

# MURSHIDABAD UNIVERSITY

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Memo No.- MU(R)/1/C/475/24

Date: 26/09/2024

## 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 26.09.2024 approved the Regulation & 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: 26.09.2024

*Rajib Mukherjee*  
Registrar

Murshidabad University

Registrar  
Murshidabad University





# MURSHIDABAD UNIVERSITY

1, Surya Sen Road, Gora Bazar, Berhampore,  
Murshidabad, West Bengal 742101

## Department of Law

11, Police Reserve Road, Berhampore,  
Murshidabad, West Bengal, 742101

**REGULATIONS RELATING TO THE  
LL.M PROGRAMME UNDER CHOICE  
BASED CREDIT SYSTEM (CBCS)**

**w.e.f. Session 2024-2025**

## REGULATIONS RELATING TO MASTER OF LAWS [LL.M] COURSE UNDER CBCS

### 1. Short title, Application, and Commencement:

1.1 These regulations may be called the Murshidabad University LL.M. Regulations, 2024 and these are relating to the Post Graduate Degree Courses in Law under the Choice Based Credit System.

1.2 They shall come into force from the academic session 2024-2025.

**2. Introduction to the Department:** The Department of Law, Murshidabad University, one of the emerging academic Departments of the Murshidabad University, which came into existence in the year 2021. The Department focuses on innovative teaching and research in law through the On-Campus Two Year Master of Law (LL.M) programme. Besides the traditional classroom lectures, the Department also uses diverse pedagogy of teaching, like interactive, tutorial, remedial, group discussions, seminars, simulation case law and case study methods. Currently, there are (04) four branches of specializations offered on Choice Based Credit System (CBCS) for producing the excellent educators in the field of law in future the courses will equip the students with skills and adequate knowledge. Four specializations viz: A) Criminal Law, B) Constitutional Law and Legal Order C) Corporate and Commercial Law and D) International Law and Human Rights have been introduced.

**3. Definitions** In these Regulations, unless the context otherwise requires –

3.1 'Departmental Committee' means the Committee comprising all the teaching faculty members of the department;

3.2 'Academic Session' means four consecutive (two odd + two even) Semesters;

3.3 'Choice Based Credit System' (CBCS) provides choice for students to select from the prescribed courses as offered by the University.

3.4 'Course' is a component of a programme. All courses need not carry the same weight. Courses define learning objectives and learning outcomes. A course may be designed to comprise lectures / tutorials / clinical work / field work / outreach activities / project work / vocational training / viva / seminars / term courses / assignments / presentations / self-study etc. or a combination of some of these.

3.5 'Core course' means a course that the student admitted to a particular programme must successfully complete to receive the Degree and which cannot be substituted by any other course. For this purpose, all course other than Specialization / Choice Based Electives, are considered as Core course;



3.6 'Credit Based Semester System' (CBSS) prescribes the requirement for awarding a degree certificate in terms of number of credits to be completed by the students.

3.7 'Credit Point' is the product of grade point and number of credits for a course.

3.8 'Cumulative Grade Point Average' (CGPA) is a measure of overall cumulative performance of a student in all semesters. The CGPA is the ratio of total credit points secured by a student in various courses in all semesters and the sum of the total credits of all courses in all the semesters. It is expressed up to two decimal places.

3.9 'Discipline Specific Elective Course' means a course other than a core course, which enables students to achieve proficiency in a specialized legal discipline.

3.10 'Generic Elective' which may be chosen from an unrelated discipline.

3.11 'Grade Point' is a numerical weight allotted to each letter grade on a ten-point scale.

3.12 'Letter Grade' is an index of the performance of students in a course. Grades are denoted by letters O, A+, A, B+, B, C, D, F and AB.

3.13 'Programme' means the Master of Laws (LL.M.) programme conducted by the Murshidabad University

3.14 'Semester Grade Point Average' (SGPA) is a measure of performance of work done in a semester. It is the ratio of total credit points secured by a student in various courses registered in a semester and the total course credits taken during that semester. It shall be expressed up to two decimal places.

3.15 "Semester" means semester as defined in the Murshidabad University Examination Regulations, 2024.

3.16 'Grade Card' based on grades earned shall be issued to all the registered students after every semester. The grade card will display the details of courses studied (code, title, number of credits, grade secured) along with SGPA of that semester and CGPA.

**4. Eligibility for admission:** Candidate shall be eligible for admission if he/she has passed the Bachelor of Law LL. B. (3 Years), LL. B. 5 Years integrated course, or LL. B. (Hons) 5 Years integrated course examination from any UGC recognised University with not less than 50% marks.

Provided that in all such cases, admission shall be subject to conditions and

procedures to be laid down by the concerned Faculty Council for Postgraduate Studies.

**5. Admission:** Admissions will be given as per the selection procedure in accordance with the conditions laid down by the Murshidabad University from time to time.

**6. Intake:** There shall be a basic intake of forty-nine (49) students. The reservation rules governing admission to the 2-year LL.M. Course made by the Government of West Bengal shall be followed in its strict sense.

**7. Programme Structure & Admission:**

7.1 The curricular work leading to the award of a Master's Degree shall be spread over four Semesters in two years with an examination at the end of each semester. Two consecutive (one odd & one even-numbered) semesters shall constitute one academic year.

Provided further that a student must complete LL.M. Course within a maximum period of four (04) years.

7.2 Provided further that if a student fails to complete LL.M. Course within a maximum period of four (04) years, he/she shall be eligible to take fresh admission in LL.M. on merit.

7.3 Measure of coursework involved shall be determined by units of Credit. One Credit is equivalent to a minimum of one hour of teaching (Lecture or tutorial or at least two hours of practical work/field work per week. The coursework of a semester shall be distributed over a minimum of 15 teaching weeks.

7.4 Total credit requirement for four semesters coursed is 64 out of 80 credit and shall have to be earned in Continuing Evaluation.

**8. Structure of the Courses:** To achieve these objectives the proposed curriculum would have the following structure:

8.1 Core Courses - These courses of the curriculum are designed to promote common educational efficiency without which a particular discipline cannot be taught. They are compulsory as they facilitate the students to take up more specialized course of their choice later). These are compulsory courses.

8.2 Soft Skill Development - This course is designed as Seminar Presentation by using synchronies and asynchronies mode of e-platform for the skill development of the students of LL.M so that they can work in the global platform of academia. Seminar Presentation will be based on the topics from

core courses and specialized courses.

8.3 Discipline Specific Elective Course (Specialization) - These are optional courses to be selected by a student for each specialization.

8.4 Generic Elective - An elective course which is designed in such a manner that any student from any faculty may opt this course with intention to seek exposure.

## Course Structure

### Semester I

#### CC – 5 Courses

Course Code	Course Title	Course Type	Course Details	Credit	Marks	L:T:P	IA	ESE
LAW 1.1	Law and Social Transformation in India	Core	Theory	4	100	3:1:0	20	80
LAW 1.2	Indian Constitutional Law: New Challenges	Core	Theory	4	100	3:1:0	20	80
LAW 1.3	Jurisprudence	Core	Theory	4	100	3:1:0	20	80
LAW 1.4	Environmental Law	Core	Theory	4	100	3:1:0	20	80
LAW 1.5	Legal Education & Research Methodology - I	Core	Theory	4	100	3:1:0	20	80

### Semester II

#### CC- 5 Courses

Course Code	Course Title	Course Type	Course Details	Credit	Marks	L:T:P	IA	ESE
LAW 2.1	Law and Justice in Globalising World	Core	Theory	4	100	3:1:0	20	80



LAW 2.2	Human Rights and Contemporary Challenges	Core	Theory	4	100	3:1:0	20	80
LAW 2.3	Comparative Public Law	Core	Theory	4	100	3:1:0	20	80
LAW 2.4	International Law	Core	Theory	4	100	3:1:0	20	80
LAW 2.5	Legal Education & Research Methodology - II	Core - AEC	Practical	4	100	2:2:0	20	80

### Semester III

CC- 3 Courses, DSE – 2 Courses, GE – 1 Course

Course Code	Course Title	Course Type	Course Details	Credit	Marks	L:T:P	IA	ESE
LAW 3.1	Judicial Process	Core	Theory	4	100	3:1:0	20	80
LAW 3.2A / LAW 3.2B / LAW 3.2C / LAW 3.2D	Elective - I	Discipline Centric Elective	Theory	4	100	3:1:0	20	80
LAW 3.3A / LAW 3.3B / LAW 3.3C / LAW 3.3D	Elective - II	Discipline Centric Elective	Theory	4	100	3:1:0	20	80
LAW 3.4	Seminar	Core - SEC	Practical	4	100	2:2:0	20	80
LAW 3.5	Internship / Project	Core - SEC	Practical	2	50	2:2:0	10	40
LAW 3.6	Human Rights Law	Generic Elective	Theory	2	50	3:1:0	10	40

### Semester IV

**CC - 1 Courses, DSE – 3 Courses**

Course Code	Course Title	Course Type	Course Details	Credit	Marks	L:T:P	IA	ESE
LAW 4.1	Dissertation	Core - AEC	Practical	8	200	4:4:0	50	150
LAW 4.2A / LAW 4.2B / LAW 4.2C / LAW 4.2D	Elective - III	Discipline Centric Elective	Theory	4	100	3:1:0	20	80
LAW 4.3A / LAW 4.3B / LAW 4.3C / LAW 4.3D	Elective - IV	Discipline Centric Elective	Theory	4	100	3:1:0	20	80
LAW 4.4A / LAW 4.4B / LAW 4.4C / LAW 4.4D	Elective - V	Discipline Centric Elective	Theory	4	100	3:1:0	20	80

**Total Marks: 2000, Credit: 80**

**Group A - Constitutional Law and Legal Order**

LAW 3.3A Indian Constitution and its Working

LAW 3.4A Comparative Constitutional Law

LAW 4.3A Constitutionalism, Administration and Access to Information

LAW 4.4A Mass Media Law

LAW 4.5A Human Rights Law

**Group B - Criminal Law**

LAW 3.3A General Principles of Crime

LAW 3.4B Law and Organised Crime

LAW 4.3B Criminology

LAW 4.4B Penology and Victimology

LAW 4.5B Comparative Criminal Procedure

**Group C - Corporate and Commercial Law**

LAW 3.3C Corporate Incorporation and Management



LAW 3.4C Banking and Insurance Law  
LAW 4.3C Law of Contract and Arbitration  
LAW 4.4C Law relating to Intellectual Property Rights  
LAW 4.5C Competition Law and Consumer Law

**Group D - International Law and Human Rights**

LAW 3.3D Public International Law  
LAW 3.4D Private International Law  
LAW 4.3D Air, Sea and Space Law  
LAW 4.4D Environmental Governance  
LAW 4.5D International Humanitarian and Refugee Law

**9. Attendance:**

- 9.1 A student is required to attend all classes. Attendance in Theory and Practical classes shall be counted separately as per UGC guidelines.
- 9.2 A candidate shall be allowed to appear at any of the semester examinations if he/she has attended 75% or above of the programme lectures/practical classes held during that semester. If the attendance falls short of 75%, he/she shall not be allowed to appear in the examination.
- 9.3 Candidate having the attendance below 75% but above 65% may be considered for appearing in the semester examination subject to the approval by the Committee constituted by the Vice-Chancellor, after examining his/her the causes of his/her less attendance after examining necessary documents (Medical certificate or any other relevant documents).

**10. Requirement of marks for Regular Candidates**

- 10.1 The total credits for the Master of Laws [LL.M.] course shall be twenty [80] credits divided into four semesters.
- 10.2 A candidate, in order to be eligible for the award of an LL.M. degree shall have to obtain a minimum of Grade Bin UGC 10-point scale in each paper of the Semester and in the SGPA in each of the end Semester examinations

**11. Process of Evaluation of Continuous Internal Assessment:**

- 11.1 Every core paper and discipline specific elective paper shall carry 100 marks out of which 80 marks are for End Semester Examination and 20 marks for Continuous Assessment except the dissertation and Generic Elective Courses. *The 20 marks for continuous assessment shall include a paper presentation comprising of 10*

marks.

11.2 For Dissertation 50 Marks is for Continuous Assessment in form of Viva-voce Test based on the topic of Dissertation in presence of an External Expert not below the rank of Associate Professor and 150 marks will be assessed as an end semester examination of the thesis written by the students.

11.3 For Generic elective course, 10 marks will be for continuous Assessment while 40 marks will be allocated for end semester examination

11.4 In the case of Research Methodology, term papers, the assessment shall be made by a Board consisting of at least three teachers of the Department including the supervisor and the Head of the Department.

11.5 In the case of seminars based on term papers, field visits, internships, project etc. the evaluation shall be done by the board of examiners consisting of at least three teachers from the Department including the Head of the Department.

11.6 Three copies of each term paper, field study report, and research design shall be submitted at least one month before the written examination. One copy of such term paper, the field study report and research design shall be sent by the Head of the Department to the Controller of Examination with the marks.

## 12. Dissertation

12.1 Four copies of the dissertation are to be submitted to the Head of the Department before the commencement of the written examination of the Fourth Semester of LLM who shall forward the same to the Controller of Examinations with the name of the External Experts for evaluation

12.2 The Dissertation shall be evaluated by the supervisor and atleast one external expert whose name shall be recommended by the Board of Studies attached to the concerned Faculty Council for Post Graduate Studies and the Supervisors.

12.3 There shall be viva voce conducted by a Committee consisting of the teachers of the Department and atleast one external expert.

13. Examination and Assessment: Examination and Assessment of the student will be governed by the Murshidabad University Examination Regulation 2024 as updated from time to time.

14. **Credit system:** One credit is of 25 marks and one-hour class duration per week. That is 4-hour class duration per subject for at least 15 weeks is of 100 marks and of 4 credits. One semester of LL. M. course is of 20 credits, that is 500 marks and the total marks in LL.M. is 2000 marks and of 80 credits.

### 15. Direction by Vice-Chancellor

In case(S) not covered by these regulations or case(s) of any difficulty whatsoever in respect of LL.M. programme/examinations, the Vice-Chancellor shall have the power to give necessary directive, subject to the provisions of the Murshidabad University Act, 2018.





# 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
LAW 1.1	Law and Social Transformation in India	Core	Theory	4	100	3:1:0	20	80
LAW 1.2	Indian Constitutional Law: New Challenges	Core	Theory	4	100	3:1:0	20	80
LAW 1.3	Jurisprudence	Core	Theory	4	100	3:1:0	20	80
LAW 1.4	Environmental Law	Core	Theory	4	100	3:1:0	20	80
LAW 1.5	Legal Education & Research Methodology - I	Core	Theory	4	100	3:1:0	20	80

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## SEMESTER – I

Course Code: LAW 1.1

Course Title: Law and Social Transformation in India

Credit: 5

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: LAW 1.2

Course Title: Indian Constitutional Law: New Challenges

Credit: 5

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: LAW 1.3

Course Title: Advanced Jurisprudence

Credit: 5

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 Ihring

iv) Historical and anthropological theories

a) The German Historical school Savigny's Vilksgeist Theory

b) The English Historical school Sir henery 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: LAW 1.4

Course Title: Environmental Law

Credit: 5

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: LAW 1.5

Course Title: Legal Education & Research Methodology - I

Credit: 5

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, (c) develop basic understanding of basic research science and legal research, (d) enable the readers to draw research objectives, purposes and their importance, (e) develop analytical approach towards various areas of life and their respective research prospects and (f) 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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