

UNIVERSITY OF MUMBAI



DEPARTMENT OF LAW

**HANDBOOK OF
INFORMATION
LL.M.**

2024-2025

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 ॥

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

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

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

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

Dr. 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 Abhay Oka, Judge, Supreme Court of India

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 Dr. Pratibha Upasani, Former Judge, Bombay High Court

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

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 1.00 p.m. to 6.00 p.m. on week days.

Academic Terms: 2024-2025

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 2024 to 24th December, 2024 Both days inclusive

Second term — 1st January, 2025 to 21st May, 2025 Both days inclusive

- 1) Ganpati Vacation **7th September to 11th September 2024**
- 2) Diwali Vacation from **26th October to 10th November, 2024** (both days inclusive)
- 3) Winter Vacation Break from **25th December 2024 to 31st December 2024** (Both days inclusive)
- 4) Summer Vacation from **22nd May, 2025 to 30th June, 2025** (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 100 marks (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 (1 Credit)

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), Publisher: Universal Law Publishing, ISBN: 9788131252529, 8131252523, Edition: Twelfth Edition, 2017

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 Stone, 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 Dunnean and Richard Crimes, Clinical legal Education: Activelearning 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. Havard 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. Gradeand Paul K. Hatt, Method sin Social Research, McGraw-Hill Book Company, London.

**OPTIONAL GROUPS GROUP-I – CONSTITUTIONAL AND
ADMINISTRATIVE LAW**

According to Hugo Grotious —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, 11 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 and Public Order
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)

National Security, Public Orders and Rule of Law:
Emergency Detention in England
Civil Liberties - Subjective satisfaction or objective assessment?
Pre-Independence law

Preventive Detention and Indian Constitution

Article 22 of the Constitution

Preventive Detention and Safeguards Declaration of Emergencies in 1962 and 1971

National Emergency in 1975

Module – II Exceptional Legislation: (1 Credit)

COFEPOSA and other legislation to curb economic offences.

Special Legislations for Combating Terrorism in India

Due process and special legislation

Civil Liberties and Emergency:

(i). Article 19

(ii). Meaning of Security of State

(iii). Meaning of Public Order

(iv). Suspension of Article 19: Rights on declaration of emergency – Article 358 President 's Right to suspend right to move any court

(v). Article 21 – special importance- its non-suspendability - 44th Amendment

Module – III Access to Courts and Emergency: (1 Credit)

Article 359: Ups and downs of judicial review Constitution (Forty-fourth), Amendment Act, 1978 Constitution (Fifty-ninth) Amendment Act, 1988

Martial Law: Provisions in English Law Provisions in the Indian Constitution

Module – IV - Human Rights in India: (1 Credit)

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)

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 Law, 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.

Jenning 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) 1.1. Administrative Process:

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

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

Constitutional
standards
Comparative aspects

Module – II (1 Credit)

2. Rule of Law:

Changing dimensions
Regulation of administrative process

3. Separation of Powers: From Rigidity to Flexibility.

Module – III (1 Credit)

4. Delegated Legislation: Problems, Process and Control.

5. 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. Remedie:

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),
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.

(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 Globalizingworld
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 Rightto Development under the Constitution
8. Right of Indigenous Persons & Sustainable Development –Constitutional Perspective

REFERENCE BOOKS: —

Cambridge University Press: Comparative Constitutional Law & Policy. JohnHatchard, 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 lawPub. 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;

GROUP-II BUSINESS LAW

PAPER I – Fundamental Principles of Law of Contract and Allied Laws [4 Credits]

Objectives

- To equip the learners with the knowledge of the foundation theories of contract
- To understand and evaluate the emerging trends in distinctive contracts.
- To analyse the legal provisions through case laws and the related reference material.

Outcomes:

- The learners will be equipped with the philosophical content and foundation theories of the law of contract.
- The learners will be equipped will be enabled to apply and execute their professional skills in the formulation of contracts
- The learners will be equipped with the sound knowledge towards the functionality of distinctive contracts.

Module – I

1. Introduction to Law of Contract (01 Credit)

Foundation theories of Contract
Proposal and Acceptance
Consideration
Capacity of Parties to Enter into Contract
Consent

Module -II

2. Types of Contracts (01 credits)

Standard form of contracts
E-contracts
Government contracts
Quasi Contracts
Specific Contracts
(i) Indemnity and Guarantee Contracts
(ii) Bailment and Pledge
(iii) Agency

Module – III

3. Performance & Discharge of Contract- (01 credit)

Tender of Performance
Modes of discharge

Discharge by performance
Discharge by agreement
Discharge by frustration
Discharge by breach
Remedies for Breach of Contract
(i). Damages
(ii) Specific performance & Injunction
(iii). Restitution

Module- IV

4. Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.

Definition and Meaning of Arbitration

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

Composition of the Arbitral Tribunal / Appointment of Arbitrators

Disqualification / Removal of arbitrators 4.6.Termination of Authority of Arbitrator

Jurisdiction of Arbitral Tribunal

Conduct of Arbitral Proceedings Making of 4.9. Arbitral Award.

Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award

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

(i) Conciliation and Mediation

(ii) Commercial Arbitration

References:

1. Anson's Law of Contract, By Sir William Reynell Anson, J. Beatson, Andrew S. Burrows, John Cartwright 21ST Edition, Oxford University Press.
2. Cheshire, Fifoot, and Furmston's Law of Contract, Seventeenth Edition, OXFORD PUBLICATION, ISBN: 9780198747383
3. H K Saharay, Dutt on Contract, The Indian Contract Act, 1872 11th Reprint Edition, Eastern Law House Pvt. Ltd. ISBN: 4. 9788171773428
4. Avtar Singh's Law of Contract & Specific Relief by Rajesh Kapoor latest 2022 13th edition Paperback – 1 January 2022
5. Bansal A.K. — Law of International Commercial Arbitration. Justice Bachawat's Law of Arbitration and Conciliation.
6. Kwatra G.K. —The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.
7. Law of Arbitration and Conciliation—Dr. Avtar Singh
8. 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.

Module II (1 Credit)

2. Trade in Goods:

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

- The equip the learners with various provisions of the Companies Act 2013, dealing with the structure, management, administration, and conduct of affairs of Companies.
- To develop the legal knowledge of the students as well as their intellectual, analytical and practical skills,
- To enable students for critically evaluating the contemporary

evolving challenges and legislative perspectives for resolving into the same.

Outcome

- To explore & apply the legal knowledge of their specialization in Corporate Law
- To provide a platform for the students to become academicians and lifelong learners.
- To pursue professional ethics and legal research in the realm of corporate law.

Module -1 Incorporation and Management (01 Credit)

Theories of Corporate Personality
Registration and Incorporation of a Company
Memorandum of Association and Articles of Association
Types of Company
Prospectus and Types of Prospectuses
Role of Promoters in Incorporation of Companies
Appointment and removal of Directors
Types of Directors and Rights Duties, Liabilities of the Directors.
Types of Meetings

- (i) Procedure of calling meeting
- (ii) Company's resolutions and kinds of resolutions

Module - II Oppression & Mismanagement and Investigation

Prevention of Oppression and Mismanagement
Role & Powers of the Company Law Tribunal
Role & Powers of Central Government
Serious Fraud Investigation Office

Module: III Corporate Finance:

Meaning, importance and scope of Corporate Finance
Share Capital, Kinds of Shares, Shareholders, allotment of Shares.
Audit, Accounts and Dividends: Debentures – Nature, and Types of Debentures
Transfer and transmission of securities
Role of Securities and Exchange Board of India (SEBI)
(i). Protection and Rights of Creditors
(ii). Protection of Investors

(iii). Rights of Shareholders and Members

Module - IV: Corporate Liquidation

Nature and Concept of Contributories

Mode of winding up of the companies

(i). Compulsory Winding up under the Order of the Tribunal

(ii). Voluntary winding up

(iii). Payment of liabilities

Corporate Insolvency Resolution Procedure under Insolvency and Bankruptcy, Code 2016

References:

1. Saleem Sheikh & William Rees, Corporate Governance & Corporate Control, Cavendish Publishing Ltd., 1995
2. Taxmann, Companies Act 2013
3. Taxmann, A Comparative Study of Companies Act 2013 and Companies Act 1956
4. Charles Wild & Stuart Weinstein Smith and Keenan, Company Law, Pearson Longman, 2009
5. Institute of Company Secretaries of India, Companies Act 2013, CCH Wolter Kluwer Business, 2013
3. Lexis Nexis, Corporate Laws 2013 (Palmtop Edition)
6. C.A. Kamal Garg, Bharat's Corporate and Allied Laws, 2013,
7. Company Law – Dr. Avtar Singh Companies Act and Laws relating to SEBI, depositories, Industrial Financing Gower – The Principles of Modern Company Law
8. Lexis Nexis's Guide To The Companies Act By A Ramaiya, 19Th Edition November 2020 (6 Volumes Box 1) Hardcover – 10 November 2020 by RAMAIYA (Author) Derek French Published in Print: 15 March 2021 Published Online: September 2021

**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 Medici claim, 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) Chalmers 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

reorganizationSuspension 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 Kosteci, 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 – Wadhwa
 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

Module 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
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

Module – 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 Wadhera
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

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) PeterDrahos: A Philosophy of Intellectual Property, 1996
Commons J.R.: International Economics,1934 5. Narayan: Intellectual
Property rights, 2007Ram Jethmalani D S Chopra, Cases and Materials on
Media Law: A Book onIndian 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 theConcepts, 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 - Jurisprudence

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 and H. Collins (ED) - Rights of Man (1791/2) Harmondsworth

Penguin 1969. Rama Jois, Human Rights: Bharatiya Values, (1998)

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

D. Kulshreshtha, Landmarks in the Indian Legal and 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 Pennsylvania, 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 Sehgal, 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.
- Iyer Krishna V.R. - Human Rights and Inhuman Wrongs, 1993 Iyer Krishna 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, Doreen 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 develop
- ents 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 referenceto 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, Account ability and Development-Indian Journal ofInternational Law(1978)

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

Justice Hosbet Suresh, —All Human Rights are Fundamental Rightsl- UniversalLaw 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 Delhi1993

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 analyzejudicial 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 JusNecessitas

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 Criminal Law: General Principles of 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)

14th and 41st Report of Indian Law Commission

PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

Group – V Criminal Law and Criminal Administration Paper – II Penal Laws (04 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 Cybercrime 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 Bhartiya Nyaya Sanhita 2023

Offences Against the State
Offences Relating to Elections
Offences Relating to Religion.

Offences Affecting the Public Health, Safety, Convenience,
Decency and Morals

Reforms in Bhartiya Nyaya Sanhita 2023

Module-II (1 Credit)

The Maharashtra Control of Organized Crime Act, 1999

Provisions of the Unlawful Activities (Prevention) Act, 1967

Module – III (1 Credit)

Objectives and Features of The Information Technology Act
2000

Cyber Crimes under Information Technology Act

Module-IV (1 Credit)

The Juvenile Justice (Care and Protection of Children) Act,
2015:

The Basic Concepts

Determining Factors of Juvenile Delinquency
Legislative Approaches - Indian Context

Role of Juvenile Justice Board and Child Welfare Commission

Judicial Contribution
Implementation Preventive Strategies

References :—

Ratanlal & Dhirajlal, Bharat's Law of Crimes (in 3 Volumes) by—
29th Edition 2023, Bharat Law House

Smith & Hogan – Criminal Law

Taxmann's All About New Criminal Laws | BNS | BNSS | BSA –
Dictionary-style Alphabetical Handbook to Simplify the Complexities
of India's New Criminal Laws Paperback – 15 January 2024

M L Singhal, Commentary on Juvenile Justice (Care and Protection of
Children) Act 2015, Edition: 1st Edition, 2024, Vinod Publication Pvt

Limited.

S Abdul Khader Kunju, Commentaries on The Unlawful Activities (Prevention) Act, 1967, Edition: 2nd Edition 2020, Reprinted 2022, Asia Law House

Pritha Dave The Maharashtra Control of Organized Crime Act, 1999 & Rules, 1999 (MCOCA) ISBN – 9788119637744, Snowwhite Publication.

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 – CulturalPhysical Economic Psychological

Mass Media & Crime

Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

Notion of Privileged Class

DevianceWhite Collar Crimes

Official DeviancePolice 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 orderForce-monopoly of modern law

Freedom of speech and incitement to violence

Collective political violence’ and legal orderNotion 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 monopolyover 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 Centuriesin 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 ArwalMassacre

Module - III (1 Credit)

4. Violence against the Weaker Sections:

Notion of Atrocities Incidence of Atrocities

Uses of Criminal Law to combat Atrocities or containaftermath of Atrocities Violence Against

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-American 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 LawReform Proposals

Module – III (1 Credit) 3.

Approachesto Sentencing:

Alternatives to Imprisonment

Probation Corrective labour

Fines

Collective fines

Juvenile Institutions

RehabilitativeProgrammes

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 Behaviour 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
Automat
Breathalyzer
Traffic 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 SustainableDevelopment, (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 Scienceand Environment, New Delhi.

Indian Journal of Public administration, Special Number on Environment andAdministration. July-September, 1988 Vol. XXXV, No.3 pp 353-801.

Environment Concerns and Strategies (1988). Ashish, Delhi, Khosho. Centre forScience and Environment.

The State of India's Environment 1982.The State of India's

Environment1984- 85and 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)

2. Land:

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

Module – III (1 Credit)

3. 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)

4. 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 Llg 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 Rozencranz, 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 andAdministration. 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,
 NewDelhi 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
The water (Prevention and Control of Pollution) Act, 1974
Pollution of Water:
Definition
Ground water pollution Sources
Critique of existing laws
Powers and Functions of Boards (Chapter IV)
Offences and penalties

2. Pollution of Air:

The Air (Prevention and Control of Pollution) act 1981
Pollutants and effects Modalities of Control
Conflicts of jurisdiction of different control agencies.
Critique of the existing legal framework

Module – II (1 Credit)

The Noise Pollution (Regulation and Control) Rules, 2000

Causes
Effects
Legislative Provisions
Statutory Provisions
Judicial Trend
Remedies
Wildlife Protection Act, 2002 Objectives of the Act

Module – III (1 Credit)

Disposal of Waste:
Kinds of wastes
Disposal agencies: local bodies and other agencies
Treatment,
Disposal and recycling of wastes

Module – IV (1 Credit)

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
- Green house 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. Reverset.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 multi-national 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:

Bharatiya Nagarik Suraksha Sanhita : Public nuisance
Provisions in the Bharatiya Nyaya Sanhita, 2023,
Local bodies law : An overview

Module – II (1 Credit)

2. 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 2024-2025

The details of the fees for the LL.M. Degree programme for the academic year 2024-2025 are as follows :—

First & Second Semester

Fees Structure (General Category Students)		
Sr. No.	Fee Component	Amount (Rs.)
1	Tuition Fees	3000.00
2	Library Fee	1000.00
3	Gymkhana Fees	200.00
4	Other fees / extra curricular activity	250.00
5	P.G. Registration Fees (Including Registration Form Fee Rs.25/-)	1025.00
6	Utility Fee	250.00
7	Magazine Fee	100.00
8	Development Fee	800.00
9	Computer & Internet Fee	500.00
10	University Sports and Cultural Activity (Annual State Level Contribution*)	36.00
11	E-Charge	20.00
12	National Service Scheme : Ekak Yojana	10.00
13	Marksheet	50.00
14	Sport Contribution	60.00
15	Disaster Relief Fund	10.00
16	Admission Processing Fee	200.00
17	I Card and Library Card	80.00
18	**Group Insurance (Yuva Raksha Student Life/Accidental Insurance Yojana)	20.00
19	Student Development Fund	50.00
20	VC Fund	20.00
21	Alumni Association Fees	25.00
22	E-suvidha	50.00
23	Caution Money	150.00
24	Library Deposit	250.00
25	Admission Form Fee	100.00
26	Entrepreneurship Development Cell Activity Fees	10.00
27	Examination Fees (Sem I)	1701.00
28	Examination Fees (Sem II)	1786.00
Total Fee Amount		11,753.00

Third & Fourth Semester

Fees Structure (General Category Students)

Sr. No.	Fee Component	Amount (Rs.)
1	Tuition Fees	3000.00
2	Library Fee	1000.00
3	Gymkhana Fees	200.00
4	Other fees / extra curricular activity	250.00
5	P.G. Registration Fees (Including Registration Form Fee Rs.25/-)	-
6	Utility Fee	250.00
7	Magazine Fee	100.00
8	Development Fee	800.00
9	Computer & Internet Fee	500.00
10	University Sports and Cultural Activity (Annual State Level Contribution*)	36.00
11	E-Charge	20.00
12	National Service Scheme : Ekak Yojana	10.00
13	Convocation Fee	250.00
14	Marksheet	50.00
15	Sport Contribution	60.00
16	Disaster Relief Fund	10.00
16	Admission Processing Fee	200.00
17	I Card and Library Card	80.00
18	**Group Insurance (Yuva Raksha Student Life/Accidental Insurance Yojana)	20.00
19	Student Development Fund	50.00
20	VC Fund	20.00
21	Alumni Association Fees	25.00
22	E-suvidha	50.00
25	Admission Form Fee	100.00
26	Entrepreneurship Development Cell Activity Fees	10.00
27	Examination Fees (Sem III)	1701.00
28	Examination Fees (Sem IV)	1786.00
Total Fee Amount		10578.00

*** For the foreign students' fees will be charged 5 times of the Total fees and for Hostel Fees**

*** Foreign students are required to pay Rs. 50,000/- as tuition fees for LL.M. degree course.**

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

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. Availability of seats for hostel accommodation is available at the University of Mumbai's Website.

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.
-

All correspondence should be addressed to:

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

Website : www.mu.ac.in

Email ID : lawmuoffice@gmail.com

Dr. Rajeshri N Varhadi,
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Kalina Campus,
Santacruz