:

- Understand the development and growth of international trade laws
- Highlight the functions effectiveness of world trade organization.
- Enable the students to understand the limitations of international legislative mechanisms on international trade laws.
- Assist them in drawing research projects and for forwarding suggestions on appropriate implementation on international trade laws

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement:

Introduction to World Trade Organisation

Bretton Woods Conference

General Agreement on Tariffs and Trade (GATT)

World Trade Organisation (WTO)—Establishment, Scope, Functions, Structure, Secretariat, Status, Decision-making, Withdrawal, etc.

II (1 Credit)

2. Trade in Goods:

Module –

General Agreement on Tariffs and Trade (GATT) Rules.
Most Favoured Nation (MFN)
National Treatment QRs, tariff bindings Textile and Clothing
Investment Measures
Anti dumping, Safeguard and Countervailing Measures Customs
valuation, pre-shipment inspection
Rules of origin, import licensing Agreement on Agriculture
Sanitary and Phyto-sanitary norms.

Module – III (1 Credit)

3. Trade in Services:

General Agreement on Trade in Services (GATS) Agreement
Financial Services
Maritime Transport
Professional services

Module – IV (1 Credit)

4. Trade Related Aspects of Intellectual Property (TRIPS):

Patents
Copyright
Industrial Designs
Trademarks
Geographical Indications
Integrated Circuits
Undisclosed Information

5. Dispute Settlement Process.

References:—

GATT Agreements – World Trade Center Publication
Trade, Development and WTO (Handbook) – IMF Publication.
Bernard Hoekman, Aaditya Mattoo and Philip English WTO
and Globalisation – Nilima Chandiramani.
WTO in the New Millennium – MVIRDC World Trade Centre –
Arun Goyal

PAPER III - CORPORATE LAW (4 Credits)

OBJECTIVE

- Forward deliberations to the students regarding incorporation of companies acquainting them to understand the concept of corporate personality, procedure for registration and incorporation of Companies
- Relevance of Memorandum of Association and Articles of Association.
- Specific Sections relating to Management of Companies.
- Provisions regarding Protection of Investors and Creditors.
- Provisions regarding Prevention of Oppression and Mismanagement of Companies.

OUTCOME

On successful completion of this course, students will be able to:

- Understand of the need for registration of Company, procedure for registration and advantages on incorporation of Companies
- Highlight important features in the memorandum of association and articles of association
- Understand provisions governing corporate finance, Role of Promoters, Directors in the Company and their accountability and liability.
- Understand the limitations in laws relating to winding up of Companies.

Module – I (1 Credit)

1. Formation of Company:

Concept of Corporate Personality
Registration and Incorporation
Memorandum of Association
Articles of Association
Kinds of Companies

2. Organization and Management:

Managerial Personnel
Meetings
Corporate Governance
Professional Management
Legal Regulation of Multi-nationals
Collaboration Agreements
Amalgamation of Companies

II (1 Credit)

Module –

3. Corporate Finance:

Meaning, importance and scope of Corporate Finance
Capital requirements Prospectus
Share Capital, Kinds of Shares, Shareholders, allotment of Shares.

4. Audit, Accounts and Dividends: Auditors

Audit of Accounts
Dividends

5. Securities, Borrowing, Debentures:

Debentures – Nature, issue, Classes
Mortgages and Charges
Transfer and transmission of securities Dematerialization
of securities.

Module – III (1 Credit)

6. Protection of Investors and Creditors: Need for Protection

Protection and Rights of Creditors
Protection of Investors
Rights of Shareholders and Members
Majority Powers and Minority Rights

7. Administrative Regulation on Corporate Finance:

Security Exchange Board of India - (SEBI).
Central Government Control
Control by Registrar of Companies
Control by Company Law Board

Module – IV (1 Credit)

8 Prevention of Oppression and Mismanagement:

Oppression
Mismanagement
Preventive measures
Powers of Company Law Board Powers
of Central Government. **9 Winding**

Up:

Winding up and Dissolution of Company.
Types of Winding up.
Winding up by Court.
Voluntary Winding up

Process of Winding up
Winding up of Defunct Companies, Sick undertakings,
Unregistered Companies and Foreign Companies.

References: —

Company Law – Dr. Avtar Singh
Companies Act and Laws relating to SEBI, depositories, Industrial
Financing
Gower – The Principles of Modern Company Law Mayson,
French & Ryan – Company Law.
Madon – Management of Corporations.
Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.
Palmer – Company Law
Pennington – Formation of Companies
Ramaiya A, - Guide to the Companies Act
Sen S.C. – The New Frontiers of Company Law
Sethna – Indian Company Law
Taxmann's Corporate Laws
Taxmann's Company Law and Practice.

PAPER IV – LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE (4 Credits)

OBJECTIVES

- To ensure and enable students to understand the laws relating to customs and foreign exchange.
- Expanding knowledge with regard to tariffs, custom duties, Foreign Exchange and Currency.
- New Concepts under (FEMA), Foreign Exchange Management Act
- Functions of Customs Officers.
- Specific Provisions relating to Foreign Direct Investment in India.
- Issues and Challenges with regard to Foreign Trade, Development and Foreign Exchange Regulation Act

OUTCOME

On successful completion of this course, students will be able to understand:

- Customs regulations in India in an effective manner.
- The shortcomings of Customs regulations.
- And promote consumer education to students with regard to Export and Import of Goods and Services.
- And assist students in developing research topics with reference to Customs and Foreign Exchange laws and conduct research for providing assistance with reference to reforms under FEMA.

Module – I (1 Credit)

1 Law Relating to Customs:

Custom of charging customs duties
Rules relating to interpretation of customs law
Prohibition on Importation and Exportation of Goods
Chargeability and Levy of Customs duty

Module – II (1 Credit)

Exemption from Customs Duties
Refund of Customs duty

Clearance of Imported Goods and Export Goods
Warehousing of Goods Powers of Customs
Officers.
Adjudicatory Proceedings
Appeals
Criminal Prosecution

Module – III (1 Credit)

2. Law Relating to Foreign Exchange:

Historical background to Foreign Exchange Regulation Act (FERA) and Foreign Exchange Management Act (FEMA).
Foreign exchange and currency
Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

Module – IV (1 Credit)

New Concepts under Foreign Exchange Management Act (FEMA).

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export
- Person
- Service
- Transfer

Export of Goods and Services
Adjudication, Appeals and Penalties
Foreign Direct Investment in India
Foreign Trade, Development & Regulation Act, 1992

References: —

A Guide to Customs Act. – Nilima Chandiramani.
Customs Law, Practice and Procedure – T.P. Mukerjee
Foreign Exchange Management Act — Dilip Sheth
Foreign Exchange Management Manual – Taxmann.

PAPER V – LAW OF INSURANCE (4 Credits)

OBJECTIVE

- To enable students to understand the growth, development of insurance laws globally
- Nationalization of Insurance in India

- Legislations relating to Insurance Companies in India
- Characteristics and Functions of insurance Companies, Types of insurance
- Specific Provisions relating to regulatory mechanisms for regulating the insurance sector.
- Issues and Challenges with recent Developments in Insurance Sector.

OUTCOME

On successful completion of this course :

- Students will be aware of insurance regulations in India.
- Students will be able to understand and evaluate the shortcomings of insurance regulations.
- Students will be able to further and promote consumer education to students in the insurance sector
- Students will be able to assist in developing research topics on insurance laws and conduct research for providing assistance in reforms regarding insurance legislations.

Module – I (1 Credit)

1. Introduction:

The nature of risk and insurance.
 Risk management – Principles and Practices.
 Need and importance of Insurance,
 Future of Insurance
 Kinds of Insurance, Types of Insurance Policies,
 Law of Contract, Proposal, Consideration
 Re-insurance and Double Insurance

2. General Principles of Law of Insurance:

Need for utmost Good Faith. Insurable interest
 The risk – Commencement, attachment and duration.
 Indemnity
 The law of proximate cause
 Subrogation
 Assignment and nomination,

3. Indian Insurance Law – General:

Nationalization, Privatization and Globalization of Insurance Sector.

Principles of General Insurance.

The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

4. Insurance pertaining to Life and Personal Accidents/

Hospitalization:

Life Insurance – Nature, Principles and Scope Events insured against life insurance contract. Factors affecting risk Mediclaim, Sickness Insurance, Personal Accidents

5. Marine Insurance:

Marine Insurance – Nature, Principles and Scope

Marine Insurance Policy – Conditions and Warranties

Seaworthiness

Perils of the Sea and other Insured Perils in Marine Policies Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance:

Fire Insurance

Risks Insurance

Policies covering risk of explosion, earthquake, flood.

Policies covering accidental loss, damage to property, construction risks

Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

7. Insurance Against Accidents arising under Tort, Contract and Statute:

Accident Policies

Assessment of compensation and Liability

Contributory Negligence

The Personal Injuries (Compensation Insurance) Act, 1963.

Compulsory Insurance.

Professional Negligence Insurance

8. Insurance Against Third Party Risks under Statute:

Relevant Provisions of Motor Vehicles Act, 1988.

Claims Tribunal: constitution, functions, procedures, powers and award.

Liability Insurance: Contractual and Legal Liabilities Public Liability Insurance

References: —

Brijnandan Singh – Law of Insurance – (1997)

Banerjee, Law of Insurance (1994)

Birds, Modern Insurance Law – (1997)

Charmers Marine Insurance Act 1906

E.R. Hardy Ivamy – Principles of Insurance (1979)

Gow Colinvaux – Law of Insurance (1977)

The Insurance Act – 1938

John Hanson and Christopals Henly – All Risks Property Insurance

(1999) K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law of Insurance. The Life Insurance Corporation Act, 1956. Hardy Ivamy - Marine Insurance

Mitra B.C. – Law of Marine Insurance (1997)

M.N. Srinivasan – Insurance Law

PAPER VI – BANKING LAWS (4 Credits)

OBJECTIVE

- To enable students to understand the need for banking systems and banking in India
- Nationalization of Banks
- Legislations relating to banking Companies in India
- Characteristics and Functions of Central Banks in India
- Specific Provisions relating to Negotiable Instrument ACT
- Issues, Challenges and recent Developments in Banking Sector.

OUTCOME

On successful completion of this course:

- Students will be aware of banking regulations in India in an effective manner.
- Students will be able to understand and evaluate the shortcomings of banking regulations.
- Students will be able to promote consumer education to students
- Students will be able to assist in developing research topics in banking laws and conduct research for providing assistance with reforms in banking legislations.

Module – I (1 Credit)

1. Introduction:

Nature and Development of banking
History of Banking in India and elsewhere-indigenous banking-evolution of banking in India–different kinds of banks and their functions.
Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

Controls by government and its agencies on management, on accounts and audit
Lending
Credit policy
Reconstruction and reorganization
Suspension and winding up
Contract between banker and customer: their rights and duties

Module – II (1 Credit)

3. Social Control over Banking:

Nationalization
Evaluation: private ownership, nationalization and disinvestments Protection of depositors
Priority lending
Promotion of under privileged classes

4. The Central Bank:

Evolution of Central Bank
Characteristics and functions
Economic and social objectives
The Central Bank and the State

The Reserve Bank of India as the Central Bank, as bankers' bank
Organizational structure
Functions of the RBI
Regulation of monetary mechanism of the economy
Credit control
Exchange control - Monopoly of currency issue
Bank rate, policy formulation
Control of RBI over non-banking companies, Financial companies, Non-financial companies

Module – III (1 Credit)

5. Relationship of Banker and Customer:

Legal character
Contract between banker and customer
Banker's lien
Protection of bankers, customers
Nature and type of accounts
Special classes of customers – lunatics, minor, partnership, corporations, local authorities.
Banking duty to customers
Consumer protection: banking as a service

6. Negotiable Instruments:

Meaning and kinds of instruments
Transfer and negotiations
Holder and holder in due course
Presentment and payment
Liabilities of parties

Module – IV (1 Credit)

7. Lending by Banks:

Good lending principles
Lending to poor masses
Securities for advances
Kinds : their merits and demerits
Repayment of loans: rate of interest, protection against penalty
Default and recovery
Debt Recovery Tribunal

8. Recent Trends of Banking System in India:

New technology
Information technology
Automation and legal aspects

Automatic Teller Machine and use of internet
Smart card
Credit cards

References: —

Banking Law and Practice in India -M.L. Tannan
Banking Theory and Practice - K.C. Shekar Banking
Theory and Practice -Varshney
Banking Reforms in India - K. Subrahmanyam Law
of Negotiable Instruments Nilima Chandiramani
Law of Negotiable Instruments - Dr. P.W. Rege.
The Law of Banking and Bankers - L.C. Goyle
Negotiable Instruments Act- Bhashyam and Adiga
Paget's Law of Banking - M. Hapgood (ed)
Review of current Banking theory and Practice – Basu
A Report of Working Group on Customer Services in Banks- R.K.
Talwar

Semester – IV (4 credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

Topics for Choice based Credits

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence

5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References: —

Cyber and E-Commerce Laws, Diwan and Kapoor, Bharat Publishers
 Consumer, Consumerism and Consumer Protection – Indian Context,
 Dr. K.N.Bhatt, Prof. Suresh Mishra and Sapna Chadah, 2015
 Law and Practice of Alternative Dispute Resolution In India- A Detailed
 Analysis Anirban Chakraborty, 2016
 Indian Constitutional Law; Dr. Durga Das Basu, revised by S.R. Roy and
 SP.Gupta.3rd edition, 2011.
 International Law and Human Rights, S K Kapoor, 2016
 Information Technology Law and Practice, Vakul Sharma, 2014
 The Political Economy of the World Trading System, Amitabh Kundu, Michel
 M Kostecki, 3rd edition, 2009
 Right to Information Law in India, N.V. Paranjape, 2014
 Role of Environmental Green Tribunal in Protection of Environment,
 M. J. Khandare, 2016
 SEBI Manual

GROUP III - LAW OF INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

Paper I-Intellectual Property and International Organisations and Agreements (4 Credits)

OBJECTIVE

- Forward deliberation to the students regarding General Agreement on Trade and Tariffs Treaty with specific reference to Intellectual Property Rights
- Acquainting to with the concept of Various Trade related treaties for effective trade negotiations and deliberations between member nations.
- Relevance of WORLD Trade Organization and its functioning.
- Relevance of various other treaties
- Provisions regarding Dispute Settlement Mechanisms.

- Provisions regarding World Intellectual Organization and its Effective functioning

OUTCOME

On successful completion of this course, students will be able to:

- Understand the Scope, functioning need for various treaties and organizations,
- Highlight relevance of distinctive aspects of intellectual property rights.
- Understand the provisions & limitations in international and national laws with regard to effective implementation of treaties.

Module – I (1 Credit)

1. Introduction to Intellectual Property Rights (IPRs):

What is Intellectual Property

Basic concepts of Intellectual Property

Nature of Intellectual Property

Commercial exploitation of Intellectual Property

Enforcement of rights and remedies against infringement

International character of Intellectual Property.

Module –

II (1 Credit)

- 2. International Organisation and Conventions: International**
Agreements/Conventions relating to Intellectual Property.
World Intellectual Property Organisation (WIPO)
World Trade Organisation (WTO)

Module – III (1 Credit)

- 3. Trade Related Aspects of Intellectual Property Agreement (TRIPs):**
General Provisions and Basic Principles
Standards concerning the availability, scope and use of
Intellectual Property Rights.
Enforcement of Intellectual Property Rights
Acquisition and Maintenance of Intellectual Property Rights
Dispute Prevention and Settlement Transitional
Arrangements
Institutional Arrangements.

Module – IV (1 Credit)

- 4. Human Rights and Intellectual Property Rights (IPRs):**
Anti-competitive Practices / Abuse of Intellectual
Property Rights
Government Use and Public Interest

References: —

Intellectual Property – W.R. Cornish (Sweet & Maxwell)
Intellectual Property Rights – Wadhera
Intellectual Property Rights – P. Narayan
Intellectual Property Rights Law – Dr. Ashok Soni
WTO in the New Millenium – MVIRDC – Arun Goyal
WTO and Globalisation: An Indian Overview – Dr. Nilima Chandiramani
Intellectual Property Rights under the TRIPs Text – Dr. Nilima Chandiramani

PAPER II - Law of Patents (4 credits)

OBJECTIVE

- To acquire special knowledge in the field of Patent Law.
- To do further research education in the field of Patent Law

- To know various national & international provisions relating to Patent Law

OUTCOME

This course enables students:

- To acquire legal knowledge in the field of Patent Law ➤ To Practice in the field of Patent Law.
- To file patent application with patent office or to become patent agent.

Module – I (1 Credit)

Introduction, definition, scope and objectives of Law of Patents
Subject Matter of Patents
International Conventions and treaties regarding patents. History of Indian Patent System

Module – II (1 Credit)

Procedure for Obtaining Patents.
Patentability and Patentable Subject Matter
Process Patent and Product Patent
Patent Specification
Opposition to grant of Patents

Module – III (1 Credit)

Register of Patents and Patent Office
Rights and Obligations of Patentee Transfer of Patent Rights
Voluntary Licenses, Compulsory Licenses
Assignment and Licensing of Patents
Revocation for non working of patents
Patenting of Traditional Knowledge
Issues related to Bio - piracy and Bioprospecting

IV (1 Credit)

Powers of Central Government to acquire and use patents for public purpose
Revocation and Surrender of Patents
Infringement of Patents
Threat of Infringement Proceedings
Offences and Penalties

Module –

Appellate Tribunal Proceedings Ever-greening
of Patents

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)

Intellectual Property Rights – P. Narayanan

Patent Law by P. Narayanan, 3rd Edition (1998),

Patent Co-Operation Treaty Handbook by Chartered Institute of Patent
Agents (Sweet & Maxwell) 1999 edition

Trell on Law of Patents, 15th Edition (2000) by Simon Thorley,
Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)

Law relating to Intellectual Property by Wadhwa

Paper III - Law of Trademarks – (4 credits)

OBJECTIVE

- To provide awareness of trademark law and its importance to all Stakeholders.
- To impart legal knowledge about protection of trade mark – national and international.

OUTCOME

This course enables students:

- To carry out In-depth study of trademark law
- To gain Expertise in the trade mark law
- To acquire Global competency regarding trademark law

Module – I (1 Credit)

General Principles of Trademarks

International and National Laws relating to trademarks

Property in Trademarks – how acquired? Conditions and
Procedure for Registration of Trademarks

Module – II (1 Credit)

Opposition to Registration of Trademark
Effect of Registration
Registerable and Non Registerable Trademarks
Similar, Nearly Resembling and Deceptively Similar Trademarks
Trademark Registry and Register of Trademarks
Assignment, Transmission and Abandonment

Module – III (1 Credit)

Licensing of Trademarks and Registered Users
Collective Marks, Service Marks and Textile Trademarks
Infringement and Passing Off
Action for Infringement
Passing off Action
Certification of Trademark

IV (1 Credit)

Offences and Penalties
Threat of Legal Proceedings
Appellate Tribunals
Emerging New Trends in Trademarks

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
Intellectual Property Rights by P. Narayanan
Narayanan on Trade Marks and Passing Off – Fourth Edition.
Law relating to Intellectual Property by Wadhwa
Kerly's Law of Trade Marks and Trade Names by Thomas Balano, White and
Robin Jacob (Sweet & Maxwell)
K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition
(1999 edition) Butterworths, India.
McCarthy on Trade Marks and Unfair Competition (1999 edition) (West

Module –

Group. U.S.A.)

The Modern Law of Trade Marks by Christopher Morcom, Ashley

Roughton and James Graham, 1st edition, 1999 edition (Butterworths)

Paper IV - Copyrights Law and other related rights (4 credits)

OBJECTIVE

- To spread awareness about Rights and obligations of the Author or Owners of Copyright
- To impart knowledge about protection of original work under current laws
- To impart knowledge and carry out comparative study of National & International Laws on Copyright

OUTCOME

This course enables students:

- To gain specific knowledge on the subject of copyright
- To acquire expertise in the field of copyright laws
- To suggest law makers to adopt suitable changes in the copyright laws.

1. Module – I (1Credit)

Introduction to Copyrights

International Conventions relating to Copyrights

Indian Laws relating to Copyright

Nature of Copyrights

Subject Matter of Copyrights

Term of Copyright

2. Module – II (1Credit)

Authorship and Ownership Rights Conferred by Copyright

Rights of Broadcasting Organizations, Producers of Phonograms and Performers

Assignment, Transmission and Relinquishment

Registration of Copyrights

3. Module – III (1 Credit)

Licences

Publication

Copyright Societies

Copyright office and Boards
Infringement of Copyright

4. Module – IV (1Credit)

Emerging New Trends in Copyrights
International Copyrights
Registration of Copyrights
Appeals

References: —

Copinger and Skone James on Copyright, 14th edition by Kevin Garnett;
Jonathan Rayner James and Gillian Davis – 1999 edition (Sweet & Maxwell)
Copyright and Industrial Designs - P. Narayanan
Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)
The Modern Law of Copyright and Designs by Hugh Laddie, Peter Prescott and
Mary Vitoria 2nd edition 1995 (Butterworths)
Nimmer on Copyright by Melville Nimmer (edition 2000) Mathew Bender The
Copyright Act, 1957 by T.R. Srinivasa Iyengar.

Paper V - Law of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade secrets (4 credits)

OBJECTIVE

- Forward deliberations among the students on the need and importance of Industrial Designs, Geographical Indications, Layout Designs, Data Protection and Trade Secrets
- Acquainting students with the concept of various Trade related treaties for effective trade negotiations and deliberations between member nations.
- Teaching students the relevance of various laws for protecting the interests of intellectual property right holders.
- Acquainting students with provisions regarding to Dispute Settlement Mechanisms.
- Acquainting students with provisions regarding counterfeiting, piracy infringements and remedies available to aggrieved parties.

OUTCOME

On successful completion of this course, students will be able to:

- Understand scope, functioning and the need for various treaties.
- Understand relevance of the distinct aspects of intellectual property rights.
- Apply provisions governing the process of registration of geographical indications, layout designs and integrated circuits etc.

Module – I (1 Credit)

Laws Relating to Industrial Designs:

Introduction

Novelty and Originality

Publication

Registration of Designs

Rights conferred by registration

Infringement of Copyright in Design Remedies

Module – II (1 Credit)

Law Relating to Geographical Indication

Definition, need and scope of Geographical Indications

Register and Conditions for registration of Geographical Indications.

Procedure for and Duration of Registration

Effect of Registration

Special Provisions related to Trademark and Prior Use

Rectification and Correction of Register

Offences & Penalties

Appeals & Remedies

Module – III (1 Credit)

Layout- Designs (Topographies) of Integrated circuits:

Meaning of Integrated Circuit Layout Design

Need and Mechanisms for Protection of Integrated Circuit & Layout

Designs

International conventions and National Legislations

Procedure for Registration of Integrated Circuits Duration
of Registration

Change in the Identity of Proprietor; Assignment; Surrender,
Amendment; Corrections and other Changes

Cancellation

Compulsory Licensing Infringement
and Appeals

Module – IV Protection of Undisclosed Information/Trade Secrets. (1 Credit)

Law relating to Data Protection and Trade Secrets.

Protection of trade secrets – Confidential Information

How to protect trade secrets

The relationship between patents and confidential information

The relationship between copyright and confidential information

The Data Protection Act (DPA) 2018 (United Kingdom)

Protection of Undisclosed Information

Introduction: terminology, definition and scope

International and National Legislation for protection of Undisclosed Information.

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)

Intellectual Property (fifth ed.) by Daoul Bainbridge First Indian Reprint 2003

Pearson Education (Singapore) Pte. Ltd., Indian Branch, Delhi.

Design – The Modern Law and Practice by Lan Morris and Barry Quest (1987 edition) (Butterworths)

Patent for Inventions and the Protection of Industrial Designs by Thomas A.

Balanco White, 1974 Edition (Stevens & Sons)

Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet & Maxwell)

Taxmann's Trade Marks, Passing Off & Geographical Indications of Goods – Law & Procedure by D.P. Mittal (Taxmann Allied Services)

Copyright Act, 1957

The Designs Act, 2000

Paper VI - Information Technology/ Cyber Laws (4 Credits)

OBJECTIVE

- To inculcate the importance of techno-legal advances amongst the students
- To underline in the students' minds, the process of law making in the field of cyber laws.
- To develop the attribute in society to identify and eliminate cybercrime.

OUTCOME

This course enables students:

- To correlate information technology and legal education.
- To develop tools and techniques to curb cyber – crime
- To anticipate modern techno-legal threats to national security

Module – I (1 Credit)

Introduction to Information Technology
UNCITRAL Model Law
An Overview of the Information Technology Act
Information Security
Application

Module – II (1 Credit)

Digital Signatures and Certificates
Electronic Governance
Certifying authority
Software Protection

Module – III (1 Credit)

Comparative Study Relating to Cyber Laws - United Nations, India, U.S.A, Europe and China
Cyber Security
Jurisdictional Issues in Transnational Crimes

Module – IV (1 Credit)

Formation of E – Contracts - Validity and Enforcement
Emerging New Legal Issues
Cyber Crimes - Penalties and Adjudication
Appellate Tribunal
Offences and Prosecution Cyber
Terrorism.
Social Media and Emerging Crimes

References: —

Cyber and E-Commerce, IT Act 2000 – Diwan Kapoor, (Bharat Publishers).

Law relating to Computers and Internet – Rahul Matthan (Butterworths).
Computer Crime – Nitant P. Trilokekar (Snow White)
Law of Internet – F. Lawrence Street Mark P. Grant, 2000
Edition, (Lexis Publication)
Taxmanns Law of Information Technology (Cyber Law)-D.P. Mittal.

Semester – IV (Four credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

Topics for Choice Based Credits

1. Issues relating to Bio-piracy and Bio-prospecting
2. Resources for Food and Agriculture – issues on patent policy and farmers' rights-CBD, Nagoya Protocol and Indian law
3. UNESCO – protection of folklore/cultural expressions. Developments in WIPO on traditional knowledge and traditional cultural expressions
4. Intellectual Property rights and Information Technology.
5. Copyright and Media Laws.
6. Trade Related Aspects of Intellectual Property Rights: A Viable Tool for the Enforcement of Benefit Sharing
7. WTO Negotiations on Geographical Indications and Their Potential Implications
8. Human Rights Perspective of Intellectual Property Rights. 9. Dispute Settlement Mechanism.

Suggested Readings:

Gopalakrishnan. N. S, Cases And Materials On Intellectual Property Law: Along With Objectives, Methodology, And Course Outline Bangalore: National Law School of India University, 1992.

Intellectual Property (1999) edition) by W.R. Cornish, (Sweet & Maxwell) International Legal Instruments, D.K. Agencies 1998. Intellectual Property Rights CSIR Journal. International Legal Materials.

Intellectual Property (fifth ed.) Daoul Bainbridge First Indian Reprint 2003, Pearson Education (Singapore) Pvt. Ltd., Indian Branch, Delhi.

Journal of the Indian Law Institute Journal of the Indian Society of International Law; American Journal of International Law;

Monroe E. Price (Editor), Stefaan G. Verhulst (Editor), Broadcasting Reform in India: Media Law from a Global Perspective (Law in India Series) Peter Drahos: A Philosophy of Intellectual Property, 1996 Commons J.R.:

International Economics, 1934 5. Narayan: Intellectual Property rights, 2007 Ram Jethmalani D S Chopra, Cases and Materials on Media Law: A Book on Indian Perspective, published by Thomas Reuters, published on 2012, ISBN NO9381082367

WTO in the New Millennium – MVIRDC – by Arun Goyal

GROUP IV - HUMAN RIGHTS LAW

Human Rights is a post World War II phenomena. The World Community together expressed their concern for protection and promotion of Human Rights

across the world. With the adoption of the Universal Declaration of Human Rights, 1948 by the General Assembly of the United Nations on 10th December, 1948, the day is being marked as the World Human Rights Day. As per the UGC mandate, the University of Mumbai took decision to offer the subject for LL.M Specialization so that students pursuing is familiarized with the Concepts, Conventions, Regional Developments and Current scenario in the direction of Human Rights. The following papers are being taught in the Department of Law for LL.M. Students:

PAPER I - CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS (4 Credits)

OBJECTIVE

- To explain to the students the concept of Human Rights in western and Indian tradition.
- To acquaint the students with Criticism of Rights by Conservatives-Utilitarian, Idealist, Socialist, etc. theories
- To help students in learning Classification of Human Rights- First, Second, Third generation rights with their historical development
- To give students a third world perspective of Human Rights.

OUTCOME

- The students are familiarized with evaluative and historical perspective of Human Rights jurisprudence globally.

Module – I (1 Credit) 1.

Human Rights: Concept:

Human Rights in Indian tradition: ancient, medieval and modern

Human rights in western tradition,

The American Declaration of Independence and the Bill of Rights

The French Declaration of the Rights of Man

The Universal Declaration of Human Rights

Development of Natural rights

Human rights in International law and National law

Criticism of Rights by Conservatives, Utilitarians (Jeremy

Bentham), Idealists (T.H. Green), Socialists (Karl Marx) and Positivists (Hart)

Module – II (1 Credit)

2. Classification of Human Rights – First, Second and Third Generations: Historical Development.

Module – III (1 Credit)

3. Human Rights: Politics and Society:

Colonization, imperialism and human rights
Power, practices, accountability and transparency
Liberalization, privatization and globalization
Human duties: responsibilities and obligations
Relationship Between Rights, Obligations and Duties in relation to State and Society with special focus on contemporary values

Module – IV (1 Credit)

4. Universality of Human Rights

5. Third World Perspective to Human Rights

6. Human Rights and Consumerism

References: —

Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)

Bentham J. Anarchical fallacies in Human Rights (Ed.) Moldon Belmont, California, Wadsworth 1970

David P. Forsythe, Human Rights in International Relations.

Hart HLA - Jutisprudenc

Lalit Parmer, Human Rights, (1998)

John Finnis, Natural Law and Natural Rights, (1980)

Julius Stone, Human Law and Human Justice, (2000), Universal, New Delhi. M.G.

Chitkara, Human Rights: Commitment and Betrayal, (1996).

Paine Tand H Colins (ED) - Rights of Man (1791/2) Harmondworth Penguin 1969.

Rama Jois, Human Rights: Bharatiya Values, (1998)

Robert Lewngat. The Classical Law of India (1998), Oxford.

D. Kulshreshtra, Landmarks in the Indian Legaland

Constitutional History, (1995)

Waldron J.J. (Ed) - Theories of Rights, Oxford, Oxford University Press 1984.

PAPER II – HUMAN RIGHTS AND INTERNATIONAL ORDER (4 Credits)

OBJECTIVE

- To encourage the students to study International Bill of Human Rights and its implementation globally
- To acquaint the students with the role of Regional Organizations in the development of Human Rights
- To acquaint the students with protection agencies and their working
- To encourage the students to study New International Economic Order

- To acquaint the students with Global Terrorism and the role of United Nations.

OUTCOME

- The students learn the comparative steps taken by Regional Developments like European, American and African Convention on Human Rights. In depth study of the mechanisms established and their efficacy. International terrorism and its menace.

Module – I (1 Credit)

1. Development of Concept of Human Rights under International Law:

ILO and various Conventions dealing with Human Rights,
International Bill of Rights and implementation in global context,
Human Rights and Development - the Declaration on the Right to Development 1987,
Freedom of Expression and Rights to Know – RTI.

Module – II (1 Credit)

2. Role of Regional Organizations:

European Convention on Human Rights
American Convention on Human Rights
African Convention on Human Rights
Other Regional Conventions

Module – III (1 Credit)

3. Protection agencies and mechanisms:

Role of UN specialized agencies - UNESCO, UNICEF, ILO, WHO, FAO.
Role of International Non-Governmental Organizations like Amnesty International, Human Rights Watch, Asia Watch etc.
International Court of Justice - its functioning and settlement of International disputes
International Criminal Court
Role of National Human Rights Commission with Special reference to India

Module – IV (1 Credit)

4. New International Economic Order

5. Global Terrorism

References: —

Amnesty International- Torture in Eighties London, Amnesty International Publications 1984.
B.P. Singh Seghal, Human Rights in India, (1996).

Benedetto Conforti and Francesco Francioni, Enforcing International Human Rights in Domestic Courts, (1997)

Chandan Bala, International Court of Justice: Its Functioning and Settlement of International Disputes, (1997)

Claud R. P. and H. W. (Ed) - Human Rights in the World Community- Issues and Actions, Philadelphia, University of Pennaylavana, 1989.

Evelyn A. Ankumah, The African Commission on Human Rights and People's Rights (1996)

Francisco Forrest Martin, International Human Rights Law and Practice, (1997)

Jenks C. W. - Human Rights and International Labour Standards, London, Stevens, 1960.

Luck Clements, European Human Rights Taking a Case under the Convention, (1994)

R.S. Sharma and R.K. Sinha, Perspectives in Human Rights Development, (1997).

R.K.Sinha, Human Rights of the World, (1997).

Philip Alston, The United Nations and Human Rights Critical Appraisal, (1992)

The Human Rights Watch Global Report on Women's Human Rights, (2000), Oxford.

Raman Kannamma- University of Human Rights Discourse an overview- Dept. of Civics and Politics, University of Mumbai, Mumbai- 1998.

Vijapur Abdul Rahim (Ed). Essays on International Human Rights - 1991 (South Asian Publishers Pvt. Ltd. New Delhi)

PAPER III – PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA (4 Credits)

OBJECTIVE

- The subject aims at studying the Historical development of Human rights from the Indian perspective specifically with reference to the Constitution of India.
- To study the role played by the Enforcement forums
- To study Judicial Activism in the direction of development of Human Rights jurisprudence and the role of India in implementation of International Human Rights norms and standards.

OUTCOME

- Law laid down in the leading landmark judgments of the High Courts and Apex Courts that enhance protection and promotion of Human Rights is mastered by the students. Also the critical role of the law enforcement agencies is studied in depth. India's efforts in the direction of implementation of International Human Rights standards and norms is introspected by the students

Module – I (1 Credit)

1. History and Development of Human Rights in Indian Constitution :

- The Comparison between Human Rights and Fundamental Rights - Areas of Convergence and Divergence
- Indian Societal responses towards ideology or philosophy of Human Rights.
- Investigating agencies and Human Rights. – Leading cases of S.C. and H.C. of India on Human Rights.

Module – II (1 Credit)

2. Judicial Activism and Development of Human Rights Jurisprudence.

Module – III (1 Credit)

3. Enforcement of Human Rights:

Formal enforcement mechanism
Role of Supreme Court
Role of High Court
Role of Civil and Criminal Court
Statutory Tribunals
Special Courts
Armed Forces (Special Powers) Act, 1958 and Violation of Human Rights Displacement and Human Rights protection

Module – IV (1 Credit)

4. Role of India in implementing International norms and standards.

References :—

Agarwal H.O. - Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi. Anthony M.J. - Social Action through Courts (Landmark Judgements in PIL) New Delhi, ISI Publications -1993.

All Law Journals and reports.

Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.

B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).

D.D. Basu, Human Rights in Indian Constitutional Law, (1994). D.R.

Saxena, Tribals and the Law, (1997)

D.K. Publishers, New Delhi.

IyerKrishna V.R. - Human Rights and Inhuman Wrongs,

1993IyerKrishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow.

Justice Venkataramiah, Human Rights in the Changing World, (1998). James Vadakkumchery, Human Rights and the Politics in India, (1996). NHRC Annual Reports, New Delhi.

Justice Hosbet Suresh —All Human Rights are Fundamental Rights|- Universal Law Publication, New Delhi.

Poornima Advani, Indian Judiciary : A Tribute, (1997)

Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law (1996)

Sehgal BPS - Human Rights in India - Problems and Prospects, 1995 Deep and Deep Publications, New Delhi.

Sr. Adv. N. M. Ranka titled — Laws Profession Experiences and Expectations- Ranka Public Charitable Trust, Jaipur - 302 004.

Vijay Chitnis(et.al). Human Rights and the Law : National and Global Perspectives, (1997)

PAPER IV - HUMAN RIGHTS OF DISADVANTAGED GROUPS (4 Credits)

OBJECTIVE

- To encourage the students to study the Concept of vulnerable groups and the role of judiciary in depth.
- To acquaint the students with the efficacy of National Agencies like the National Commissions and future perspective of disadvantaged groups.

OUTCOME

This course enables students:

- To become sensitized about issues of human rights of various social groups.
- To undertake research and find out solutions for the problems of weaker sections of the society.

Module – I (1 Credit)

1. Concept of Disadvantaged Groups.

Module – II (1 Credit)

2. Emerging Human Rights Jurisprudence and the Role of the Judiciary:

- Rights of women
- Rights of the child
- Rights of prisoners
- Rights of Dalits
- Rights of Minorities
- Rights of Elderly Persons.
- Rights of Tribal and other indigenous people
- Rights of Disabled Persons

Rights of Stateless persons
Rights of Unorganized labour and bonded labour Rights
of 'AIDS' victims

Module – III (1 Credit)

3. Enforcement of Human Rights:

Protection Laws of the Disadvantaged Groups: Problems and Issues
National agencies for protection such as National Commission
for women, National Commission for Children, National
Commission for Scheduled Castes/ Scheduled Tribes, National
Commission for Minorities

Module – IV (1 Credit)

4. Future Perspectives of the Human Rights of the Disadvantaged

References :—

- Agarwal H.O.-Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi.
- Anthony M.J.-Social Action through Courts(Landmark Judgements in PIL) New Delhi, ISI Publications -1993.
- Alston (et.al.), Children, Rights and the Law.
- Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.
- B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
- D.D. Basu, Human Rights in Indian Constitutional Law, (1994). Vijay Chitnis (et.al). Human Rights and the Law : National and Global Perspectives,(1997)
- D.R. Saxena, Tribals and the Law, (1997)
- G.S.Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
- Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
- James Vadakkumchery, Human Rights and the Politics in India, (1996).
- Iyer Krishna V.R. - Human Rights and Inhuman Wrongs, 1993 D.K. Publishers, New Delhi.
- Iyer Krishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow.
- Justice Venkataramiah, Human Rights in the Changing World, (1998).
- Paramjit S. Jaswal and Nishtha Jaswal, Human Rights and the Law (1996)
- Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999).
- N.K. Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
- NHRC Annual Reports, New Delhi.
- Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
- Paras Diwan and Peeyushi Diwan, Women and Legal Protection
- Philip Poornima Advani, Indian Judiciary : A Tribute, (1997)
- Rebecca Wallace, International Human Rights, Text and Materials. (1997)
- Janaki Nair, Women and Law in Colonial India, (1996) Simon

Creighton, Vicky King, Prisons and the Law, (1996). Sehgal BPS - Human Rights in India - Problems and Prospects, 1995 Deep and Deep Publications, New Delhi.

All Law Journals and reports.

PAPER-V INTERNATIONAL HUMANITARIAN LAW AND REFUGEE LAW (4 CREDITS)

OBJECTIVE

- To familiarize the Students with both Humanitarian Law and Refugee law and with the role of Red Cross, UNHCR, the Principles of International Humanitarian Law during warfare and Control of Weapons.

OUTCOME

- The Students are educated on the principles of International Humanitarian Law and related Geneva Convention, the role of United Nations in relief and rehabilitation and strategies to combat refugee problems is researched.

Module – I (1 Credit)

1. Humanization of Welfare:

Amelioration of the wounded and sick
Armed forces in the field
Armed forces at sea
The Shipwrecked
Protection and facilities
Prisoners of war
Civilians in times of War
Cultural properties
International Convention on Genocide

Module – II (1 Credit)

2. Control of weapons:

Conventional
Chemical
Biological
Nuclear

Module – III (1 Credit)

3. Humanitarian law : Implementation:

Red Cross – role
National legislation

Module – IV (1 Credit) 4. The Concept of refugees:

Definition of refugees and displaced persons –their problems
The UN Relief and Rehabilitation Administration and other
international Refugee organizations : international protection
Protection under national laws

5. Strategies to combat refugee problem:

Repatriation, resettlement, local integration and rehabilitation
UNHCR – role
UNHCR and India

References :—

Anti-personnel Landmines Friend or Foe?, International Committee of Red Cross, (1996)
B.S. Chimni, International Refugee Law (2000)
Guy S. Goodwin-Gill, The Refugee in International Law, (1996) Jean Yves Calier, Who is a Refugee A Comparative Case Law Study, (1997)
James C. Hathaway, Hohn A. Dent, Refugee Rights : Report on a Comparative Survey, (1995)
Kelly Dawn Askin, War Crimes Against Women, (1997)
M.K. Balachandran, Rose Varghese, Introduction to International Humanitarian Law, (1997)
Resettlement Handbook, The United Nations High Commissioner for Refugees.
Veral Gowll and Debbas, The Problem of Refugees in the Light of Contemporary International Law Issues, (1996)

PAPER VI - SCIENCE, TECHNOLOGY AND HUMAN RIGHTS (4 Credits)

OBJECTIVE

- To encourage the students to learn the interrelationship between Science, Technology and Human Rights
- To acquaint the students with the impact of Development of Science and technology from the perspective of Environment, Development and Human health.
- To encourage the students to study issues relating to medicine and law.
- To acquaint the students with Scientific and Technological developments in context of moral, ethical, social, legal and religious issues.
- To encourage the students to study Information Technology and offences that breach human rights.

OUTCOME

- This course familiarizes students with scientific and technological developments and with their advantages and disadvantages.

Module – I (1 Credit)

- 1. Interrelationship of Science, Technology and Human Rights:**
- 2. Implication of Development of Science and Technology on Human Rights:**

Right to environment in the development of science and technology
Right to development in the advancement of science and technology
Right to human health and impact of development in Medical sciences

Module – II (1 Credit)

- 3. Medicine and the Law:**

Organ transplantation
Experimentation on human beings
Medical Negligence and Human Rights
Euthanasia (Mercy Killing)
Gene therapy

Module – III (1 Credit)

- 4. Issue of Human Rights Ethics in Scientific and Technological Development:**

Sex determination test
Induced abortion
Reproductive technology
Cloning
In-vitro fertilization
Artificial insemination
Surrogate motherhood

Module – IV (1 Credit)

- 4. Development in Information Technology & Human Rights**
- 5. Cyber Terrorism**

Positive and Negative Implications of Science & Technology in context of Terrorism.

- 6. Impact of Scientific and Technological Progress on Human Rights: Normative Response of the International Community:**

Right to life
Right to privacy
Right to physical integrity
Right to information

Right to benefit from scientific and technological progress
Right to adequate standard of living

References :—

- Adwin W. Patterson, Law in a Scientific Age, (1963) Andrews J.A., Human Rights in Criminal Procedure, (1982) Akbar, M.J., Riots After Riots, (1988)
Baxi, U.(ed), Rights to be Human, (1986)
Burgenthal, International Protection of Human Rights, (1973)
Baxi, U., —Human Rights, Accountability and Development, Indian Journal of International Law, 279, (1978)
Basu, D.D., Human Rights, in Constitutional Law, (1994) Beddard H., Human Rights and Europe, (1980)
Diane Rowland, Elizabeth Macdonald, Information Technology Law, (1997)
D.P. Mittal, Law of Information Technology (Cyber Law), (2000) Drost, Human Rights as Legal Rights, (1965)
Gromley W.P., Human Rights and Environment, (1976)
Galtung, Human Rights in Another key, (1994)
Garling M., Human Rights Handbook, (1979)
Kazmi, F., Human Rights, (1987)
Kamenka, E., Ideas and Ideologies Human Rights (1978)
Kashyap, S.C., Human Rights and Parliament, (1978)
Khare S.C., Human Rights and United Nations, (1977)
Kalaiah A.B. Human Rights in International Law, (1985)
Krishna Iyer, V.R., Human Rights – A Judge's Miscellany, (1995) Levin L., Human Rights, (1982)
Lauterpacht, E., International Law and Human Rights, (1968).
Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999)
Madhavtirtha, Human Rights, (1953)
Menon, I. (ed.), Human Rights in International Law, (1985)
Moskowitz, Human Rights and World Order, (1958)
Macfarlane, L.J., The Theory and Practice of Human Rights, (1985)
Nagendra Singh, Human Rights and International Cooperation, (1969)
Robertson, A.B. (ed.), Human Rights in National and International Law, (1970)
Robertson, E., Human Rights in the World, (1972)
Sohn, Lonis & Rama Jois, M., Human Rights: Bharatiya Values, (1998).
Suresh T. Viswanathan, The Indian Cyber Law (2000) Swarup J., Human Rights and Fundamental Freedoms, (1975)
Steve Jones, Borin Van Leon, Genetics for Engineers, (1993) The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990.

Semester – IV (Four credits) :

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

Topics for Choice Based Credits

- (1) Clinical Trials and Human Rights
- (2) Poverty and Population vis-à-vis Human Rights
- (3) Illiteracy and Corruption and Human Rights
- (4) Globalization and Human Rights
- (5) International Terrorism and Human Rights
- (6) Sustainable development- Need for Human Rights Education
- (7) Science and Technology vis-à-vis Human Rights Ethics
- (8) Human Rights and Duties – Areas of harmony and conflict (9) Public Interest Lawyering and Human Rights.

References :—

Julius Stone, Human Rights and Human Justice (2000) Universal Publication, New Delhi.

Agarwal H.O-Implementation of Human Rights Contents with Special reference to India-1993 D.K Publishers, New Delhi

Baxi Upendra-Mambeino's Helmet? Human Rights in the Changing world, Har Anand Publishers, 1994

Baxi Upendra-Rights to be Human (1986)

Baxi U-Human Rights, Accountability and Development-Indian Journal of International Law(1978)

B.P.Singh Sehgal-Human Rights in India (1996)

Justice Hosbet Suresh, —All Human Rights are Fundamental Rights!- Universal Law Publication, New Delhi

Krishna Iyer V.R-Human Rights- A Judge's Miscellany (1995)

Iyer Krishna V. R-Human Rights and Inhuman Wrongs, D.K.Publishers, New Delhi 1993

Iyer Krishna V.R-The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow

The Human Rights Watch Global Report on Women's Human Rights (2000) Oxford

NHRC Annual Reports, New Delhi

M.G. Chitkara-Human Rights: Commitment and Betrayal (1996)

Raman Kannamma-Universality of Human Rights Discourse-an
overview-Department of Civics and Politics, University of Mumbai,
Mumbai 1998

Vijapur Abdul Rahim (Ed) Essays on International Human Rights- 1991
South Asian Publishers Pvt. Ltd, New Delhi

Justice Venkataramiah-Human Rights in the Changing world (1998)

Sehgal B.P S-Human Rights in India-Problems and Prospects, Deep and
Deep Publications, New Delhi 1995

Weeramantry C G-Human Rights and Scientific and Technology
Development,1990

GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

- To analyze the general principles of the Criminal law.
- In-depth study of theories of punishment. ➤ To analyze judicial trends on the rights of the accused.

OUTCOME

- Expert knowledge in Criminal Jurisprudence.
- Help the students to evaluate the criminal justice system.
- Deep understanding regarding the enforcing agencies of the criminal justice system.

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

- Deliberation of the students on various aspects of crime, criminal laws and criminal justice.
- Acquainting the students to understand the issues relating to the notion of “group liability” in a crime.
- Acquainting students with the notions of private defense
- Acquainting students with the constitution and functioning of International Criminal Court.
- To inculcate amongst students the ability to evaluate critically the contemporary criminal justice system and Concept of Decriminalization.

OUTCOME

On successful completion of this course, students will be able to:

- Gain in-depth knowledge and gain the ability to practice in criminal law and also Assist them to understand the nature and various issues regarding criminal administration.
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws under criminal jurisprudence.

Module-I (1 Credit)

1. Crime, Criminal Law and Criminal Justice

2. **Administration of Criminal Justice – Meaning, Necessity and Growth**
3. **Doctrine of Mens Rea and Exceptions:**
 - Negligence
 - Physical Element in Crime- Actus Reus
4. **Stages in Commission of Crime:** Inchoate Crimes
 - Abetment and Criminal Conspiracy

Module- II (1 Credit)

5. **Principle of Group Liability in Crime.**
6. **Fundamental Principles of Criminal Jurisprudence:**
 - Test of Criminality /Legality
 - Presumption of Innocence
 - Double Jeopardy
 - De Minimus Non Curat Lex
 - Mistake of Law and Mistake of Fact Jus
 - Necessitas
7. **General Exceptions.**
8. **Right of Private Defense**

Module – III (1 Credit)

9. **Theories and kinds of punishment**
10. **Right to Protection of the accused**
11. **Strict Liability**

Module – IV (1 Credit)

12. **International Criminal Court**
13. **Concept of Decriminalisation**

References :—

- | | |
|--|--------------------------------------|
| Glanville Williams | : Criminal Law (The general |
| part) Jarome Hall | : General Principles of |
| Criminal Law | |
| FitzGerald | : Criminal Law and punishment |
| Moberly | : Ethics of |
| Punishment Ram Chandra Nigam | : Criminal Law |
| Tapas Kumar Banerjee | : Back ground to Indian Criminal Law |
| Law Commission of India, Forty Second Report Chapter 3 | (1971) |
| Criminal Procedure Code, | 1973 |
| 14th and 41st Report of Indian Law Commission | |

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

OBJECTIVES

- To have in-depth knowledge of Penal laws in India.
- To carry out a comparative study of Indian and International Penal laws.
- To gain legal awareness about Cyber crime and Information Technology Act, 2000

OUTCOME

This course enables students

- To suggest reforms in the Penal laws in India.
- To suggest reforms in Juvenile law.

Module-I (1 Credit)

1. Offences under Indian Penal Code :

Offences Against the State
Offences Relating to Elections
Offences Relating to Religion
Offences Affecting the Public Health, Safety, Convenience,
Decency and Morals
Reforms in I.P.C.

Module-II (1 Credit)

2. The Maharashtra Control of Organised Crime Act, 1999

3. The Prevention of Terrorism Act, 2002 Module-III (1 Credit)

4. Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

5. The Juvenile Justice (Care and Protection of Children) Act, 2000:

The Basic Concepts
Determining Factors of Juvenile Delinquency
Legislative Approaches - Indian Context
Juvenile Delinquency
Judicial Contribution
Implementation
Preventive Strategies

References :—

The Indian Penal Code, 1860
Ratanlal & Dhirajlal – Law of Crimes
Smith & Hogen – Criminal Law

PAPER III - CRIMINOLOGY – (TOTAL 4 Credits)

OBJECTIVE

- To understand criminology as a science.
- To avail deep knowledge of various theories of criminology.
- To gain in depth study of victimology.

OUTCOME

- Students get the comparative study of ancient and modern criminology.
- The students acquire the ability to carry out a critical study of causes of crimes.
- The students gain the ability to study the socio economic rehabilitation of criminals.

Module-I (1 Credit)

1. Concept of Crime. Criminal Law, Criminology as a Science:

1.2. Development and Crime

2. Criminology - From Ancient to Modern thought:

Pre-classical – classical – Neo classical

Cartographic School

Socialist School

Dr. Lombroso theory

Approach of Radical Criminologists

Module-II (1 Credit) 3.

Multiple Factor theory.

4. Causes of Crimes:

Socio – Cultural

Physical

Economic

Psychological

Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

Notion of Privileged Class Deviance

White Collar Crimes

Official Deviance

Police Deviance

6. Professional Deviance of Lawyers, Teachers, Judges, Journalists, Doctors, Technocrats, etc.:

Unethical Practices at the Indian bar

The Lentin Commission Report

The Press Council on unprofessional and unethical Journalism

Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order:

Vigilance Commission
Public Accounts Committee
Ombudsman
Commission of Enquiry
Prevention of Corruption Act, 1988

References :—

A.S. Siddique - Criminology (1984) Eastern, Lucknow
Dr. Sethana - Society and the Criminal,
Law Commission of India 42 Report Chap.3 (1971)
Sutherland & Cressey - Principles of Criminology
Barnes & Teeters - New Horizons in Criminology
Dr. Suresh Mane - Crime, Criminal Law & Criminology, 2007.
Tapaskumar Banerjee - Background to Indian Criminal Law (1990) R.
Company & Co., Calcutta.
Tapan - Crimes, Justice and Correction

**PAPER – IV COLLECTIVE VIOLENCE AND CRIMINAL
JUSTICE SYSTEM – (TOTAL 4 Credits)**

OBJECTIVES

- To forward deliberations among the students regarding notions of force, coercion and violence.
- Acquainting the students to understand the concept of Force Monopoly of modern laws.
- Acquainting students with the notions of Collective political violence and legal order.
- Acquainting students with the nature & scope of agrarian violence in 18th & 19th centuries in India.
- To inculcate among students the ability evaluate critically the contemporary criminal justice system in India with specific reference to collective violence.

OUTCOME

On successful completion of this course, students will be able to:

- The program provide great opportunity and gives in depth knowledge to students who intend to pursue practice in criminal law
- The program inculcates research oriented aptitude in students with regard to various topics under criminal law system in India.
- Sensitizing students specifically issues and challenges relating to law and crime in Global arena.

Module - I (1 Credit) 1.

Introductory:

Notions of 'force', 'coercion', 'violence'
Distinctions: 'symbolic' violence, 'institutionalized' violence, 'structural violence'
Legal order as a coercive normative order
Force-monopoly of modern law
Freedom of speech and incitement to violence
'Collective political violence' and legal order
Notion of 'legal and extra- legal repression'

2. Approaches to Violence in India:

Religiously sanctioned structural violence: Caste and gender based
Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India.
Gandhiji's approach to non-violence
Discourse on political violence and terrorism during colonial struggle
Attitudes towards legal order as possessed of legitimate monopoly over violence during the colonial period

Module - II (1 Credit)

3. Agrarian Violence and Repression:

The nature and scope of agrarian violence in the 18th-19th Centuries in India
Colonial legal order as a causative factor of collective political (agrarian) violence
The Telangana struggle and the legal order
The Report of the Indian Human Rights Commission on Arwal Massacre

Module - III (1 Credit)

4. Violence against the Weaker Sections:

Notion of Atrocities
Incidence of Atrocities
Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
Violence Against Women and Children

Module - IV (1 Credit) 5.

Caste/Communal Violence:

Incidence and courses of 'communal' violence
Findings of various commissions of enquiry
The role of police and para-military systems in dealing with communal violence
Operation of criminal justice system - trial in relation to communal violence

NOTE: Choice of further areas will have to be made by the teacher and taught.

References :—

- A.R. Desai, (ed)- Peasant Struggles in India, (1979)
A.R. Desai - Agrarian Struggles in India: after Independence 1986)
A.R. Desai, Violation of Democratic Rights in India (1986).
D.A. Dhangare - Peasant Movement in India: 1920-1950(1983)
G.Shah-Ethnic Minorities and Nation Building : Indian Experience (1984)
Mark Juergensmeyer - —The Logic of Religious Violence: The Case of Punjab| Contributions to Indian Sociology (1988)
K.S.Shukla—Sociology of Deviant Behaviour,| in 3rd ICSSR Survey of Sociology and Special Anthropology 1969-1979 (1986).
Ranjit Guha - Element any Aspects of Peasant Insurgency in Colonial India (1983)
Ranjit Guha (ed) Subaltern Studies Vol. 1-6(1983-1988)
Rajni Kothari - State Against Democracy (1987)
T. Honderich - Violence for Equality (1980)
U. Baxi- —Dissent, Development and Violence|| in R, Meagher (ed) Law and Social Change : Indo-Americian Reflections (1988).
U. Baxi - (ed) Law and Poverty: Critical Essays, (1988)

PAPER V - PENOLOGY : TREATMENT OF OFFENDERS (4 Credits)

OBJECTIVE

- To forward deliberation among the students on definitions pertaining to penology, various theories of punishment.
- Acquainting the students with the issues relating to capital punishment.
- Acquainting students with the notions and approaches of sentencing.
- Acquainting students with nature of offenders.
- To inculcate among students the ability to evaluate critically the contemporary criminal justice system in India with specific reference to imprisonment.

OUTCOME

On successful completion of this course, students will be able to:

- Gain in-depth knowledge, pursue practice in criminal law and also assist them to understand the nature and theories of punishment
- Acquire research oriented aptitude with regard to various topics under criminal legal system in India.
- Deal sensitively with specific issues and challenges relating to effective implementation of laws and criminal jurisprudence.

Module - I (1 Credit) 1.

Introductory: Definition of Penology

2. Theories of Punishment:

Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention : Incapacitation

Behavioural prevention: Rehabilitation - Expiation

Classical Hindu and Islamic Approaches

Module - II (1 Credit)

2. The Problems of Capital Punishment:

Constitutionality of Capital Punishment

Judicial Attitudes Towards Capital Punishment in India

– An inquiry through the statute law Law

Reform Proposals

Module – III (1 Credit) 3. Approaches

to Sentencing: Alternatives to
Imprisonment

Probation
Corrective labour
Fines
Collective fines
Juvenile Institutions Rehabilitative
Programmes

4. Sentencing:

Principal types of sentences in the Penal Code and special laws
Sentencing in white collar crime
Pre-sentence hearing
Sentencing for habitual offender
Summary punishment
Plea-bargaining

Module - IV (1 Credit)

5. Imprisonment:

The State of India's jails today Prison
Reforms in India
The disciplinary regime of Indian prisons Classification
of prisoners
Rights of prisoner and duties of custodial staff
Deviance by custodial staff
Open prisons
Judicial surveillance – basis – development reforms

References :—

Law Commission of India, Forty-Second Report Ch.3 (1971)
Responsibility and Punishment (1975)
Siddique A.S.- Criminology (1984) Eastern, Lucknow
S. Chhabbra - The Quantum of Punishment in Criminal Law (1970).
S.K. Shukla - —Sociology of Deviant Behaviourl in 3 ICSSR
Survey of Sociology and Social Anthropology 1969-1979 (1986)
Tapas Kumar Banerjee - Background to Indian Criminal Law (1990),
R. Campray & Co., Calcutta.

PAPER VI - FORENSIC SCIENCE AND SCIENTIFIC INVESTIGATION OF CRIME (4 Credits)

OBJECTIVE

- To gain an in-depth analysis of forensic science and criminal justice system.
- To study the modern scientific methods of crime control.
- To study the problems related to International crime.

OUTCOME

This course enables students:

- To understand the role of forensic science in the criminal justice system.
- To carry out research in field of forensic science and law.
- To gain exposure to forensic science and criminal law from across the globe.

Module – I (1 Credit)

- 1. Forensic Science – An Integral component of Criminal Justice system – Scope**
- 2. Development of Forensic Science in India**

Module – II (1 Credit)

3. An Introduction to:

Forensic Laboratories
Forensic Biology
Forensic Toxicology
Forensic Anthropology
Forensic Ballistics
Forensic Documents
Forensic Medicine

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention:

Electrical Traps to catch thieves, burglars
Truth Telling Drugs
Lie Detector Atomat
Breatha
lyser Traffipax
Camera
Magnetic Gun
Night Vision Binoculars
Portable Bomb Sniffer
Detection of Note Forgery by use of ultra-violet rays

Module - IV (1 Credit)

- 5. Inter-state crimes and Criminals:** The
problem of International Crime
International Co-operation
International Criminal Police Organisation (Interpol)

References :—

R.Deb.- Criminology, Criminal and Investigation.

Soderman And O'Connell-Modern Criminal Investigation
Dr. J. P. Modi -A Text Book of Medical Jurisprudence and Toxicology.
Nigel Morland -Science in Crime Detection.
The Indian Police Journal
International Criminal Police Review Journal.

Semester – IV (Four credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

Topics for Choice Based Credits

Law of defamation & Freedom of speech
Study of Criminal behavior vis-à-vis increasing criminality
Tackling Collective Violence vis-à-vis Innovative Policing Techniques.
Ethical Issues & Medical Profession.
Cyber Crimes & Remedies.
Juvenile Justice System in India & Juvenile Psychology.
Corruption Laws & Elections in India. White
Collar Criminality & Corporate Crimes.

References :—

Dr. Sethna: Society & The Criminal.
Dr. J P Modi: A Text book of Medical Jurisprudence & Toxicology
Moberly : Ethics of Punishment
S K Shukla: Sociology of Deviant Behaviour.
U. Baxi: Dissent, Development & Violence

GROUP VI - ENVIRONMENT AND LEGAL ORDER (4 Credits)

PAPER I - ENVIRONMENT AND DEVELOPMENT : LAW AND POLICY

OBJECTIVES

- To acquaint the students with the issues of domestic and global environment as based on the ancient and medieval writings.
- To encourage students to understand the impact of environment on development.
- To give students an exposure and insight into the policies and laws till date.

OUTCOMES

On successful completion of this course, students will be able to:

- Identify key environmental issues at the planetary, international, national, state and local level;
- Analyze the relationships between environmental laws across multiple sectors and jurisdictions (local, state, national and international) and the interactions with regulatory and policy frameworks beyond the environmental sector;
- Develop and execute original environmental law research on a focused topic area.

Module – I (1 Credit)

1. The Idea of Environment:

Ancient and medieval writings
Traditions
Natural and Biological science : perspectives
Modern concept: Conflicting dimensions

2. Development:

Right to development
Sustainable development – national and international perspectives
Developing economies

Module – II (1 Credit) 3.

Policy and Law:

From Stockholm to Rio and after
Post – Independence India
Role of government
Five Year Plans
Forest Policy
Conservation strategy
Water policy

Module – III (1 Credit)

4. Population, Environment and Development :

Population explosion and environmental impact
Population and development
Population and sustainable development

Module – IV (1 Credit)

5. Constitutional Perspectives:

Fundamental Right to environment
Enforcement of the right
Directive principles and fundamental duties
Legislative powers
Environment : Emerging concepts and challenges

Polluter pays principles
Absolute liability of hazardous industries
Precautionary principle Public
trust doctrine

References :—

- C.M. Abraham, Environmental Jurisprudence in India (1999),
Kluwer Madhav Gadgil and Ramachandra Guha, This Fissured, Island : An Ecological History of India (1996), Oxford.
Christopher D. Stone. Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996).
Oceana Stuart Bell and Donald McGillivray. Environmental Law (2000), Blackstone Press
Charles A.R. Webster, Environment Health Law (1981).
Department of Science and Technology, Government of India. Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
Kailash Thakur, Environmental Protection: Law and Policy in India (1997) Deep & Deep Pub. , New Delhi.
Leelakrishnan P et al (eds) Law and Environment (1990), Eastern
Leelakrishnan P. The Environmental Law in India(1999), Butterworths-India
R.B.Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.
Rochard L. Riversz et.al (eds), Environmental Law, the Economy and Sustainable Development, (2000), Cambridge.
Environmental Policy Law (1992), Thomas J. Schoenbaum. Foundation Press, Inc, Westbury, New York.
Temples or Tombs industry versus,
Darryl D'Monte. Environment: Three Controversies (1985). Centre for Science and Environment, New Delhi.
Indian Journal of Public administration, Special Number on Environment and Administration. July-September, 1988 Vol. XXXV, No.3 pp 353-801.
Environment Concerns and Strategies (1988). Ashish, Delhi, Khosho. Centre for Science and Environment.
The State of India's Environment 1982.The State of India's Environment 1984- 85 and The State of Indian Environment 1999-2000.
World Commission on Environment and Development. Our Common Future (1987). Oxford

PAPER II - RESOURCE MANAGEMENT AND THE LAW

OBJECTIVES

- To offer an insight into the current scholarly knowledge on environmental resources.
- To develop knowledge and understanding of related norms and ethics in the field.
- To undertake responsibility either as an individual or as a team member to study the existing policies of resource management.

OUTCOMES

The students shall be able :

- To understand the basic classification of the various natural resources available.
- To gain knowledge on the various inter and intra territorial disputes concerning the resources.
- To understand the various aspects of Management of these resources.
- To gain insight into the legal framework regarding various cases in the Supreme and High Courts.

Module – I (1 Credit)

1. Water :

Salinity
Bund and spill ways
Aquaculture and fishing : Regulation
Irrigation
Ground water management
Interstate water management and disputes

Module – II (1 Credit) Land

:

Controls on land development
Eco-friendly land planning : conservation, utilization and conversion
Mining and quarrying

Module – III (1 Credit)

2. Concepts of Common Property and State Property:

Forest
Wildlife

Common facilities and the right to use : roads,
parks, pathways, lakes, rivers Natural heritage-
Tribal habitat
Historical monuments
Wetlands: Wise use concept

Module-IV (1 Credit)

3. Energy:

Sources

Energy related environmental problems : tapping, transmission and
utilization, Indiscriminate use

Utilization of conventional energy : hydro-electric, thermal and
nuclear

Non-conventional energy : Solar, wind, tidal and biogas

References :—

Animal Welfare in Europe (1997), Kluwer, David B. Wilkins.

Agriculture and Sustainable Use in Europe (1998) Kluwer, Enid M.

Barson and Llgia Nielson (eds.)

Blackston's Guide to Contaminated Land (2000), Blackstone Press, Trevor
Hellawell.

Basic Legal Documents on International Animal Welfare and Wild Life
Conservation (1000). Kluwer.

Common, Boundary/Common Problems: The Environmental Consequences of
Energy Production (1982), Mark Austen and Tamara Richards.

Environmental Jurisprudence in India (1999), Kluwer, Abraham C.M.

Environmental Policy and Law in India (1988), Butterworths, India, Armin
Rozenclanz, et. Al.(eds).

Environmental Law, (1999) Butterworths, London, David Hughes.

Environmental Improvement through Economic Incentives (1977), Frodorick R.
Anderson, Et.al.

Environmental Protection: Law and Policy in India (1997), Kailash Thakur,
Natural Heritage of India (1989), R.K. Publishers, Delhi, A.R. Bamand P.N.
Gautam.

The Environmental Law in India (1999). Butterworths – India, Leelakrishnan,
P.

India's Environmental Policies, Programmes and Stewardship (1999). Kluwer,
Diwedi.

Indian Journal of Public Administration, Special Number on Environment and
Administration. July-September, 1988, Vol. XXXV, No.3.

Protection and Management of Our Natural Resources, Wild Life and
Habitat (1997), Oceana, Jack Grosse,

Law and Environment (1990), Leelakrishnan, P et. Al. (eds.)

Royal Commission on Environmental Pollution, London, U.K.(1998).

Kluwer, Enid M. Barron, et.al.(eds).

Standing Committee on Environmental Law American Bar Association,
Our Forest, Our Future (1999), Cambridge, Deep & Deep publications, New
Delhi WCED.

Threatened Plants of India: A State of the Art Report (1980), S.K. Jain and A.R.K. Sastry.

PAPER III - PREVENTION AND CONTROL OF POLLUTION (4 Credits)

OBJECTIVES

- To understand the effect of environmental pollution on ecosystems and the human health.
- To describe some key principles that support pollution control and pollution prevention.
- To understand the legal control and sanctions against pollution.

OUTCOMES

The students shall be able:

- To identify sources, causes and effects of pollution.
- To analyze the environmental effects of air pollution on plant, animal kingdoms and humankind.
- To take basic actions to minimize air pollution, prevention and control.

Module – I (1 Credit) 1.

Pollution:

Meaning Kinds of pollution and

their impact

2. Pollution of Water:

Definition

Ground water pollution

Sources

Critique of existing laws

Machinery

Powers

Functions Offences

and penalties

3. Pollution of Air:

Pollutants and effects Modalities
of control

Conflicts of jurisdiction of different control agencies

Critique of the existing legal framework

Module – II (1 Credit) 4.

Noise Pollution:

Sources and effects

Different legal controls

Need for specific law

Module – III (1 Credit)

5. Disposal of Waste:

Kinds of wastes

Disposal agencies : local bodies and other agencies Treatment,

Disposal and recycling of wastes

Module – IV (1 Credit)

6. Sanctions against Pollution:

Efficacy of criminal and civil sanctions

Corporate liability, civil and criminal Should penalties be prohibitive?

Civil liability, compensatory and penal

Administrative compensation system

Incentives to pollution control

Market-based Instruments for abating Industrial Pollution

References :—

Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998),

Environment Policy and Law in India (2000), Butterworths India, Armin Rozencranz et.al.(eds.).

Environmental Law (1999), Butterworths, London, David Hughes.

Environmental and Land Controls Registration (1976), Bobbs-Merril, New York, Daniel R. Mandekar.

Frederick R. Anderson, et.al., Environmental Improvement Through Economic Incentives (1977).

Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep & Deep publications, New Delhi

John F.Mc. Eldownery and Sharron Mc. Eldownery, Environmental Law and Regulation (2000), Blackstone Press.

Leelakrishnan, P, The Environment Law in India (1999), Butterworths.

Indian Law Institute, Mass Disasters and Multinational Liability: The Bhopal Case (1986)

Inconvenient Forum and Convenient Catastrophe: The Bhopal Case (1986)

Leelakrishnan, P et.al. (eds), Law and Environment (1990)

PAPER IV – ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

OBJECTIVES

- To study the historic development of international environmental law.
- To identify and describe basic principles and rules of international environmental law.
- To provide students an outline of the international legal system.

OUTCOMES

This course enables students:

- To consider the role of concept of sustainable development and its impact on international environmental law.
- To assess the adequacy of the international legal system.
- To address substantive issues relating to regional and global environmental issues.

Module – I (1 Credit)

1. Environmental Federalism and International Order:

Unitary approach
Decentralised approach

2. Sustainable Development.

3. International Concern for Environment Protection:

World environment movement
Natural and cultural heritage Role of
international and regional organizations

Module – II (1 Credit)

4. International Obligations towards Sustainable Development:

International financing policy
World environment fund
Global Environment Facility (GEF)
International Co-operation
Poverty alleviation

Module – III (1 Credit)

5. Marine Environment:

Marine resources : conservation and exploitation
Scientific research and exploration
Antarctic environment
International Seabed Authority
Pollution from ships
Dumping of oil and other wastes into the sea

Module – IV (1 Credit)

6. Trans-boundary Pollution Hazards:

Oil pollution
Nuclear fallouts and accidents
Acid rain
Chemical Pollution
Greenhouse effect

Depletion of ozone layer
Space pollution

7. Control of Multinational Corporations and Containment of Environmental Hazards:

Problems of liability and control mechanisms
Disaster management at international level
Monopoly of biotechnology by MNCs

8. Disposal and Dumping of Hazardous Wastes: Transnational Problems and Control with special reference to Basel Convention of 1989:

References :—

- British Institute of International and Comparative Law. Common Boundary / Common Problems : The Environmental Consequences of Energy Production (1982).
- Competing Norms in the Law of Marine Environmental Protection (1997), Kluwer, Henrick Ringbom (ed).
- Control of Multinational Corporations and Containment of Environmental Hazards, Global Commons 15 AM.U.INT'LL.Rev.5 (1999).
- Developments in Nuclear Energy Law (1999), Kluwer
- Environmental Regulation of Oil and Gas (1998), Kluwer.
- Environmental Protection: Text and Materials (1997), Butterworths Nathali L.T.J. Horbach,
- Contemporary, Sir Elworthy and Jane Holder
- Environmental Justice and Market Mechanism (1999) Kluwer, Claus Bosselmann and Benjamin J.Richardson,
- Elephants, Donkeys and other creatures? Presidential Election Cycles and International Law of the, J.M. Spector,
- International Toxic Risk Management (1999), Cambridge, Cambridge Aynsley Kellor,
- Indian Law Institute, Legal Control of Environmental Pollution (1980), Zhiguo Gao,
- Protecting the Polar Marine Environment (2000), Dovor Vidas,
- New Technologies and Law of Marine Environment (2000) Kluwer, Jean-Pierre Beurier,
- Priya Kanjan Trivedi, International Environmental Laws (1996), A.P.H. Publishing Corporation, New Delhi.
- Richard L. Reverszet.al.(eds) Environmental Law, the Economy and Sustainable Development (2000), Cambridge.
- Selected Documents on International Environmental Law(1975). London. Standing Committee on Environmental Law American Bar Association.
- Varshney, C.K.(ed.) Water Pollution and Management (1983) Wiley Eastern, New Delhi.
- World Commission on Environment and Development, Our Common Future (1987), Oxford.

PAPER V - BIOLOGICAL DIVERSITY AND LEGAL ORDER

OBJECTIVES

- To understand the functioning of the domestic legal instruments in preserving Biological diversity.
- To critically study the cases relating to the preservation of Biological diversity.
- To develop legal research on achieving sustainable development.

OUTCOME

This course enables students:

- To understand the functioning of the domestic legal instruments in preserving Biological Diversity.
- To gain an appreciation of the stake holders in achieving and engaging with the legal instruments.
- To formulate various policies with the parameters of Global Environmental Concerns.

Module – I (1 Credit)

1. Biodiversity:

Meaning

Need for protection of biodiversity

Dependence of human life on the existence in flora and fauna

Significance of wild life

Medicinal plants

Plants and micro-organisms

Module – II (1 Credit)

2. Biodiversity and Legal Regulation:

Biodiversity Act

Utilization of flora and fauna for bio-medical purposes

Experimentation on animals: Legal and ethical issues

Genetic mutation of seeds and micro-organisms

Genetic engineering

Legal mechanisms of control

Recognition of regional and local agencies

3. Development Projects and Destruction of Biodiversity : Concept of Sustainable Development

Module – III (1 Credit)

4. Problems in Legal Regulation of Medicinal Plants:

Cosmetic plants

Animal products

Utilization of flora and fauna for bio-medical purposes by multinational corporations: Problems and Control Regulation of trade in wild-life products

Module – IV (1 Credit)

5. Legal framework for Development and Protection of Sanctuaries:

Parks

Zoos

Biosphere resources

Protection of genetic resources for agriculture

References: —

P.N. Bhat, —Conservation of Animal Genetic Resources in India – Animal Genetic Resources, Conservation and Management FAO, Rome, (1981). P.N. Bhat, et.al., Animal Genetic Resources in India (1981).

Arjun Prasad Nagore, Biological Diversity and International Environmental Law (1996) A.P.H. Publishing Corporation, New Delhi.

Project Large, Plant Variety Protection and Plant Biotechnology-Options for India (1999)Allied.

M.S. Swaminathan, Genetic Conservation: Microbes to Man, Presidential Address at XV International Congress of Genetics, New Delhi, India, December 12-21, 1983

K.L. Mehta and R.L. Arora, Plant Genetic Resources of India; their Diversity and Conservation (1982), National Bureau of Plant Genetic Resources, New Delhi.

Wild Genetic Resources, Earthscan Press Briefing Document No.33, Earthscan, London (1982)

PAPER VI—ENVIRONMENTAL LEGISLATIONS

OBJECTIVE

- To give an in-depth knowledge of the general laws on environmental concerns.
- To provide a comparative analysis of the various National and International Laws.
- To critically analyze the various judgments of the Supreme Court and the National Green Tribunal for development of a legal mechanism for Sustainable Development.

OUTCOME

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

- Understand the fundamental concepts of Environmental Laws and carry out research in the field.
- Effectively engage with various institutions dealing with environmental issues.
- Have a deeper understanding of ethical, social, moral and political content of environmental concerns.

Module – I (1 Credit)

1. General Laws on Environmental Concern:

Code of Criminal Procedure : Public nuisance
Provisions in the Indian Penal code
Local bodies law : an overview

Module – II (1 Credit)

2. Environment (Protection) Act, 1986: Environment (Protection) Act, 1986

‘Necessary and proper’ clause : concentration of power in the Central Government
Delegated legislation: power to make rules, regulations and to issue directions
Delegation of powers

Module – III (1 Credit) 3.

Coastal Zone Management:

Sea erosion
CRZ Notification
Prohibitions and exemptions Permissible activities
Classification of zones
Regulation of sea resorts
Eco-tourism
Coastal zone management plans
Aquaculture

4. Laws on Hazardous Substances

Module – IV (1 Credit)

5. Preparedness for Environmental Disasters

6. Emerging Legal Controls: Eco-mark Environmental audit

Environment Impact Assessment
Public participation in environmental decision making
Environment Information

References :—

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

David Hughes, Environmental Law (1999), Butterworths, London Armin Rozencranz, et.al.(eds.), Environmental Policy and Law in India (2000), Oxford.

Findley, R.W. and Farber, D.A., Environmental Law

Indian Law Institute, Environment Protection Act : An Agenda for Implementation (1987)

Indian Journal of Public Administration, Special Number on Environment and Administration, July-September 1988, Vol..XXXV, No.3.

Leelakrishnan, P. et.al. (eds), Law and Environment, (1990), Eastern, Lucknow

The Environmental Law in India (1999), Butterworths, India

SEMESTER IV - (4 credits)

The Fourth Semester shall be of :

- Dissertation of 80 marks and Viva-voce of 20 marks (4 credits).
- For the balance 100 marks, the students would have the choice to select the topic for their project from the topics listed in the syllabus of the group opted, which will have interdisciplinary approach. Out of 100 marks (4 credits), 50 marks (2 Credits) would be for the project and 50 marks (2 credits) for Viva- voce.

Components of Choice Based Credit System :

1. Environment & Constitutional Perspectives
2. Environment Protection & Role of Media
3. Global Warming & Environment Protection
4. Environmental Legislation & Corporate Social Responsibility
5. Environmental Pollution & Civil Liability
6. Environmental Legislations & Intellectual Property Rights
7. Criminal Jurisprudence & Environment Safeguards
8. Environment Protection & Disaster Management

References :—

Leelakrishnan P, The Environmental Law in India (1999) D.D. Basu, Human Rights in Indian Constitutional Law, (1994).

Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report)

Environment Law Journals and Reports.

Intellectual Property (1999 edition) by W. R. Cornish (Sweet & Maxwell)
 Indian Law Institute, Environment Protection Act : An Agenda for
 Implementation (1987)

Indian Journal of Public Administration, Special Number on Environment and
 Administration, July-September 1988, Vol.XXXV, No.3.

Kailash Thakur, Environmental Protection Law and Policy in India (1997), Deep
 & Deep publications, New Delhi.

FEES

FEES STRUCTURE ONLY FOR THE YEAR 2022-2023

The details of the fees for the LL.M. Degree programme for the academic year
 2022-2023 are as follows :—

LL.M. Degree programme	First & Second Semester Rs. P.	Third & Fourth Semester Rs. P.
Tuition Fees	3000.00*	3000.00
Library Fees including Smart Card Fee	1080.00	1080.00
P.G. Registration Fees	825.00	
Gymkhana Fees	125.00	125.00
Caution Money	10.00	
Sports & Cultural Activities	84.00	10.00
National Service Scheme		
Ekak Yojana	10.00	
E Suvidha Fee	50.00	
University Student Welfare Fund	6.00	
Disaster Relief Fund	10.00	10.00
Students Group Insurance	40.00	40.00
Vice Chancellor's Fund Contribution	20.00	
Prospectus	100.00	
E-Charge	10.00	20.00

University Sports

Contribution 00.00

Total	5370.00	4285.00
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*** Foreign students are required to pay Rs. 15,000/- as tuition fees for LL.M. degree course.**

@ Applicable only in the first year.

Transfer/Migration Certificate:

Candidates of this University are required to produce a Transfer Certificate from the Institution last attended and graduates of other Universities are required to produce a certificate of eligibility from the Registrar of this University before they can be admitted to the Department. Students of other Universities who are admitted in the Department on the strength of provisional eligibility certificate must invariably submit before the end of the first term, the Migration and other necessary certificates for confirming their admission. Particulars in this regard can be obtained from the Office of the Department. The candidates admitted from other than Mumbai University are required to pay fee for Procedural Document Verification for confirmation of validity of Statement of Marks and other Certificate so their previous University and confirmation of Eligibility to their LL.M. Course.

Government of India Post-Metric Scholarship to Backward Class Students :

The scheme of Grant of Government of India Scholarships to the Backward Class students (S.C/S.T/D.T./ N.T/ V.J.N.T/OBC and S.Ts outside Specified Area in Vidarbha) for post-S.S.C. courses is implemented by the Director of Social Welfare, M.S., Poona. All the Backward Class students undertaking approved post-S.S.C. courses are considered eligible for the Government of India Scholarship with the following exceptions:—

1. The students switching over to another professional line after completing professional course in one line viz. LL.B. after B.T / B.Ed. or B.F. will not be eligible.
2. The student failing in the term/annual examination are not considered eligible for the Scholarship. One failure is, however, condoned in respect of the Scheduled Caste and Scheduled Tribes students pursuing Medical and Engineering courses.
3. Book bank scheme for the Backward class students who are entitled for scholarship are available in the Department.
4. Students belonging to Scheduled Caste including Nav Buddhist,

Scheduled Tribes, DT and NT categories, who are not eligible under EBC Scheme as per Govt. letter No. Shikshan / Bhasashi/2/191 ka-11 Samaj Kalyan Sanchalanalaya Maharashtra Rajya, Pune dated 18th February 1991 are required to pay only admission and registration fees at the time of admission.

Value of Scholarships :

The Government of India Scholarship includes maintenance charges, fees and expenses on approved student tours in respect of professional courses and typing/printing of thesis of the research scholar. The maintenance charges payable to the students are given in detail in Rule V of the Government of India Regulations. The rate of maintenance charges varies according to the educational courses a student would like to select.

The Government of India Scholarship to the Scheduled Tribe students is granted irrespective of the income while the Government of India Scholarship to the S.Cs., N.T. and V.J.N.Ts. students is granted on the basis of income. No Scholarship is granted in the following cases:—

1. If the income of the parents/guardians from all sources exceeds Rs. 1,00,000/- p.a. for OBC, VJNT.
2. If the income of the parents/guardians from all sources exceeds Rs. 2,00,000/- p.a. for SC, ST.
3. If the student is the third child of same parents/guardians receiving post-metric education.
4. Students in full-time employment.
5. Repeater except in case of Medical and Engineering Courses.
6. For same Stages of education.
7. From one professional course to another professional course.
8. Students has to pay the full course fee:
 - (i) if fails to submit scholarship / Freeship form online and submit a copy of the same to the Department of Law in given time.
 - (ii) if the form is rejected by the office of the Department of Social Welfare, Govt. of Maharashtra
9. Students from other than Maharashtra State will not be eligible for the Scholarship / Freeship awarded by the Department of Social Welfare, Govt. of Maharashtra

The students who are eligible for Government of India Scholarship will not be required to pay fees which are of compulsory nature.

Procedure for Submission of Form for GOI Scholarship :

All Backward Class students and the students coming under the Lower Income Group should apply for the Government of India Scholarships in the prescribed form through their respective colleges in the month of June. The application forms will be made available to them at the time of their admission. All the students should be vigilant enough to fill in the form complete in all respects as any omission or incorrect/ false information is apt to disqualify them for the above scholarship. The students having a gap in their education should invariably file a Court affidavit declaring as to what they were doing during the intervening period.

The students who were in receipt of Government of India Scholarships last year have to apply for renewal of the same in the prescribed form. The students reading in B.A. Part I, B.Sc. Part I, M.A. Part I, M.Ed. Part I, B.Ed. Part I, First Year Engineering etc. will be treated as fresh candidates for the purposes of scholarship and as such they are required to apply for scholarship in the prescribed form.

N.B.:—Students are required to submit all the documents required for Scholarship/Freeship within one month from the date of admission to their course failing which their applications for Scholarship/Freeship will be rejected without intimation.

LIBRARY :

Special care always taken for building up a good library and therefore sustained efforts are made for updating and maintaining the existing library facilities which cater to a large number of members of legal community of the University of Mumbai.

Two libraries are maintained by the University :—

1. Jawaharlal Nehru Library, Vidyanagari Campus and
2. University Library, Fort Campus

Application forms for Reader's Ticket are available in both the libraries. This application has to be submitted through the Department of Law with counter signature of the Head of the Department.

Students should familiarize themselves with the University library rules governing the following:

1. Reading facilities in the library;
2. Lending of books; and
3. Special facility to research students

All information regarding the library may be obtained from the Librarian, University of Mumbai.

The University Library contains extensive collection of comparative legal materials. The following are some of the rules :—

1. Readers, including the students of the Department are required to obtain a Reader's Ticket, which can be had by filling in the prescribed form. A Reader's Ticket is necessary for getting a book in the Library.
2. A reader will be required to submit the Reader's Ticket to the Library on each occasion that he wants to take out a book for study or reference. The book must be returned on the same day ten minutes before the Library closes. The Ticket will be returned when the book is returned. Failure to return the book on the same day may entail forfeiture of the Reader's Ticket.
3. Writing or making any marks in books or damaging them in any manner is strictly prohibited. Smoking and conversation are strictly prohibited on the Library premises.
4. Books required for study in the Research Students' Room will be issued to *bona-fide* research students of the Department only on the recommendation of the teacher under whom the student is working.
5. While borrowing one or more books the students shall make the necessary entries in the issue card in a legible hand.
6. Books issued as above shall be returned within one week from the date of issue thereof. While returning each book the students shall obtain the signature of the Library Assistant in accordance with the procedure laid down in this behalf. The issue of any book may be renewed at the end of the week, if not in demanded by other readers.

7. Books issued from the Library must be kept in the locker or table provided for the purpose; they shall in no case be removed outside the premises of the Library; Any infringement of this rule may entail the forfeiture of the facilities offered in the behalf.
8. Failure to return books in time or infringement of any rules in any manner may entail withdrawal of the facilities and forfeiture of deposit of caution money. 9. Facility of Lending Section is available as per library rules.

HOSTEL ACCOMMODATION

Seats - Boys-25, Girls-07

The University maintain hostel for the students of the University Departments. The Department is allocated some seats in the University Hostel.

Students seeking admission to the Hostel are required to fill in the prescribed application form which must be submitted to the Department Office before the last date notified in this regard.

Application forms may be obtained from the Office of the University Hostel. The allocation of seats in the Hostel will be notified on the Department notice-board. The Warden does not undertake to correspond about the allocation of seats or discuss the same with the applicant.

The Boys' Hostel is situated near Churchgate Station and is within a kilometre from the University. The postal address of the Hostel is :—

Jagannath Shankarseth Hall, Mumbai University Hostel, 20, B, Road, Churchgate, Mumbai—400020.

The girls' hostels are situated in the following locations:-

Madame Cama Girls' Hostel, 179 behind LIC, Churchgate Mumbai 20 (5 Seats)

Savitribai Phule Girls' Hostel Vidyanagari, Kalina, Mumbai -400 098

(2 Seats)

Hostel accommodation for foreign students is provided in the International Students' House, C Road, Churchgate, Mumbai – 400 020.

DISCIPLINE

- (a) All students are bound to obey the rules in force relating to maintenance of discipline and proper conduct among the students of the University.
 - (b) The general control of all premises occupied by the Departments is vested in the University. Regular uses of the premises is confined to the staff and the students. Person introducing visitors to the premises of the Department will be held responsible for their conduct.
 - (c) The premises of the Department should not, without permission from the University, be used for the sale or organised distribution of books/papers or other materials or for the making of collections for charitable or other purposes or for organising agitation of any kind.
-

All correspondence should be addressed to:

Department of Law, Room No.126, Fort
University of Mumbai, Mumbai
– 400 032.

Website : www.mu.ac.in

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