

MURSHIDABAD UNIVERSITY

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Memo No.- MU(R)/1/C/82/25

Date: 07/02/2025

NOTIFICATION

It is notified to all concerned that in terms of the provision of the Murshidabad University Act, 2018, and, in existing of his powers, of the said Act, the Vice-Chancellor has, by and order dated 07.02.2025 approved the syllabi of the subject Law for semester wise programme of PG Course of study under this university, as laid down in the accompanying pamphlet.

Place: Berhampore

Date: 07.02.2025



Rajib Mukherjee
Registrar
Murshidabad University
Registrar
Murshidabad University

MURSHIDABAD UNIVERSITY

DEPARTMENT OF LAW

DETAILED SYLLABUS OF MASTER OF LAWS

W.E.F. SESSION 2024-2025

Semester I

CC – 5 Courses

Course Code	Course Title	Course Type	Course Details	Credit	Marks	L:T:P	IA	ESE
PG-LAW-CC-101	Law and Social Transformation in India	Core	Theory	4	100	3:1:0	20	80
PG-LAW-CC-102	Indian Constitutional Law: New Challenges	Core	Theory	4	100	3:1:0	20	80
PG-LAW-CC-103	Jurisprudence	Core	Theory	4	100	3:1:0	20	80
PG-LAW-CC-104	Environmental Law	Core	Theory	4	100	3:1:0	20	80
PG-LAW-CC-105	Legal Education & Research Methodology - I	Core	Theory	4	100	3:1:0	20	80

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SEMESTER – I

Course Code: PG-LAW-CC-101

Course Title: Law and Social Transformation in India

Credit: 4

Marks: 100 (End Semester Examination – 80, Continuous Internal Assessment – 20)

Objectives: This course is designed to offer (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and still has to play in the contemporary Indian society.

Course Outcomes: After successful completion of the course, the student will be able to –

1. Comprehend the provisions in the Constitution regarding Law which impacts social transformation.
2. Assess the continuing tussle between law and morality.
3. Infer and assess that the principles of Law and Social Transformation.
4. Analyse the Indian approaches to social and economic problems in the context of law as a means of social control and change

Module-I: Law and Social Change

- i) Law as an instrument of social change.
- ii) Law as the product of traditions and culture: Criticism and evaluation in the light of Colonization, introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

Module-II: Divisive Factors and the Law

- i) Law and its Inter-relationships with Religion - Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law,
- ii) Law and its Inter-relationships with Language - Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution- Official Language, State Language, Court Language
- iii) Law and its Inter-relationships with Caste - 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.
- iv) Law and its Inter-relationships with Regionalism - Regionalism and constitutional mandate.

Module-III: Modernization and the Law

- i) Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- ii) Modernisation of social institutions through law.
- iii) Reform of family law
- iv) Agrarian reform - Industrialisation of agriculture.
- v) Industrial reform: Free enterprise v. State regulation - Industrialisation v. Environmental protection.
- vi) Reform of court processes, Criminal law: Plea bargaining; compounding and payment of compensation to victims.
- vii) Civil law: (ADR) Confrontation v. consensus; mediation and conciliation; Lok Adalats.
- viii) Prison reforms

Module-IV: Democratic Decentralization and Local Self-government

- i) Alternative approaches to law
- ii) The jurisprudence of Sarvodaya--- Gandhiji, Vinoba Bhave; Jayaprakash Narayan
- iii) Surrender of dacoits:
- iv) Concept of Grama Nyayalayas.
- v) Socialist thought on law and justice: An enquiry through Constitutional debates
- vi) The right to property.
- vii) Indian Marxist critique of law and justice.

Module- V: –Law and empowerment:

- i) Women - Crimes against women, Gender injustice and its various forms, Women's Commission, Empowerment of women: Constitutional and other statutory provision.
- ii) Children - Child labour, child Adoption and related problems, Children and education, Juvenile Delinquency and Juvenile Justice and relevant statutory provisions.
- iii) Others - social disadvantaged people – Constitutional Mandate and Indian Judiciary.

Suggested Readings:

1. Marc Galanter (ed). Law and Society in Modern India. (1997). Oxford, New Delhi.
2. Baxi, Upendra. The Crisis of Indian Legal System. (1982). Vikas Publication.
3. Baxi, Upendra (ed). Law and Poverty: Critical Essays. (1988). Tripathi, Bombay.
4. Manushi, A Journal About Women and Society.
5. Duncan Derret. The State, Religion and Law in India. (1999). Oxford. New Delhi.
6. M.P.Singh, Constitution of India (2008). 11th Ed. Eastern Book Co., Lucknow.

7. Sunil Deshta and Kiran Deshta. Law and Menace of Child Labour. (2000). Anmol Publications, New Delhi.
8. Savitri Gunasekhare. Children, Law and Justice (1997) Sage Publications.
9. Indian Law Institute, Law and Social Change: Indo-American Reflections. Tripathi, (1988).
10. M. P.Jain. Outlines of Indian Legal History. (1993). Tripathi, Bombay.
11. Agnes Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999) Oxford, New Delhi.



SEMESTER – I

Course Code: PG-LAW-CC-102

Course Title: Indian Constitutional Law: New Challenges

Credit: 4

Marks: 100 (End Semester Examination – 80, Continuous Internal Assessment – 20)

Objectives: This course is designed to offer (a) make students aware of the nature of the Indian Constitution (b) the characteristics of federal government (c) the role and functions of the state (d) freedom of speech and its restrictions, (e) nature of Indian electoral process and (f) a comprehensive analysis of the upcoming challenges faced by the Indian Constitution.

Course Outcomes: After successful completion of the course, the student will be able to –

1. Understand the different aspects of relationship between the centre and states in various matters.
2. Understand the need for widening the scope of state in the wake of liberalization.
3. Know the impact of privatization on affirmative action of the state
4. Understand the importance Freedom of speech and its restrictions
5. Identify the real stress and strains of separation of powers
6. Identify the drawbacks of electoral system and the need for its reforms.

Module I: Federalism

- i) Creation of new States
- ii) Allocation and share of resources distribution of grant in aid
- iii) Centre's responsibility and internal disturbance within states
- iv) Directions of the centre to the state under Article 356 and 365
- v) Federal Comity-Relationship of trust and faith between Centre and State.

Module II: Freedom and challenges of new scientific development

- i) Freedom of Speech and expression
 - a) Right to broadcast and telecast
 - b) Convergent Media: Prasar Bharti
 - c) Impact of Information Technology Act, 2000
- ii) Right to Strikes, hartal and bandh

Module III: Emerging regime of new rights and remedies

- i) "State": Need for widening the definition in the wake of liberalization, globalisation and privatisation

- ii) Reading directive Principles and Fundamental Duties into Fundamental Rights
 - a) Compensation Jurisprudence
 - b) Right to education and impact of privatisation on right to education
 - c) Right to equality and impact of privatisation on affirmative action
- iii) Right of minorities to establish and administer educational institutions and State control: critical analysis of Pai Foundation & its aftermath.

Module IV: Separation of power: Stress and strains

- i) Judicial activism and judicial restraint
- ii) PIL: Implementation
- iii) Judicial independence
 - a) Appointment, transfer and removal of judges
- iv) Accountability: Executive and judicial

Module V: Democratic Process

- i) Nexus of politics with criminals and the business,
- ii) Election process; Election Commission: status; electoral reforms,
- iii) Coalition government; stability, durability, corrupt practices, grass root democracy.

Suggested Readings

1. H. M. Seervai – Constitutional Law of India
2. M.P. Jain, Indian Constitutional Law, Wadhwa and Co. Nagpur, 2004
3. P. M. Bakshi, The Constitution of India.
4. Dr. J. N. Pandey – Constitutional Law of India, 4th ed.
5. Dr. S.R. Myneni, *Media Law*, Asia Law House, Hyderabad, (2013)
6. D.D. Basu, *Law of Press in India*,(1980)
7. Dr. Madabhushi Sridhar, *The Law of Expression*, Asia Law House, Hyderabad, 2007

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SEMESTER – I

Course Code: PG-LAW-CC-103

Course Title: Jurisprudence

Credit: 4

Marks: 100 (End Semester Examination – 80, Continuous Internal Assessment – 20)

Objectives: This course is designed to offer (a) impart in learner a holistic understanding of the concepts of Jurisprudence (b) develop a critical, argumentative and philosophical mindset (c) assimilate and critique the principles of jurisprudence that pertain to the question of Justice and (d) engage in detailed research on conceptual issues in Advanced Jurisprudence.

Course Outcomes: After successful completion of the course, the student will be able to –

1. Fully comprehend and appraise the fundamental principles of jurisprudence.
2. Evaluate and critically conceptualise the principles of Jurisprudence that pertain to: the Critical Legal Studies Movement and Feminism.
3. Critically analyse the principles of Jurisprudence that pertain to post-modernist theories and contemporary jurists.
4. Critically assess the principles of Jurisprudence that pertain to the relationship between law and morality.
5. Understand the concept of determinacy of the law as argued by the legal positivists.

Module I: Definition, Nature, Scope and importance of study of Jurisprudence

Module II: Theories of Law

- i) 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
- ii) 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
- iii) Sociological Jurisprudence
 - a) Roscoe Pound's theory of Social Engineering and Theory of Interest
 - b) Theories of Duguit and Ihering

iv) Historical and anthropological theories

a) The German Historical school Savigny's Vilksgeist Theory

b) The English Historical school Sir hennery Maine

Module III: Feminist Jurisprudence: Liberal, Socialist and Radical Feminism

Module IV: The Critical Legal Studies Movement: Post modern Jurisprudence

Module V: Rights and Duties

Suggested Readings

1. Freidmann, Legal theory
2. Dias, Jurisprudence
3. Bodenheimer, Jurisprudence
4. Salmond, Jurisprudence
5. GW Paton, Jurisprudence
6. Wyne Morrison, Jurisprudence: from Greek to Post modernism
7. SN Dhyani, Fundamentals of Jurisprudence
8. JG Riddal, Jurisprudence



SEMESTER – I

Course Code: PG-LAW-CC-104

Course Title: Environmental Law

Credit: 4

Marks: 100 (End Semester Examination – 80, Continuous Internal Assessment – 20)

Objectives: The course is designed to provide an in-depth understanding of legal frameworks governing natural resources and environmental management. The syllabus encompasses a comprehensive study of foundational legal principles, regulations, and international agreements related to natural resources such as water, minerals, energy, land, and biodiversity. Students explore topics like environmental law, sustainable development, conservation, and indigenous rights. Advanced coursework delves into specialized areas including climate change law, wildlife protection, and environmental impact assessment.

Course Outcomes: The course gives students the opportunity to grapple with contemporary legal debates in environment law. Therefore, the learning outcomes of this course can be encapsulated as follows:

1. The primary learning outcome is to sensitize the students towards human activities that adversely affect the environment and the need for regulation of such activities.
2. Students will develop a thorough understanding of practice and procedure followed by various environmental law enforcing agencies/bodies.
3. Students will be able to pursue environmental litigation before the National Green Tribunal and assist the Tribunal as a researcher or in any other capacity.

Module 1: Theoretical perspectives on environment

- i) Concept of environment
 - a. Background and Key Concepts
 - b. Classical Theories and Marxist Perspectives
 - c. Radical Ecology and Feminist Perspectives
- ii) Environmental debates in India
 - a. Paradigms of Modern Development and Environment: Water and Agriculture
 - b. Biodiversity and the Question of Inclusive Development: Forests and Wildlife.
 - c. Technology and Environment: Climate Change, Urban Ecology and Biotechnology.
- iii) Contemporary environmental movements
 - a. Origins of Environmentalism
 - b. Ideologies and Perspectives in Environmental Movements
 - c. Nature and Forms of Environmental Action

Module II: Environmental policy and Constitutional provisions and International Instruments

- i) The Indian Constitution and the Environment (including Article 21, 48A, Article 253); 42nd Amendment to the Constitution
- ii) International Environmental Agreements (Emphasis on the key objectives)
 - a. United Nations Framework Convention on Climate Change 1992

- i. Kyoto Protocol to UNFCCC 1997
- ii. Doha Amendment to the Kyoto Protocol (commitment period 2013-2020)
- iii. Paris Agreement (2015) (Intended Nationally Determined contribution (INDC) declared by India)
- b. Millennium Development Goals 2015
- c. 2030 Agenda for Sustainable Development
- d. 2018 United Nations Climate Change Conference (COP 24) (Key outcomes in Katowice, Poland Talk)

Module III: Doctrines in environmental law: Principles of Protecting the environment

- i) Polluter Pay Principle
- ii) Precautionary Principle
- iii) Public Trust Doctrine
- iv) Sustainable Development
- v) Doctrine of Eminent Domain

Module IV: Environmental concerns

- i) Conservation of forest:
 - a. Forest Act, 1927
 - b. Forest Conservation Act 1980
 - c. Wildlife Protection Act 1972.
 - d. Forest Dwellers Act.
 - e. Prevention & Control of Trading in Forest Produce
- ii) Conservation of Water:
 - a. Maintenance of standard and quality
 - b. Ground Water
 - c. Surface Water
 - d. Rain Water Harvesting
- iii) Waste Disposal
 - a. Organic Waste
 - b. Inorganic Waste
 - c. Biomedical Waste
- iv) Conservation of land
 - a. Soil Erosion
 - b. Siltation & Riverbed Elevation
 - c. Landslides & Desertification
 - d. Alluvium & Diluvium
- v) Noise Pollution Rules

Module v: Global warming and climate change and the Indian legal framework

- i) 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)
- ii) Understanding the inequities between Developed and Developing countries in terms of use of global atmospheric space and global carbon budget

- iii) 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)
- iv) Managing environment in the conditions of poverty;
- v) Health expenditures resulting from ill-effects of air and water pollution
- vi) 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)
- vii) 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)
- viii) Check List of Actions (Individual, Institution, Government)
- ix) Reports
 - a. Thirteenth Finance Commission Report (recommendations related to environment and forests);
 - b. Human Development Report 2015
 - c. National Action Plan on Climate Change, State Action Plan on Climate Change (West Bengal)
- x) Role of Ministry of Environment and Forest and Climate Change- Its role, duties and power
- xi) Ministry of Home Affairs and its role in Disaster Management in India under the Disaster Management Act, 2005

Suggested Readings

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, Lexis Nexis Butterworths Wadhwa Nagpur

SEMESTER – I

Course Code: PG-LAW-CC-105

Course Title: Legal Education & Research Methodology - I

Credit: 54

Marks: 100 (End Semester Examination – 80, Continuous Internal Assessment – 20)

Objectives: This course will help a student to (a) develop an insight into the objectives of legal education, (b) contribute better when involved in activities of centres of legal education, (b) develop basic understanding of basic research science and legal research, (c) enable the readers to draw research objectives, purposes and their importance, (d) develop analytical approach towards various arias of life and their respective research prospects and (e) enable the readers to identify and classify the research work according to their nature and objectives.

Course Outcomes: After successful completion of the course, the student will be able to –

1. Fully comprehend the objectives of legal education.
2. Contribute to the development of the legal education.
3. Apply the best methods of research including the historical and comparative methods which include Case Study to the given situation.
4. Critically evaluate the research methodology and their utility in academic legal research.
5. Write a research report conveying the findings of the Legal Research in a cogent form.

Module-I: Legal Education and Clinical Legal education

- i) Objectives of Legal Education
- ii) Historical Evolution of Legal Education
- iii) Modes and law Teaching in India: Critical Evaluation
- iv) Clinical Legal Education, legal aid & legal literacy in the period of pre-globalisation and post globalisation
- v) The role of BCI & National Law Universities in development of legal education in India

Module-II: Legal Research Methodology

- i) Meaning and characteristic of research and legal research
- ii) Indian background of legal research
- iii) The nature and type of legal research
- iv) Methods/tools of legal research: Doctrinal and Non-doctrinal research
- v) Research Design

Module- III: Research Methods

- i) Identification and Formulation of Research Problem: Identification and Formulation of Research Problem
- ii) Developing hypotheses and research questions
- iii) Sampling design
- iv) Source of data: primary and secondary

Module IV: Techniques of Data Collection and data processing.

- i) Techniques of data collection
 - a. Questionnaire
 - b. Interview
 - c. Observation
 - d. Case study
- ii) Data processing and analysis
 - a. Data processing
 - b. Data distribution
 - c. Tabulation of data
 - d. Data analysis and interpretation
 - e. Diagrammatic Representations
 - f. Report writing

Module- V. Citation

- i) ILI
- ii) APA
- iii) Soft skill in law: Software Packages, practical exercises

Suggested Readings:

1. Goode, W. J. & Hatt, P. K. (1962) Methods of Social Research, McGraw Hill, New York.
2. S. N. Jain, Legal Research & Methodology I.LI.(1983) Publication, Ed., Tripathi Pvt. Ltd., Bombay.
3. S.K. Agrawal (edn) , Legal Education in India (1973).
4. Upendra Baxi, 'Socio-Legal Research in India – A Program Schriff, ICSSR, Occasional Monograph, 1975.
5. S.K. Verma and M. Afzal Wani (Eds.) Legal Research and Methodology, Indian Law Institute (2001) 2nd Edition.
6. Swati Sinha, Legal Education in India: New Horizons (Manav Prakashan, Kolkata)
7. C. R. Kothari, Research Methodology: New Age International Publishers
8. Ram Ahuja, Research Methods: Rawat Publications

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