

PANJAB UNIVERSITY, CHANDIGARH-160014 (INDIA)

(Estd. under the Panjab University Act VII of 1947-enacted by the Govt. of India)



FACULTY OF LAW

**SYLLABUS
FOR**

**Master of Laws - Two Year Course at UILS
(1st to 4th Semesters)
Session 2020-21**

MASTER OF LAWS- TWO YEAR (4 SEMESTER) DEGREE COURSE

LIST OF PAPERS (2020-2021)

SEMESTER I

S.No	Subjects	Paper No.
1	Jurisprudence and Global Justice	I
2	International Law and Human Rights	II
3	Legal Education and Research Methodology	III
4	Methods of Legislation and Interpretation of Statutes	IV
5	Term Paper	

SEMESTER II

S.No	Subjects	Paper No.
1	Law and Social Transformation	V
2	Constitutional Law and New Challenges	VI
3	General Principles of Criminal Law and Forensic Studies	VII
4	Family Law	VIII

SEMESTER III

CHOOSE ANY ONE OF THE FOLLOWING GROUPS

GROUP-I CONSTITUTIONAL AND ENVIRONMENT LAW

S.No	Subjects	Paper No.
1	Administrative Law	IX
2	Service Law	X
3	Environmental Protection Law- I	XI
4	Environmental Protection Law- II	XII

GROUP-II CRIMINAL & CORPORATE LAW

S.No	Subjects	Paper No.
1	Criminology, Penology and Victimology	XIII
2	Economic and Social Offences	XIV
3	Corporate Governance and Corporate Social Responsibility	XV
4	Banking and Insurance Law	XVI

SEMESTER IV

CHOOSE ANY ONE OF THE FOLLOWING GROUPS

GROUP-I CONSTITUTIONAL AND ENVIRONMENT LAW

S.No	Subjects	Paper No.
1	Comparative Public Law	XVII
2	Environmental Law and Policy	XVIII

GROUP-II CRIMINAL AND CORPORATE LAW

S.No	Subjects	Paper No.
1	Corporate Crimes and White Collar Crimes	XIX
2	International Trade Law	XX
3	Dissertation & Viva-Voce	

SCHEME OF EXAMINATIONS:

The scheme of examination of papers of both the semesters (excluding dissertation) shall be as under:-

Maximum 100 marks will be5 allotted for each paper (except term paper and dissertation). These marks will be further divided into two parts i.e. theory examination (75 marks) and Seminar (25 marks).

THEORY EXAMINATION (75 MARKS):

For the theory examination the whole syllabus shall be divided into IV Units. Question paper will be divided into five units. Unit I will have one compulsory question of 25 marks, from Unit-I, II, III & IV of the syllabus, consisting of 5 parts (at least one part from each Unit) of 5 marks each. Unit II, III, IV and V of the question paper corresponding to the Unit-I to IV of the syllabus will have two questions each and the students will be required to attempt one question of 12 ½ marks each from each unit. The focus of the papers shall be to critically examine the academic/research aptitude of the LL.M. students.

INTERNAL ASSESSMENT:

SEMINAR (18 MARKS):

The Seminar will include a research paper of 2000 words excluding footnotes, (Font size 12- Times New Roman-Spacing 1 ½) and its presentation. The topic of the Seminar will be given by the concerned teacher in the class. The seminar and its presentation shall be evaluated by a Committee consisting of One Professor or Associate Professor and two concerned teachers

Research paper	09 marks
Presentation	09 marks
Mid Semester Test	07 marks

TERM PAPER: 50 (MARKS):

There will be Term Paper of 35-50 pages (font-12-Times New roman and spacing 1 ½) to be assigned by the concerned teacher/s in the class on the relevant subject. The term paper shall be evaluated by an external examiner. Three names of external examiners will be proposed by the concerned teacher/s and out of which one name will be recommended by the committee of all Professors of the Department to be approved by the DUI.

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
1ST SEMESTER**

**SUBJECT: JURISPRUDENCE AND GLOBAL JUSTICE
PAPER NO: I**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objectives:

To understand meaning and nature of Jurisprudence as the key to understanding spirit and philosophy of law

To make students aware about different schools of law and develop analytical skills among the students.

Understanding jurisprudence from a global perspective and challenges with respect to globalization.

A study of jurisprudence is fundamental in understanding law and how law develops.

Learning Outcomes:

Students will be able to understand that:

- Jurisprudence is the rationale behind development of any law.
- Discussion of concepts, schools and sources of law will develop analytical skills among the students in understanding the law.
- Students will be able to understand different schools of jurisprudence from Indian perspective.
- Students will be able to understand modern theories of jurisprudence.
- Students will be able to understand jurisprudence from an international perspective.

SECTION-A

Nature of Jurisprudence: Meaning of Jurisprudence, Relevance of Jurisprudence

Concept of 'Legal Theory' and 'Jurisprudence'.

Concept and Philosophy of Law:

The Definition of Law

The Evolution of Law: Primitive Law, Middle Law, Classical Law, Post-Classical Law

Case Studies:

Keshavananda Bharti v. Union of India AIR 1973

Bhanwarlal and ors. Vs. Rajasthan State Road Transport Corporation and ors. (1985)ILLJ111Raj

SECTION -B

Natural Law and its Re-emergence:

Philosophical Idealism of Ancient Era: Meaning and Origin- Greeks and Romans Philosophy

Medieval Era: Renaissance, And Reformation, Grotius and International Law, Philosophy of Social Contract.

Natural Law in Nineteenth and Twentieth Centuries

Modern Value Philosophies and Revival of Natural Law Theories

Indian Perspective of Natural Law School

Analytical Positivism:

Bentham's English Positivism: Utilitarian Approach of Law, Pleasure and Pain Principle in Legislation, Bentham on Codification and Law Reforms.

Austin's Theory of Law

The Pure Theory of Law

Modern Trends in Analytical Jurisprudence: Hart's Concept of Law

Indian Perspective of Analytical School

Case Studies:

Maneka Gandhi v Union of India AIR 1978 SC 597

A.K.Gopalan v. State of Madras, AIR 1950 SC 27

SECTION-C

Historical School of Thought:

The Romantic Reaction: Herder and Hegal

Savigny and Historical School in Germany

Law and Anthropology

Historical School in England, United States and India

Sociological Jurisprudence and Sociology of Law:

Comte and Sociology, Laissez Faire and Herbert Spencer, Jhering, Max Weber, Emile Durkheim, Eugen Ehrlich, Roscoe Pound.

Sociological Jurisprudence since Pound and Towards Sociology of Law

Indian Constitution and Sociological Jurisprudence

American and Scandinavian Jurisprudence

Concept of Morality and its Relationship with Law: Hart Fuller Controversy

Case Studies:

Bijoe Emmanuel & Ors v. State Of Kerala 1987 AIR 748

Shayara Bano v. Union of India AIR 2017 (9) SCALE 399

SECTION-D

Theories of Jurisprudence and Postmodernism
Critical Legal Studies Movement
Feminist Jurisprudence
Postmodernist Jurisprudence
Critical Race Theory

Globalisation: Meaning, Significance and Social, Political and Economic Dimensions, Concept and Theories of Global Justice

Impact of Globalisation and Central Challenges: Impact on Human Rights (Economic, social, cultural, civil & political); Impact on administration of justice (reforms in justice delivery system, concept of plea bargaining, justice to victims of crime, shift from adversarial system to accusatorial & inquisitorial system)

Case Studies:

Vishakha v. State of Rajasthan (1997) 6 SCC 241

Jadhav Case, India v Pakistan [2017] ICJ GL No 168

SUGGESTED READINGS:

- Amartya Sen, 'Idea of Justice' ·
Dhyani: Fundamentals of Jurisprudence and Jurisprudence and Legal Theory
- G.W. Paton: A Text Book of Jurisprudence
- Karl N Llewellyn: Jurisprudence Realism in Theory and Practice
- Lloyd's Introduction to Jurisprudence
- R.W.N. Dass: Jurisprudence 5th ed. Aditya Books Private Ltd. New Delhi, 1994
- W. Friedman: Legal Theory 5th ed. London Stevens & Sons 1967
- William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009)

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
1ST SEMESTER**

**SUBJECT: INTERNATIONAL LAW AND HUMAN RIGHTS
PAPER NO: II**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

SECTION-A

Concept and basis of International Law.
Codification of International Law.
Sources and subjects of International Law.
Relationship between International Law and Municipal Law.

SECTION-B

Territorial Sea: Territorial Waters, Contiguous Zone, Continental Shelf, EEZ.
Codification of the Law of the Sea under UN, Piracy and Developments after 1982.
Terrorism and the UN, Legal Control on International Terrorism, Terrorism and National Measures.
Disarmament and the UN, Multilateral Treaties on Arms Limitation and Disarmament, Bilateral Treaties on Disarmament.

SECTION-C

International Bill of Human Rights
UN Charter
Universal Declaration of Human Rights, 1948
International Covenant on Civil and Political Rights (ICCPR) and Optional Protocols
International Covenant on Economic, Social and Cultural Rights (ICESCR)

SECTION-D

Convention on Elimination of all Forms of Discrimination against Women (CEDAW)
Convention on the Rights of Child, 1989
UN Declaration on Elimination of all forms of Intolerance and Discrimination based on Religion or Belief, 1987.
United Nation Convention on Rights of Persons with Disabilities (UNCRPD), 2006

Suggested Readings:

- Agarwal, H.O., *Implementation of Human Rights Covenants with, Special Reference of India* (Kitab Mahal, Allahabad, 1983).

- Akehurst, Michael, *Modern Introduction to International Law*, 5th ed (George Allen and Unwin, London, 1984).
- Alston, Philip (ed.), *The United Nations and Human Rights: A Critical Appraisal* (Clarendon Press, Oxford, 1992).
- Alvarez, Jose E., *International Organizations as Law-Makers* (Oxford University Press, Oxford, UK, 2005).
- Anand, R. P., *Development of Modern International Law and India* (Nomos, Germany, 2005).
- Anand, R. P., *International Law and the Developing Countries* (Banyan Publications, New Delhi, 1986).
- Anand, R. P., *Origin and Development of the Law of the Sea* (Martinus Nijhoff, The Hague, 1983).
- Anand, R. P., *Salient Documents of International Law* (Banyan Publication, New Delhi, 1994).
- Anand, R. P., *Studies in international Law and History: an Asian Perspective* (Martinus Nijhoff Publishers, 2004).
- Bassiouni, M. Cherif, *Introduction to International Criminal Law* (Transnational, Ardsley, NY, 2003).
- Basu, Durga Das, *Human Rights in Constitutional Law* (Prentice Hall, New Delhi, 1 994).
- Bedi, Shruti. '*Indian Counter-Terrorism Law*', (LexisNexis, New Delhi, 2015)
- Brierly, J. L., *Law of Nations: An Introduction to the Law of Peace*, 6th ed (Oxford University Press, London, 1998).
- Brownlie, Ian, *Principles of International Law*, 5th ed (Oxford University Press, London, 1998).
- Churchill, R. R. and Lome, A. V., *The Law of the Sea* (Manchester University Press, Manchester, 1983).
- Conforti, Benedetto, *The Law and Practice of the United Nations* (Martinus Nijhoff Publishings, 2005).
- Diederiks, Versehoor, *Introduction to Air Law* (Kluwer Law and Taxation, Dordrecht, 1983).
- Dixit, R.K. & Jayaraj, C, *Dynamics of International Law in the New Millennium* (Manak Publications, New Delhi).
- Dixit, R.K. , Shankardass, R.K.P., Jayaraj, C & Sinha, Manoj K., *International Law: Issues and Challenges*(ISIL & Hope India Publications, New Delhi, 2009).
- Gal, Gyula, *Space Law* (Academiai Kiado, Budapest, 1969).
- Geza, Herczegh, *Developments of International Humanitarian Law* (Akademiai Kiado, Budapest, 1984).
- Green, L. C., *International Law through the Cases*, 3rd ed (Stevens and Sons, London, 1970).
- Harris, D. J., *Cases and Materials on International Law*, 6th ed (Thomson and Sweet and Maxwell, London, 2004).

- Henckaerts, Jean-Marie and Beck-Doswald, Louise, *Customary International Humanitarian Law* (Cambridge University Press, UK, 2005).
- Hingorani, R. C., *Humanitarian Law* (OUP, New Delhi, 1987).
- Jasentuliyana, N. and Roy, S. K. Lee, (eds), *Manual on Space Law* (Dobbs Ferry, New York, Oceania Publications, 1969).
- Jenks, C. W., *Space Law* (Praeger, New York, 1969).
- Johnson, D. H. N., *Rights in the Air* (Manchester University Press, Manchester, 1965).
- Kaul, J.L. & Sinha, Manoj K., *Human Rights and Good Governance* (Satyam Law International, New Delhi, 2008)
- Mani, Bhatt and Reddy, *Air Law and Policy in India* (Lancers Books, New Delhi, 1994).
- Marks, Susan and Coopham, Andrew (ed.), *International Human Rights Lexicon* (Oxford University Press, New York, 2005).
- Nawaz, M. K., *Changing Law of Nations* (Eastern Law House, New Delhi, 2000).
- O'Connell, D. P., *The International Law of the Sea* (Clarendon Press, Oxford, 1982).
- Patel, Bimal (ed.), *India and International Law* (Martinus Nijhoff Publishings, Leide, 2008).
- Shaw, M. N., *International Law* (Cambridge University Press, New York, 2005).
- Sinha, Manoj Kumar, *Enforcement of Economic, Social and Cultural Rights: International and National Perspectives* (Manak Publishers, New Delhi, 2006).
- Starke, J. G., *Introduction to International Law*, 10th ed Butterworths, London, 1992).
- Steiner, Henry J., Alston, Philip and Goodman, Ryan, *International Human Rights in Context* (OUP, Oxford, 2007).
- Teson, Fernando, R., *Humanitarian Intervention: An Enquiry into Law and Morality* (Transnational Publishers, New York, 1997).

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
1ST SEMESTER**

**SUBJECT: LEGAL EDUCATION AND RESEARCH METHODOLOGY
PAPER NO: III**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: The main objective of this course is to acquaint the students of law with the scientific methods of social science research and is expected to provide the knowledge of the various techniques of selection, collection and interpretation of primary and secondary data in socio legal research. Emphasis would be laid on preparing a foundation to conduct research. By the end of the course, students are expected to develop a scientific approach to socio legal problems and shall be able to design and execute small scale research problems. The practical skill in conducting research will be evaluated on their performance in field research or workshops/seminars, still an endeavor will be made to unveil various aspects of Legal research to the students of Law as well as development of Legal writing skills among them which are crucial for the success in Legal profession these days.

Learning Outcomes

- This course will expose students to methods of legal research and legal writing.
- The course aims to impart training on legal research to students.
- Students are expected to undertake substantial work outside of class in the forms of targeted readings related to their project, identifying a research question and organizing their research strategy.
- This will develop a scientific approach to socio legal problems

SECTION-A

Legal Research: nature, scope and objectives.

Various approaches to Legal Research: Doctrinal and Non Doctrinal, Socio-Legal Research, Comparative Research

Identification and formulation of Research Problem.

Survey of existing literature.

Research Design

SECTION-B

Hypothesis.

Sampling techniques in research

Primary and Secondary Data;

Data collection techniques: Case Study, Observation, Interview, Questionnaire and Schedule, Survey, Historical

SECTION-C

Data Processing: Editing, Coding and Classification.

Techniques of Data Presentation in Research: Tabulation, Diagrammatic and Graphic.
Analysis and Interpretation of Data

SECTION-D

Legal Research Report

Research Proposal, research papers, short articles and commentaries, case comments,
review articles including book review and newspaper articles

Dissertation/ Thesis Writing

Foot Notes and Bibliographic Techniques.

Ethics in Legal Research

Issues of Copy Right and Plagiarism in Research

Research Funding Agencies

Suggested Readings:

- Burney, D.H. and Theresa L. White, Research Methods, Akash Press, New Delhi, First Indian Reprint, 2007.
- Denzin, N.K. and Yvonna, S. Lincoln, (Ed), Collecting and Interpreting Qualitative Materials, SAGE Publications, Inc. California, Fourth Edition, 2013.
- Edmonds, W.A. and Tom D. Kennedy., An Applied Reference Guide to Research Designs-Quantitative, Qualitative and Mixed Methods, SAGE Publications Inc. California, 2013.
- Fitzgerald, J. and Jerry Fitzgerald, Statistics for Criminal Justice and Criminology in Practice and Research-An Introduction, 2014
- Goode, W.J. and Paul, K. Hatt., Research Methodology, Prentice Hall of India Pvt. Ltd. New Delhi, Latest Edition.
- Guest, G. (et. al), Collecting Qualitative Data- A Field Manual for Applied Research. SAGE Publications Inc. California, 2013.
- Kumar, R., Research Methodology-A Step by Step Guide For Beginners, SAGE Publications India Pvt. Ltd., New Delhi. Latest Edition.
- Leary, Z.O., The Essential Guide to Doing Research, Vistaar Publications, New Delhi. First Indian Edition, 2005
- Loseke, D.R., Methodological Thinking-Basic Principles of Social Research Design, SAGE Publications India Pvt. Ltd., New Delhi. 2013.
- Myneni, S.R., Legal Research Methodology, Allahabad Law Agency, Faridabad, Fifth Edition, 2012.
- Richards, L. and Janice, M. Morse., README First For a User's Guide to Qualitative Methods, SAGE Publications, Inc. California, 2013.
- Singh, Rattan, Legal Research Methodology, Lexis Nexis Publications, Gurgaon, Haryana, Edition, 2013
- Verma, S.K. and M. Afzal Wani, Legal Research and Methodology, The Indian Law Institute, New Delhi. First Reprinted Edition, 2006.
- Yaqin, A., Legal Research and Writing Methods, LexisNexis Butterworths Wadhwa, Nagpur. First Reprint, 2011

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE

SESSION 2020-21

1ST SEMESTER

SUBJECT: METHODS OF LEGISLATION AND INTERPRETATION OF STATUTES

PAPER-IV

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: Enacted laws are the major source of modern legal system. Though Legislation are enacted after much deliberation so there is a little scope for interpretation but still at certain instances Judiciary explores the intention behind the statutes and construes certain words phrases and expression. In their attempt of construing the same the Courts have developed certain rules, doctrines and principles of interpretation. The objectives of the course is to make students familiar with these doctrines, rules and principles of interpretation.

SECTION-A

Interpretation of Statutes

Commencement, Repeal and Revival of Statutes

Enabling, Consolidating and Codifying Statutes

The Primary Rule: literal construction

Mischief Rule; Golden Rule.

SECTION-B

Harmonious Construction

Ut res magis Valeat quam Pereat

Statutes to be read as a whole (Ex Visceribus Actus)

Beneficial Construction

Interpretation of the Constitution: Doctrine of Pith and Substance, Doctrine of Colourable Legislation, Doctrine of Severability, Doctrine of Eclipse

SECTION-C

INTERNAL AIDS

Title; Preamble Definition or Interpretation Clause; Headings;

Marginal Notes; Punctuation Marks; Illustrations; Proviso, Explanation;

Schedule

Legal fiction, non obstante clause

EXTERNAL AIDS

Parliamentary History of the Enactment, Legislative History

General Social Policy; Public Policy, Historical Setting

Previous Legislation and Statutes in Pari materia

Previous Decision
Text Books, Dictionaries
International Conventions
Retrospective Operation of Statutes
Doctrine of Prospective Over Ruling

SECTION-D

SUBORDINATE PRINCIPLES OF INTERPRETATION

Uni est Exclusio Alterius
Generalia Specialibus Non-derogant; -Treatment of General Words
Doctrine of Eiusdem Generis
Words Understood According to the Subject Matter
Rules of casus omissus
Redendo Singula Singulis; Noscitur a Sociis
Contemporanea expositio est fortissima in lege

MODERN STATUTORY INTERPRETATION IN PRACTICE

Non Interpretive Doctrines
The Basis of the Doctrine
Filling in a gap in legal text
Resolving Contradictions
Correcting Mistakes in the language of the text
Avoiding absurdity
Cy Pres Performance
Enlightened Literalism (Evolutionary development of the modern approach)

Suggested Readings:

- G. P. Singh, Principles of Statutory Interpretation. (7th Edition) 1999, Wadhwa, Nagpur.
- P. St. Langan (Ed.), Maxwell on the Interpretation of Statutes (1976), N. M. Tripathi, Bombay
- K. Shanmukham, N. S. Bindras's Interpretations of Statutes, (1997) The Law Book Co. Allahabad.
- V. Sarathi, Interpretations of Statutes, (1994) Eastern, Lucknow
- M. P. Jain, Constitutional of Statutes, (1984) Wadhwa & Co.
- M.P. Singh, (Ed.) V.N. Sukla's Constitution of India, (1994) Eastern, Lucknow
- U. Baxi, Introduction of Justice K. K. Mathew's Democracy Equity and freedom (1978) Eastern, Lucknow
- Maxwell on the Interpretation of Statutes

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
2ND SEMESTER**

**SUBJECT: LAW AND SOCIAL TRANSFORMATION
PAPER: V**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

SECTION-A

Law and Social Change

Law as an Instrument of Social Change: Law and Development, Limits of Law in bringing out social change

Concept of Social Engineering – Its evaluation and critique in the light of common law tradition and the legal institutions in India

SECTION-B

Community and the Law

Caste as a divisive factor

Non-discrimination on the ground of caste: Constitutional and Statutory Provisions

Acceptance of caste as a factor to undo past injustices: Protective Discrimination and Reservation

SECTION-C

Women and the Law

Crimes against Women: Legislative and Judicial Initiatives

Gender injustice and its various forms

Women's Commission and Protection of Women's Rights in India

SECTION-D

Children and the Law

Child Labour : Constitutional and Legislative Provisions

Sexual exploitation of Children: Legislative measures

Children and Education

Suggested Readings:

- U.Baxi, The Crisis of the Indian legal System (1982), Vikas, New Delhi
- Manushi, A Journal about Women and Society.
- Savitri Gunasekhare, Children, Law and Justice (1997), Sage.
- Marc Galanter (ed.), law and Society in Modern India
- M.P. Singh, construction of India (2008). 11th Ed. Eastern Book Co., Lucknow
- Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000). Anmol Publications, New Delhi

- Indian law Institute, Law and Social Change: Indo-American Reflections. Tripathi, (1988)
- Agnes Flavia, Law and Gender Inequality: The Politics of women's Rights in India (1999) Oxford, new Delhi.
- Virendre Kumar: Dynamics of Reservation Policy: Towards a More Inclusive Social Order 50, Journal of ICI PP 478-517 (2007)
- M.P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
2ND SEMESTER**

**SUBJECT: CONSTITUTIONAL LAW AND NEW CHALLENGES
PAPER-VI**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: The objective of this part of the syllabus is to highlight jurisprudence of the constitution and involve students to participate in socio-political and constitutional matters of the day. To focus on the emerging constitutional developments and challenges faced by the legislature, executive and judiciary. New principles and theories on socio politico issues shall be appoint of discussion so that students are equipped with all the issues.

SECTION-A

Preamble

Widening definition of State

Right to Equality, its new concepts and Protective Discrimination

Dynamism of Rule of Law and Separation of Powers

Freedom of speech & expression with reference to RTI

SECTION-B

Art 20-protection in respect of Conviction for offences

Right to life & Personal Liberty

Emerging Regime of New Rights and Remedies under the Garb of Fundamental Rights.

Rights to Education

Right to Privacy

SECTION-C

Right against Exploitation

Secularism and Freedom of Religion

Rights of Minorities

Constitutional Remedies

The Concept of Judicial Review

Relation between Fundamental Rights & Directive Principles

Fundamental Duties

SECTION-D

Judicial Independence:-Appointment, Transfer and Removal of Judges

Legislative Relations between Center and States

Freedom of Trade and Commerce

Election Commission & Electoral Reforms

Special Status of Jammu and Kashmir

Emergency Provisions

Amending Power and Theory of Basic Structure

SUGGESTED READINGS:

- B. Sivarammayya, Inequalities and the Law (1984), Eastern, Lucknow.
- Cardozo, The Nature of Judiciary Process (1995), Universal, New Delhi.
- D.D. Basu, Shorter Constitution of India (1996), Prentice Hall of India, Delhi Constitutional Assembly Debates, Vol. 1-12
- Duncan Derret, The State, Religion and the Law in India (1999) Oxford University Press, New Delhi.
- G. Austin, History of Democratic Constitution: The Indian Expenditure (2000), Oxford.
- H.M.Seervai, Constitution of India, Vol.1-3(1992), Tripathi, Bombay.
- Henry J. Abraham, The Judicial Process (1998) Oxford.
- Indian Law Institute, Law and Social Change: Indo-American Reflections (1988) Tripathi.
- J. Stone, The Legal System and the Lawyer's Reasoning (1999), Universal, New Delhi.
- M.P. Singh (ed.), V.N. Shukla, Constitution of India (2000), Oxford.
- M.P. Jain, Outlines of Indian Legal History (1993) Tripathi, Bombay.
- M. Glanter, Competing Equalities – Law and the Backward Classes in India (1984), Oxford.
- Marc Glanter (ed.), Law and Society in Modern India (1997) Oxford.
- Ravi Prakash, Constitution, Fundamental Rights and Judicial Activism in India (1997).
- Thrity Patel, Personal Liberty under the Constitution of India (1993) Jain Publishers, New Delhi.
- U. Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow.
- Upendra Baxi, The Crises of the Indian Legal System (1982) Vikas, New Delhi.

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
2ND SEMESTER**

SUBJECT: GENERAL PRINCIPLES OF CRIMINAL LAW AND FORENSIC STUDIES

PAPER-VII

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: The paper aims to provide in-depth understanding about General Principles of Criminal Law and their changing scenario in India and in international context. It is also designed to understand different aspects of Forensic Science, which will include study of various techniques, especially recent advances in Forensic Science, which is an important aspect of Criminal Justice System.

SECTION-A

Constituents of Crime

Actus reus

Mens rea

General Principles of Criminal Liability

Principle of Legality

Corporate Criminal Liability

Vicarious Liability with special reference to Section 34 and 149 IPC

SECTION-B

Inchoate Crimes

Abetment

Criminal Conspiracy

Attempt

General Defenses

Mistake

Accident

Necessity

Insanity

Intoxication

Private Defense

SECTION-C

Definition, nature and scope of Forensic Science

History and Development of Forensic Science

Crime scene investigation: understanding and purpose of Crime scene examination and investigation, physical evidence, its collection, packing and transportation, chain of custody

Evidentiary value of Forensic Report

SECTION-D

Difference between Suicidal, Homicidal and Accidental Wounds

Recent advances in Forensic Science: Narco Analysis, Brain Mapping, DNA Finger Printing and their Admissibility in the Court, Polygraph Test and NHRC guidelines of administration of Polygraph test.

SUGGESTED READINGS:

- Andrew Ashworth and Jeremy Horder, *Principles of Criminal Law*, Oxford University Press, New York, 2013
- Card and Cross and Jones, *Criminal Law*, Oxford University Press, 2012
- Mike Molan, Duncan Bloy and Denis Lanser *Modern Criminal Law* Cavendish Publishing Limited, London, 2003
- PSA Pillai, *Criminal Law*, LexisNexis Butterworths Wadhwa, Nagpur; Edition, 2017
- O.P. Srivastva, *Principles of Criminal Law*, Easter Book Company, Lucknow, 2018
- Glanville Williams, *Criminal Law*, Universal Law Publishing Co. Pvt. Ltd, 2009
- Jonathan Herring, *Criminal Law*, Oxford University Press, New York, 2012
- David Ormerod, *Criminal Law*, Oxford Press, New York, 2011
- R.C. Nigam, *Law of Crimes in India – Vol. I- Principles of Criminal Law*, Asia Publishing House, Bombay.1965
- S.N. Misra, *Indian Penal Code*, Central Law Publications, Allahabad, 2017
- K. Mathiharan and Amrit K Patnaik, *Modi's Medical Jurisprudence and Toxicology*, LexisNexis, Buttersworth, 2010
- K. Kannan and K. Mathiharan, *Textbook of Medical Jurisprudence and Toxicology*, Butterworth's India, 2012
- R.M. Jhala and K Raju, *Medical Jurisprudence*, Eastern Book Company, 1997
- K.S. Narayan Reddy, *Medical Jurisprudence and Toxicology (Law Practice and Procedure)*, ALT Publications, 2006
- Krishan Vij, *Forensic Medicine and Toxicology, Principles and Practice*, Elsevier India Private Limited, 2014
- Robert Milne, *Forensic Intelligence*, Taylor & Francis Group, London, 2013
- Modis, *Medical Jurisprudence and Toxicology*, Lexis Nexis, New Delhi, 2006
- B.R. Sharma, *Forensic Science in Criminal Investigation & Trials*, Universal Law Publishing Co., New Delhi, 2014

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
2ND SEMESTER
SUBJECT: FAMILY LAW
Paper-VIII

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: This paper aims to provide adequate understanding regarding the concept of Marriage, and Divorce under various Personal Laws in India, and to explore the possibility, need and feasibility of a Uniform Civil Code. The paper also seeks to provide an overview of some incidental issues like child marriages, marital disputes and conflict of laws, emerging concept of live-in relations, same sex marriages, matrimonial property etc.

SECTION-A

Marriage among Hindus, Muslims, Parsis and Christians

Evolution and nature of marriage and different kinds of marriage

Requirements/ conditions of a valid marriage under different personal laws

Restitution of Conjugal Rights

Inter- personal law conflict (effect of conversion)

Uniform civil code: need and feasibility

SECTION-B

Divorce among Hindus, Muslims, Parsis and Christians

Divorce under different personal laws

Nullity of marriage under different personal laws

Theories of Divorce : Fault Theory, Breakdown Theory, Irretrievable

Breakdown Theory, Consent Theory

SECTION-C

Incidental Issues Concerning Marriage

Marriage of minors: Position under different personal laws and application of The Prohibition of Child Marriage Act, 2006

Registration of Marriages

Marriages with Expatriate Indians/ NRI Marriages and conflict of laws

Matrimonial Property: Emerging trends

SECTION-D

Issues of custody, guardianship in matrimonial disputes
Maintenance of women : under personal laws, CrPc, The Protection of Women from Domestic Violence Act 2005, The Prohibition of Child Marriage Act 2006
Live in Relations: in light of provisions of The Protection of Women from Domestic Violence Act 2005 and latest Court decisions
Same sex marriages

Suggested Readings:

- Agnes Flavia: Family Law vol. II: Marriage, Divorce and Matrimonial Litigation, (Oxford University Press, New Delhi, 2011) ·
- Desai Kumud: Indian Law of Marriage and Divorce, (Lexis Nexis Buttersworths Wadhwa Nagpur, 2011) · Diwan, Paras and Peeyushi Diwan, Law of Marriage and Divorce, (Universal Law Publishing Co. Ltd., New Delhi, 2008). ·
- Fyzee, F.A.A: Outlines of Muhammadan Law, (Oxford University Press, 4th ed.) ·
- Mayne, Treatise on Hindu Law and Usages,(Bharat Law House, West Bengal 1986) ·
- Mulla: Principles of Hindu Law, (ed) S.A. Desai,(Buttersworths, New Delhi, 2001) ·
- Parkinson Patrick: Family Law and the Indissolubility of Parenthood, (Cambridge University Press, New York, U.S.A. 2011) ·
- Pradhan Saxena, Poonam: Family Law Lectures, Family Law II, (Lexis Nexis, 2011) ·
- Qureshi, M.A.: Muslim Law, (Central Law Publication, 2002) ·
- Sagade, Jaya: Child Marriage in India: Socio-Legal and Human Rights Dimensions, (Oxford university Press, New Delhi, 2005) ·
- Saharay, H.K.: Laws of Marriage and Divorce, (Eastern law House, 2007)

Bare Acts:

The Hindu Marriage Act 1955
The Anand Marriage Act 1909
The Special Marriage Act 1954
The Indian Christian Marriage Act, 1872
The Parsi Marriage and Divorce Act 1936
The Divorce Act 1869
The Dissolution of Muslim Marriage Act, 1939
The Muslim Women (Protection of Rights on Divorce) Act, 1986
The Prohibition of Child Marriage Act, 2006
The Protection of Women from Domestic Violence Act 2005

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
3RD SEMESTER**

(Group-I)

SUBJECT-ADMINISTRATIVE LAW

PAPER:IX

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objectives of the Course:

To examine the conceptual dimensions of Administrative Law, the legal means for making the Government accountable, review of governmental action including judicial review and freedom of information legislation. The expansion in the functions of the state and enormous powers of the administration has given tremendous capacity to the administration to affect the rights and liberties of the individual. The present course aims to explore the important principles and institutions imperative for a good administration.

Learning Outcomes:

- Developing an understanding of Administrative law as a separate legal discipline
- Understanding the various liabilities and privileges of the State
- Comprehending the importance of administrative rule making in the form of delegated legislation
- Appreciating the significance of principles of transparency, natural justice, accountability and fairness in a good governance administration
- Understanding the relevance of administrative discretion in modern governance and its controls

SECTION-A

Meaning, Nature and Scope of Administrative Law

Evolution and Development of Administrative Law and its relationship with Constitutional Law

Separation of Powers – from Rigidity to Flexibility

Rule of Law – Changing Dimensions

Case Laws :

Ram Jawaya Kapur v. State of Punjab, AIR 1955 SC 549

Indira Gandhi v. Raj Narain , AIR 1975 SC 2299

SECTION-B

Delegated Legislation – Permissible Limits and Controls

Principles of Natural Justice

Liability of State - Tortious and Contractual Liability

Promissory Estoppel – Constitutional Dimensions

Case Laws:

Re Delhi Laws Act, AIR 1951 SC 332

Maneka Gandhi v. Union of India, (1978) 1SCC 248

SECTION-C

Privilege against Disclosure

Right to Information – Official Secrets and Right to Information Act

Executive Privilege – Security of State and control on information

Judicial Review

Case Laws:

Express Newspapers (Pvt) Ltd. v. Union of India, AIR 1986 SC 872

L. Chandra Kumar v. Union of India and others, AIR 1997 SC 1125

SECTION-D

Ombudsman – Lokpal and Lokayukta institutions

Inquiry Commission – Vigilance Commission

Judicial Inquiries

Public Interest Litigation and its Emerging Dimensions

Case Laws:

Hussainara Khatoon & Ors v Home Secretary, State Of Bihar, AIR 1979 SC 1369

Rupa Ashok Hurra v. Ashok Hurra, AIR 2002 SC 1771

Suggested Readings:

- Cann, Steven J, Administrative Law 3rd Ed., 2002
- Kesari, U.P.D, Lectures on Administrative Law, 15th Ed, 2005, Central Law Agency, Allahabad
- Massey, I.P., Administrative Law, 5th Ed. 2003, Eastern Book Company, Lucknow
- Stott, David and Felix, Alexandra Principles of Administrative Law, Cavendish Publications, London, 1997
- Takwani, Thakker, C.K Lectures on Administrative Law, 3rd Ed. 2003, Eastern Book Company, Lucknow
- Wade and Forsyth, Administrative Law, 9th Ed., 2004, Oxford University Press,
- Oxford
- Jain, M.P. and Jain, S.N.Principles of Administrative Law, 5th Ed. 2007 Wadhwa and Co. Delhi
- Upadhyya , JJR, Administrative Law, Central Law Agency, 7th Ed. (2006)

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
3RD SEMESTER**

(Group-I)

**SUBJECT-SERVICE LAW
PAPER-X**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

SECTION-A

Article 323-A of the Constitution of India

Administrative Tribunals; their composition, Powers and Procedure under Administrative Tribunals Act, 1985

Constitutional Right to Equality: Relating to Service Matters

SECTION-B

Services under the Union and States (Articles 308-323) with special emphasis on Article 309-311

Major & Minor penalties

Suspension and Substances Subsistence Allowance.

Conduct and Procedure of Departmental/Disciplinary enquiries (including charge-sheet, inspection and supply of copies of documents, production of evidence, enquiry report, hearing if any on question of penalty and final question of penalty and final action by competent authority.

SECTION-C

Compulsory/Premature Retirement

Principles of Equal Pay for Equal Work

Status and Rights of Adhoc Employees and their Regularization

SECTION-D

Principles for Determination of Seniority:

(a) Seniority based on date of Confirmation

(b) Seniority based on quo-rota rules

Adverse entries in Annual Performance Assessment Report (APAR)

Deputation

Suggested Readings:

- Doabia and Doabia, *The Law of Services and Dismissals* (2015) Lexis Nexis, New Delhi.
- Markandey Katju, *Domestic Enquiry* (1999) Lexis Nexis, New Delhi.
- M.R. Mallick, *Service Law in India*
- Narendra Kumar, *Law Relating to Government Servants and Management of Disciplinary Proceedings*
- N.Singh, *Services and Disciplinary Actions : In Civil Services, PSUs and Other Services*
- Rosemary Kennedy and Jenny Richards, *Integrating Human Service Law and Practice* (2007) Oxford University Press, New York.
- Samaraditya Pal, *Law Relating to Public Service* (2011) Lexis Nexis, New Delhi
- S.T. Srinivasan, *Kulshretha's Service Laws and Constitutional Remedies*

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-2021
3RD SEMESTER**

(Group-I)

**SUBJECT-ENVIRONMENT PROTECTION LAW-I
PAPER-XI**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective:The pristine environment has degraded due to non-judicious activities of human beings. A comprehensive approach is required to tackle the problem of environmental pollution and degradation. Various laws have been enacted for the prevention, control and abatement of environmental pollution and its protection. The course work is designed to provide in-depth knowledge not only about various environmental hazardous but also about the laws related to the protection and improvement of environment.

Learning Outcomes

- Conceptual clarity of subject
- Understanding the Jurisprudence of the subject
- Development of research abilities
- Development of critical thinking ability

SECTION-A

Global and National Environmental Issues and Problems: Air Pollution, Water Pollution, Noise Pollution, Environmental Hazards related to Hazardous Chemicals, Municipal Solid Waste and Hazardous Wastes Disposal.

The Water (Prevention and Control) of Pollution Act, 1974

The Air (Prevention and Control) of Pollution Act, 1981

Case Law

- M.C. Mehta versus Union of India AIR1988 SC1037
- M.C. Mehta versus Union of India 1997 (2) SCC353

SECTION-B

The Environment Protection Act, 1986

The Noise Pollution (Regulation and Control) Rules, 2000

Hazardous and Other Wastes(Management and Tranboundary Movement) Rules, 2016

Case Law

- N.D.Jayal versus Union of India (2004) 9 SCC 362
- Farhd K. Wadia versus Union of India (2009) SCC 442

SECTION-C

The Chemical Accidents (Emergency) Planning, Preparedness and Response Rules, 1996

The Plastic Waste Management Rules, 2016

The Solid Wastes (Management) Rules, 2016

Case Law

- Goodwill Plastic Industries versus Union of India 2013 All (1) NGT Reporter (Delhi) 486
- AlmitraH.Patel versus Union of India Original Application No. 199 of 2014 decided on 22.12.2016 National Green Tribunal Principal Bench Manu/GT/0150/2016

SECTION-D

Public Liability Insurance Act, 1991

The National Green Tribunal Act, 2010

The E-Waste (Management) Rules, 2016

Case Law

- M.C. Mehta versus Union of India AIR 1987 SC1086
- Save Mon Region Federation versus Union of Indian NGT Principal Bench, M.A. NO. 104 OF 2012 (Arising Out of Appeal No. 39 OF 2012)

Suggested Readings:

- P.S.Jaswal and NishthaJaswal, Environmental Law, Pioneer Publications, Allahabad Law Agency, Faridabad, 2017
- N.M. Swamy, N.Ranjit and N. Chaithanya, Law Relating to environmental Pollution and Protection, Asia Law House, 2013
- LAL'S Commentary on Water and Air Pollution and Environment (Protection) Laws, Revised by M.C. Mehta, Delhi Law House, 2007
- P. Leelakrishnan, Environmental Law in India, Third Edition, Lexis Nexis, Butterworths, Nagpur, 2016
- E. John, A. Matthews, J. Patrick, SAGE Handbook of Environmental Change Vol. I and II SAGE Publication, L.A. 2012
- P.B. Sahasranaman, Oxford Handbook of Environmental Law, Oxford University Press, 2012
- Dr.VidyaBhagat, Environmental Laws Issues and Concerns, Regal Publication, New Delhi, 2011
- RitwickDutta, The Environmental Activists Handbook, Published by Socio-Legal Information Centre, Mumbai, 2002
- Donald Anton and Dinah L. Shelton, Environmental Protection and Human Rights, Cambridge University Press, Cambridge, 2011
- Philippe Sand and Jacqueline Peel, Principles of International Environmental Law Cambridge University Press, UK, 2018
- Ellen Hey, Advanced Introduction to International Environmental Law, Edward Elgar Publishing Ltd, UK, 2016

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
3RD SEMESTER**

(Group-I)

**ENVIRONMENT PROTECTION LAW-II
PAPER-XII**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: The objective is to attain a fair understanding of principles, procedures, techniques and institutions that are engaged in adopting and improving a state's compliance with its legal obligations in international law.

SECTION-A

Liability for Environmental Damage

State Liability and State Responsibility for Environmental Damage:

Defining Environmental Damage, Threshold at which environmental damage entails liability, standard of care and reparation

The Work of International Law Commission on Prevention of Transboundary harm and Allocation of Loss and 2001 Articles on State Responsibility

State practice and United Nations Compensation Commission's Report and Recommendations Concerning the Third Installment of "F4" Claims Environmental Damage

Civil Liability for environmental damage under international law: Scope, Issues and Challenges

SECTION-B

International Enforcement

Role of the International Courts and tribunals in enforcing and developing international environmental law: Contentious cases, Advisory opinions and Interim measures of Protection from the International Court of Justice; International Tribunal on Law of Seas (ITLOS) and the European Court of Justice.

SECTION-C

International Trade and Environment Protection

Trade measures in International Environmental Agreements

Unilateral Environmental Measures and International trade: the work of WTO and its Committee on Trade and Environment

Contribution of WTO Dispute Settlement Body: Shrimp /turtle cases (1998 and 2001), Asbestos case (2000), Brazil Retreaded tyres (2007)

SECTION-D

Measures for health and safety protection: WTO's Agreement on Sanitary and Phytosanitary Measures; Beef Hormones case, Australia Salmon case (2000), EC- Biotech case (2006)

Suggested Readings:

- Sands, *Principles of International Environmental Law*, Cambridge University Press: Cambridge, 3rd edition (2012);
- Birnie, Boyle and Redgwell, *International Law and the Environment*, Oxford University Press, 3rd edition (2009);
- Bowman, Davies and Redgwell Lyster's *International Wildlife Law*, Cambridge University Press, 2nd edition (2010);
- M. Evans (ed), *International Law*, Oxford University Press, 3rd edition (2010),
- Brown Weiss, McCaffrey, Magraw, Tarlock, *International Environmental Law and Policy*, 2nd Ed (2007)
- Dupuy, P M. and J. E. Vinuales, *International Environmental Law: A Modern Introduction* (Cambridge University Press, forthcoming in 2014
- Hunter, D., J. Salzman and D. Zaelke, *International Environmental Law and Policy* (New York, Foundation Press, 4th ed. 2011
- Bell, S., D. McGillivray and O. W. Pedersen, *Environmental Law* (Oxford University Press, 8th ed., 2013)

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
3RD SEMESTER**

(Group-II)

**SUBJECT: CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY
PAPER-XIII**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective of the Course:

This course aims to make students understand the emerging and existing principles of Criminology, Penology and Victimology. The objective of this course is to encourage students to expand and use their imaginations to understand the causes and consequences of criminality and infringement of social norms and values. Beginning with the nature and scope of Criminology, Penology and Victimology, this course will explore that why and what types of crimes are increasing in the society, what are the factors responsible, how crimes prevention can be done, how rehabilitation of criminals is possible, how restorative justice can be provided to victims. This course is also designed to recognize and explain macro-social inequities in crime and criminal justice processes by race, social class, gender, region and age.

Learning Outcomes:

- Understanding of what criminology is and what it should be by applying perspectives of justice, rather than limiting the focus to acts, which are criminalized.
- Understanding of what penology is and what it should be by applying perspectives of justice, rather than limiting the focus to acts, which are penalized.
- Understanding of how and why the new concept of criminology such as green criminology, media criminology, convict criminology, labeling criminology, feminist criminology has become an important and fast expanding field in critical criminology.
- Understanding of how the media frame crime, criminality and the notion of victimisation in various contexts.
- Understanding of concept of vulnerability, victimization status of different vulnerable groups, their causes, impact and the initiatives taken by the government to resolve the issues.

- Understanding of the concept of Restorative Justice and status of victim in Criminal Justice Process emphasizing on the victim's position during the investigation and the trial process.

SECTION - A

- Criminology- Its Meaning, Nature and Scope
- Theories of Criminology: Sociological Theory of Criminology, Biological Theory of Criminology, Psychological Theory of Criminology,
- Green Criminology

Judgments:

- Common Cause (A Regd. Society) vs. Union of India and Ors. W.P. (Civil) 215 of 2005 decided on 09.03.2018.
- Shayara Bano vs. U.O.I. & Others W.P.(C) -118 of 2016.

SECTION - B

- Convict Criminology
- Labeling Criminology
- Media Criminology
- Critical Criminology

Judgments:

- Navtej Singh Johar & Ors. Vs. U.O.I. (Ministry of Law and Justice Secretary) W.P. (Criminal) No. 76 of 2016.
- Joseph Shine vs. Union of India W.P. (Criminal) No. 194 of 2017 decided on 27.09.2018.

SECTION - C

- Penology: Meaning, Nature and Scope of Penology,
- Punitive Approach and the Contemporary Role of Punishment
- Death Sentence : The Global Perspective

Judgments:

- Independent Thought vs. Union of India W.P. 382 of 2013 decided on 11 Oct. 2017 SC.
- Mukesh & ors vs. State of NCT Delhi & Ors. Criminal Appeal No's. 607-608 of 2017 (Nirbhaya Case (Delhi Gang Rape and Murder case of 2012)).

SECTION - D

Meaning, Nature and Scope of Victimology: Emerging trends in Victimology

Victims Role in Administration of Criminal Justice

Legal and Human Rights of Victims

World Wide Trend towards realization of Victims Rights

Restitutive, Compensatory, Assistive Justice to the Victims of Crime in India

Judicial Approach towards victims of crime

Judgments:

- Laxmi vs. Union of India W.P.(Criminal)129/2006 Order dated 10.04.2015.
- Nipun Saxena & Others vs. Union of India & Ors. W.P.(Civil) No. 565 of 2012.

Suggested Readings:

- Anthony Thalia & Cunneen Chris, The Critical Criminology Companion, Hawkins Press, Sydney, 2008.
- Beirhe Piers and Messerschmidt James W., Criminology, Roxburg Publishing Company, L.A., 2006.
- Burke Roger Hopkins, An Introduction to Criminological Theory, Willian Publishing, USA, 2008.
- Davis Robert C, Arthur Lurigio and Susan Harman Victims of Crime, Sage Publications, London 2007.
- Davis Pamela and Francis Peter, Greer Chir, Victims, Crime and Society, Sage Publications, L.A. 2007
- Gaur K.D., Criminal Law and Criminology, Deep and Deep Publications, New Delhi, 2002
- Jones Stephen, Criminology, Oxford University Press, New Delhi, 2007.
- McLaughlin Eugene & Newburn Tim, The Sage Handbook of Criminological Theory, Sage Publications India Private Limited, Delhi, 2010.
- Miller J. Mitchell, 21st Century Criminology, Sage Publications India Private Limited, Delhi, 2009 Purvi Ramakand, Handbook of Criminology, Dominant Publishers and Distributors, Delhi, 2006.
- Paranjpe N.Y., Criminology and Penology, Central Law Publications, Allahabad, 2008.
- Rai, Sumain Law Relating Plea Bargaining, Orient Publishing Company, 2007
- Siddique Ahmed, Criminology: Problems and Perspective, Eastern Book Company, Lucknow, 2008.
- Sutherland Edwin, Principles of Criminology, J.B. Lippincott, Philadelphia, 1971.
- Talwar Parkash, Victimology, Isha Books, Delhi, 2006
- Tibbetts Stephen G. & Hemmens Craig, Criminological Theory, Sage Publications India Private Limited, Delhi, 2010
- Walsh Anthony and Ellis Lee, Criminology An Interdisciplinary Approach, Sage Publications, New Delhi, 2007.
- While Rob & Haines Fiona, Crime and Criminology, Oxford University Press, Australia, 2004.

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE

**SESSION 2020-21
3RD SEMESTER**

(Group-II)

**SUBJECT: ECONOMIC AND SOCIAL OFFENCES
PAPER-XIV**

Duration: 3 Hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: Economic and Social offences affect the very fabric of the society. India is a country where these offences have been rampant since ages. The economic offences apart from causing the individual losses affect material welfare of the community and pose hindrance in the overall progress of the country. The Social offences have been affecting every section of the society be it children, women or people belonging to Scheduled Castes or Tribes etc. Social offences not only cause physical, mental, sexual harassment and violence to the victim but also lead to violation of human dignity. This paper endeavors to make extensive study of causes, extent and impacts of some of the major issues affecting the masses in the country. It seeks to provide in-depth study of laws enacted to prevent and curb these social and economic offences.

SECTION -A

- Socio Economic Offences: Meaning, Nature, Extent and Methods to curb Social and Economic offences.
- Organ Trafficking and The Transplantation Of Human Organs Act,1994
- The Information Technology Act, 2000: Object, Scope and Efficacy, Chapter IX (Section 43 -47) and Chapter XI (Section 65 – Section 78) of The Information Technology Act, 2000.Cyber Crimes : Profile Hacking, Information Theft, Photo Morphing, Shopping Scams, Software piracy, Internet Frauds, Cyber Pornography- Sexual Exploitation/ Child Pornography, Cyber Stalking, Detection and Prosecution of Cyber Criminals
- The Narcotic Drugs and Psychotropic Substances Act, 1985 Chapter IV : Offences and Penalties (Section 15 to Section 40), Chapter V:Procedure (Section 41-68)

SECTION -B

Offences Affecting Children

Pre Natal Diagnostics Techniques Act, 1994

Protection of Children from Sexual Offences Act, 2012

Offences against Children under The *Juvenile Justice* (Care and Protection Of Children) Act, 2015 (Section 74 -89).

SECTION -C

Offences Affecting Women

Indecent Representation of Women (Prohibition) Act, 1986

Domestic Violence Act, 2005

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

SECTION -D

Offences Affecting Marginalized Group

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2012

The Transgender Persons (Protection of Rights) Act, 2019

Suggested Readings:

- Dr. Pratap S. Malik, Protection of Children from Sexual Offences Act, 2012, Universal Law Books, 2016.
- Justice Shri A.B. Srivastav and Anil Sharma, Commentaries on Protection of Women from Domestic Violence, 2005 with Allied Laws, Law Publisher (India) Pvt. Ltd., 2014
- S.P. Sen Gupta, Commentaries on Protection of Women from Domestic Violence, 2005, Kamal Law House, 2014
- Justice P.S. Narayana, Commentary on Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, Universal Law Books, 2014
- S. Malik, Commentaries on the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Law Publishers (India) Pvt. Ltd., 2003
- R.P.Kataria : Law Relating to Narcotic Drugs and Psychotropic Substances In India, orient Publishing Company, 2012.
- Bhargava, Digest of Narcotic Drugs & Psychotropic substances Act, 1985, Kamal Publishers, 2012.
- **Lopamudra Sengupta's**, Human Rights of the Third Gender in India: Beyond the Binary, Routledge India Publication; 1 Edition.
- Dr. Sukanta Sarkar, LGBT Rights in Human Rights Perspectives, Global Vision Publishing House; 1st edition (2016).
- Ved Kumari: The Juvenile Justice (Care and Protection of Children) Act, 2015: Critical Analysis, Universal Law Publishers, 2017.

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE

SESSION 2020-21
3RD SEMESTER

(Group-II)

SUBJECT: CORPORATE GOVERNANCE AND CORPORATE SOCIAL RESPONSIBILITY

PAPER-XV

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective of the Course: Governance choices affect managerial behaviour and the performance of the business entities. **Corporate governance is maximizing the shareholder value in a corporation while ensuring fairness to all stakeholders, customers, employees, investors, vendors, the government and the society-at-large.** In a more globalised, interdependent and ever-changing world, corporate governance reform has emerged as a critical business issue, thrust on the world stage by the financial crisis and a number of high profile corporate failures. The purpose of this paper is to develop a sound understanding of corporate arena and to make the student a more informed, critic-equipped and analyst of the corporate governance and corporate social responsibility law. After going through the syllabus the student is expected to have appreciated the need to practice good corporate governance and corporate social responsibility in the corporate arena.

Learning Outcomes :

- To understand the relevance of ethics in business.
- To comprehend the theories and models of corporate governance.
- To appreciate the evolution and relevance of corporate governance in India.
- To understand the co-relation of Corporate Governance and Insolvency Bankruptcy Code.
- To have complete understanding of evolution and theories of Corporate Social Responsibility.
- To understand the intricacies of Corporate Social Responsibility under Companies Act, 2013.

SECTION-A

Business Ethics: Meaning, Importance and theories;

Corporate Governance: Origin, Theories and Models of Corporate Governance, Models of Corporate Governance in India

Corporate Governance Committees in India

Case Study- Tynelol Crisis and Building a backdoor to the iphone: An Ethical Dilemma

SECTION-B

Corporate Governance in India: Constitution of BOD. Sub-Committees of Board, Role and responsibilities and Duties of Board/ its Sub-Committees
Independent Directors: Global and Indian Perspective.

Corporate Governance and Insolvency Bankruptcy Code, 2016

Legislative framework for Corporate Governance: under the Companies Act, 2013, the Securities and Exchange Board of India Act, 1992,

Case Study: Enron and Satyam.

SECTION-C

Corporate Social Responsibility (CSR): Meaning and Evolution of CSR, Arguments for CSR, Dimensions/Activities, Role of Stakeholders, Triple Bottom Line Approach, CSR Practices in India, Factors influencing CSR, CSR in Corporate Strategy.

Case Study: Nestle CSR Case Study and Walmart Store Inc. v/s Dukes et al. (2011)

SECTION-D

CSR under the Companies Act, 2013, CSR Committee, the Corporate Social Responsibility (Policy) Rules 2014, Guidelines - Voluntary Guidelines 2009, National Guidelines on Social, Environmental and Economic Responsibility of Business, Corporate Sustainability- Sustainability Reporting (Concept), Business Responsibility Reporting in India.

Case Law: Security Printing & AMP, Minting Corporation of India Ltd., New Delhi v. IT, New Delhi (IT Appellate Tribunal, 21 March 2018)

M/s Cochin Shipyard Ltd., Cochin v. The ADCIT, Cochin (IT Appellate Tribunal, 23 March, 2017)

Suggested Readings:

- Brian D. Fitch, Law Enforcement Ethics, Sage Publications, Inc., 2014
- Inderjit Dube, Corporate Governance, Lexis Nexis Butterworths Wadhwa, 2009.
- Cadbury, Adrian, Corporate Governance and Chairmanship: a personal view, Oxford University Press, 2003.
- Monks, Robert A.G., Corporate Governance, Blackwell Publishers, 2001.
- McGregor, Lynn, The human face of Corporate Governance, Palgrave Publishers, 2000.
- Goergen, Marc, Corporate Governance and Financial Performance, Edward Elgar, 1998.
- Gupta, LC., Corporate Boards and Nominee Directors, Oxford University Press, 1989.
- N. Gopalasamy, Corporate Governance, Wheeler Publishing, 1998.
- Philip Kotler, Nancy Lee, Corporate Social Responsibility, John Wiley & Sons Inc. 2005.

- Mark S. Schwartz, *Corporate Social Responsibility: An Ethical Approach*, 2011.
- Subhabrata Bobby Banerjee, *Corporate Social Responsibility: The Good, the Bad and the Ugly*, 2007.

Statutory Material

- The Companies Act, 2103
- The Securities and Exchange Board of India Act, 1992

Suggested Articles

- Aguilera, R.V. "Corporate governance and director accountability: An institutional comparative perspective." *British Journal of Management*, 16(s1), 2005: S39-S53.
- Bainbridge, S.M. "Corporate Governance after the Financial Crisis" New York: Oxford University Press, 2011.
- Baker, H.K. & Anderson, R., eds. "Corporate Governance: A Synthesis of Theory, Research, and Practice" Hoboken, NJ: Wiley & Sons, 2010.
- Caplan, G.R. & Markus, A.A. "Independent Boards, But Ineffective Directors." *The Corporate Board*, March/April 2009: 1-4.
- Clarke, T. & Branson, D. *The SAGE Handbook of Corporate Governance*. Thousand Oaks, CA: Sage, 2012.
- Larcker, D. & Tayan, B. *Corporate Governance Matters*. Upper Saddle River, NJ: Pearson, 2011.
- Ireland, P. "Limited Liability, Shareholder Rights and the Problem of Corporate Irresponsibility" *Cambridge Journal of Economics*, 34(5), 2010: 837-856.
- Soares, C. "Corporate Versus Individual Moral Responsibility" *Journal of Business Ethics* Vol. 46, 2003, pp: 143-150.
- Smith, N. "Corporate Social Responsibility: Whether or How?" *California Management Review* Vol. 46, 2003, No. 4 pp. 52-73.
- Greenfield, W.M. "In the Name of Corporate Social Responsibility" *Business Horizons* Vol. 1, 2004, pp.19-28.

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
3RD SEMESTER**

(Group-II)

**SUBJECT-BANKING AND INSURANCE LAW
PAPER-XVI**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: This course is designed to acquaint the students with the conceptual and operational parameters of banking law and insurance law, the judicial interpretation, and the new and emerging dimensions of both the insurance as well as banking sector.

Bank and the banking system evolved into a vital socio-economical institution in the modern age and backbone of any country. This has been largely influenced by the socio-political and economic changes that have been witnessed at large. As a developing state, India has been influenced by these developments which led to the evolutionary effect on banking structure, policies, patterns and practices. A study of these developments reveals the development from banking as a generic entity to specialized one. One could quote Commercial banks, Cooperative Banks, Development Banks and Specialized Banks as a paradigm. The evolutionary process still continues with global phenomenon of liberalization. This has witnessed the entry of Foreign Banking Companies in the Indian market leading to deviation in the banking policy. Moreover new means such as E- Banking and E-Commerce has made it essential that the Indian legal system adopt new modus operandi to cope with the modern scenario.

Learning Outcome: In a backdrop of the above scene, the course is designed to enlighten the students with:

- The conceptual and legal parameters including the judicial interpretation of banking law.
- New emerging dimensions in banking system including e-commerce and e-banking.
- An abridged comparative analysis of International Banking System with that of banking system in India.

SECTION-A

Nature and development of Banking

Bank nationalization and social control over banking

Banking: Definition, Different kinds of Banks and Functions

Recovery of debt by banks

Banker and Customer- Relationship between Banker and Customer,

Termination of Banker and Customer Relationship

Judgment

Shanti Prasad Jain vs Director of Enforcement AIR 1964 SC 29

Case study

Rustam Cawasjee Cooper vs UOI AIR 1970 SC 564

SECTION-B

Special Features of Relationship between Banker and Customer- Banker's Obligations, Banker's right, Obligation and right of customers to his banker, Negotiable Instruments- Definition
Essential Features of Negotiable Instruments
Promissory Note, Bill of exchange and Cheque
Dishonor of Cheques: statutory provisions with cases

Judgment

Central Bank of India vs Ravindra and Ors, (2002) 1 SCC 367

Case study

Dashrath Rupsingh Rathod vs State of Maharashtra & Anr, (2014) 9 SCC 129

SECTION-C

Meaning and Nature of Insurance
Principles of Insurance
Types of Contract of Insurance
The Risk – commencement, attachment, assignment

Judgment

Bharat Watch Company vs National Insurance Co Ltd (April 2019)

Case study

United India Insurance Co. Ltd vs Sunny Dias (February 2018)

SECTION-D

Insurance against 3rd party (relevant provisions from Motor Vehicle Act 1988)
Liability Insurance
Consumer protection for Banking and Insurance services
Insurance Regulatory and Development Authority Act, 2000:- Establishment, Composition, Duties, Powers and Functions

Judgment

United India Insurance Co. Ltd vs Sumitra (January 2018)

Case study

National Insurance Co. Ltd vs P. Suresh (September 2018)

Suggested Readings:**Legislations**

- Banking and Regulation Act, 1949
- Consumer Protection Act, 2019

- Enforcement of security interest and Recovery of Debts Laws and Miscellaneous provisions (Amendment) Act 2016
- Insurance Regulatory and Development Authority Act, 2000
- Motor Vehicle Act, 1988
- Recovery of Debt due to Banks and Financial Institutions Act, 1993
- Reserve Bank of India Act, 1934
- Securitization and Reconstruction of Financial Assets and enforcements of security interest Act, 2002

Books

- Basu, A. Review of Current Banking Theory and Practice (1998) MacMillan
- Birds, John, Modern Insurance Law, 2003, Universal Publishing Co.
- Birds, John, Modern Insurance (1997), Sweet & Maxwell
- C. Goodhart, The Central Bank and the Financial System (1995), Macmillan, London
- Gupta, S. N., The Banking Law in Theory and Practice (in three volumes), 2006, Universal Law Publishing Co.
- Janakiraman Committee Report on Securities Operation of Banks and Financial Institution (1993)
- K. Subrahmanyam, Banking Reforms in India (1997) Tata Macgraw Hill, New Delhi.
- K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi
- L.C. Goyle, The Law of Banking and Bankers (1995) Eastern
- Mitra, The Law Relating to Bankers' Letters of Credit and Allied Laws, (1998) University BookAgency, Allahabad.
- M.L. Tannan, Tannan's Banking Law and Practice in India (2017) India Law House, New Delhi, 3 volumes, 27th ed
- M. Hapgood (ed.), Pagets' Law of Banking (1989) Butterworths, London
- M. Dassel, S. Isaacs and G. Pen, E.C. Banking Law, (1994) Lloyds of London Press, London
- M.N. Sreenivasan : Law and the Life Insurance Contract (1914)
- Mishra, M.N., Law of Insurance Principles and Practice, 2008, Radhakrishan Prakashan
- Murthy, K.S.N., and Sarma, K.V.S., Modern Law of Insurance in India, 2002 Lexis Nexis Butterworth
- Nainta, R.P., Banking System, Frauds and Legal Control, 2005, Deep and Deep Publications
- Narasimham Committee report on the Financial System (1991)- Second Report (1999)
- Peter Mac Donald Eggers and PatricFoss : Good faith and Insurance Contracts (1998) LLP Asia, Hongkong
- R. Goode, Commercial Law, (1995) Penguin, London.
- R.K. Talwar, Report of Working Group on Customer Service in Banks

- R.S. Narayana, The Recovery of Debts due to Banks and Financial Institutions Act, 1993(51 of1993), Asia Law House, Hyderabad.
- Ross Cranston, Principles of Banking Law (1997) Oxford.
- Ross Cranston (ed.) European Banking Law: The Banker-Customer Relationship (1999) LLP,London
- S. Chapman, The Rise of Merchant Banking (1984) Allen Unwin, London
- Sharma, B.R. and Nainta, R.P., Principles of Banking Law and Negotiable Instruments Act 2004, Allahabad Law Agency
- Shah, M. B., Landmark Judgments on Insurance, 2004, Universal Publishing Co.
- V. Conti and Hamaui (eds.), Financial Markets' Liberalization and the Role of Banks', CambridgeUniversity Press, Cambridge, (1993).

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
4TH SEMESTER**

(Group-I)

**SUBJECT: COMPARATIVE PUBLIC LAW
PAPER: XVII**

Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Objective: The subject will deal with the conceptual and theoretical foundations of public constitutional law from a comparative perspective. The dimensions covered i.e. theoretical, methodological and case studies will help reach a better understanding of the subject. It will cover comparative aspects pertaining to the essentials of federalism, constitutional judicial review, the amending power and public safety under the constitution.

SECTION-A

Concept of Public Law and Constitution

Meaning and Scope of Public Law

Significance of Comparative Public Law - Constitutional Law, Administrative Law and Criminal Law

Public Law and Private Law Divide

Written and Unwritten Constitutions

Constitution, Constitutionalisation & Constitutionality

SECTION-B

Constitutional Federalism, Judicial Review & Rule of Law

General features of a federal system as opposed to a unitary system

Models of Federalism

USA

India

Concept & Origin of Judicial Review

Constitutional Judicial Review

From Marbury to Keshavnanda

Rule of Law: A Comparative Study

USA

UK

India

SECTION-C

Constitutional Amending Powers; Originalism & Constitutionalism

Methods of Amendment

Theory of Constituent Power

Limitations on Amending Power: Comparative Perspective USA & India

Theory of Basic Structure: Origin & Development

Originalism

Living Constitution

Constitutionalism: Concept, Features and Relation between Constitution and Constitutionalism

SECTION-D

Separation of Powers: US, India

Montesquieu's Theory

The relations between organs of the State: A Comparative Study

Public Interest Litigation: US, India

Locus Standi

Judicial Activism

Judicial Accountability

Suggested Readings:

- DD. Basu, *Comparative Constitutional Law* (2nd ed., Wadhwa, Nagpur)
- M.V. Pylee, *Constitutions of the World* (Universal, 2006)
- Mahendra P. Singh, *Comparative Constitutional Law* (Eastern Book Company, 1989)
- Sudhir Krishna Swamy, *Democracy and Constitutionalism in India-A Study of the Basic Structure Doctrine* (Oxford University Press, 2009)
- S.P. Sathe, *Fundamental Rights and Amendment of the Indian Constitution* (1968)
- H.M. Seervai, *Constitutional Law of India* (Universal Publications, 2002)
- H.M. Seervai, *The Emergency, Future Safeguards and the Habeas Corpus: A Criticism* (1978)
- Anirudh Prasad, *Judicial Power and Judicial Review* (Eastern Book Company, Lucknow)
- John F. McEldowney, *Public Law* (Sweet & Maxwell, London)
- De Smith's, *Judicial Review* (Sweet & Maxwell, London)
- K.C. Wheare, *Federal Government* (Oxford University Press)
- Wade & Philips, *Constitutional Law* (Longmans, Green)
- Vikram David Amar, Mark Tushnet, *Global Perspectives on Constitutional Law* (Oxford University Press, 2009)

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
4TH SEMESTER
SUBJECT: ENVIRONMENTAL LAW AND POLICY
PAPER:XVIII

(Group-I)

Objective:-The paper aims to provide in-depth understanding about various environmental issues and challenges. Apart from creating inquisitiveness related to these issues the objective of the course work is to develop analytical faculties and to have proactive approach for protection and restoration of environment. The paper also focuses on study, analysis and implementation of national and international legal provisions and policies related to these issues. The case studies would help students in understanding the problem at grassroots level.

Learning Outcomes

- Conceptual clarity of subject
- Understanding the Jurisprudence of the subject
- Development of research abilities
- Development of critical thinking ability

SECTION-A

Environmental Justice Meaning and Scope
Environment and Human Rights Issues
Sustainable Development

Case Law:

Vellore Citizens' Welfare Forum versus Union of India (1996) 5 SCC 647
A.P. Pollution Control Board versus M.V. Nayudu (1999) 2 SCC 718

SECTION-B

Climate Change
United Nations Framework Convention on Climate Change
Kyoto Protocol
India's National Action Plan on Climate Change
Paris Agreement and beyond

Case Study

Climate Change A Just Climate Agreement: The Framework for an Effective
Global Deal, Sunita
Narain https://www.undp.org/content/dam/india/docs/undp_climate_change.pdf,
pages 7-16

SECTION-C

Hazardous Waste Management: Hazardous wastes dumping and disposal and their impact on environment

Basel Convention on the Control of Tran-boundary Movement of Hazardous Waste and their Disposal 1989

The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

Case Study

Beyond The Ban – Can The Basel Convention Adequately Safeguard the Interests of the World's Poor in the International Trade of Hazardous Waste?

Alan Andrews, Law, Environment and Development Journal

<http://www.lead-journal.org/content/09167.pdf>

Section-D

Loss of Biological Diversity and Environmental Concerns

United Nations Convention on Biological Diversity 1992

Cartagena Protocol on Bio safety to the Convention on Bio Diversity 2000

Biological Diversity Act, 2002

Case Study

Case studies in the conservation of biodiversity: degradation and threats

<http://www.the.eis.com/data/literature/Case%20studies%20in%20the%20conservation%20of%20biodiversity%20degradation%20and%20threats.pdf>

Suggested Readings:

- P. Leelakrishnan, *Environmental Law in India*, Lexis Nexis, Butterworths, Nagpur, 2016
- E. John, A. Matthews, J. Patrick, *SAGE Handbook of Environmental Change* Vol. I and II SAGE Publication, L.A. 2012
- P.B. Sahasranaman, *Oxford Handbook of Environmental Law*, Oxford University Press, 2012.
- Sairam Bhat, *Natural Resources Conservation Law*, SAGE Publication, L.A., 2011
- Jane Holder and Maria Lee, *Environment Protection Law and Policy*, Cambridge University Press, Cambridge, 2007.
- Dr. Vidya Bhagat, *Environmental Laws Issues and Concerns*, Regal Publication, New Delhi, 2011
- Aruna Venkat, *Environmental Law and Policy*, Publisher New Arrivals, New Delhi, 2017
- Daniel Bodansky, Jutta Brunnee & Ellen Hay, *The Oxford Handbook of International Environmental Law*, Oxford University Press, Oxford, 2007
- Ritwick Dutta, *The Environmental Activists Handbook*, published by Socio-Legal Information centre, Mumbai, 2002.
- Stuart Bell, Donald McGillivray, *The Law and Policy Relating to the Protection of The Environment*, Oxford university Press, Oxford, 2004

- Donald Anton and Dinah L. Shelton, *Environmental Protection and Human Rights*, Cambridge University Press, Cambridge, 2011
- P.S.Jaswal and NishthaJaswal, *Environmental Law*, Pioneer Publications, Allahabad Law Agency, Faridabad, 2017
- SairamBhat, *Natural Resources ConservationLaw*, SAGE Publication, L.A., 2010
- John S. Dryzek, David Schlosberg, *Debating the Earth the Environmental Politics Reader*, Oxford University Press, Oxford 2005.
- Rohan D' Souza, *Environment, Technology and Development*, Edited, EPW Orient Black Swan, New Delhi, 2012
- Patricia Birnie, Alan Boyle and Catherine Redgwell, *International Law and the Environment*, Oxford University Press, New York, 2009.
- Daniel Bodansky, JuttaBrunnee, and LavanyaRajamani, *International Climate Change Law*, Oxford University Press, United Kingdom, 2017
- ICLG *Environment and Climate Change Law2019*, A Practical Cross-border Insight into Environment and Climate Change Law, 16th Edition Editor, Nicholas CatlinPublished by Global Legal Group, 2109
- Regina S. Axelrod and Stacy D. VanDeveer,*The Global Environment Institutions, Law and Policy* 5th Edition, , Sage Publishing, 2019

**MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
4TH SEMESTER**

(Group-II)

**SUBJECT-CORPORATE CRIMES AND WHILTE COLLAR CRIMES
PAPER-XIX**

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: In the present global scenario the role of corporation are incredible but on the other hand the cases like Bhopal Gas Tragedy, Satyam and Sahara Scam has made it essential to attribute criminal liability to companies. The Course focuses on the criminality of privileged classes, State and business entities. The course will help the student to acquaint with the legal system of corporate crimes and white collar crimes. The course will help the students to understand and analyse the patterns of emerging corporate & white collar crimes in the societal context.

SECTION-A

Understanding Corporate Crimes and their impacts

Meaning and Forms of Corporate Crimes

Crimes committed against companies (by own employees/executives)

Crimes committed by companies against its stakeholders

White Collar crimes by executives and managers

SECTION-B

Historical background of Corporate Crimes

Impacts of these crimes on a corporation's various stakeholders (including direct and indirect industry damage and reputational damage) such as the employees, the public, customers, environment, middlemen, investors, shareholders, government and competing companies.

Corporate Criminal Liability

Extent of criminal liability

SECTION-C

Defining and Assessing White Collar Crimes

Historical Background

Theories of White Collar Crimes

Sub-cultural Theory

Structured Action Theory

Anomie Theory
Typology of White Collar Crimes

SECTION-D

Controlling/Regulating White Collar Crimes

Self Control (special focus on resistance to Insider trading)

Whistle Blowing

Government Control

Legal Control – Prosecution

Media Influence and impact (impact of throwing limelight on these crimes publicly)

Suggested Readings:

- Gandhirajan, C K 2004, Organised crime, A P H Publishing Corporation
- Nair, P M 2002, Combating Organized crime, Konark Publishers
- Cambridge University Press, 2001, White Collar Crime Explosion: How to protect yourself and your company from prosecution
- Viano, Emilio C 2000 Global Organized Crime and International Security, Ashgate Publishing Limited
- Situ, Yingyi, 2000, Environmental Crime: The Criminal Justice System,s Role in Protecting the Environment, Sage Publications, New Delhi.
- Viano, Emilo C, 1999, Global Organized Crime and International Security, Ashgate, Aldershot
- Mishra, Girish, 1998,White-collar Crimes, Gyan Publishing House, New Delhi
- Lyman, Michael D, 1997, Organized Crime, Prentice Hall, Upper Saddle River
- Lyman, Florentini&Peltzman, 1995, The Economics of Organised Crime, Cambridge University Press
- Bologna, Jack, 1984, Corporate Fraud, Butterworth Publishers
- Clinnard, Marshall B, 1983, Corporate Ethics & Crime, Sage Publications
- Clinard B & Yeager C Peter, 1980, Corporate Crime, McMillan Publishing Co.,
- SachdevaUpdesh Singh, 1987, Frauders and Bankers : Prevention and DetectionTechniques, UDH Publishing House, Delhi.
- Paranjapa NV, 2001, Criminology and Penology 2nd edition, Central LawPublication Allahabad.

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2020-21
4TH SEMESTER

(Group-II)

SUBJECT: INTERNATIONAL TRADE LAW
PAPER: XX

Duration: 3 hours

Maximum Marks: 100

Theory Paper: 75

Seminar: 25

Objective: International trade laws are the collection of national and public international laws which apply to transactions of goods and services across the globe. It is primarily based on the principle of *lexmercatoria* and *lexmaritima*.e, "the law for merchants on land" and "the law for merchants on sea" and has gradually developed from a bilateral treaty to the multilateral treaty regime under the WTO. This paper is offered to understand the provisions of International Trade under the UNCITRAL and WTO dealing with trade liberalization, abolition of trade barriers, unfair trade practices, dispute resolution mechanism, anti-dumping provisions, countervailing duties and Convention of International Sales of Goods.

SECTION-A

Private law of International Trade: The UN Convention on Contracts for the International Sale of Goods (VIENNA SALES CONVENTION, 1980) - Application of the Convention; General provision of formation of contract of sales of goods; The UNIDROIT Principles of International Commercial Contracts;

SECTION-B

International Commercial Trade Terms- INCOTERMS 1990

Carriage of Goods by Sea— Bill of Lading or Charter Party; International Convention on the Unification of Certain Rules relating to Bills of Lading (Hague Rules) and Rotterdam Rules

Carriage of Goods by Air; Convention for the Unification of Certain Rules Relating to International Carriage by Air (WARSAW CONVENTION) WARSAW, 1929;

Financing Exports: Letters of Credit: Forms and Types Documentary Credit; The Principle of Autonomy of the Letter of Credit

SECTION-C

Public Law of International Trade: Historical Background of the GATT, 1947; Evolution of the WTO, 1994- Structure, Principles and Functions; Non-discrimination Provisions in WTO; Voluntary Export Restraint and WTO; Agreement on Safeguards; Agreement on Anti-Dumping; Custom Valuation and WTO; Special and Differential Treatment under the WTO;

SECTION-D

Agreement on Subsidies and Countervailing Measures; Trade in Agriculture; Agreement on the Application of Sanitary and Phytosanitary Measures;

Agreement on Technical Barriers of Trade; TRIPS; TRIMS; Trade in Services; Dispute Settlement Body (DSB) in WTO

Suggested Readings:

- INTERNATIONAL TRADE AND BUSINESS: LAW, POLICY AND ETHICS, Professor Peter Gillies, Professor Gabriël Moens, Cavendish Publishing (Australia)
- Gupta, R. K., *World Trade Organization- Text (2Vols)*
- Adamantopoulos, Konstantinos, *An Anatomy of the World Trade Organisation*(Kluwer Law International, 1997).
- Correa, Carlos. M, *IPRs, The WTO and Developing Countries* (Zed Books Ltd, London, 2000).
- Day, D. M. and Griffin, Bernardette, *The Law of International. Trade* (Butterworths and Lexis Nexis, London, 2003).
- Dijck, Pitol, Vom and Faber, Gemit, *Challenges to the New World Trade Organisation*(Kluwer Law International, The Netherlands, 1996).
- Honnold, John, *Unjform Law for International Sales under the 1980 United Nations Sales Convention* (Kluwer Law International, The Hague, 1982).
- Jayaraj, C. & Govindaraj, V. C, *Non- Resident Indians and Private International Law* (ISIL & Hope India Publications, New Delhi, 2008)
- Kleso, Robert, *International Law of Commerce* (Denim's and Co, New York, 1976).
- Meron, Theodor, *Investment Insurance in International Law* (Oceana Publiactions, 1976).
- Moens, Gabriel and Giles, Peter, *International Trade and Business Law, Policy and Ethics* (Canadian Publishing, London, 1998).
- Goyal, Anupam, *The WTO and International Environmental Law: Towards Conciliation* (Oxford University Press, New Delhi, 2006).
- Koul, A. K., *The General Agreement on Tariffs and Trade: GATT/World Trade Organisation (WTO) Law, Economic and Politics* (Satyam Books, New Delhi, 2005).
- Thommem, T. Kochu, *Bills of Lading in International Law and Practice* (Eastern Book Company, Lucknow, 1984).
- P. Kindleberger, *International Economics* (Richard Irwin Homewood, Illinois, Indian Edition 1987).
- B.O. Soderston, *International Economics*, (McMillan Press Ltd., 1990).
- Dominick, Salavatore, *International Economics*, (John Wiley & Sons (Asia) pte Ltd. 7th edition, 2001).
- Bhagwati, J.N, *International Trade: Selected Readings* (McMilan University Press, 1998).
- Krugman P.R. and Obstfeld Maurice, *International Economics-Theory and Policy* (Addison-Wesley, 2000)
