



DEPARTMENT OF LAW
THE UNIVERSITY OF BURDWAN

LL.M. (CBCS) SYLLABUS
SESSION: 2020 onwards

SYLLABUS STRUCTURE

SEMESTER-I

Course Code	Course Title	Credit			Marks			
		L	P	T	ESE	IA	Class Teaching	Total
LMCT 101	Jurisprudence	3	1	1	80	10	10	100
LMCT 102	Indian Constitutional Law: New Challenges	3	1	1	80	10	10	100
LMCT 103	Law and Social Transformation	3	1	1	80	10	10	100
LMMJ (A) 104	Principles of Corporate Law	3	1	1	80	10	10	100

SEMESTER-II

Course Code	Course Title	Credit			Marks			
		L	P	T	ESE	IA	Class Teaching	Total
LMCT 201	Judicial Process	3	1	1	80	10	10	100
LMCT 202	Human Rights and Contemporary Challenges	3	1	1	80	10	10	100
LMMJ (A) 203	Competition and Consumer Law	3	1	1	80	10	10	100
LMMJ (A)204	Capital Market and foreign investment	3	1	1	80	10	10	100

SEMESTER III

Course Code	Course Title	Credit			Marks			
		L	P	T	ESE	IA(1)	Class teaching	Total
LMCT 301 (Core)	Environment And Legal Order	3	1	1	80	10	10	100
LMCT 302 (Core)	Constitutionalism, Administration and Access to Information	3	1	1	80	10	10	100
LMCT 303 (Minor)	Basics of Law *	2	0	2	40	10	0	50
LMMJ (A) 304(Major)	Economic enterprise and Legal Regulation	3	1	1	80	10	10	100
LMMJ (A) 305 (Major)	Law and Credit	3	1	1	80	10	10	100

*However, students may opt for a 4 credit course from SWAYAM Platform and can avail the option of credit transfer

SEMESTER IV

Course Code	Course Title	Credit			Marks			
		L	P	T	ESE/ viva	IA	Class teaching	total
LMCT 401 (Core)	Research Methodology	3	1	1	80	10	10	100
LMCT 402	Community Engagement Course ➤ The Supervisor of the dissertation shall be the final authority in every	0	2	0	40	10	-	50

	matter (including assessment and awarding of marks) concerning the course 'Community Engagement Course' of the students undertaking dissertation under the respective supervisors.							
LMCT 403	<p>Dissertation and Presentation (along with Viva Voce)</p> <p>Note:</p> <ul style="list-style-type: none"> ➤ Evaluation of Dissertation by Respective Supervisor (internal) and external expert. ➤ Presentation (along with Viva voce) to be evaluated by a panel comprising of the external expert and all the supervisors. Each panel member should evaluate the candidate independently and an average of all should be considered for final calculation. ➤ Marks should be submitted in the 80%- 20% format (i.e.160 and 40) 	0	5	5	160	40	-	160+ 40
LMCT 404	Research Methodology II (Practical)		2		40	10		50

SEMESTER I

PAPER: LMCT 101;
JURISPRUDENCE

MODULE 1

1. Definition, Nature, Scope and Importance of study of Jurisprudence
2. Positivism and Analytical Theories of Law
 - a. Jeremy Bentham's Utilitarianism and Analytical Positivism
 - b. Austin's Theory of Law
 - c. Analytical Positivism and Indian Legal System
 - d. Kelson's Pure Theory of Law

MODULE II

3. Natural Law Theories
 - a. Historical Development in Ancient, Medieval and Renaissance Period
 - b. Twentieth Century Natural Law Revival
 - c. Hart on Natural Law
 - d. Fuller and Morality of Law
4. Sociological Jurisprudence
 - a. Roscoe Pound's Theory of Social Engineering and Theory of Interest
 - b. Theories of Duguit and Ihering

MODULE III

5. Historical and Anthropological Theories
 - a. The German Historical School-Savigny's Volksgeist Theory
 - b. The English Historical School-Sir Henry Maine

6. American
Realism

MODULE IV

7. Law and Morality- Relationship and Enforcement of Morality by Law- Hart-
Devlin Debate

8. Feminist Jurisprudence-Liberal, Socialist and Radical
Feminism

MODULE V

9. The Critical Legal Studies Movement- Post-Modernist Jurisprudence.

Books Recommended

1. Friedman- Legal Theory
2. Dias- Jurisprudence
3. Bodenheimer- Jurisprudence: The Philosophy and Method of Law
4. Salmond- Jurisprudence
5. G. W Paton- Jurisprudence
6. S.N. Dhyani- Fundamentals of Jurisprudence
7. V.D. Mahajan- Jurisprudence
8. Dr. S.K. Tiwari- Jurisprudence: Legal Theory and elements of Law
9. B. N Mani Tripathi- Jurisprudence and Legal Theor

SEMESTER I

PAPER: LMCT 102 INDIAN CONSTITUTIONAL LAW: NEW CHALLENGES

MODULE 1

1. Federalism

- a.* Creation of new states.
- b.* Allocation and share of resources- distribution of grants-in-aid.
- c.* Centre's responsibility and internal disturbance within states.
- d.* Directions of the Centre to the State under Article 356 and 365
- e.* Special status of certain states.

MODULE II

- 2.* "State": Need for widening the definition in the wake of liberalization, globalization and privatization

MODULE III

1. Right to equality

Privatization and its impact on affirmative action.

- 2.* Right of minorities to establish and administer educational institutions and state control: Critical Analysis of Paid Foundation & its aftermath

MODULE IV

- 3.* Emerging regime of new rights and remedies.

Reading Directive Principles and Fundamental Duties into Fundamental Rights

- a.* Compensation Jurisprudence
- b.* Right to education
- c.* Commercialization of Education and its impact

MODULE V

4. Separation of powers: Stresses and strains.
 - a. Judicial Activism and judicial restraint.
 - b. PIL: Implementation
 - c. Judicial Independence.
 - d. Accountability: Executive and Judiciary.

5. Democratic Process
 - a. Nexus of politics with criminals and the business.
 - b. Election: Jurisprudence of Representation; Role of Election Commission
 - c. Electoral Reforms: Contribution of Judiciary.
 - d. Coalition government, 'stability, durability, corrupt practice'.

SEMESTER I

PAPER: LMCT 103; LAW AND SOCIAL TRANSFORMATION

MODULE I

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.

MODULE II

Community, Regionalism, Religion 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; statutorily Commission, Statutory provisions, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law, Regionalism and constitutional mandate.

MODULE III

Women, Children and the Law

Crimes against women, Gender injustice and its various forms, Women's Commission, Empowerment of women: Constitutional and other statutory provision, child labour, Adoption and related problems, Children and education, Juvenile Delinquency and Juvenile Justice and relevant statutory provisions.

MODULE IV

Language, Modernization and the law

Modernization as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralization and local self government, modernization of social institutions through law, multi-culturalism, constitution, and language

MODULE V

Alternative approaches to Law

The jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhave; Jayaprakash Narayan, restorative justice.

Suggested Readings

1. Marc Galanter (ed), Law and Society in Modern India (1997) Oxford
2. Robert Lingat, The Classical Law of India (1998), Oxford
3. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi (ed), Law and Poverty Critical Essays (1988), Tripathi, Bombay
5. Manushi, A Journal about women and society
6. Duncan Derret, The State, Religion and Law in India (1999), Oxford University Press, New Delhi
7. H. M seervai, Constitutional Law of India (1996), Tripathi

SEMESTER I

PAPER: LMMJ (A) 104 PRINCIPLES OF CORPORATE LAW

MODULE I

1. Philosophy of Incorporation; Trends in Incorporation
2. Types of Companies
3. Essential ingredient for the formation of company
 - a. Promotion of Company & Role of Promoters
 - b. Certificate of Incorporation
 - c. MOA, AOA and other allied documents necessary for incorporation
 - d. Doctrine of Ultra Vires
 - e. Doctrine of Indoor Management
4. Membership in a Company
 - a. Who are the members?
 - b. Modes of acquiring membership
 - c. Restriction, Cessation and Expulsion of membership
 - d. Rights and duties of members
5. Key Managerial Persons
 - a. Who are Key Managerial Persons?
 - b. Their Roles and duties under the Company Act, 2013
 - c. Directors- (Dis)/Qualification; Types; appointment and Removal; Duties and powers
6. Management/Running of a Company

- a.* Types of Meetings (AGM, EGM, BM)
- b.* The rules for constituting, conducting and convening a meeting
- c.* Resolutions and its types

MODULE II

7. Share Capital

- a.* Concept of Share Capital, Share and Stock
- b.* Types of Shares
- c.* Process of raising capital
 - i.* Private Placement
 - ii.* Through Issue House
 - iii.* Prospectus
- d.* Allotment of shares
- e.* Buyback of securities & Reduction of Share Capital
- f.* Forfeiture of Shares
- g.* Transfer and Transmission of Shares

8. Debenture and Charge

- a.* Types of Borrowings
- b.* Distinction between Debenture and Shares
- c.* Meaning of Charge & its kinds
- d.* Creation of charge on Company's Assets- Requirements under Company Act, 2013

MODULE III

9. Accounts and Audit

- a.* Accounts of Company and its need under the Company Act 2013 a
- b.* Auditing Standards and NRFA
- c.* Role of ICAI

10. Inspection and Investigation under Company Act, 2013

11. Oppression and Mismanagement

- a.* Majority Rule and relevant case laws
- b.* Protection of minority Rights
- c.* Prevention of Oppression & Mismanagement

MODULE IV

12. Reconstruction, Amalgamation and Takeover

- a.* Concepts
- b.* Relevant Provisions in Company Law & SEBI guidelines
- c.* Role of Tribunal and ROC
- d.* Consequences of Amalgamation

13. Winding up of Company

- a.* The need for Insolvency and Bankruptcy Code, 2016 in Winding up of companies; (to be studied in relation to the relevant provisions of the Company Act, 2013)
- b.* Procedure for Initiation of and conduct of Insolvency Process by Operation/Financial Creditor and Corporate Debtor.
- c.* Role of Insolvency and Resolution Professional
- d.* Conclusion of Insolvency Process

MODULE V

14. Corporate Governance

- a.* What is it & its needs
- b.* Global and Domestic scams that necessitated emergence of Corporate Governance as a concept
- c.* Relevant provisions of CG under the Company Act, 2013

15. Corporate Social Responsibility

- a.* Evolution of CSR as a concept
- b.* Dimensions of CSR required under Company Act, 2013

16. Introduction to E-governance

- a.* Introduction
- b.* Organisation of ROC office under MCA-21
- c.* Back Office
- d.* E-form
- e.* Digital Signature Certificate (DSC)
- f.* CIN based search of Companies

17. 2015 Amendment to Company Act, 2013

Books Recommended

1. G. K Kapoor et al on Company Law
2. P.K Agarwal on Company Law

SEMESTER I

PAPER: LMMJ(B) 104 JURISPRUDENTIAL BASIS OF IP RIGHT

MODULE I

1. Origin, Introduction and Genesis of IPR, Forms of IPR
2. Theories of IPR-Locke's, Hegal and Marxian
3. IPR in Ethical, Moral and Human Rights perspective
4. Nature and Concept of IPR (Individual & Collective)

MODULE II

5. Importance of IPR in knowledge based Market Economy
6. Comparative study with physical property

MODULE III

7. Benefit Sharing- International treaty on Plant, Genetic resources for food Agriculture
8. Patentability of Biotechnology- Global Development

MODULE IV

9. Internationalization & Protection of Intellectual Property
10. Paris Convention, Berne Convention, WIPO, GATTTS, WTO, TRIPS & TRIMS
11. Development of WIPO on traditional knowledge and cultural expression
12. Intellectual Property, Competition Issues and FDI

MODULE V

13. Protection of Geographical Indication-Global Perspective
14. On-line Copyright Infringement and Liability of ISP
15. Convention on Biological Diversity, Protection of Traditional Knowledge,

Rights of Indigenous people, Transfer of Technology, Multinational Ownership.

Books Recommended

1. Melville B. Nimmer- Copyright and other Aspects of Literary, Musical and Artistic Works, 2nd Edition
2. Baxi, U. The Law of Intellectual Property: Copyright Law in India (1989)
3. P. Narayanan- Copyright and Industrial Design, 2nd Edition, 1995

SEMESTER I

PAPER: LMMJ(C) 104
INTERNATIONAL ENVIRONMENTAL LAW

MODULE I

1. Reasons for growth of environmental law internationally
International Environmental Campaigns
2. World Summit in 20th Century
 - a. The United Nations Conference on Human Environment, 1972
(Stockholm Conference)
 - b. Framework of the Conference
 - c. Aims and Objectives
 - d. United Nations Declaration on the Human Environment, 1972
3. The United Nations Conference on Environment and Development, (UNCED)
(Earth Summit, 1992)
 - a. Framework of the Conference
 - b. Aims and Objectives
 - c. Earth Charter or Rio Declaration

- d. Agenda 21: Blue Print for action in 21st Century
- e. Earth Summit Plus Five.

MODULE II

- 4. Sustainable Development and International Legal Order in 21st Century
 - a. Johannesburg Declaration (2001)
 - b. Rio + 20 (2012)
- 5. Major International Environmental Agreements on
 - a. Global warming
 - b. Radioactive pollution
 - c. Wetland conservation
 - d. Climate change
 - e. Conservation of Biosphere

MODULE III

- 6. World Charter for Nature 1982; Our Common Future (Report of WCED)
- 7. UNEP; Characteristics; Role; Functions, IPCC

MODULE IV

- 8. Environmental Obligations
 - a. International Financing
Policy Global Environment
Facility World
Environment Fund
Global Environment Monitoring System (GEMS)
 - b. Millennium Development Goals 2000
 - c. The Future We Want

MODULE V

9. Global Environmental Issues and their Legal Order
 - a. Climate Change
 - b. Oil Pollution
 - c. Ozone Layer Depletion
 - d. Transboundary Pollution
 - e. Pollution of Sea and Marine Resources
 - f. Food Pollution.

SEMESTER I

PAPER: LMMJ(D) 104; INTRODUCTION TO PUBLIC INTERNATIONAL LAW

MODULE I

1. Historical Background and Theoretical Foundation of International Law
2. Codification and Progressive Development of International Law

MODULE II

3. Relationship between International Law and Municipal Law- Indian Perspective
4. Nature and Functions of State under International Law, State Responsibility, State Succession.

MODULE III

5. Diplomatic and Consular Relations- The Vienna Convention on Diplomatic Relations, 1961
6. Law Relating to Outer Space

MODULE IV

7. Law of Seas

8. War Crimes, Crimes against Peace and Humanity, Role of the ICC

MODULE V

9. Law of Neutrality

10. India and International Law- A Review

Books Recommended

1. O. Connel, D.P. – International Law, Vol I & II

2. S. K. Agarwal (Ed.)- Essays on the Law of Treaties (1972)

3. Roselyn Higgins- The Development of International Law through the Political Organs of the UN (1963)

SEMESTER I

PAPER: LMMJ(E) 105

CONCEPT OF CRIME, CRIMINAL LAW AND CRIMINOLOGY

MODULE I

Introduction to crime and criminology

- i)* Concept of criminology
- ii)* Characteristics of criminal law
- iii)* Characteristics of Crime
- iv)* Possibility of a science of criminology

- v) Models of Criminal Justice System
- vi) Types of Criminal Justice System

MODULE II

Theories of Criminology

- i) Classical
- ii) Neo Classical
- iii) Bio Anthropological
- iv) Psychological
- v) Sociological and Social Control Theory

MODULE III

Agencies of criminal justice administration

- i) Police
- ii) Prosecution
- iii) Court
- iv) Correctional administration

MODULE IV

Typologies of criminal behavior

- i) Violent Crime
- ii) Domestic Violence
- iii) Property Crime
- iv) Public Order Crime

MODULE V

Emerging Trends of Crime and Criminology

- i)* Transnational Organised Crime (Drug Trafficking, Human Trafficking, Arms Trafficking)
- ii)* Terrorism
- iii)* Cyber Crime
- iv)* Environmental Crime

Books Recommended

1. Glanville Williams, Text Book of Criminal Law, Universal Law Publishing Company
2. Andrew Ashworth, Principles of Criminal Law, Clarendon Law Series
3. J W Cecil Tuner, Kenny's Outlines of Criminal Law, Universal Law Publishing Company
4. K I Vibhute, PSA Pillai's Criminal Law, Lexis Nexis, Butterworths Wadhwa, Nagpur
5. Don C. Gibbons: Crime, Society and Criminal Career
6. Lily: Theories of Criminology
7. Cathrines and Williams: Text Book of Criminology
8. Ahmad Siddique: Criminology-Problems and Penology, Eastern Book Company
9. Paranjape: Criminology and Penology, Central Law Publications.

SEMESTER II

Judicial process

LMCT-201

MODULE I -- Meaning, concept and Nature of judicial process

1. Meaning, Nature and role of judicial process
2. Judicial process as an instrument of social ordering
3. Ratio decidendi and Obiter dicta—Merits and demerits of precedents
4. Do judges make law—law making theory and Declaratory theory—problems of accountability
5. Advisory jurisdiction of Supreme court and supreme court's authority to rule on its own decisions.

MODULE II-- Dimensions of judicial process

1. Rule of law: Doctrine of independence of judiciary as an aspect of separation of power.
2. Appointment, removal and transfer of judges.
3. Political nature of judicial process
4. New dimensions of Judicial activism, judicial creativity and judicial review—writs as means of enforcing the rights of people
5. Concept of locus standi- Public interest litigation- Merits and demerits of PIL

MODULE III-- Judicial process and Constitutional Amendments

1. Evolution of the concept of basic structure
2. Philosophy of the doctrine of Basic structure
3. Basic structure and limitations to constitutional amendments
4. The recent developments: the “essence of rights” test and “right test” to determine Basic structure

MODULE IV-- Judicial process and legal theory

1. American realism philosophy: origin and development
2. Views of Gray and Holmes
3. Views of Jerome frank: law is uncertain and certainty of law is a legal myth
4. Criticisms and drawbacks of the American realist thought

MODULE V -- The concepts of justice

1. Meaning of justice--Relation between law and justice—justice not the same thing as law
 2. The concept of Dharma in the Indian legal thought
-
1. Various theories relating to administration of criminal justice
 2. Trends in the criminal administration of justice—Reformatory punishment.

SEMESTER II

Human Rights and Contemporary Challenges LMCT 202

MODULE- 1

Human Rights, Development and Role of International Agencies

Historical development of Human Rights

UDHR, International Covenants, Protocols related to Civil, Political, Economic,
Social and Cultural Rights

Organs of United Nations

Refugee Rights

MODULE 2

Environment, Population and Development

Population v. Development

Development v. Environment

Corporate Environmental Responsibility

Concept of Common Property and State Property

Doctrine of Public Trust

MODULE 3

Human Rights and Media

Role of Media

Role of NGOs

Media and Indian Constitution

Media and Judiciary

MODULE 4

Vulnerable Group and Human Rights

LGBT

Protection of minorities (National and International perspectives)

Tribal rights

Women and children

MODULE 5

Human Rights Challenges

Role of Human Right Commission

Role of Judiciary

Role of NGOs

Enforcement mechanism, Human Rights defenders and whistle blowers

SEMESTER II

Group A: Corporate Law

Competition and Consumer Laws

LMMJ (A) 203

MODULE I

1. understanding competition law and its objectives
2. International development of competition law(USA,EUROPE)
3. Genesis of competition law in India

MODULE II

1. Anti competitive agreements

* HA & VA

* AACC

* Effects doctrine

2. Prohibition of anticompetitive agreements

* S.3 (3) ; S,3 (4)

*Connected practices & parallel behavior

MODULE III

1. Understanding dominance

* S.19 (4) Establishing dominance (study with relevant case laws)

* understanding relevant market (S.19 (5), (6), (7))

* Abuse of dominance .S.4

MODULE IV

1. understanding combination (S.5,6)- AACC of combination

MODULE V

1.CCI'S role/ power/duty

2.DG role/ power/duty

3.Competition advocacy

4.Consumer's protection act 1986

Capital Markets and Foreign Investments

LMMJ (A) 204

MODULE I

Capital Markets

1. Understanding capital markets (primary ,secondary, foreign market)
2. Difference b/w money market and capital market (Debt Financing and Enquiry Financing)
3. Laws relating to capital market
 - a. Securities contract (regulation) Act 1956
 - b. Securities contract (regulation) Rules 1957
 - c. The companies act 2013
 - d. The depositaries act 1996
4. Reforms and regulatory measures in primary and secondary market
5. Depository system in India
6. Instruments of capital market
 - a. Concepts:- (direct ,Dermative, Hybrid)
 - b. Detail:- Direct Instrument -> Equity shares preference shares debit instruments

MODULE II

Stock Exchange

- What is stock exchange
- Denutralisation and corponitisation of stock exchange
- Understanding functioning of SE
- NSE and BSE

MODULE III (SEBI AND RBI)

- SEBI Act R/W Relevent rules
- RBI act

Regulations

- SEBI (discloser and investor protection)2000
- ACBI (issue of capital and discloser requirements) ,2009
- Role of RBI in money market

MODULE IV FDI

- Understanding the nature and need of FDI in India
- Home country , Host country, (relevance)
- Ways to do FDI (automatic and route and prior approval route)

MODULE V

- Permitted sectors in India for FDI
- Dipp guidelines
- Countries investing in India, cities in India Receiving the bulk FDI
- Bylateral, Multilateral, investment agreement that India has with

Group B: International law

Law of International organisations

LMMJ (B) 203

MODULE 1

Evolution and growth of International Organisations

MODULE 2

Nature and scope of International Organisations

Types of International Organisations

Universal International Organisations

MODULE3

Legue of nations

United nations

- i. Principles and purpose of United Nations
- ii. Structure , composition and functions of the organs of United Nations
- iii. Law making process in the Unite Nations Resolutions
- iv. UN peace keeping functions
- v. Need for structural changes in United Nations Organistions

Executive powers and functions of the secretary General of the UN

MODULE 4

Specialise agencies of the United Nations and their functions
Regional International Organisations: Council of Europe ,OAS, OAU, NATO,
SAARC, Arab League

MODULE 5

Judicial Institutions

- b. Historical Evolutions
- c. Permanent court of arbitration
- d. Permanent court of International Justice
- e. International court of Justice-composition, Jurisdiction, and functions
- f. India and the United Nations

INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

LMMJ(B)204

MODULE 1

Human Rights and The United Nations Charter : Role of the United Nations

MODULE 2

International Bill of Human Rights- UDHR, ICCPR and ICESCR

MODULE 3

Regional Instruments

- a. European convention on Human Rights
- b. American Convention on Human Rights
- c. African Convention on Human Rights
- d. Asia and Human Rights

MODULE 4

Human Rights of Vulnerable Groups: Women, children, Minorities, Refugees, Tribal etc

MODULE 5

1. Origin and Development and IHL
2. Source of IHL
3. ICRC –its Role and function
4. International Measures for Implementation of IHL- the Mechanism
 1. Upendra Baxi- Human Rights in the Administration of Criminal Justice
 2. E.Lanerpacht- International Law and Human Rights
 3. Upendra Baxi (Ed) The Right to be Human
 4. Indian Society of International Law – Year Book on IHL and Refugee Law

GROUP C: INTELLECTUAL PROPERTY LAWS

IPR: PATENT LAW

LMMJ (c) 203

MODULE 1

Basic concepts of patent, Meaning , Nature and kind of patent , Patent specification

MODULE 2

Procedure for Registration of patent , patent Agent
Rights and obligation of Patentee; Assignment and surrender of Patent
Licencing.

MODULE 3

Enforcement of Patent , Government use of invention Grounds of granting Patents on revocation for non working Revocation of Patent.
Infringment of Patent Remedies for infringement threat of infringements

MODULE 4

Software Patent ; Micro organism and patent

MODULE 5

Patent in international Scenario Acomparative study

IPR: COPYRIGHT LAW

LMMJ(c) 204

MODULE 1

Meaning Nature and Development of copyrights
Subject matter of Copyright

MODULE 2

Ownership ,Assignment , Registration and Licensing of Copyright
Rights of Copyright owner and Licensee

MODULE 3

Infringment of Copyright and Remedies

MODULE 4

Neighbouring Rights ; Performers Rights and Broadcastng Rights including satellite
and cable distribution.

MODULE 5

Software Piracy and Copyright Protection
On Line Piracy and Copyright Protection.

GROUP-D: ENVIORNMENTAL LAW

ENVIORNMENTALISM AND INDIAN SOCIETY

LMMJ(D) 203

Module – 1 : Concept of “Enviornment”

Defination, Meaning and Scope of the term “ Enviornment “ and “ Pollution”
Human Populations and Enviornment – Population Growth Human Health ,
Enviornment Education

MODULE 2

Concept of Ecology and ecosystem; Types Biomes and Classification Food Chains
Natural and Biological Sciences Interactions ; Biogeochemical Cycles, Ecological
Pyramids

MODULE- 3: Environment and Social Issues

Water conservation Rain water harvesting wetland conservation forest
Conservation
Environmental Disaster; environmentally Displaced Persons
Environmental Social Movement
Religious Texts and Environment

MODULE-4: Early Legislations Dealing with Environment before 1947 (Relevant Sections only)

Shore Nuisance (Bombay and colba) Act , 1853
Indian Penal Code , 1860
The Police Act , 1861
The Sarais Act , 1867
Northern Indian Canal and Drainage Act , 1873
Obstruction in Fairways Act , 1881
Indian Easement Act, 1882
Orient Gas company Act, 1887
The Indian Fisheries Act, 1897
Indian Ports Act , 1908
Indian Forest Act , 1927
Motor Vehicles Act , 1958
Merchant Shipping Act , 1958
Bengal Smoke Nuisance Act , 1905

ENVIORNMENTAL POLLUTION AND LEGAL CONTROL IN INDIA

LMMJ (D) 204

MODULE-1: Environmental Pollution, Sources , Causes , Effects of Water, Air , Land and Noise Pollution

MODULE -2:

- 1) Constitutional mandate and environmental Protection
- 2) Role of Judiciary for Environmental Protection and Sustainable Development
- 3) Principles Evolved
 - a. Absolute Liability
 - b. Precautionary Principle
 - c. Polluter Pays Principle
 - d. Intra and Inter generational Equity
 - e. Public Trust Doctrine

MODULE-3: Statutory Control of Environmental Pollution

- 1) Water (Prevention and control of Pollution) Act , 1974
- 2) Air (Prevention and Control of Pollution) Act , 1981
- 3) Environment (protection) Act , 1986 and Rules to Control Various Pollutions
- 4) National Green Tribunal Act , 2010
- 5) Wastes management
 - a. Solid Waste
 - b. Hazardous Waste
 - c. Bio Medical Waste
 - d. E- Waste

MODULE-4: Remedies under Traditional laws (Relevant Proption only)

- 1) Criminal Procedure code , 1973
- 2) Code of Civil Procedure , 1908
- 3) Indian Penal code , 1860
- 4) Law of Torts ; Vicarious Liablility
- 5) Protection of Human rights Act , 1993
- 6) Class Action : Order 1 Rule 8 of C.P. C 1908
- 7) West Bengal Land Reforms Act, 1955
- 8) Public Liability Insurance Act , 1991
- 9) Remedies under Local Laws

GROUP E (CRIMINAL LAW)

CRIMINAL JUSTICE: CONCEPTS AND PROCEDURE

LMMJ (E) 203

MODULE 1 Classification of Offences

- a) Cognizable and Non-cognizable offences.
- b) Bailable and Non- Bailable offences
- c) Compoundable and Non- Compoundable offences
- d) Investigation , Prosecution and trial
- e) Warrant cases and Summons cases
- f) Summary Trials

MODULE 2 Constitutional Provisions

- a) Art. 20 Protection against Ex-Post Facto Laws, Protection against Double Jeopardy and Protection against Self Incrimination

- b) Art. 21 Impact of expansive interpretation on criminal jurisprudence
Meaning of terms:
Life and Personal liberty
Fair Procedure
Due Process of Law

- c) Right of Accused
Arrest, Hand Cuffing Bail, Speedy Trial
Torture Custodial Violence
Compensation
Public interest Litigation : Direct access to Courts in case of violation of Fundamental Right and other implicit rights

- d) Death Penalty in Light of Art. 21
- e) Art. 22 Protection of Accused in case of punitive detention Protection against Preventive Detention

MODULE 3

(A) Procedural Criminal Law – Initiation of Proceeding

- 1) FIR- rights of complainant,
- 2) Duties of Police Officers under Sec 154
- 3) Delay in lodging FIR.

- 4) Complaint Proceedings
- 5) Jurisdiction of Courts.
- 6) Quashing of Proceedings Sec. 482 CrPC & Article 227 of Constitution
- 7) Extent and Nature of interference by Superior Courts

B) Procedural Criminal Law (Trial Procedures).

- 1) Arrest and questioning of accused (Sec. 41,42,46,65,57. CRPC
- 2) Guidelines of Supreme Court in
 - i) D.K Basu V Union of India
- 3) Rights of the Accused
 - i) Pre arrest and Post arrest Bail, Remand
 - ii) Right to Legal Aid
 - iii) Search and Seizure, Surveillance (Sec-91,94,97,103,165,CRPC)
 - iv) Charge Sheet- powers and duties of Police at the time of investigation
 - v) Extent of interference by court in investigation

MODULE 4

Admissibility of Evidence.

- 1) Relevancy and admissibility, of facts
- 2) Relevancy of confessions and dying declaration
- 3) Appreciating expert evidence in court
- 4) Relevancy and Admissibility of evidence collected through Forensic and other modern tools and techniques
- 5) Admissibility of evidence in Cyber Crime
- 6) Role of the Court in drawing inference from evidence
- 7) Protection of Witnesses
- 8) Hostile witnesses

Sentencing and Prison Administration
LMMJ(E)204

MODULE 1

Introduction to penology
Theories of Punishment
Types of Punishment/Sentencing (Custodial/ Non Custodial Sentencing)

MODULE 2

Jurisprudential Contribution in Sentencing
(example: Bentham, Beccaria, Ashworth etc)

MODULE 3

Rationales of Sentencing
Elements of Proportionality of sentencing
Sentencing Process

- Pre sentencing enquiry
- Primary and secondary decisions
- Disparity in sentencing

MODULE 4

Probation
Parole
Plea Bargaining
Compounding of Sentences

MODULE 5

Various Prison Systems of the World
History of Indian Prison System
Classification of Prisoners
Rights of Prisoners
Problems of Indian Prison System
Open System
Welfare and Rehabilitative initiative in the Indian Prison System

SEMESTER III

LMCT 301

ENVIRONMENTAL LAW: CHALLENGES IN THE GLOBALISING WORLD

MODULE 1

Environmental Pollution

- Concept of environment, sources and causes of environmental pollution in Water, Air, Land, the changing nature of environmental pollution in a rapidly urbanizing world,
- Principles of Protecting the environment
 - Absolute liability, precautionary principle, polluter pays principle, Intra and Inter Generational Equity, Public Trust Doctrine
- International Environmental Agreements on Environment (Emphasis on the key objectives)
 - United Nations Framework Convention on Climate Change 1992
 - Kyoto Protocol to UNFCCC 1997
 - Doha Amendment to the Kyoto Protocol (commitment period 2013-2020)
 - Paris Agreement (2015) (Intended Nationally Determined contribution (INDC) declared by India)
 - Millennium Development Goals 2015
 - 2030 Agenda for Sustainable Development
 - 2018 United Nations Climate Change Conference (COP 24) (Key outcomes in Katowice, Poland Talk)
- The Indian Constitution and the Environment
 - (including Article 21, 48A, Article 253); 42nd Amendment to the Constitution
- Specific Legislations: (objective, offences, penalties)
 - Water (Prevention and Control of Pollution) Act, 1974
 - The Air (Prevention and Control of Pollution) Act, 1981,
 - The Environment (Protection) Act, 1986,

MODULE-2

Climate Change

- Introduction to climate change; studying the effect of climate change on urban and rural areas in India (specifically understanding India's vulnerabilities to climate change, on its monsoon, forest cover, livelihood of farmers/fishermen)
- Understanding the inequities between Developed and Developing countries in terms of use of global atmospheric space and global carbon budget

- Green GDP (adjusted for environmental costs)- why it is important to take environmental considerations on board while devising a growth strategy; green national accounting (TEEB-The Economics of Ecosystems and Biodiversity; quantifying natural capital and understanding the economics of biodiversity loss)
- Managing environment in the conditions of poverty;
- Health expenditures resulting from ill-effects of air and water pollution
- Managing India's energy needs (going beyond mandatory fuel efficiency standards and model of renewable energy), assessing the limits of energy options in India (use of coal based power, nuclear power, natural gas, hydroelectric power etc)
- Environmental Impact Assessments (whether environment and forest approval system have acted against the interests of faster economic growth?) (vis-à-vis Environment Protection Act, 1986, Forest Conservation Act, 1980, Wildlife Protection Act, 1972)
- Check List of Actions (Individual, Institution, Government)
- Reports
 - Thirteenth Finance Commission Report (recommendations related to environment and forests);
 - Human Development Report 2015
 - National Action Plan on Climate Change, State Action Plan on Climate Change (West Bengal)
- Role of Ministry of Environment and Forest and Climate Change- Its role, duties and power
- Ministry of Home Affairs and its role in Disaster Management in India under the Disaster Management Act, 2005

MODULE 3

Air Pollution

- Nature of Air Pollution (urban and rural locale), intergenerational externalities,
- Sources and impact of Air pollution in urbanizing world
- Study of relevant case laws
- Cleantech Startups/innovations to help tackle Air Pollution(instead of completely relying on legal regulation)

MODULE-4

Water Pollution

- Nature of Water Pollution (urban and rural locale), wastage of water and its conservation
- Sources and impact of Water pollution in urbanizing world
- Study of relevant case laws

- Cleantech Startups/innovations to help manage Water Pollution and wastage of water (instead of completely relying on legal regulation)

MODULE-5

Waste Management

- Types of Waste: solid, hazardous, bio-medical waste, plastic waste, e-waste, construction and demolition waste
- Challenges in segregation, storage, transportation
- Relevant provisions of the following laws (with the latest amendments):
(emphasis is on offences and penalties)
 - *The Solid Waste Management and Handling Rules, 2016*
 - *The Hazardous and other Wastes (Management and Transboundary Movement) Rules, 2016*
 - *The Biomedical Waste Management Rules, 2016.*
 - *The Plastic Waste Management Rules, 2016*
 - *The Batteries (Management and Handling) Rules, 2001,*
 - *The E-waste (Management) Rules, 2016.*
- Study of relevant Case Laws (NGT orders, SC judgements)
- Best Practices in Waste Management
 - Waste Management in West Bengal, *inter alia* the C40 Mayor's Summit award winning project Kolkata Solid Waste Management Improvement Project, 2016

Resources Recommended:

1. Green Signals. Ecology, Growth and Democracy in India, Jairam Ramesh, Oxford University Press, 2015
2. The Climate Solution, Mridula Ramesh, 2019, Hachet India
3. Air (Pollution, Climate Change and India's Choice Between Policy and Pretence), Dean Spears, HarperCollins Publishers India, 2019
4. Environmental Law and Policy in India. (Cases, Materials and Statutes), Shyam Divan, Armin Rosencranz, Oxford University Press, 2012
5. Environmental & Pollution Laws in India; Justice T.S. Doabia, I.P.S Doabia, M.S Doabia; 2nd Edition 2015, Volume 1& 2, LexisnexisButterworthsWadhwa Nagpur
6. SCCONLINE for relevant statutes, case commentaries (login to www.sconline.com)

SEMESTER III

Constitutionalism, Administration and access to information LMCT 302

MODULE I

1. Definition, meaning , nature and scope of Constitutionalism
2. History of Constitutionalism and changing paradigm of Constitutionalism.
3. Salient features and Nature of Indian Constitution.
4. Preamble as a test to determine the presence of Constitutionalism
5. Rule of law as basis of Constitutionalism
6. Features and elements of Constitutionalism--Separation of powers, Independent judiciary, checks and balances

MODULE II

1. Rules of Interpretation of the Constitution.
2. Fundamental rights, How fundamental rights promote constitutionalism.
3. Procedure established by law and Due process of law
4. Sovereignty and democracy
5. Constitutionalism in the jurisprudential context of Grundnorm theory
6. Constitutional remedies and Constitutional review

MODULE III

1. Definition , meaning, nature and scope of Administrative law
2. Reasons for growth of Administrative Law
3. Constitutional law and Administrative law
4. Natural justice—meaning and Principles of natural justice
5. Rule against bias, types of bias, Audi Alteram Partem, Reasoned decisions.
6. Judicial review of Administrative actions.

MODULE IV

1. Delegated Legislations--meaning nature, scope and reasons for growth of delegated legislation
2. Functions which may be delegated and which cannot be delegated
3. Judicial and legislative control of delegated legislations
4. Administrative tribunals, reasons for their growth—Administrative tribunal and court distinction- whether Administrative tribunals bound by the decisions of Supreme Court and High Courts.
5. Tortious liability of Government.

MODULE V

1. Right to Information Act 2005

SEMESTER III

BASICS OF LAW LMCT 303 (Minor)

MODULE 1

- Introduction of Law

Meaning of Law, Objects of Law, Definition of Law, Sources of Law

- Constitutional Law

Meaning, Background, Nature, Fundamental Rights, Directive Principles

MODULE 2

- Law of Contract

Meaning, Formation, Free Consent, Types of Contract, Performance

- Consumer Law

Meaning, Rights of Consumer, Redressal Commissions

MODULE 3

- Criminal Law

Meaning, Elements & Stages of Crime

MODULE 4

- Intellectual Property Law

Meaning of IPR, Types, Rights, Infringements, Remedies

MODULE 5

- Right to Information Act 2005 (Meaning, Authorities, Appeal)
- IT Act 2000 (Cyber Offences, Regulations, Authorities and Penalties)

SEMESTER III

PAPER LMMJ (A) 304

LEGAL REGULATION OF ECONOMIC ENTERPRISES

MODULE 1

- Understanding Economic Enterprises
- Types and spread of Economic Enterprises in India
- Understanding the role of the following in the Economic Development of the Country: Multinational Companies, Medium and Small Scale Industries, Government Enterprises, Charitable entities, Startups, E-commerce companies, household unincorporated businesses, unremunerated domestic work

MODULE 2

- Growth of E-commerce companies and its regulation (Google, Facebook, Uber, Ola, Zomato, Amazon, Flipkart, etc)
- Multinational Companies and its regulation
- Special Economic Zones (its relevance and regulation in India)

MODULE 3

- Startups
 - Understanding the new nature of business models
 - Angel Funders/Venture Capitalists (inter alia, investment in cleantech startups)
 - Legal Compliance Requirements
 - FCRA and the FEMA vis-à-vis startups
- Make in India
 - 25 sectors involved; role of the Ministry of Finance
 - Foreign Trade Policy 2015-2020 (Make in India: Salient Features, promotion of foreign trade, joint venture etc)

MODULE 4

CORPORATE SCAMS and CORRUPTION: PINNING RESPONSIBILITIES

Changing Techniques of Regulation of Economic Enterprises in India (encouraging disclosure requirements and pinning responsibilities onto Key managerial persons of Economic Enterprises including Charitable Trusts, politicians)

2G Spectrum Scam
Adarsh Housing Society Scam
Ketan Parekh Securities Scam
Speak Asia Scam
Home Trade Scam, 2002
Saradha Chit Fund Scam
Commonwealth Games Scam
Abhishek Verma Arms deals scandal
Karnataka Wakf Board Land Scam
Telgi Scam
Rotomac Bank Fraud
Punjab National Bank Scam

MODULE 5

Problems of Control and Accountability to the Environment in the face of Rapid development/industrialisation

- Mass disaster and environmental degradation: legal liability and legal remedies of national and multi-national industries,
- Issues in zoning and location of industrial units
- Compliance with environmental regulations by economic enterprises in India

SEMESTER IV

Research Methodology
LMCT 401

UNIT 1

Research: Introduction

- What is Research?
- Meaning and Objectives of Research methods vis a vis Research Methodology
- Legal Research - Meaning, scope and purpose
- Types/kinds of Research: Doctrinal or Traditional Research.
Non-doctrinal or Empirical Research.
Descriptive and Analytical Research.
Applied and Fundamental Research.

Qualitative and Quantitative Research.
Law Reform Research.
Historical Research.
Sociological Research
Pilot Research

UNIT 2

Research Processes

- Identification of Research Problems.
- Review of Literature.
- Selection of a Research Problem
- Formulation of a Hypothesis.
- Research Design.
- Hypothesis.

UNIT 3

Tools and Techniques for Collection of Data

- Primary and Secondary
- Observation Method
- Questionnaire
- Interview
- Case study
- Sampling
- Jurimetrics

UNIT 4

Analysis, Interpretation of Data and Writing of Research

- Use of Deductive and Inductive Methods in Research
- Content Analysis in Legal Research
- Preparation of Research Report and Writing of Research report
- Budgeting of Research
- Ethical and Legal Issues: Plagiarism and Copyright Violation
- Use of SPSS and other packages in Legal research.
- Citation, Reference and Footnoting

Books and Reference

1. Tiwari H.N., Legal Research Methodology, Allahabad Law Agency, Haryana, 1997, 2003
2. Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers
3. Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House
4. Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001
5. Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006
6. Agrawal S.K., Legal Education in India, Tripathi Publishers, Bombay (1973)
7. Anderson J Durstan; B. H. Pooli, Thesis and Assignment Writing, Eastern Books Limited, New Delhi, (1977)
8. Brayne H., N. Duncan, R. Grimes, Clinical Legal Education Active Learning in Your Law School, Oxford, (1998)
9. Goode W. J., Hatt P.K., Methods of Social Research, McGraw Hill, New York, (1962)
10. Jain S.N., Legal Research & Methodology, Indian Law Institute Publication, (Ed) Tripathi Pvt. Ltd., Bombay (1983)
11. Prof. Tushar Kanti Saha, Textbook on Legal Methods, Legal Systems and Research, Universal Law Publishing Co., New Delhi (2010).
12. Bruce L. Berg, Qualitative Research Methods For The Social Sciences (London, Allyn and Bacon, 2001)
13. Dennis P. Force and Stephen Richer (ed.), Stages of Social Research – Contemporary Perspectives (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
14. Frederic Charles Hicks, Materials and Methods in Legal Research (Lawyers Cooperative Publishing, New York).
15. Goode and Hall, Methods in Social Research (Singapore : MacGraw Hill Book Co., 1985).
16. Harvard Law Review Association, The Bluebook: Uniform system of Citation (Harvard Law Review, Harvard).
17. Janathan Anderson, Thesis and Assignment Writing (Wiley Eastern Ltd., New Delhi).
18. Johan Galtung, Theory And Methods of Social Research (London: George Allen & Unwin Ltd., 1970). 19. Leon Festinger (ed.), Research Methods in Behavioral Sciences (Holt, Rinehart and Winston, New York, 1953).
20. Pauline V. Young, Scientific Social Surveys and Research (New Delhi : Prentice Hall of India Pvt. Ltd., 1984)

SEMESTER IV

Community Engagement Course
LMCT 402

SEMESTER IV

Dissertation and Presentation (along with Viva Voce)
LMCT 403

SEMESTER IV

Research Methodology II (Practical)
LMCT 404

Course detail:

This Course shall be completely a Practical paper where the students will be required to undertake minimum 4 assignments (each not exceeding 3000 words) on practical application of various aspects of research methodology like formulation of hypothesis, writing review of literature, data collection tools, analysis and interpretation of data, writing of research projects etc. Workshops and seminars on various aspects of practical application of research methodology by well acknowledged scholars may be organized.

Evaluation:

The assignments will be evaluated i.e.40 marks, by the faculty assigned to teach Research Methodology (LMCT 401) in the Department or college as the case may be. However if the concerned faculty officially refuses or is unable to take the responsibility, in such case only, the load may be shared with other faculty members of the respective department or college as the case may be.

The remaining 10 marks may be awarded based on a viva voce on the assignments submitted by the students.