

University of Mumbai



Department of Law LL.M. PROGRAMME 2022-23 CURRICULUM

LL.M. PROGRAMME - OBJECTIVE

- To develop research skills among students
- To ensure specialized knowledge in the field of Law
- To encourage students to pursue further research education in the field of Law
- To maintain national standards and international comparability of learning outcomes
- To promote global academic standards and ensure global competitiveness,
- To facilitate mobility of Post graduate learners.

LL.M. PROGRAMME – OUTCOME

After completion of the LL.M Degree Program the learners will be enabled to

- The LL.M program, forwards disciplinary and interdisciplinary knowledge and understanding, generic skill, including global competencies to all students.
- To acquire specialized knowledge in the respective domains of Legal studies and practice.

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- To become legal research analysts..
- To become Legal luminaries, practitioners, officers and Judges.
- To join the noble profession of teaching in Law

CURRICULUM SUMMARY:

a. Foundation Papers

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

b. Optional Groups

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

c. Dissertation and Choice Based Project work


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

OBJECTIVE

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

OUTCOME

- This course enables students:
- To raise legal and social awareness.
- To make suggestions to the law makers for enacting the law accordingly.
- To make suggestions regarding Implementation of the laws through appropriate mechanism.

Module – I (1 Credit)

1. Law and Social Change:

Law as an instrument of social change.

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

2. Religion and the Law:

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

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

Religious minorities and the law.

Module – II (1 Credit)

3. Language and the Law:

Language as a divisive factor: Formation of linguistic states.

Constitutional guarantees to linguistic minorities. Language policy and the Constitution, Official language; multi-language system.

Non-discrimination on the ground of language.

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4. Community and the law:

Caste as a divisive factor

Non-discrimination on the ground of caste.

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

Reservation; Statutory Commissions, Statutory provisions.

Module – III (1 Credit)

5. Women and the Law:

Crimes against women.

Gender injustice and its various forms.

Women's Commission.

Empowerment of women: Constitutional and other legal provisions

6. Children and the Law:

Child labour

Sexual exploitation.

Adoption and related problems.

Children and education.

Module – IV (1 Credit)

7. Modernization and the Law:

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

Modernization of social institutions through law. Reform of family law

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

Industrialization v. environmental protection.

Reform of court processes.

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

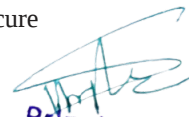
Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats.

Prison reforms

Democratic decentralization and local self government.

8. Alternative approaches to law:

Naxalite movement: causes and cure


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References: —

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

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

D.D. Basu, Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi.

H.M. Seervai, Constitutional Law of India (1996), Tripathi.

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

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

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

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

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

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

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

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

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


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FOUNDATION PAPER II— INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES (4 Credits)

OBJECTIVES

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Federalism:

Creation of new states

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

Centre's responsibility and internal disturbance within State.

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

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

Special status of certain States. Tribal Areas, Scheduled Areas

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

Module – II (1Credit)

3. Right to equality: privatization and its impact on affirmative action.

4. Empowerment of Women.

5. Freedom of press and challenges of new scientific development:

Freedom of speech and right to broadcast and telecast. Right to strikes, hartal and bandh

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Module – III (1 Credit)

6. Emerging regime of new rights and remedies:

Fundamental Rights Directive Principles and Fundamental Duties.

Compensation jurisprudence. Right to education.

Commercialization of education and its impact. Brain drain by foreign education market.

7. Rights of minorities to establish and administer educational institutions and state control.

8. Secularism and religious fanaticism.

Module – IV (1 Credit)

9. Separation of powers: stresses and strain

Judicial Activism and judicial Restraint PIL: implementation

Judicial independence.

Appointment, transfer and removal of judges. Accountability: executive and judiciary.

Tribunals

10. Democratic process:

Nexus of politics with criminals and the business.

Election commission: status.

Electoral Reforms

Coalition government, 'stability, durability, corrupt practice'

Grass root democracy.

References: —

- Indian Constitutional Law: New Challenges (Paperback, Shyam Lal Verma), India Publishing Company, 2018.
- Constitutional Law- New Challenges (English, Paperback, GP Tripathi), Publisher: Central Law Publications
ISBN: 9789386456793, 9386456796, Edition: 2, 2018.
- Universal's Landmark Judgments Covering More than 100 Leading Cases of India, 12th Edition 2017 - Including Prescribed Cases for Supreme Court Advocate-On-Records Examination (English, Paperback, Universal's), Publisher: Universal Law Publishing, ISBN: 9788131252529, 8131252523, Edition: Twelfth Edition, 2017

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FOUNDATION PAPER III - JUDICIAL PROCESS

(4 Credits)

OBJECTIVE

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

OUTCOME

This course enables students

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

Module – I (1 Credit)

1. Nature of judicial process:

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

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

Module – II (1 Credit)

2. Special Dimensions of Judicial Process in Constitutional Adjudications:

Notions of judicial review

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

Tools and techniques in policy-making and creativity in constitutional adjudication,

Varieties of judicial activism

Problems of accountability and judicial law making.

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Module – III (1 Credit)

3. Judicial Process in India:

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

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

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

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

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

Module – IV (1 Credit)

4 The Concept of Justice:

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

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

5 Relation between Law and Justice:

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

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

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

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


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References: —

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

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

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

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

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

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

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

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

U. Baxi, The Indian Supreme Court and Politics (1980), Eastern, Lucknow.

W. Freidmann, Legal Theory (1960), Stevens, London.


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

OBJECTIVE

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

OUTCOME

This course enables students

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

Module – I (1 Credit)

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

Module – II (1 Credit)

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

Module – III (1 Credit)

5. Research Methods:

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

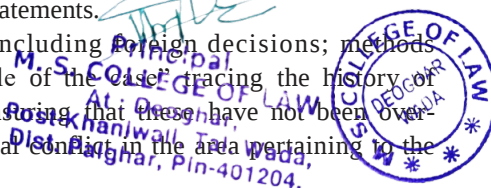
6. Identification of Research Problem and formulation of Hypothesis:

Research problem

Survey of available literature and bibliographical research

Legislative materials including subordinate legislation, notification and policy statements.

Decisional materials including foreign decisions; methods of discovering the “rule of the case” tracing the history of important cases and ensuring that these have not been overruled; discovering judicial conflict in the area pertaining to the



research problem and the reasons thereof.

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

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

Module – IV (1 Credit)

7. Preparation of the Research Design:

Devising tools and techniques for collection of data: Methodology.

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

Use of historical and comparative research materials Use of observational studies

Use of questionnaires/interview Use of case studies

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

Use of scaling techniques

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

Analysis of data.

References: —

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

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

Payne, The Art of Asking Questions (1965)

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

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

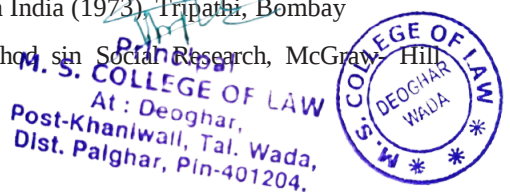
Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Harvard Law Review Association, Uniform System of Citations. ILI Publication, Legal Research and Methodology.

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

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

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

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



OPTIONAL GROUPS
GROUP-I – CONSTITUTIONAL AND ADMINISTRATIVE
LAW

According to Hugo Grotious “The Constitution of every state has been preceded by a social contract and people have chosen the form of Government which they thought as most suitable to them based on social, economic, political circumstances existing therein that state.” The Constitution of India is supreme law of land. The objective of this paper is to introduce and interpret the basic fundamental concepts and principles of Constitutional law. This is to enable the students to study and understand the different aspects, issues and challenges of the subject.

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

OBJECTIVE

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

OUTCOME

After completion of this paper students will be in position to

- Know Constitution Philosophy and Practice in India
- Analyse Constitutional basic Structure
- Carry out comparative studies of Constitutional Provisions in U.S.A & Australia, Canada


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Module – I (1 Credit)

1. Constitutionalism:

Authoritarianism – Dictatorship Democracy – Communism.

Limited Government – Concept – Limitations on government power.

What is a Constitution?

Development of a democratic government England – Historical evolution of constitutional government.

Conventions of constitutionalism

Written Constitutions: U.S.A., Canada, Australia, Sweden, South Africa and India.

Separation of powers: Montesquieu. Rule of Law: Concept and new horizons Marxist concept of Constitutionalism Dictatorship of the proletariat.

Communist State from Stalin to Gorbachov. Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights. Human Rights: International conventions.

Limits & doctrine of domestic jurisdiction in International Law.

2. Federalism:

What is a federal government?

Difference between confederation and federation. Conditions requisite for federalism.

Patterns of federal government – U.S.A., Australia, Canada, India.

Judicial review – for federal umpiring

New trends in federalism: Co-Operative federalism India – Central Control v. State Autonomy

Political factors influencing federalism

Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam.

Dynamic of federalism.

Module – II (1 Credit)

3. Pluralism:

What is a pluralistic society?

Ethnic. Linguistic, cultural, political pluralism

Individual rights – right to dissent

Freedom of speech and expression

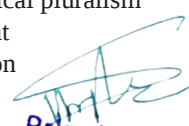
Freedom of the press

Freedom of association

Rights to separateness

Freedom of religion

Rights of the religious and linguistic minorities


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Compensatory discrimination for backward classes
Women – right to equality and right to special protection
Scheduled Tribes, Distinct Identity – protection against
exploitation – NSIS – Exclusion from Hindu Law

Module – III (1 Credit)

4. Uniform Civil Code:

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

5. Equality in Plural Society:

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

Module – IV (1 Credit)

6. Pluralism and International Concerns:

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

References: —

H.M. Seervai, Constitutional Law of India (1993), Tripathi,
Bombay Students should consult relevant volumes of the Annual Survey of
Indian Law Published by the Indian Law Institute.
Judicial Law Making and the Place of the Directive Principles in the Indian
Constitution,” J.I.L.I. 198 (1985)
M.A. Fazal “Drafting A British Bill of Rights” 27 J.I.L.I. 423 (1985)
M.P. Jain Indian Constitutional Law (1994), Wadhwa Jagat Narain“ Rhett
Ludwikowski, “Judicial Review in the socialist Legal Systems : Current
Development” 37 I.C.L.D.89-108 (1988)
Upendra Baxi, “Law, Democracy and Human Rights” - 5, Lokayan
Bulletin 4 (1987)
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PAPER-II- NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW (4 Credits)

OBJECTIVE

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

OUTCOME

After completion of this paper students will be in position to

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

Module – I (1 Credit)

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

Emergency Detention in England

Civil Liberties Subjective satisfaction or objective assessment?

Pre-Independence law

2. Preventive Detention and Indian Constitution:

Article 22 of the Constitution

Preventive Detention and Safeguards

Declaration of Emergencies

1962, 1965 and 1970 Emergencies

1975 Emergency

Module – II (1 Credit)

3. Exceptional Legislation:

COFEPOSA and other legislation to curb economic offenders

TADA: “The draconian Law”- comments of NHRC Special courts and tribunals

Due process and special legislation

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4. Civil Liberties and Emergency:

Article 19

Meaning of “Security of State”

Meaning of “Public Order”

Suspension of Article 19: rights on declaration of emergency

President’s Right to suspend right to move any court

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

Module – III (1 Credit)

5. Access to Courts and Emergency:

Article 359: Ups and downs of judicial review

Constitution (Forty-fourth), Amendment Act, 1978

Constitution (Fifty-ninth) Amendment Act, 1988

6. Martial Law:

Provisions in English Law

Provisions in the Constitution

Module – IV (1 Credit)

7. Human Rights in India:

Constitutional Philosophy

Human Rights of Disadvantaged Groups – Women, Children, Dalits, Unorganized Labour and Minorities.

Police, Prison and Human Rights

Judicial Activism.

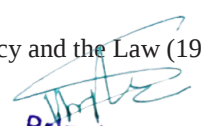
References: —

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

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

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

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


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PAPER III—COMPARATIVE CONSTITUTIONAL LAW (4 Credits)

OBJECTIVE

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

OUTCOME

This course enables students

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

Module – I (1 Credit)

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

Module – II (1 Credit)

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

Module – III (1 Credit)

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

Module – IV (1 Credit)

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

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References: —

- Bryce James, "Modern Democracies." McMillian & Co., 1923.
- Basu D.D., "Select Constitutions of the World," Sarkar, Calcutta, 1990.
- Basu D.D., "Comparative Federalism", PHI. 1987.
- Cooley, "Constitution of the U.S.A." 1973.
- Dicey A.V., "Law of the Constitution"
- Friedrick Karl, "Constitutional Government and Democracy", Oxford, 1966.
- Frank, "Comparative Constitutional Process."
- Finer, Comparative Governments, Penguin, 1970.
- Hood Philips, "Constitutional and Administrative Law", Sweet & Maxwell, London, 1987.
- Hughes, "Federal Constitution of Switzerland", Oxford.
- Jeffery Jowell and Dawn Oliver, "The Changing Constitution".
- Jenning Ivor, "Law and the Constitution", 1971.
- Raman Sunder, "Amending Power under the Constitution of India, Eastern, 1990.
- Sawer, "Modern Federalism". 1969.
- Wheare K.C., "Federal Government", Oxford, 1963
- Walter Begchot, "English Constitution," Oxford.
- Wade, "Public Law in Britain and India," N.M. Tripathi, 1992.
- Wheare K.C., "Modern Constitutions", Oxford, 1966.
- Wade & Bradley, "Constitutional Law", Longman, 1985.


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

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Administrative Process:

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

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

Constitutional standards
Comparative aspects

Module – II (1 Credit)

3. Rule of Law:

Changing dimensions
Regulation of administrative process

4. Separation of Powers: From Rigidity to Flexibility.

Module – III (1 Credit)

5. Delegated Legislation: Problems, Process and Control.

6. Power and duty:

Doctrine of police power
Doctrine of eminent power
Taxing power
Responsibility and accountability

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Module – IV (1 Credit)

7. Administrative Discretion:

Structuring and limiting
Impact of technological development

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

References: —

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

De Smith, Judicial Review of Administrative Action (1995)

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

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

Jain & Jain. Principles of Administrative Law (1986) Tripathi
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PAPER V—ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL (4 Credits)

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Concepts and Agencies:

Common law countries
French system

2. Judicial Review in India:

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

Module – II (1 Credit)

3. Jurisdiction:

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

4. Grounds of Review:

Doctrine of ultra vires
Unreviewable discretionary powers. From riverside to Padfield
Discretion and Justifiability
Violation of fundamental rights


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

Module – III (1 Credit)

5. Procedural fairness:

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

6. Remedies:

Writs
Injunction and declaration

Module – IV (1 Credit)

7. Limits of judicial review:

Locus standi and public interest litigation
Laches
Res Judicata
Alternative remedies

8. Judicial Review of Delegated Legislation.

References: —

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

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PAPER VI – PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MALADMINISTRATION (4 Credits)

OBJECTIVE

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

OUTCOME

It will help the students

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

Module – I (1 Credit)

1. Ombudsman:

The concept
Comparative perspective
Evolving Indian models-Lokpal, Lokayukta Institutions.

2. Commission of Inquiry.

Module – II (1 Credit)

3. Vigilance Commissions.

4. Investigation Agencies: the CBI

Module – III (1 Credit)

5. Inquiries by Legislative Committees.

6 Legislative Control.

Module – IV (1 Credit)

7. Financial Control – Comptroller and Auditor General.


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8 Judicial Inquiries.

References: —

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

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

Jain & Jain, Principles of Administrative Law (1986) Tripathi

K.S. Shukla and S.S. Singh, Lokayukta : a Social Legal Study (1988),

Indian Institute of Public Administration, N. Delhi.


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

The Fourth Semester shall be of :

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

GROUP-I: CONSTITUTIONAL & ADMINISTRATIVE LAW

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

REFERENCE BOOKS: —

Cambridge University Press: Comparative Constitutional Law & Policy.

John Hatchard, Muna Ndulo, Peter Slinn: Comparative

Constitutionalism & Good Governance; Cambridge University Press

Mahendra Singh: Comparative Constitutional Law; Eastern Book Co.

M.P. Jain : Indian Constitutional law; Lexis Nexis

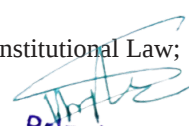
Dr. Subhash Kashyap: Framing of Indian Constitution; Universal law
Pub. Delhi

D.D. Basu: Comparative Constitutional law; Wadhwa & Co.

Seervai H.M: Constitutional Law of India – A Critical Commentary; Pub.

N.M. Tripathi

Vikram David Amar: Global Perspective on Constitutional Law;
Oxford University Press


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

OBJECTIVE

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

OUTCOME

This course enables students to :

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

Module – I (1 Credit)

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

Module – II (1 Credit)

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

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Module – III Alternative Disputes Resolution (1 Credit)

Historical background of the Arbitration and Conciliation Act, 1996.
Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.
Definition and Meaning of Arbitration
Arbitration Agreement and Arbitration Clause in Agreement
Alternative Disputes Resolution (ADR) Process

Module – IV (1 Credit)

Composition of the Arbitral Tribunal Number / Appointment of Arbitrators
Disqualification / Removal of Arbitrators
Termination of Authority of Arbitrator
Jurisdiction of Arbitral Tribunal
Conduct of Arbitral Proceedings Making of Arbitral Award.
Finality and Enforcement of Arbitral Awards, Recourse against Arbitral Award
Other Internationally Accepted modes of Alternative Disputes Resolution. -(ADR)
Commercial Arbitration
Conciliation.

References: Fundamental Principles of Law of Contract:

Anson – Law of Contract
Cheshire, Fifoot and Furmston-Law of Contract Cheshire and Fifoot– Cases on Law of Contract
Chitty's Mercantile Contracts (1st Indian Reprint)-2001
Dutt – Indian Contract Act,
Dr. Meena Rao – Fundamental Concepts in Law of Contract Dr. Meena Rao – Consent in Law of Contract.
Law of Contract – Dr. Avtar Singh
The Law of Contracts: An Outline (2nd Ed.) – Dr. Nilima Chandiramani.
Pollock & Mulla – Indian Contract Act and Specific Relief Act Schelsinger – Formation of Contract
Sale of Goods and Partnership (For U.N. Convention on Sales) – Dr. Nilima Chandiramani
United Nations Convention on Sales by the United Nations Commission.

Alternative Disputes Resolution — (ADR):

Bansal A.K. — Law of International Commercial Arbitration. Justice Bachawat's Law of Arbitration and Conciliation.
Kwatra G.K. — The Arbitration and Conciliation Law of India with case Law on UNCITRAL Model Law on Arbitration.
Law of Arbitration and Conciliation—Dr. Avtar Singh
O. P. Malhotra - Arbitration and Conciliation Act
Rao P. C. and William Sheffield - Alternative Disputes Resolution—What it is and How it works.

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

OBJECTIVE

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

OUTCOME

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

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

Module – I (1 Credit)

1. World Trade Organization (WTO) Agreement:

Introduction to World Trade Organisation

Bretton Woods Conference

General Agreement on Tariffs and Trade (GATT)

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

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Module – II (1 Credit)

2. Trade in Goods:

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

Module – III (1 Credit)

3. Trade in Services:

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

Module – IV (1 Credit)

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

Patents
Copyright
Industrial Designs
Trademarks
Geographical Indications
Integrated Circuits
Undisclosed Information

5. Dispute Settlement Process.

References:—

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

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PAPER III - CORPORATE LAW (4 Credits)

OBJECTIVE

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

OUTCOME

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

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

Module – I (1 Credit)

1. Formation of Company:

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

2. Organization and Management:

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


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Module – II (1 Credit)

3. Corporate Finance:

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

4. Audit, Accounts and Dividends:

Auditors
Audit of Accounts
Dividends

5. Securities, Borrowing, Debentures:

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

Module – III (1 Credit)

6. Protection of Investors and Creditors:

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

7. Administrative Regulation on Corporate Finance:

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

Module – IV (1 Credit)

8 Prevention of Oppression and Mismanagement:

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


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9 Winding Up:

Winding up and Dissolution of Company.

Types of Winding up.

Winding up by Court.

Voluntary Winding up

Process of Winding up

Winding up of Defunct Companies, Sick undertakings,

Unregistered Companies and Foreign Companies.

References: —

Company Law – Dr. Avtar Singh

Companies Act and Laws relating to SEBI, depositories, Industrial Financing

Gower – The Principles of Modern Company Law

Mayson, French & Ryan – Company Law.

Madon – Management of Corporations.

Mazumdar D.L. – Towards a Philosophy of the Modern Corporation.

Palmer – Company Law

Pennington – Formation of Companies

Ramaiya A, - Guide to the Companies Act

Sen S.C. – The New Frontiers of Company Law

Sethna – Indian Company Law

Taxmann's Corporate Laws

Taxmann's Company Law and Practice.


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

OBJECTIVES

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

OUTCOME

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

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

Module – I (1 Credit)

1 Law Relating to Customs:

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

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Module – II (1 Credit)

Exemption from Customs Duties
Refund of Customs duty
Clearance of Imported Goods and Export Goods
Warehousing of Goods
Powers of Customs Officers.
Adjudicatory Proceedings
Appeals
Criminal Prosecution

Module – III (1 Credit)

2 Law Relating to Foreign Exchange:

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

Module – IV (1 Credit)

New Concepts under Foreign Exchange Management Act (FEMA).

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

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

References: —

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


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PAPER V – LAW OF INSURANCE (4 Credits)

OBJECTIVE

- To enable students to understand the growth, development of insurance laws globally
- Nationalization of Insurance in India
- Legislations relating to Insurance Companies in India
- Characteristics and Functions of insurance Companies, Types of insurance
- Specific Provisions relating to regulatory mechanisms for regulating the insurance sector.
- Issues and Challenges with recent Developments in Insurance Sector.

OUTCOME

On successful completion of this course :

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

Module – I (1 Credit)

1. Introduction:

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

2. General Principles of Law of Insurance:

Need for utmost Good Faith
Insurable interest

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The risk – Commencement, attachment and duration.
Indemnity
The law of proximate cause
Subrogation
Assignment and nomination,

3. Indian Insurance Law – General:

Nationalization, Privatization and Globalization of Insurance Sector.
Principles of General Insurance.
The Insurance Regulatory Development Authority Act, 2000.

Module – II (1 Credit)

**4. Insurance pertaining to Life and Personal Accidents/
Hospitalization:**

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

5. Marine Insurance:

Marine Insurance – Nature, Principles and Scope
Marine Insurance Policy – Conditions and Warranties
Seaworthiness
Perils of the Sea and other Insured Perils in Marine Policies
Hull and Cargo Insurance

Module – III (1 Credit)

6. Property Insurance:

Fire Insurance
Risks Insurance
Policies covering risk of explosion, earthquake, flood.
Policies covering accidental loss, damage to property, construction risks
Burglary, Theft, Civil Commotion and Strikes, other Endorsements.

Module – IV (1 Credit)

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

Accident Policies
Assessment of compensation and liability
Contributory Negligence
The Personal Injuries (Compensation Insurance) Act, 1963.

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Compulsory Insurance.

Professional Negligence Insurance

8 Insurance Against Third Party Risks under Statute:

Relevant Provisions of Motor Vehicles Act, 1988.

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

Liability Insurance: Contractual and Legal Liabilities Public

Liability Insurance

References: —

Brijnandan Singh – Law of Insurance – (1997)

Banerjee, Law of Insurance (1994)

Birds, Modern Insurance Law – (1997)

Charmers Marine Insurance Act 1906

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

Gow Colinvaux – Law of Insurance (1977)

The Insurance Act – 1938

John Hanson and Christopals Henly – All Risks Property Insurance (1999)

K.S.N. Murthy and Dr. K. V.S. Sarma – Modern Law of Insurance.

The Life Insurance Corporation Act, 1956.

Hardy Ivamy - Marine Insurance

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

M.N. Srinivasan – Insurance Law


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PAPER VI – BANKING LAWS (4 Credits)

OBJECTIVE

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

OUTCOME

On successful completion of this course:

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

Module – I (1 Credit)

1. Introduction:

Nature and Development of banking

History of Banking in India and elsewhere-indigenous banking-evolution of banking in India–different kinds of banks and their functions.

Multi-functional banks – growth and legal issues.

2. Law Relating to Banking Companies in India:

Controls by government and its agencies on management, on accounts and audit

Lending

Credit policy

Reconstruction and reorganization

Suspension and winding up

Contract between banker and customer: their rights and duties

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Module – II (1 Credit)

3. Social Control over Banking:

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

4. The Central Bank:

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

Module – III (1 Credit)

5. Relationship of Banker and Customer:

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

6. Negotiable Instruments:

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


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Module – IV (1 Credit)

7. Lending by Banks:

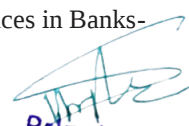
- Good lending principles
- Lending to poor masses
- Securities for advances
- Kinds : their merits and demerits
- Repayment of loans: rate of interest, protection against penalty
- Default and recovery
- Debt Recovery Tribunal

8. Recent Trends of Banking System in India:

- New technology
- Information technology
- Automation and legal aspects
- Automatic Teller Machine and use of internet
- Smart card
- Credit cards

References: —

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


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Semester – IV (4 credits)

The Fourth Semester shall be of :

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

Topics for Choice based Credits

1. Understanding and Assessment of Industrial Psychology
2. C S R and Human Rights Education
3. Right to Information Under Mercantile Legislations – Constitutional Perspective
4. Securities Laws and Criminal Jurisprudence
5. Growth and Development of A D R Under Environmental Legislations
6. Property Laws and Rights of Consumers
7. W T O and Indian Politics
8. Information Technology and e-commerce –Emerging Legal Issues and Concern
9. Corporate Law and Accounting Standards

References: —

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

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GROUP III - LAW OF INTELLECTUAL PROPERTY AND INFORMATION TECHNOLOGY

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

OBJECTIVE

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

OUTCOME

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

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

Module – I (1 Credit)

1. Introduction to Intellectual Property Rights (IPRs):

What is Intellectual Property

Basic concepts of Intellectual Property

Nature of Intellectual Property

Commercial exploitation of Intellectual Property

Enforcement of rights and remedies against infringement

International character of Intellectual Property

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Module – II (1 Credit)

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

Module – III (1 Credit)

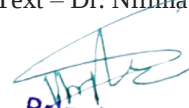
- 3 Trade Related Aspects of Intellectual Property Agreement**
(TRIPs):
General Provisions and Basic Principles
Standards concerning the availability, scope and use of
Intellectual Property Rights.
Enforcement of Intellectual Property Rights
Acquisition and Maintenance of Intellectual Property Rights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

Module – IV (1 Credit)

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

References: —

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


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PAPER II - Law of Patents (4 credits)

OBJECTIVE

- To acquire special knowledge in the field of Patent Law.
- To do further research education in the field of Patent Law
- To know various national & international provisions relating to Patent Law

OUTCOME

This course enables students:

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

Module – I (1 Credit)

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

Module – II (1 Credit)

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

Module – III (1 Credit)

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

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Module – IV (1 Credit)

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

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
Intellectual Property Rights – P. Narayanan
Patent Law by P. Narayanan, 3rd Edition (1998),
Patent Co-Operation Treaty Handbook by Chartered Institute of Patent Agents (Sweet & Maxwell) 1999 edition
Trell on Law of Patents, 15th Edition (2000) by Simon Thorley, Richard Miller, Guy Burkill and Colin Birss (Sweet & Maxwell)
Law relating to Intellectual Property by Wadhera


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Paper III - Law of Trademarks – (4 credits)

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

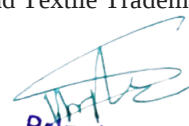
General Principles of Trademarks
International and National Laws relating to trademarks
Property in Trademarks – how acquired?
Conditions and Procedure for Registration of Trademarks

Module – II (1 Credit)

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

Module – III (1 Credit)

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


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Module – IV (1 Credit)

Offences and Penalties

Threat of Legal Proceedings

Appellate Tribunals

Emerging New Trends in Trademarks

References: —

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

Intellectual Property Rights by P. Narayanan

Narayanan on Trade Marks and Passing Off – Fourth Edition.

Law relating to Intellectual Property by Wadhwa

Kerly's Law of Trade Marks and Trade Names by Thomas Balano, White and Robin Jacob (Sweet & Maxwell)

K.S. Shavaksha on Trade and Merchandise Marks Act 1958 3rd Edition (1999 edition) Butterworths, India.

McCarthy on Trade Marks and Unfair Competition (1999 edition) (West Group. U.S.A.)

The Modern Law of Trade Marks by Christopher Morcom, Ashley

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


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

OBJECTIVE

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

OUTCOME

This course enables students:

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

1. Module – I (1Credit)

Introduction to Copyrights
International Conventions relating to Copyrights
Indian Laws relating to Copyright
Nature of Copyrights
Subject Matter of Copyrights
Term of Copyright

2. Module – II (1Credit)

Authorship and Ownership Rights Conferred by Copyright
Rights of Broadcasting Organizations, Producers of Phonograms and Performers
Assignment, Transmission and Relinquishment
Registration of Copyrights

3. Module – III (1 Credit)

Licences
Publication
Copyright Societies
Copyright office and Boards
Infringement of Copyright


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4. Module – IV (1Credit)

Emerging New Trends in Copyrights
International Copyrights
Registration of Copyrights
Appeals

References: —

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


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

OBJECTIVE

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

OUTCOME

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

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


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Module – I (1 Credit)

Laws Relating to Industrial Designs:
Introduction
Novelty and Originality
Publication
Registration of Designs
Rights conferred by registration
Infringement of Copyright in Design
Remedies

Module – II (1 Credit)

Law Relating to Geographical Indication
Definition, need and scope of Geographical Indications
Register and Conditions for registration of Geographical Indications.
Procedure for and Duration of Registration
Effect of Registration
Special Provisions related to Trademark and Prior Use
Rectification and Correction of Register
Offences & Penalties
Appeals & Remedies

Module – III (1 Credit)

Layout- Designs (Topographies) of Integrated circuits:

Meaning of Integrated Circuit Layout Design
Need and Mechanisms for Protection of Integrated Circuit & Layout Designs
International conventions and National Legislations
Procedure for Registration of Integrated Circuits
Duration of Registration
Change in the Identity of Proprietor; Assignment; Surrender, Amendment; Corrections and other Changes
Cancellation
Compulsory Licensing
Infringement and Appeals

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

Law relating to Data Protection and Trade Secrets.
Protection of trade secrets – Confidential Information
How to protect trade secrets
The relationship between patents and confidential information
The relationship between copyright and confidential information

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The Data Protection Act (DPA) 2018 (United Kingdom)
Protection of Undisclosed Information
Introduction: terminology, definition and scope
International and National Legislation for protection of Undisclosed Information.

References: —

Intellectual Property (1999 edition) by W.R. Cornish (Sweet & Maxwell)
Intellectual Property (fifth ed.) by Daoul Bainbridge First Indian Reprint 2003
Pearson Education (Singapore) Pte. Ltd., Indian Branch, Delhi.
Design – The Modern Law and Practice by Lan Morris and Barry Quest (1987 edition) (Butterworths)
Patent for Inventions and the Protection of Industrial Designs by Thomas A. Balanco White, 1974 Edition (Stevens & Sons)
Russell – Clarke on Industrial Designs (6th Edition) 1998 by Martin Howe (Sweet & Maxwell)
Taxmann's Trade Marks, Passing Off & Geographical Indications of Goods – Law & Procedure by D.P. Mittal (Taxmann Allied Services)
Copyright Act, 1957
The Designs Act, 2000


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

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

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

Module – II (1 Credit)

Digital Signatures and Certificates
Electronic Governance
Certifying authority
Software Protection

Module – III (1 Credit)

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

Module – IV (1 Credit)

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

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References: —

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

Law relating to Computers and Internet – Rahul Matthan (Butterworths).

Computer Crime – Nitant P. Trilokekar (Snow White)

Law of Internet – F. Lawrence Street Mark P. Grant, 2000

Edition, (Lexis Publication)

Taxmanns Law of Information Technology (Cyber Law)-D.P. Mittal.


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Semester – IV (Four credits)

The Fourth Semester shall be of :

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

Topics for Choice Based Credits

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

Suggested Readings:

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

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

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

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

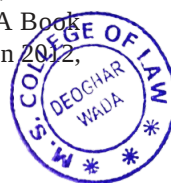
Monroe E. Price (Editor), Stefaan G. Verhulst (Editor), Broadcasting Reform in India: Media Law from a Global Perspective (Law in India Series)

Peter Drahos: A Philosophy of Intellectual Property, 1996 Commons J.R.:

International Economics, 1934 5. Narayan: Intellectual Property rights, 2007

Ram Jethmalani D S Chopra, Cases and Materials on Media Law: A Book on Indian Perspective, published by Thomas Reuters, published on 2012, ISBN NO9381082367

WTO in the New Millennium – MVIRDO by Anur Goyal,
Post Khaniwalli, Tal. Wada,
Dist. Palghar, Pin-401204.



GROUP IV - HUMAN RIGHTS LAW

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

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

OBJECTIVE

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

OUTCOME

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

Module – I (1 Credit)

1. Human Rights: Concept:

Human Rights in Indian tradition: ancient, medieval and modern
Human rights in western tradition,
The American Declaration of Independence and the Bill of Rights
The French Declaration of the Rights of Man
The Universal Declaration of Human Rights
Development of Natural rights

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Human rights in International law and National law
Criticism of Rights by Conservatives, Utilitarians (Jeremy Bentham), Idealists (T.H. Green), Socialists (Karl Marx) and Positivists (Hart)

Module – II (1 Credit)

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

Module – III (1 Credit)

3. Human Rights: Politics and Society:

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

Module – IV (1 Credit)

4. Universality of Human Rights

5. Third World Perspective to Human Rights

6. Human Rights and Consumerism

References: —

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

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

David P. Forsythe, Human Rights in International Relations.

Hart HLA - Jurisprudenc

Lalit Parmer, Human Rights, (1998)

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

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

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

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

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

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

D. Kulshreshtra, Landmarks in the Indian Legaland

Constitutional History, (1995)

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

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

OBJECTIVE

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

OUTCOME

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

Module – I (1 Credit)

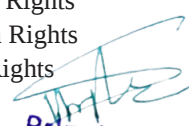
1. Development of Concept of Human Rights under International Law:

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

Module – II (1 Credit)

2. Role of Regional Organizations:

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


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Module – III (1 Credit)

3. Protection agencies and mechanisms:

Role of UN specialized agencies - UNESCO, UNICEF, ILO, WHO, FAO.

Role of International Non-Governmental Organizations like Amnesty International, Human Rights Watch, Asia Watch etc.

International Court of Justice - its functioning and settlement of International disputes

International Criminal Court

Role of National Human Rights Commission with Special reference to India

Module – IV (1 Credit)

4. New International Economic Order

5. Global Terrorism

References: —

Amnesty International- Torture in Eighties London, Amnesty International Publications 1984.

B.P. Singh Seghal, Human Rights in India, (1996).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

OBJECTIVE

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

OUTCOME

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

Module – I (1 Credit)

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

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

Module – II (1 Credit)

2. Judicial Activism and Development of Human Rights Jurisprudence.

Module – III (1 Credit)

3. Enforcement of Human Rights:

Formal enforcement mechanisms

Role of Supreme Court

Role of High Court


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

Module – IV (1 Credit)

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

References :—

Agarwal H.O. - Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi. Anthony M.J. - Social Action through Courts (Landmark Judgements in PIL) New Delhi, ISI Publications -1993.
All Law Journals and reports.
Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.
B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
D.D. Basu, Human Rights in Indian Constitutional Law, (1994).
D.R. Saxena, Tribals and the Law, (1997)
D.K. Publishers, New Delhi.
Iyer Krishna V.R. - Human Rights and Inhuman Wrongs, 1993 Iyer Krishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow.
Justice Venkataramiah, Human Rights in the Changing World, (1998).
James Vadakkumchery, Human Rights and the Politics in India, (1996). NHRC Annual Reports, New Delhi.
Justice Hosbet Suresh "All Human Rights are Fundamental Rights"- Universal Law Publication, New Delhi.
Poornima Advani, Indian Judiciary : A Tribute, (1997)
Paramjit S. Jaiswal and Neshtha Jaiswal, Human Rights and the Law (1996)
Sehgal BPS - Human Rights in India - Problems and Prospects, 1995 Deep and Deep Publications, New Delhi.
Sr. Adv. N. M. Ranka titled " Laws Profession Experiences and Expectations-Ranka Public Charitable Trust, Jaipur - 302 004."
Vijay Chitnis(et.al). Human Rights and the Law : National and Global Perspectives, (1997)

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

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Concept of Disadvantaged Groups.

Module – II (1 Credit)

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

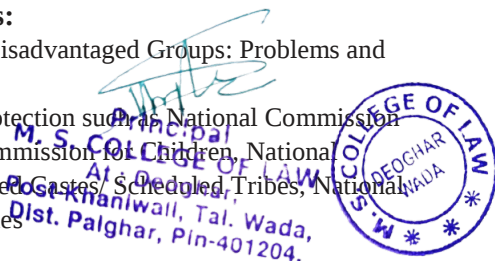
Rights of women
Rights of the child
Rights of prisoners
Rights of Dalits
Rights of Minorities
Rights of Elderly Persons.
Rights of Tribal and other indigenous people
Rights of Disabled Persons
Rights of Stateless persons
Rights of Unorganized labour and bonded labour
Rights of 'AIDS' victims

Module – III (1 Credit)

3. Enforcement of Human Rights:

Protection Laws of the Disadvantaged Groups: Problems and Issues

National agencies for protection such as National Commission for women, National Commission for Children, National Commission for Scheduled Castes/ Scheduled Tribes, National Commission for Minorities



Module – IV (1 Credit)

4 Future Perspectives of the Human Rights of the Disadvantaged

References :—

- Agarwal H.O.-Implementation of Human Rights Contents with Special Reference to India. - 1993 D.K. Publishers, New Delhi.
- Anthony M.J.-Social Action through Courts(Landmark Judgements in PIL) New Delhi, ISI Publications -1993.
- Alston (et.al.), Children, Rights and the Law.
- Baxi Upendra _ Mambeino's Helmet? Human Rights in the Changing World, New Delhi, Har Anand Publishers, 1994.
- B.P. Singh Seghal, Law, Judiciary and Justice in India, (1993).
- D.D. Basu, Human Rights in Indian Constitutional Law, (1994). Vijay Chitnis (et.al). Human Rights and the Law : National and Global Perspectives,(1997)
- D.R. Saxena, Tribals and the Law, (1997)
- G.S.Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
- Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
- James Vadakkumchery, Human Rights and the Politics in India, (1996).
- Iyer Krishna V.R. - Human Rights and Inhuman Wrongs, 1993 D.K. Publishers, New Delhi.
- Iyer Krishna V.R. - The Dialectics and Dilemmas of Human Rights - Yesterday, Today and Tomorrow.
- Justice Venkataramiah, Human Rights in the Changing World, (1998).
- Paramjit S. Jaswal and Nishtha Jaswal, Human Rights and the Law (1996)
- Kelly D. Askin, Dorean M. Koenig, Women and International Human Rights Law, (1999).
- N.K. Chadrabarti, Juvenile Justice in the Administration of Criminal Justice, (1999).
- NHRC Annual Reports, New Delhi.
- Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
- Paras Diwan and Peeyushi Diwan, Women and Legal Protection
- Philip Poornima Advani, Indian Judiciary : A Tribute, (1997)
- Rebecca Wallace, International Human Rights, Text and Materials. (1997)
- Janaki Nair, Women and Law in Colonial India, (1996)
- Simon Creighton, Vicky King, Prisons and the Law, (1996).
- Sehgal BPS - Human Rights in India - Problems and Prospects, 1995 Deep and Deep Publications, New Delhi.
- All Law Journals and reports.


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

OBJECTIVE

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

OUTCOME

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

Module – I (1 Credit)

1. Humanization of Welfare:

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

Module – II (1 Credit)

2. Control of weapons:

Conventional
Chemical
Biological
Nuclear

Module – III (1 Credit)

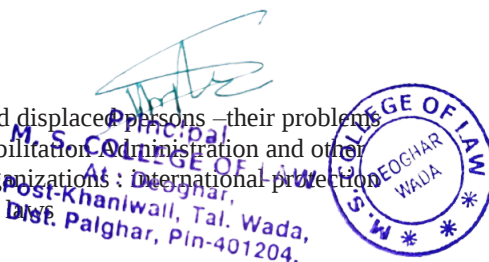
3. Humanitarian law : Implementation:

Red Cross – role
National legislation

Module – IV (1 Credit)

4. The Concept of refugees:

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



5. Strategies to combat refugee problem:

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

References :—

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


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

OBJECTIVE

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

OUTCOME

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

Module – I (1 Credit)

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

Right to environment in the development of science and technology

Right to development in the advancement of science and technology

Right to human health and impact of development in Medical sciences

Module – II (1 Credit)

- 3. Medicine and the Law:**

Organ transplantation

Experimentation on human beings

Medical Negligence and Human Rights

Euthanasia (Mercy Killing)

Gene therapy

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Module – III (1 Credit)

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

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

Module – IV (1 Credit)

4. Development in Information Technology & Human Rights

5. Cyber Terrorism

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

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

Right to life
Right to privacy
Right to physical integrity
Right to information
Right to benefit from scientific and technological progress
Right to adequate standard of living

References :—

Adwin W. Patterson, Law in a Scientific Age, (1963) Andrews J.A., Human Rights in Criminal Procedure, (1982) Akbar, M.J., Roits After Riots, (1988) Baxi, U.(ed), Rights to be Human, (1986)
Burgenthal, International Protection of Human Rights, (1973)
Baxi, U., “Human Rights, Accountability and Development”, Indian Journal of International Law, 279, (1978)
Basu, D.D., Human Rights, in Constitutional Law, (1994) Beddard H., Human Rights and Europe, (1980)
Diane Rowland, Elezabeth Macdonald, Information Technology Law, (1997)
D.P. Mittal, Law of Information Technology (Cyber Law), (2000) Drost, Human Rights as Legal Rights,(1965)
Gromley W.P., Human Rights and Environment,(1976)
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Garling M., Human Rights Handbook, (1979)
Kazmi, F., Human Rights, (1987)
Kamenka, E., Ideas and Ideologies Human Rights (1978)
Kashyap, S.C., Human Rights and Parliament, (1978)

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 Kalaiah A.B. Human Rights in International Law, (1985)
 Krishna Iyer, V.R., Human Rights – A Judge's Miscellany, (1995)
 Levin L., Human Rights, (1982)
 Lauterpacht, E., International Law and Human Rights, (1968).
 Michael Chissick, Alistair Kelman, Electronic Commerce, Law and Practice, (1999)
 Madhavtirtha, Human Rights, (1953)
 Menon, I. (ed.), Human Rights in International Law, (1985)
 Moskowitz, Human Rights and World Order, (1958)
 Macfarlane, L.J., The Theory and Practice of Human Rights, (1985)
 Nagendra Singh, Human Rights and International Cooperation, (1969)
 Robertson, A.B. (ed.), Human Rights in National and International Law, (1970)
 Robertson, E., Human Rights in the World, (1972)
 Sohn, Lonis & Rama Jois, M., Human Rights: Bharatiya Values, (1998).
 Suresh T. Viswanathan, The Indian Cyber Law (2000)
 Swarup J., Human Rights and Fundamental Freedoms, (1975)
 Steve Jones, Borin Van Leon, Genetics for Beginners, (1993)
 The International Dimensions of Cyberspace Law (2000), UNESCO Publication.
 Weeramantry, C.G., Human Rights and Scientific and Technology Development, 1990.


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Semester – IV (Four credits) :

The Fourth Semester shall be of :

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

Topics for Choice Based Credits

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

References :—

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

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

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

Baxi Upendra-Rights to be Human (1986)

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

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

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

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

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

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

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Today and Tomorrow

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

NHRC Annual Reports, New Delhi

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

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

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

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

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

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


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GROUP V – CRIMINAL LAW AND CRIMINAL ADMINISTRATION

OBJECTIVE

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

OUTCOME

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

PAPER I – CRIMINAL JURISPRUDENCE – (TOTAL 4 CREDITS)

OBJECTIVE

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


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OUTCOME

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

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

Module-I (1 Credit)

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

Module- II (1 Credit)

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

Module – III (1 Credit)

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


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Module – IV (1 Credit)

12. International Criminal Court

13. Concept of Decriminalisation

References :—

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


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PAPER II - PENAL LAWS – (TOTAL 4 CREDITS)

OBJECTIVES

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

OUTCOME

This course enables students

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

Module-I (1 Credit)

1. Offences under Indian Penal Code :

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

Module-II (1 Credit)

- 2. The Maharashtra Control of Organised Crime Act, 1999**
- 3. The Prevention of Terrorism Act, 2002**

Module-III (1 Credit)

- 4. Cyber Crimes under Information Technology Act**

Module-IV (1 Credit)

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

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

References :—

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


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PAPER III - CRIMINOLOGY – (TOTAL 4 Credits)

OBJECTIVE

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

OUTCOME

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

Module-I (1 Credit)

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

1.2. Development and Crime

2. Criminology - From Ancient to Modern thought:

Pre-classical – classical – Neo classical

Cartographic School

Socialist School

Dr. Lombroso theory

Approach of Radical Criminologists

Module-II (1 Credit)

3. Multiple Factor theory.

4. Causes of Crimes:

Socio – Cultural

Physical

Economic

Psychological

Mass Media & Crime


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Module-III (1 Credit)

5. Privileged Class Deviance and Indian Legal order:

Notion of Privileged Class Deviance
White Collar Crimes
Official Deviance
Police Deviance

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

Unethical Practices at the Indian bar
The Lentin Commission Report
The Press Council on unprofessional and unethical Journalism
Medical Malpractice

Module-IV (1 Credit)

7. Response of Indian Legal Order:

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

References :—

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


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

OBJECTIVES

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

OUTCOME

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

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

Module - I (1 Credit)

1. Introductory:

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

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2. Approaches to Violence in India:

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

Module - II (1 Credit)

3. Agrarian Violence and Repression:

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

Module - III (1 Credit)

4. Violence against the Weaker Sections:

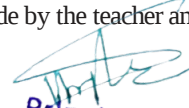
Notion of Atrocities
Incidence of Atrocities
Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
Violence Against Women and Children

Module - IV (1 Credit)

5. Caste/Communal Violence:

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

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


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References :—

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


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PAPER V - PENOLOGY : TREATMENT OF OFFENDERS

(4 Credits)

OBJECTIVE

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

OUTCOME

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

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

Module - I (1 Credit)

1. Introductory:

Definition of Penology

2. Theories of Punishment:

Theories of Punishment

Retribution

Utilitarian prevention: Deterrence

Utilitarian: Intimidation

Behavioural prevention : Incapacitation

Behavioural prevention: Rehabilitation - Expiation

Classical Hindu and Islamic Approaches

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Module - II (1 Credit)

2. The Problems of Capital Punishment:

- Constitutionality of Capital Punishment
- Judicial Attitudes Towards Capital Punishment in India
 - An inquiry through the statute law
- Law Reform Proposals

Module – III (1 Credit)

3. Approaches to Sentencing:

- Alternatives to Imprisonment
- Probation
- Corrective labour
- Fines
- Collective fines
- Juvenile Institutions
- Rehabilitative Programmes

4. Sentencing:

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

Module - IV (1 Credit)

5. Imprisonment:

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

References :—

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

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

OBJECTIVE

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

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

Module – II (1 Credit)

3. An Introduction to:

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

Module – III (1 Credit)

4. Modern Scientific Methods of Crime Control and Prevention:

Electrical Traps to catch thieves, burglars
Truth Telling Drugs
Lie Detector
Atomat Breatha
lyser Traffipax
Camera

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Magnetic Gun
Night Vision Binoculars
Portable Bomb Sniffer
Detection of Note Forgery by use of ultra-violet rays

Module - IV (1 Credit)

5. Inter-state crimes and Criminals:

The problem of International Crime
International Co-operation
International Criminal Police Organisation (Interpol)

References :—

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

Semester – IV (Four credits)

The Fourth Semester shall be of :

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

Topics for Choice Based Credits

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

References :—

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

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GROUP VI - ENVIRONMENT AND LEGAL ORDER

(4 Credits)

PAPER I - ENVIRONMENT AND DEVELOPMENT : LAW AND POLICY

OBJECTIVES

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

OUTCOMES

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

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

Module – I (1 Credit)

1. The Idea of Environment:

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

2. Development:

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

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Module – II (1 Credit)

3. Policy and Law:

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

Module – III (1 Credit)

4. Population, Environment and Development :

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

Module – IV (1 Credit)

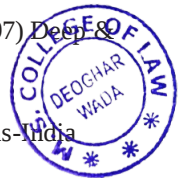
5. Constitutional Perspectives:

Fundamental Right to environment
Enforcement of the right
Directive principles and fundamental duties
Legislative powers
Environment : Emerging concepts and challenges
Polluter pays principles
Absolute liability of hazardous industries
Precautionary principle
Public trust doctrine

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PAPER II - RESOURCE MANAGEMENT AND THE LAW

OBJECTIVES

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

OUTCOMES

The students shall be able :

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

Module – I (1 Credit)

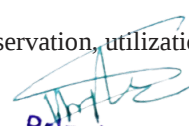
1. Water :

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

Module – II (1 Credit)

Land :

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


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Module – III (1 Credit)

2. Concepts of Common Property and State Property:

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

Module-IV (1 Credit)

3. Energy:

Sources
Energy related environmental problems : tapping,
transmission and utilization, Indiscriminate use
Utilization of conventional energy : hydro-electric, thermal
and nuclear
Non-conventional energy : Solar, wind, tidal and biogas

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

OBJECTIVES

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

OUTCOMES

The students shall be able:

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

Module – I (1 Credit)

1. Pollution:

Meaning

Kinds of pollution and their impact

2. Pollution of Water:

Definition

Ground water pollution

Sources

Critique of existing laws

Machinery

Powers

Functions

Offences and penalties

3. Pollution of Air:

Pollutants and effects

Modalities of control

Conflicts of jurisdiction of different control agencies

Critique of the existing legal framework

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Module – II (1 Credit)

4. Noise Pollution:

Sources and effects
Different legal controls
Need for specific law

Module – III (1 Credit)

5. Disposal of Waste:

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

Module – IV (1 Credit)

6. Sanctions against Pollution:

Efficacy of criminal and civil sanctions
Corporate liability, civil and criminal
Should penalties be prohibitive?
Civil liability, compensatory and penal
Administrative compensation system
Incentives to pollution control
Market-based Instruments for abating Industrial Pollution

References :—

Enid. M. Barson and Ilga Nielson (eds.), Agriculture and Sustainable Use in Europe (1998),
Environment Policy and Law in India (2000), Butterworths India, Armin Rozencranz et.al.(eds.).
Environmental Law (1999), Butterworths, London, David Hughes.
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PAPER IV – ENVIRONMENT AND INTERNATIONAL LEGAL ORDER

OBJECTIVES

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

OUTCOMES

This course enables students:

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

Module – I (1 Credit)

1. Environmental Federalism and International Order:

Unitary approach
Decentralised approach

2. Sustainable Development.

3. International Concern for Environment Protection:

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

Module – II (1 Credit)

4. International Obligations towards Sustainable Development:

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

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Module – III (1 Credit)

5. Marine Environment:

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

Module – IV (1 Credit)

6. Trans-boundary Pollution Hazards:

Oil pollution
Nuclear fallouts and accidents
Acid rain
Chemical Pollution
Greenhouse effect
Depletion of ozone layer
Space pollution

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

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

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

References :—

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Control of Multinational Corporations and Containment of Environmental Hazards, Global Commons” 15 AM.U.INT’LL.Rev.5 (1999).

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Environmental Regulation of Oil and Gas (1998), Kluwer.

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Environmental Justice and Market Mechanism (1999) Kluwer, Claus

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PAPER V - BIOLOGICAL DIVERSITY AND LEGAL ORDER

OBJECTIVES

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

OUTCOME

This course enables students:

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

Module – I (1 Credit)

1. Biodiversity:

Meaning

Need for protection of biodiversity

Dependence of human life on the existence in flora and fauna

Significance of wild life

Medicinal plants

Plants and micro-organisms

Module – II (1 Credit)

2. Biodiversity and Legal Regulation:

Biodiversity Act

Utilization of flora and fauna for bio-medical purposes

Experimentation on animals: Legal and ethical issues

Genetic mutation of seeds and micro-organisms

Genetic engineering

Legal mechanisms of control

Recognition of regional and local agencies

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

Module – III (1 Credit)

4. Problems in Legal Regulation of Medicinal Plants:

Cosmetic plants

Animal products

Utilization of flora and fauna for bio-medical purposes by multinational corporations: Problems and Control

Regulation of trade in wild-life products

Module – IV (1 Credit)

5. Legal framework for Development and Protection of Sanctuaries:

Parks

Zoos

Biosphere resources

Protection of genetic resources for agriculture

References: —

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

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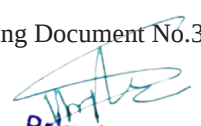
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PAPER VI—ENVIRONMENTAL LEGISLATIONS

OBJECTIVE

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

OUTCOME

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

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

Module – I (1 Credit)

1. General Laws on Environmental Concern:

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

Module – II (1 Credit)

2. Environment (Protection) Act, 1986:

Environment (Protection) Act, 1986
'Necessary and proper' clause : concentration of power in the Central Government
Delegated legislation: power to make rules, regulations and to issue directions
Delegation of powers


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Module – III (1 Credit)

3. Coastal Zone Management:

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

4. Laws on Hazardous Substances

Module – IV (1 Credit)

5. Preparedness for Environmental Disasters

6. Emerging Legal Controls:

- Eco-mark
- Environmental audit
- Environment Impact Assessment
- Public participation in environmental decision making
- Environment Information

References :—

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

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

Armin Rozencranz, et.al.(eds.), Environmental Policy and Law in India (2000), Oxford.

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

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

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SEMESTER IV - (4 credits)

The Fourth Semester shall be of :

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

Components of Choice Based Credit System :

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

References :—

Leelakrishnan P, The Environmental Law in India (1999)

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

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