PANJAB UNIVERSITY, CHANDIGARH-160014 (INDIA)
(Estd. under the Panjab University Act VII of 1947-enacted by the Govt. of India)

FACULTY OF LAW

OUTLINES OF TESTS SYLLABI AND COURSES OF READING

FOR

LLM - Two Year Course at UILS

For the Session 2019-2020
# MASTER OF LAWS- TWO YEAR (4 SEMESTER) DEGREE COURSE
LIST OF PAPERS (2019-2020)

## SEMESTER I

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## SEMESTER II

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<td>Constitutional Law and New Challenges</td>
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<td>Family Law</td>
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## SEMESTER III

**CHOOSE ANY ONE OF THE FOLLOWING GROUPS**

### GROUP-I  CONSTITUTIONAL AND ENVIRONMENT LAW

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### GROUP-II  CRIMINAL & CORPORATE LAW

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<td>Criminology, Penology and Victimology</td>
<td>XIII</td>
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<td>2</td>
<td>Economic and Social Offences</td>
<td>XIV</td>
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<td>3</td>
<td>Corporate Governance and Corporate Social Responsibility</td>
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<tr>
<td>4</td>
<td>Banking and Insurance Law</td>
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SEMESTER IV

CHOOSE ANY ONE OF THE FOLLOWING GROUPS

GROUP-I CONSTITUTIONAL AND ENVIRONMENT LAW

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<td>Environmental Law and Policy</td>
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GROUP-II CRIMINAL AND CORPORATE LAW

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<td>XIX</td>
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<td>2</td>
<td>International Trade Law</td>
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<td>3</td>
<td>Dissertation &amp; Viva-Voce</td>
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SCHEME OF EXAMINATIONS:

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

Maximum 100 marks will be 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 2019-20
1ST SEMESTER

SUBJECT: JURISPRUDENCE AND GLOBAL JUSTICE
PAPER NO: I

Duration: 3 hours
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Unit-I

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

Unit-II

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:
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

Unit-III

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
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)

SUGGESTED READINGS:

- Lloyd’s Introduction to Jurisprudence
- G.W. Paton: A Text Book of Jurisprudence
- Karl N Llewellyn: Jurisprudence Realism in Theory and Practice
- Dhyani: Fundamentals of Jurisprudence and Jurisprudence and Legal Theory
- Amartya Sens, ‘Idea of Justice’
Duration: 3 hours

Maximum Marks: 100
Theory Paper: 75
Seminar: 25

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

Unit-II
Territorial Sea: Territorial Waters, Contiguous Zone, Continental Shelf, EEZ.
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.

Unit-III
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)

Unit-IV
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).
• 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., Salient Documents of International Law (Banyan Publication, New Delhi, 1994).
• Bedi, Shrutii. 'Indian Counter-Terrorism Law', (LexisNexis, New Delhi, 2015)
• Dixit, R.K. & Jayaraj, C, Dynamics of International Law in the New Millennium (Manak Publications, New Delhi).
• Geza, Herczegh, Developments of International Humanitarian Law (Akademiai Kiado, Budapest, 1984).
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.

Unit-I

Unit-II
Hypothesis.
Sampling techniques in research.
Primary and Secondary Data; Data collection techniques: Case Study, Observation, Interview, Questionnaire and Schedule, Survey, Historical.

Unit-III
Data processing: Editing, Coding and Classification.
Techniques of Data Presentation in Research: Tabulation, Diagrammatic and Graphic. Analysis and Interpretation of Data.
Unit-IV

Suggested Readings:

- Fitzgerald, J. and Jerry Fitzgerald, Statistics for Criminal Justice and Criminology in Practice and Research-An Introduction, 2014
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2019-20
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.

Unit-I

Interpretation of Statutes
Commencement, Repeal and Revival of Statutes
Enabling, Consolidating and Codifying Statutes
The Primary Rule: literal construction
Mischief Rule; Golden Rule.

Unit-II

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

Unit-III

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

Unit-IV

SUBORDINATE PRINCIPLES OF INTERPRETATION
Uni est Exclusio Alterius
Generalia Specialibus Non-derogant; -Treatment of General Words
Doctrine of Ejusdem 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:
- P. St. Langan (Ed.), Maxwell on the Interpretation of Statutes (1976), N. M. Tripathi, Bomaby

- Maxwell on the Interpretation of Statutes
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE  
SESSION 2019-20  
2ND SEMESTER  

SUBJECT: LAW AND SOCIAL TRANSFORMATION  
PAPER: V  

Duration: 3 hours  
Maximum Marks: 100  
Theory Paper: 75  
Seminar: 25  

Unit-I  

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  

Unit-I  

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  

Unit-III  

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  

Unit-IV  

Children and the Law  
Child Labour: Constitutional and Legislative Provisions  
Sexual exploitation of Children: Legislative measures  
Children and Education  

Suggested Readings:  

- Marc Galanter (ed.), law and Society in Modern India
- M.P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2019-20
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.

Unit-I
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

Unit-II
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

Unit-III
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

Unit-IV
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:

- Ravi Prakash, Constitution, Fundamental Rights and Judicial Activism in India (1997).
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE  
SESSION 2019-20  
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.

Unit-I
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

Unit-II
Inchoate Crimes
  * Abetment
  * Criminal Conspiracy
  * Attempt
General Defenses
  * Mistake
  * Accident
  * Necessity
  * Insanity
  * Intoxication
  * Private Defense

Unit-III
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
Unit-IV

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:

- Krishan Vij, Forensic Medicine and Toxicology, Principles and Practice, Elsevier India Private Limited, 2014
- Modis, Medical Jurisprudence and Toxicology, Lexis Nexis, New Delhi, 2006
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.

Unit-I
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

Unit-II
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

Unit-III
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
Unit-IV
Issues of custody, guardianship in matrimonial disputes
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)
- Mayne, Treatise on Hindu Law and Usages, (Bharat Law House, West Bengal 1986)

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 2019-20
3RD SEMESTER

(Group-I) SUBJECT-ADMINISTRATIVE LAW

PAPER: IX

Duration: 3 hours
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Unit-I
Meaning, Nature and Scope of Administrative Law
Evolution and Development of Administrative Law in India
Relationship between Administrative Law and Constitutional Law
Doctrine of Separation of Powers
Rule of Law

Unit-II
Delegated Legislation-Permissible Limits and Controls
Classification of Government Functions
Administrative Adjudication
Administrative Tribunals

Unit-III
Principles of Natural justice
Tortuoues and Contractual Liability of State
Witholding of Documents from Evidence
Doctrine of Promissory Estoppel

Unit-IV
Judicial Review of Administrative Action
Public Law Review and Private Law Remedies
Administrative Discretion
Right to Information Act, 2005
Public Interest Litigation and its Emerging Dimensions

Suggested Readings:
- Griffith and Street: Principles of Administrative Law.
- De Smith: Judicial Review of Administrative Action, Sweet and Maxwell.
- S.P. Sathe: Administrative Law, Butterworths.
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2019-20
3RD SEMESTER

(Group-I)

SUBJECT-SERVICE LAW
PAPER-X

Duration: 3 hours
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Unit-I
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

Unit-II
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.

Unit-III
Compulsory/Premature Retirement
Principles of Equal Pay for Equal Work
Status and Rights of Adhoc Employees and their Regularization

Unit-IV
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:**

- 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*
- S.T. Srinivasan, *Kulshretha’s Service Laws and Constitutional Remedies*
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.

Unit-I
The Water (Prevention and Control) of Pollution Act, 1974
The Air (Prevention and Control) of Pollution Act, 1981

Unit-II
The Environment Protection Act, 1986
The Noise Pollution (Regulation and Control) Rules, 2000
Hazardous and Other Wastes (Management and Tranboundary Movement) Rules, 2016

Unit- III
The Chemical Accidents (Emergency) Planning, Preparedness and Response Rules, 1996
The Solid Wastes (Management) Rules, 2016

Unit-IV
Public Liability Insurance Act, 1991
The National Green Tribunal Act, 2010
Batteries Management and Handling Rules, 2001 including 2010 Amendment
The E-Waste (Management) Rules, 2016
Suggested Readings:

- LAL’S Commentary on Water and Air Pollution and Environment (Protection) Laws, Revised by M.C. Mehta, Delhi Law House, 2007
- P.B. Sahasranaman, Oxford Handbook of Environmental Law, Oxford University Press, 2012
- Dr. Vidya Bhagat, Environmental Laws Issues and Concerns, Regal Publication, New Delhi, 2011
- Ritwick Dutta, The Environmental Activists Handbook, Published by Socio-Legal Information Centre, Mumbai, 2002
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE  
SESSION 2019-20  
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 attained a fair understanding of principles, procedures, techniques and institutions that are engaged in adopting and improving a states’ compliance with its obligations in international law.  

Unit- I  
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  

Unit-II  
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.  

Unit-III  
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  

Unit-IV

Suggested Readings:

(Group-II)
SUBJECT: CRIMINOLOGY, PENOLOGY AND VICTIMOLOGY
PAPER-XIII

Duration: 3 hours
Maximum Marks: 100
Theory Paper: 75
Seminar: 25

Unit-I
Criminology- Its Meaning, Nature and Scope

Theories of Criminology
- Sociological Theory of Criminology
- Biological and Psychological Theory of Criminology
- Labeling Criminology
- Marxist Criminology

Unit-II
Feminist Criminology
Convict Criminology
Critical Criminology
Green Criminology
Media Criminology

Unit-III
Penology
Meaning, Nature and Scope of Penology
Penology- The Global Perspective
Punitive Approach and the Contemporary Role of Punishment

Unit-IV
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

Suggested Readings:
- Handbook of Criminology, Ramakand Purvi, Dominant Publishers and Distributors, Delhi, 2006
- The Sage Handbook of Criminological Theory, Eugene McLaughlin & Tim Newburn, Sage Publications India Private Limited, Delhi, 2010
- 21st Century Criminology, J. Mitchell Miller, Sage Publications India Private Limited, Delhi, 2009
- An Introduction to Criminological Theory, Roger Hopkins Burke, Willian Publishing, USA, 2008
- Introduction to Criminology, Pamela J. Schran, Stephen g. tibbetts, Sage Publication, 2015
- Criminology, Chris Hale, Keith Hayward, Azrini Wahidin, Emma Wincap, Oxford University Press, 2005
- Crime and Criminology, Rob While & Fiona Haines Oxford University Press, Australia, 2004
- Criminological Theory, Stephen G. Tibbetts & Craig Hemmens, Sage Publications India Private Limited, Delhi, 2010
- Principles of Criminology, Edwin Sutherland, J.B. Lippincott, Philadelphia, 1971
- Criminology An Interdisciplinary Approach, Anthony Walsh and Lee Ellis, Sage Publications, New Delhi, 2007
- Criminology, Stephen Jones, Oxford University Press, New Delhi, 2007
- Criminological Theory, Stephen G. Tibbetts, Craig Hemmens, Sage, L.A. 2010
- Criminal Law and Criminology, K.D. Gaur, Deep and Deep Publications, New Delhi, 2002
- Victimology, Parkash Talwar, Isha Books, Delhi, 2006
- Restorative Justice, Dennis Sullivan and Larry Tifft, 2015
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 endeavours 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.

Unit-I
Meaning, nature, extent and methods to curb social and economic offences

Offences Affecting Health and Economy
Prevention of Corruption Act, 1988
Prevention of Money Laundering Act, 2002 including 2012 amendment
The Food Safety and Standards Act, 2006

Unit -II
Offences Affecting Children
Pre Natal Diagnostics Techniques Act, 1994
Protection of Children from Sexual Offences, Act, 2012

Unit -III
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

Unit -IV
Offences Affecting Scheduled Castes/ Scheduled Tribes
Article 17 of Indian Constitution, the Protection of Civil Rights Act, 1955
The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

**Suggested Readings:**

- MC Mehanathan, Law on Prevention of Money Laundering in India, Lexis Nexis, 2014
- 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
Objective: 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.

Unit-I
Business Ethics: Meaning, Importance and theories; Tynelol Crisis
Corporate Governance: Origin, Theories and Models of Corporate Governance, Models of Corporate Governance in India
Corporate Governance Committees in India,

Unit-II
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.

Unit-III
Unit-IV

Suggested Readings:


Statutory Material

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

Suggested Articles

MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2019-20
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.

Unit-I
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

Unit-II
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

Unit-III
Meaning and Nature of Insurance
Principles of Insurance
Types of Contact of Insurance
The Risk – commencement, attachment, assignment

Unit-IV
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
**Suggested Readings:**

**Legislations**
- Banking and Regulation Act, 1949
- Reserve Bank of India Act, 1934
- Recovery of Debt due to Banks and Financial Institutions Act, 1993
- Securitization and Reconstruction of Financial Assets and enforcements of security interest Act, 2002
- 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
- Consumer Protection Act 1986

**Books**


M.L. Tannan, Tannan’s Banking Law and Practice in India (1997) India Law House, New Delhi, 2 volumes

K.C. Shekhar, Banking Theory and Practice (1998) UBS Publisher Distributors Ltd. New Delhi


Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts (1998) LLP Asia, Hongkong

Birds : Modern Insurance (1997), Sweet & Maxwell

M.N. Sreenivasan : Law and the Life Insurance Contract (1914)
MASTER OF LAWS-TWO YEAR (4 SEMESTER) DEGREE COURSE
SESSION 2019-20
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.

Unit-I
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

Unit-II
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

Unit-III
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

Unit-IV
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:
- De Smith’s, *Judicial Review* (Sweet & Maxwell, London)
- Wade & Philips, *Constitutional Law* (Longmans, Green)
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.

Unit-I
Environmental Justice Meaning and Scope
Environment and Human Rights Issues
Sustainable Development
Right to Information and Public Participation

Unit-II
Climate Change: Meaning, Magnitude and Challenges
United Nations Framework Convention on Climate Change
Kyoto Protocol
India’s National Action Plan on Climate Change
Paris Agreement and beyond

Unit-III
Hazardous Waste Management: Hazardous wastes dumping and disposal and their impact on environment
The Manufacture, Storage and Import of Hazardous Chemical Rules, 1989

Unit-IV
Loss of Biological Diversity and Environmental Concerns
United Nations Convention on Biological Diversity 1992
Biological Diversity Act, 2002 and 2010 Nagoya Protocol on Access and Benefit Sharing 2010
Suggested Readings:

- P. Leelakrishnan, Environmental Law in India, Lexis Nexis, Butterworths, Nagpur, 2016
- Dr. Vidya Bhagat, Environmental Laws Issues and Concerns, Regal Publication, New Delhi, 2011
- Aruna Venkat, Environmental Law and Policy, Publisher New Arrivals, New Delhi, 2011
- Daniel Bodansky, Jutta Brunnee, and Lavanya Rajamani, International Climate Change Law, Oxford University Press, United Kingdom, 2017
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.

Unit-I
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

Unit-II
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

Unit-III
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
Unit-IV
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
- Bologna, Jack, 1984, Corporate Fraud, Butterworth Publishers
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 lex mercatoria and lex maritima, i.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.

Unit-I

Unit-II
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

Unit-III
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;

Unit-IV
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)