

DRAFT COURSE STRUCTURE AND SYLLABUS
FOR 4 SEMESTER LL.M. COURSE IN C.B.C.S. PATTERN

(to be effective from Academic Session 2015)



DESHABANDHU CHITTARANJAN
SCHOOL OF LEGAL STUDIES,
ASSAM UNIVERSITY,
SILCHAR-788011

PREFACE

LL.M. course is meant only for creating law teachers and researchers. It is not a necessary degree for making of a lawyer or a judge and a businessman. Being of such unique distinction, it is often considered to be at par with M. Phil degree and not the post graduate course of the social sciences namely, M. A., M. Com., or M. Sc. Degree.

It may be mentioned here that a student who takes up LL. M. course does so after completing a 5 year integrated LL. B. course [10+ 2+ 5] or if he/she comes after graduation then it is after 6 years of study [10+2+3+3]. Hence to take up LL.M. course a student has to put up many more years of study than a post graduate student of the social sciences.

LL.M. is a professional course at par with any post graduate course in any other professional courses such as M. B. B. S.; Engineering etc. Just as the courses like M. D.; M. Tech.; M. Phil. courses have their own requirement, LL. M. too has its own requirement.

In view of this it is but natural that there will be some unique features distinctive of this course which has to be adapted mutatis mutandis within the general frame work of the post graduate teaching of Assam University.

Hence the syllabus of the LL. M. course will, within the broader system of the post graduate courses run by the Assam University, carry with it the required distinctiveness.

This syllabus of LL.M. is framed in such a manner that the students are able to qualify the NET which is mandatory requirement by U.G.C. for Law teaching and also for producing good researcher in law.

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CBCS MASTER OF LAWS (LL.M.) SYLLABUS

(To be effective From the Academic Session 2015)

Total number of Courses in four semesters = **20**

Number of **Core Courses** in four semesters = **16**

(Theory = 11 + Project = 01 + Practical = 02 + Dissertation=02)

Number of **Open Courses** = **02**

Number of **Elective Courses** = **02**

Contact hours for each course = 50

Credit for each course = 5

Marks for each course = 100

[Internal Assessment = Marks-30 (Written Research Paper 20 + Seminar 10) + Written examination 70]

Marks in each semester=500

Total Marks= 2000

Duration of End Semester Examination = 03 hours [a student must write 5 questions of 14 marks each]

Both the **open courses** are in semester II under Course No.203 and 204 from courses offered by any of the allied disciplines of this University.

Out of the two elective courses one is under semester-III (Course No.304) and the other is in semester-IV (Course No.404)

Abbreviations:

LL.M. (C) – LL.M. CORE

LL.M. (O) -- LL.M. OPEN

LL.M. (E)-- LL.M. ELECTIVE

SUBJECTS' DETAILS

Each subject has an identification code which reflects the Semester and the paper. The first digit refers to the semester and the last two digits refer to the course number.

The syllabus of each subject is only suggestive. Students are expected to do exhaustive self study.

The course being advance course in law and very dynamic in nature, the students are expected to remain up to date with latest developments and case laws and contemporary social, political and economic developments.

SCHOOL OF LEGAL STUDIES
ASSAM UNIVERSITY, SILCHAR
Common Course design for choice based credit system (CBCS)
W.E.F. July 2015

Fullmarks-70+30=100
Credits-5

Minimum Pass marks-28+12=40
Total no. of Lectures / Course=50

1st SEMESTER		
	Course No	Course Name
	LL.M.(C) 101	JURISPRUDENCE – I
	LL.M.(C) 102	CONSTITUTIONAL LAW – I
	LL.M.(C) 103	LAW AND SOCIAL TRANSFORMATION
	LL.M.(C) 104	RESEARCH METHODOLOGY
	LL.M.(C) 105	PROJECT WRITING AND SEMINAR

2nd SEMESTER		
	LL.M.(C) 201	JURISPRUDENCE – II
	LL.M.(C) 202	CONSTITUTIONAL LAW – II
	LL.M.(O) 203(open)	INTELLECTUAL PROPERTY LAW
	LL.M.(O) 204(open)	ENVIRONMENTAL LAW
	LL.M.(C) 205	TERM PAPER AND LEGAL EDUCATION- PRACTICAL-I

3rd SEMESTER		
	LL.M.(C) 301	ADMINISTRATIVE LAW
	LL.M.(C) 302	SOCIO ECONOMIC OFFENCES
	LL.M.(O) 303	INTERPRETATION OF STATUTES
	LL.M.(E)-I 304	CORPORATE LAW-I
	LL.M.(E)-II 304	CRIMINAL LAW- I
	LL.M.(C) 305	TERM PAPER AND LEGAL EDUCATION- PRACTICAL-II

4th SEMESTER		
	LL.M.(C) 401	HUMAN RIGHTS
	LL.M.(C) 402	LAW OF INTERNATIONAL TRADE
	LL.M.(C) 403	DISSERTATION [Thesis-140 Viva voce-60]
	LL.M.(E)-I 404	CORPORATE LAW-II
	LL.M.(E)-II 404	CRIMINAL LAW- II

*** Elective/Optional papers one out of the two courses (Course no. 304, 404)**

**** Choice based courses/open course (203,204)**

Course 403 (Dissertation work)

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1st SEMESTER

LL.M. (C)101

JURISPRUDENCE-I

Unit-I

1. LAW AND JURISPRUDENCE- A STUDY IN RELATIONSHIP
2. NATURAL LAW: HISTORY, CHARACTERISTICS, CLASSICAL NATURAL LAW, NATURAL LAW DURING THE MEDIEVAL PERIOD, DECLINE AND REVIVAL OF NATURAL LAW

Unit-II

1. POSITIVISM: IDEOLOGICAL BASIS FOR THE RISE.
 - BENTHAM
 - AUSTIN
 - H.L.A. HART
PURE THEORY OF LAW-
 - HANS KELSEN,
2. HISTORICAL SCHOOL-
 - FREDERICK KARL VON SAVIGNY,
 - HENRY SUMNER MAINE

Unit-III

1. REALIST SCHOOL-
 - (i) AMERICAN REALISM-
 - (ii) SCANDINAVIAN REALISM-

Unit-IV

1. POSTMODERN LEGAL THEORY
2. CRITICAL LEGAL STUDIES

Unit-V

1. MARXIST SCHOOL
2. FEMINIST JURISPRUDENCE

Suggested Readings:

1. *P.J. Fitzgerald : Salmond on Jurisprudence*
2. *S.N.Dhyani – Fundamental Principles of Jurisprudence.*
3. *G.W. Paton : Jurisprudence.*
4. *LLYOD : Introduction of Jurisprudence.*
5. *W.Friedman – Legal Theory.*
6. *Dr. B.N. Tripathi : Jurisprudence (Legal Theory)*

Unit-I

PREAMBLE OF CONSTITUTION, FEDERAL STRUCTURE OF THE CONSTITUTION, FUNDAMENTAL DUTIES,

Unit-II

RIGHT TO EQUALITY, FREEDOM OF SPEECH AND EXPRESSION & RIGHT TO INFORMATION, RIGHT TO RELIGION.

Unit-III

RIGHT TO LIFE & PERSONAL LIBERTY, RIGHT TO EDUCATION CONSTITUTIONAL REMEDIES AND CONCEPT OF LOCUS STANDI.

Unit-IV

DIRECTIVE PRINCIPLES OF STATE POLICY, RELATIONSHIP BETWEEN FUNDAMENTAL RIGHTS AND D.P.S.P., ENACTMENT OF LEGISLATION & PARLIAMEN TARY PRIVILEGES

Unit-V

JUDICIARY AND JUDICIAL SYSTEM.

RECOMMENDED READINGS:

1. *Govt. of India Act, 1935*
2. *Indian Independence Act, 1947.*
3. *Constitution of India, 1949.*
4. *D.D Basu, Shorter Constitution of India*
5. *M.P.Jain, Indian Constitutional Law.*
6. *V.N.Shukla, Constitution of India.*
7. *H.M.Seervai, Constitutional law of India*
8. *K.C.Wheare, Federalism, Modern Constitution.*
9. *G.Austin, The Indian Constitution, Cornerstone of a Nation.*
10. *G.Austin, Working a Democratic Constitution*
11. *H.K. Saharay, The Constitution of India*
12. *A.B.Keith, Constitutional History of India.*
13. *P.K.Tripathi, Spotlight on Constitution of India.*
14. *B.K.Shiva Rao, Framing of the Indian Constitution.*

Unit-I

LAW AND SOCIAL CHANGE : Law as an instrument of social change. Law as the product of traditions and culture.

SOCIALIST THOUGHT OF LAW AND JUSTICE: An enquiry through constitutional debates on the right to property; Concept of social conflict and socio-political dissident groups (Maoist movement, Naxalite movement) (Eherlich, Ihering, Pound)

Unit-II

RIGHT OF MOVEMENT RESIDENCE AND BUSINESS: Impermissibility of state of regional barriers
EQUILITY IN MATTERS OF EMPLOYMENT: The slogan “Sons of the soil” and its practice, Admission to educational institutions: preference to residents of a state. Minorities rights (Linguistic minorities, Religious minorities)

Unit-III

WOMEN AND THE LAW: Crimes against women; Gender injustice and its various forms; Women’s Commission; Empowerment of Women; Constitutional and other legal provisions.

CHILDREN AND THE LAW: Child labour; Sexual exploitation; Adoption and related problems; Children and education.

Unit-IV

REFORMS OF COURT PROCESS: Criminal Law: Plea-bargaining compounding and payment of compensation to victims; Civil law-(ADR) Confrontation v. Consensus; mediation and conciliation; Lok Adalats; Prison reforms; Democratic decentralization and local self-government.

Unit -V

MODERNIZATION AND THE LAW: Modernization as a value: Constitutional perspectives reflected in the fundamental duties; Modernisation of social statutes through law; Reforms of family law; Agrarian reforms- Industrialization of agriculture, Industrial reform: Free enterprise v. State regulation- Industrialization v. environmental protection.

RECOMMENDED READINGS:

1. Marc Galanter (ed.), *Law and Society in Modern India* (1997) Oxford.
2. Robert Lingat, *The Classical Law of India* (1998), Oxford.
3. Upendra Boxi, *The Crisis of the Indian Legal System* (1982), Vikas, New Delhi.
4. Upendra Boxi(ed.), *Law and Poverty Critical Essays* (1988), Tripathi, Bombay.
5. Duncan Derret, *The State, Religion and Law in India* (1999), Oxford University Press, New Delhi.
6. H.M.Seervoy, *Constitutional Law of India* (1996), Tripathi.
7. D.D. Basu, *Shorter Constitution of India*(1996), Prentice- Hall of India (P) Ltd., New Delhi.
8. Sunil Deshta and Kiran Deshta, *Law an Menace of Child Labour* (2000), Amol Publication, Delhi
9. Savitri Gunasekhare, *Children, Law and Justice* (1997), Stage,
10. Indian Law Institute. *Law and Social Change: Indo-American Reflections*, Tripathi (1988)
11. J.B.Kripalani, *Gandhi : His Life and Thought*, (1970).
Ministry of Information and Broad casting, Government of India.
12. M.P. Jain, *Outlines of Indian Legal History*, 1994, Tripathi, Bombay.
13. Agnes, Flavia, *Law and Gender Inequality : The politics of Women’s Rights in India* (1999), Oxford.

Unit-I INTRODUCTION

1. Meaning of Research; Objectives of Research; Motivation in Research;
2. Types of Research; Research Approaches.
3. Significance of Research; Research Methods versus Methodology
4. Research and Scientific Method
5. Research Process; Criteria of good research
6. Problems of Legal Research in India.

Unit-II RESEARCH METHODS

1. Socio Legal Research
2. Doctrinal and non-doctrinal,
3. Relevance of empirical research,
4. Inductive reasoning and deductive reasoning

Unit-III RESEARCH PROBLEM

1. What is a Research Problem
2. Selecting the problem
3. Necessity of Defining the problem
4. Techniques involved in Defining the Problem;
5. Identification of Problem of Research
6. Formulation of the Research Problem

Unit-IV RESEARCH METHODOLOGY:

1. Importance of Research Methodology,
2. Procedural guidelines regarding the Research Process;
3. Defining the Research Problem;
4. Survey of the Literature;
5. Working Hypothesis;
6. Preparation of Research Design.
7. Determination of Sample design,
8. Collection of Data;
9. Observation, Personal Interviews;
10. Questionnaires & Schedules;
11. Analysis of Data;
12. Test of Hypothesis;

Unit-V RESEARCH REPORT

1. Preparation of the Report.
2. Different steps in writing of Research Report;
3. Layout of Research,
4. Mechanics of writing a Research Report,
5. Treatments of quotations, Footnotes, Documentation Style etc.
6. Use of computer and Information Technology.

RECOMMENDED READINGS:

1. *M.O.Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)*
2. *Pauline V.Young, Scientific Social Survey and Research, (1962)*
3. *William J. Grade and Paul K, Hatt, Methods in Social Research, Mc Graw-Hill Book Company*
4. *H.M. Hyman, Interviewing in Social Research (1965)*
5. *Payne, The art of Asking Questions (1965)*
6. *Erwin C.Surrency, B. Fieif and J. Crea, A guide to legal Research (1965)*
7. *Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.*
8. *Havard Law Review Association, Uniform System of Citations.*
9. *ILI Publication, Legal Research and Methodology.*

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Guidelines.

1. Full marks for this course shall be 100, out of which 70 marks will be for Write-up and 30 for Viva-voce.
2. In lieu of written examination, the students shall be assigned topics for project writing which they will write, following research methodology and there will be seminar presentation.
3. The examination for this paper will be conducted preferably by one internal and an external examiner, to be appointed by the University.
4. The students would be divided into sub-groups. Each sub-group would be supervised by one permanent teacher of the department. The students shall have to be individually registered under the teacher.
5. Selection of the “topic title” for the project work will be determined by the student and the supervisor.
6. For external evaluation of this course a panel of examiners shall be drawn by the departmental committee and submitted to the appropriate authority through proper channel.
7. In implementing the above guidelines the decision of the departmental committee shall be final and binding.

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2nd SEMESTER

LL.M. (C) 201

JURISPRUDENCE-II

Unit-I

1. RIGHTS AND DUTIES
2. INTEREST

Unit-II

1. LIABILITY
2. OBLIGATION
3. LAW AND MORALITY (with relevant debates)

Unit-III

1. PERSONALITY
2. PROPERTY

Unit-IV

1. OWNERSHIP
2. POSSESSION

Unit-V

1. CONCEPT AND THEORY OF JUSTICE:

Suggested Readings:

1. *P.J. Fitzgerald : Salmond on Jurisprudence*
2. *S.N.Dhyani – Fundamental Principles of Jurisprudence.*
3. *G.W. Paton : Jurisprudence.*
4. *LLYOD : Introduction of Jurisprudence.*
5. *W.Friedman – Legal Theory.*
6. *Dr. B.N. Tripathi : Jurisprudence (Legal Theory)*

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Unit- I

PRESIDENT & GOVERNOR-ROLE, POWER, FUNCTION& DUTIES

Unit-II

DISTRIBUTION OF LEGISLATIVE AND EXECUTIVE POWERS BETWEEN CENTER AND STATES
FREEDOM OF TRADE & COMMERCE

Unit-III

DOCTRINE OF PLEASURE
EMERGENCY PROVISIONS

Unit-IV

AMENDMENT PROCEDURE AND BASIC STRUCTURE DOCTRINE

Unit-V

VARIOUS COMMITTEE REPORTS ON CONSTITUTION

Recommended Readings:

1. Govt. of India Act, 1935
2. Indian Independence Act, 1947.
3. Constitution of India, 1949.
4. D.D Basu, Shorter Constitution of India
5. D.D.Basu, Comparative Federalism.
6. M.P.Jain, Indian Constitutional Law.
7. V.N.Shukla, Constitution of India.
8. H.M.Seervai, Constitutional law of India
9. K.C.Wheare, Federalism, Modern Constitution.
10. G.Austin, The Indian Constitution, Cornerstone of a Nation.
11. G.Austin, Working a Democratic Constitution
12. H.K. Saharay, The Constitution of India
13. A.B.Keith, Constitutional History of India.
14. P.K.Tripathi, Spotlight on Constitution of India.
15. B.K.Shiva Rao, Framing of the Indian Constitution.

Unit-I

PATENTS

Definition-History- Growth-Patentable Invention-Procedure for obtaining Patent-Specifications-Transfer-Revocation-Infringement-Patent agents-Rights conferred on- Patentee-Remedies

Unit-II

COPY RIGHTS AND RELATED RIGHTS

Meaning-characteristics-Term-Author & ownership-Registration-Rights conferred by-Copy Right-Assignment-Infringement-Remedies-Regulatory Authorities-performers rights

Unit-III

TRADE MARKS AND DESIGNS

Trade Mark- Trade Description-essentials- growth- importance - Essentials-Statutory Authorities-Principles and Procedures of registration-Rights conferred on Registration-Infringement-Licensing

Design-Subject matter- Registrability-Designs Act, 2000

Unit-IV

GEOGRAPHICAL INDICATIONS AND PROTECTION OF IPR OF THE INDEGENOUS

Meaning-Distinction between Geographical Indications-Trade Mark and collective Mark-prohibited GIs-Homonymous GIs-Geographical Indication of Goods (Registration and Protection) Act, 1999 & Rules, 2002-Registration-Rights Conferred on Registration-Infringements-Regulatory Authorities-Remedies

Unit-V

TRIPS agreement and WIPO

UNIT-I BASIC FEATURES OF ENVIRONMENTAL LAW.

1. Meaning and definition of Environment and Pollution, Kinds of pollution and their impact.
2. Ancient Indian Philosophy relating to environment.
3. Common Law and Criminal Law Perspective for Environment Protection.

UNIT-II INTERNATIONAL ENVIRONMENTAL LAW

1. International obligation over sustainable development.
2. The landmarks in International Environmental Law- a Journey from Stockholm to Durban.
3. Important conventions concerning Protection and Conservation of Environment: Vienna Convention and Protocol on the Depletion of Ozone Layer, Convention and Protocol on Climate Change, Chemical Weapons Convention, Basel Convention and Regulation of Hazardous Waste Convention on Biological Diversity.
4. Regulation of trans-boundary pollution with special reference to Industrial Accidents and Air pollution.
5. Impact of International Environmental Law on Indian Law with special reference to Principles of Environmental protection.

UNIT-III NATURAL RESOURCES AND THE LAW IN INDIA

1. Protection of Wild Life-with special reference to authorities, sanction and remedies under Wild Life (Protection) Act, 1972.
2. Protection and conservation of Forest-with special reference to Authorities, sanctions and remedies under Forest Act, 1927 and Forest Conservation Act, 1980.
3. Conservation of Fresh water and Ground water. Coastal Zone Management under the Environment (Protection) Act, 1986 and other relevant Statutes.
4. Protection and Conservation of Biodiversity with special reference to Biodiversity Act 2002.

UNIT-IV POLLUTION CONTROL LAWS IN INDIA

1. Constitutional Mandate and Environment with special reference to Article 32 and 226.
2. Comparative study of Water Act, 1974, the Air Act, 1981 and the Environment (protection) Act, 1986 with special reference to authorities, mechanism and sanctions.
3. Efficacy of Remedies – Section 133 Criminal procedure Code, Public Liability Insurance Act, 1991, National Green Tribunal Act, 2010, with relevant cases, Citizens' Suit provisions, remedies under Civil Procedure Code, 1908.

UNIT-V THE SCOPE AND LIMIT OF PIL AND LEGAL RESPONSES TO SPECIFIC ENVIRONMENTAL JUSTICE.

1. PIL as a tool to provide Environmental Justice.
2. The Scope and Limit of PIL to protect natural resources.
3. Specific Environmental Problems and Legal responses- Rules and Notifications framed under Environment (Protection) Act 1986
4. Specific Environmental Problems and Legal Response.
5. Environmental Impact Assessment and People's participation and Public Hearing under Environment Protection Act, 1986.

Recommended Readings:

- (C.M. Abraham, Environmental Jurisprudence in India (1999), Kluwer
Madhav Gadgil and Ramachandra Guha, This Fissured Island: An Ecological History of India (1996), Oxford.
R.B. Singh & Suresh Misra, Environmental Law in India (1996), Concept Publishing Co., New Delhi.1981)
Kailash Thakur, Environmental Protection: Law and Policy in India (1997), Deep & Deep Publications, New Delhi.
Richard L. Riversz, et. al. (eds.), Environmental Law, the Economy and Sustainable Development (2000), Cambridge.
Christopher D.Stone, Should Trees Have Standing and other Essays on Law, Morals and the Environment (1996), Oceana
Stuart Bell and Donald McGillivray, Environmental Law (2000), Blackstone Press.
Charles A.R. Webster, Environmental Health Law (1981)
Leelakrishnan, P et. al. (eds.) Law and Environment (1990), Eastern
Leelakrishnan, P, The Environmental Law in India (1999), Butterworths-India
Department of Science and Technology, Government of India, Report of the Committee for Recommending Legislative Measures and Administrative Machinery for Ensuring Environmental Protection (1980) (Tiwari Committee Report).
Thomas J. Schoenbaum, Environmental Policy Law (1992), Foundation Press, Inc. Westbury, New York.
P.Leelakrishnan: Environmental Law in India (2nd Ed.2005) Lexis Butterworth.
Armin Rozencranz.et.al.(eds) Environmental Policy and Law in India (2000), Butterworths India.
Stuart Bell & Donald Mc Gillivray, Environmental Law- The Laws and Policy Relating to Protection of Environment (6th Ed.2006) Oxford University Press.

Part-A: Term Paper(25) marks

Part-B: Legal Education (Practical) (75) marks

Object of this Course

To train the students on the development of Legal Education & teaching and to develop their teaching skills through lecture deliberation.

Guidelines for this course.

The students will be divided into small groups looking to the student teacher ratio in the batch. Each such group shall be supervised by a permanent teacher of the department which will be decided through the departmental committee.

Part-A

For this part, each of the students shall have to write a term paper on different aspects of legal education, which will be evaluated for 25 marks by the course teacher.

Part-B

For this part, a student shall have to deliver at least three lectures to the students of B.A.LL.B.(Hons.) in the department, which shall be evaluated for 75marks, (25 marks for each lecture) at least by two teachers, jointly, to be decided by the course teacher.

For conducting the practical in this paper each of the teachers will be assigned at least one period per week in the time table.

The supervising teacher shall conduct the course and submit the marks and credits for attendance of the students, to the Head of the Department, for preparation of credit cards and onward transmission.

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3rd SEMESTER

LL.M. (C) 301

ADMINISTRATIVE LAW

UNIT-I BASIC CONCEPT AND GROWTH OF ADMINISTRATIVE LAW

1. Meaning, definition, needs, importance and scope of Administrative Law
2. Comparative study of Constitutional Law and Administrative Law
3. **Rule of Law-** Dicey A.V. theory and application of rule of law in India, Judicial approach and rule of Law. Relationship of rule of law and administrative process in the modern democracy.
4. **Separation of Powers:** American legal norms, Indian constitutional system of separation of powers, Comparative survey- common law and continental system: English, France and India. Evolution and significance of Administrative law in various system of governance from ancient to modern.

UNIT-II RULE MAKING POWER OF THE ADMINISTRATION

1. Nature and source of rule making power, procedural requirements in the exercise of that power, kinds of control exercised by the legislature, Judiciary and the administration in the exercise of that power.
2. Classification and application of Delegated legislation in India, The General Clauses Act, 1897, sections 20-24; Report of the Committee on Ministers' powers (Donoughmore Committee), pp 8-70 (Cmd. 4060) (1932)

UNIT-III THE INSTITUTION OF OMBUDSMAN

1. Concept, meaning and need for the non-legal remedy of Ombudsman; Limitations in redress through Courts, Ministers or Parliament.
2. Origin of Ombudsman with reference to other countries.
3. Legislative attempt to codify law for ombudsman institution;
4. Legal and Constitutional position of the LOKPAL.
5. Working of LOKAYUKTAS and other institutions in some States.

UNIT-IV INQUIRES AND INVESTIGATIONS

1. Conceptual aspect, need for inquiry and investigation.
2. Difference between inquiry and investigation.
3. Inquiries under the Commission of Inquiry Act and the powers & process of various investigating agencies at the Central & State levels, particularly the Central Vigilance Commission & Central Bureau of Investigations;
4. The Commission of Inquiry Act, 1952.

UNIT-V PRINCIPLES OF NATURAL JUSTICE AND JUDICIAL REVIEW

1. The Rule against Bias: Types of bias, exceptions to rule against bias.
2. Audi Alterem Partem Rule: Oral and written hearing, pre-decisional and Post decisional hearing.
3. Principles of natural Justice: exceptions and failure to comply.
4. Concept of Judicial review an administrative action.

Suggested Readings:

1. Constitution of India,
2. Administrative Tribunals in India (1977),
3. S.P. Sathé, The Tribunal System in India (1996)
4. Norman Lewis and Patrick Birkinshaw, When Citizens Complain: Reforming Justice and Administration (1993) O.U.P., 88-110
5. Balram K. Gupta, "A Balance-Sheet of State Lokayuktas", 26 JILI 122-144 (1984)
6. K.S. Shukla & S.S. Singh, Lokayukta: A Socio Legal Study (1988) IIPA, New Delhi.
7. Norman Lewis and S.S. Singh, Ombudsman: India and the World Community (1995) IIPA and British Council.
8. P.K. Tripathi, "Lokpal: The Proposed Indian Ombudsman", 9 JILI 175 (1967)
9. Rajeev Dhavan, "Engrafting the Ombudsman Idea on a Parliamentary Democracy-A Comment on the Lokpal Bill, 1977", 19 JILI 257-82 (1977)
10. K.C. Davis, Administrative Law Text (1971) 1-15
11. W. Friedman, Law in a Changing Society (1959) Chapter 11.
12. Christopher F. Edley, Administrative Law; Rethinking Judicial Control of Bureaucracy 1990.
13. Mike Taggart, "The Impact of Corporatisation and Privatisation on Administrative Law" Australian Journal of Public Administration 368-373 (1992)
14. Peter Bayne, "Administrative law and the New Managerialism in Public Administration", 62 The Australian Law Journal 1040-10-45 (1988).
15. Law Commission of India, Report
16. Report of the Committee on Administrative Tribunals and Enquiries (Franks Committee) Cmd. 218 (1957)
17. Administrative Reforms Commission, Interim Report on the problems of redress of Citizens' Grievance (1966)
18. Estimates Committee, System of Redressal of Grievances (1991-92) First Report, Tenth Lok Sabha.

UNIT-I CONCEPT

1. The concept of Social and Economic Offences.
2. Distinction between Traditional Offences and the Socio Economic Offences
 - (a) Principles of Traditional Criminal Jurisprudence
 - (b) Special features of Socio-Economic Offences.
 - (c) Socio Economic offences and white Collar Crimes.
3. Prevention of Socio Economic Crimes and Major constraints in the implementation of Law Relating to Socio Economic Offences.

UNIT-II "DOWRY" A SOCIAL EVIL

1. Origin and Social causes of dowry in Indian Subcontinent.
2. Post independence phenomenon. Growth of dowry system in India
3. Criminal off shoots of Dowry- Dowry Crimes.
4. The Dowry Prohibition Act 1961.
5. Dowry Prohibition (Gift to Bride & Bride groom) Rules 1985
6. Problems of control of Dowry system in India.

UNIT-III ANTI CORRUPTION LAWS IN INDIA

1. Organised crime and corruption in Public sector.
2. Legislative measures: Prevention of Corruption Act 1988.
3. Money laundering
4. Process for investigation and prosecution of corrupt public servants
 - (a) Central Vigilance Commission (CVC)
 - (b) Central Bureau of Investigation (CBI)
 - (c) The State anti-corruption Bureau

UNIT-VI TRAFFICKING IN WOMEN AND CHILDREN

1. Meaning and Concept
2. Legislative measures
3. Preventive strategies

UNIT-V FOOD ADULTERATION

1. Social views of Food Adulteration.
2. Legislative provision
3. Consumer guidance and education on food adulteration.

Suggested Readings:

Upendra Baxi, The Crisis of the Indian Legal System (1982) Vikas Publishing House, New Delhi.
Upendra Baxi (ed.), Law and Poverty: Essays (1988)
Upendra Baxi, Liberty and Corruption: The Antulay Case and Beyond (1989)
Surendranath Dwevedi and G.S. Bbargava, Political Corruption in India (1967)
A.R. Desai (ed.) Violation of democratic Rights in India (1986)
A.G. Noorani, Minister's Misconduct (1974)
B.B. Pande, "The Nature and Dimensions of Privileged Class Deviance" in The Other Side of Development 136 (1987; K.S. Shukla ed)

UNIT-1

1. Meaning, objects and scope of Interpretation: Statutory process and Legislative Techniques: Nature of Statutes and their classification: General principles of interpretation and their importance.

UNIT-II

2. Literal Rule – its characteristics and criticism.
3. Golden Rule – its characteristics and scope.
4. Mischief Rule.

UNIT-III

5. Internal Aids to interpretation – Nature and Scope.
6. External Aids to interpretation – Nature and Scope.
7. Maxims of Interpretation – their importance.

UNIT-IV

8. Presumptions of Law – their scope and importance.
9. Interpretation of Penal and Taxing Statutes
10. Constitutional interpretation

UNIT-V

11. Judicial Activism – Nature and Scope.
12. General Clauses Act.

Recommended Books :

1. Maxwell : Interpretation of Statutes.
2. Swarup : Legislation and interpretation.
3. M.P. Jain : Constitutional Law of India. (only interpretation part).
4. Singh G.P. : Principles of Statutory interpretation.
5. T.Bhattacharyya: The Interpretation of Statutes

UNIT-I PRINCIPLES OF CORPORATE LAW

1. Origin & Development of Corporate Law.
2. Essential ingredients in establishment of Corporation
3. Corporate Personality.

UNIT-II LEGAL ASPECTS GOVERNING CORPORATE MANAGEMENT

1. Meetings, Majority rule and minority protection.
2. Prevention of oppression, mismanagement.

Role of Central Government, Company Registrar, Company Law Board/Tribunal

UNIT-III AMALGAMATION, RECONSTRUCTION, MERGER, TAKE OVER OF COMPANIES

1. Meaning of the Term
2. Statutory Provisions
3. Powers of Court/Tribunal
4. Reconstruction/Amalgamation by sale of shares/sale of undertakings
5. Procedure of Winding up a Company.

UNIT-IV CORPORATIVE GOVERNANCE

1. Concept & General Principles of Corporate Governance including balance of power.
2. Significance, Dimensions and Legal framework
3. Impact of globalization
4. Director's duties, insider dealings and insolvency.

UNIT-V CORPORATE SOCIAL RESPONSIBILITY

1. Evolution of the concept
2. Dimensions of CSR
3. Legislations & CSR

Suggested Readings:

1. J.M. Thomson- Palmer's Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law Institute- Current problems of Corporate Law
5. Datta- Company Directors
6. Compendium on SEBI, Capital issues & Listing by Chandratre, Acharya, Israni, Sethuraman
7. S.M.Shah- Lectures on Company Law
8. Topham and Ivamy- Company Law
9. M.K.Ghosh: Indian Company Law
10. Arya: Company Directors
11. S.C.Sen: The New Frontiers of Company Law
12. Ramaiya: The Monopolies and Restrictive Trade practices Act
13. Venkoba Rao: The Monopolies and Restrictive Trade Practices Act
14. Report of the High Powered Expert Committee on Companies and MRTP Acts.1978 (The Sachar Committee Report)
15. Gore Browne on Companies
16. Pennington on Company Law

D.S. Chopra: Casebook on Company Law.

UNIT-I CRIME AND CRIMINAL LAW

1. Elements of Crime
2. Motive & Intention, 3. Recklessness, Negligence, 4. Strict Liability. 5. Joint and Constructive Liability

UNIT-II INCHOATE OFFENCES

1. Abetment,
2. Criminal conspiracy,
3. Attempt,

UNIT-III DEFENSES

1. Mistake,
2. Necessity,
3. Intoxication,
4. Unsoundness of mind,
5. Consent,
6. Compulsion by Threat,
7. Superiors orders,
8. Private Defence.

UNIT-IV OFFENCES AGAINST HUMAN BODY

1. Culpable Homicide and Murder
2. Kidnapping and Abduction

Offences against property:

1. Theft
2. Extortion
5. Robbery
6. Dacoity

UNIT-V OFFENCES AGAINST MARRIAGE & STATE

1. Bigamy
2. Adultery.
3. Cruelty by husband and relatives of husband
4. Sedition.

Recommended Readings:

1. Kennis Outline of Criminal Law.
2. Glanville Williams: Text Book of Criminal Law.
3. K.D. Gaur: A Textbook on The Indian penal Code
4. Ratanlal and Dhirajlal: The Indian Penal Code.
5. Smith & Hogan: Criminal Law

Part-A: Term Paper(30) marks

Part-B: Legal Education (Practical) (70) marks

Object of this Course

To train the students on the development of Legal Education & teaching and to develop their teaching skills through lecture deliberation.

Guidelines for this course.

The students will be divided into small groups looking to the student teacher ratio in the batch. Each such group shall be supervised by a permanent teacher of the department which will be decided through the departmental committee.

Part-A

For this part, each of the students shall have to write a term paper on different aspects of legal education, which will be evaluated for 30 marks by the course teacher.

Part-B

For this part, a student shall have to deliver at least three lectures to the students of B.A.LL.B.(Hons.) in the department, which shall be evaluated for 75marks, (25 marks for first two lectures and 20 for the 3rd lecture) at least by two teachers, jointly, to be decided by the course teacher.

For conducting the practical in this paper each of the teachers will be assigned at least one period per week in the time table.

The supervising teacher shall conduct the course and submit the marks and attendance of the students, to the Head of the Department, for compilation and onward transmission.

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LL.M. 4TH SEMESTER

LL.M.(C) 401

HUMAN RIGHTS

UNIT-I

Human Rights- Its Meaning, Evolution and Development; Sources; Theories; Classification; Interrelationship of Human Rights and Human Duties.

UNIT-II

International Machinery for protection of Human Rights; Human Rights under UN Charter; UDHR

UNIT-III

ICCPR; ICSECR' Third Generation Rights

UNIT-IV

Human Rights of Vulnerable Groups-Women, Children, Scheduled Castes, Scheduled Tribes, Disabled Persons etc.

UNIT-V

Enforcement and protection machinery for Human Rights in India under Indian Constitution and Protection of Human Rights Act,1993:-Judiciary;NHRC; SHRC

Suggested Readings:-

1. Basu. D.D, Human Rights in Constitutional Law
2. Ramajoce, Human Rights and Indian Values
3. V.R. KrishinaIyer, The Dialectic & Dynamic of Human Rights in India- Yesterday, Today & Tomorrow
4. S.K. Avasthi& R.P. Kataria, Law relating to Human Rights
5. Vallece, International Human Rights- Text & Material, 1996
6. Agarwal, H O; Protection of Human Right
7. Kapoor, S. K.; International Law and Human Rights

UNIT-I International Trade

1. Introduction to the terminology
2. Relation between International Trade and economic relation

UNIT-II Introduction to GATT and the WTO

1. Founding Documents
2. GATI Resources
3. Uruguay Round Resources
4. WTO Resources
5. GATT/ WTO Electronic Resources

UNIT-II Dispute Resolution in GATT/WTO

1. Introductory Resources
2. Legal Texts
3. Dispute Resolution Decisions

UNIT-IV Regional Trade Organization

1. Introductory Resources
2. North American Free Trade Agreement
 - (a) NAFTA Dispute Resolution
 - (b) NAFTA Founding Documents
 - (c) NAFTA Resources
3. Mercado Comun del Cono Sur
4. Common Market for Eastern & Southern Africa
5. Trade Law Centre for Southern Africa
6. Association of Southeast Asian Nations
7. Asia-pacific Economic Cooperation

UNIT-V United Nations Trade Bodies

1. United Nations Commission on International Trade Law
 - (a) UNCITRAL introductory Resources
 - (b) UNCITRAL Model Rules
 - (c) Case Law Resources
2. United Nations Conference on Trade and Development
 - (a) UNCTAD Founding Documents
 - (b) Introductory & Historical Resources

(i) MODALITIES FOR THIS PAPER:

- (a) A candidate shall select a topic for his/her dissertation work and submit to the Head of the department with a synopsis, through a permanent teacher of the department as the supervisor, for approval of the departmental affairs committee.
- (b) The candidate shall be required to submit the Dissertation (Three Copies) at least two weeks before the commencement of Fourth Semester Examination, to the Head of the Department who shall forward the same to the Controller of Examinations for evaluation.
- (c) The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.
- (d) The Examiner shall either-
 - (i) Award at least 50% marks, or
 - (ii) Return the Dissertation for revision, or
 - (iii) Reject the Dissertation.
- (e) The candidate who's Dissertation is returned for revision may revise the dissertation and re-submit it within a period of two months. Failure to submit in time shall result in a declaration that the candidate has failed at the relevant LL.M. Examination.
- (f) A Dissertation can be revised only once. If the candidate fails to secure pass marks in the revised Dissertation he shall be declared failed in the LL.M. Examination.
- (g) The candidate whose Dissertation is rejected, may with the approval of the Faculty of Law write a Dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this Dissertation also, he shall be declared failed at LL.M. Degree Examination.
- (h) A Dissertation shall be examined by a Board of two examiners at least one of them shall necessarily be an external examiner.
 - (i) The evaluation of the two examiners shall be coordinated as hereunder:
 - (j) Each examiner shall award marks out of 140.
- (k) If the marks awarded by two examiners vary by 30 marks or more, the Dissertation shall be examined by the third examiner, whose decision shall be final.
- (l) If one of the examiners return the Dissertation for revision or rejects the Dissertation, his decision shall prevail provided that if one of the examiners has rejected the Dissertation and another examiner has returned it for revision, the Dissertation shall be deemed to be rejected.

(ii) Viva Voce Examination:

- (a) The Viva Voce Examination shall be conducted by a Board of Examiners.
- (b) The Board shall consist of **three members**; at least one of them shall be an external member.
- (c) The Viva-voce Examination shall carry 60 marks.
- (d) The candidate shall be required to obtain a minimum of 30 marks to pass the Viva Voce Examination.

Unit- I:**Corporate Finance- Introduction**

Meaning, importance and scope of corporation finance, Capital needs - capitalisation - working capital – securities borrowings-deposits debentures, Objectives of corporation finance - profit maximization and wealth maximization, Constitutional perspectives - the entries 37, 38, 43, 44, 45, 46,47, 52, 82, 85, and 86 of List 1 - Union List; entry 24 of List11 - State List.

Unit- II:**Equity Finance**

Share capital, Prospectus - information disclosure, Issue and allotment, Shares without monetary consideration, Non-opting equity shares

Unit- III:**Debt Finance**

Debentures, Nature, issue and class, Deposits and acceptance, Creation of charges, Fixed and floating charges, Mortgages, Convertible debentures

Unit-IV:**Competition Law**

Concept of market, Issue of Monopoly and Competition, Anti-competitive Agreement, Combination, abuse of Dominance, Competition Commission- structure and regulatory power, Law before passing of competition law in India, Indian competition Law.

Unit- V:**E- Commerce**

Emerging significance of E-Commerce, Transactions and Technology of E – Commerce, Commerce Contracts

References :

1. Alastair Hundson, The Law on Financial Derivatives (1998), Sweet & Maxwell
2. Eil's Ferran, Company Law and Corporate Finance (1999), Oxford.
3. Jonathan Charkham, Fair shares: the Future of Shareholder Power and Responsibility (1999), Oxford.
4. Ramaiya A, Guide to the Companies Act (1998), Vol. I, II and III.
5. H.A.J. Ford and A.P. Austen, Fords' principle of Corporations Law (1999) Butterworths.
6. J.H. Farrar and B.M. Hanniyan, Farrar's company Law (1998) Butterworths
7. Austen R.P., The Law of Public Company Finance (1986) LBC
8. R.M. Goode, Legal Problems of Credit and Security (1988) Sweet and Maxwell
9. Altman and Subrahmanyam, Recent Advances in Corporate Finance (1985) LBC
10. Maryin M. Kristein, Corporate Finance (1975)
11. R.C. Osborn, Corporation Finance (1959)
12. S.C. Kuchhal Corporation finance : Principles and Problems (6th ed. 1966)
13. Beasten (Ed), Anson's Law of Contract (2yth ed. 1998)
14. P. S. Atiya, Introduction to the Law of Contract 1992 reprint (Clarendon Law Series)
15. Avtar Singh, Law of Contract (2000) Eastern Lucknow
16. G. C. Cheshire, and H. S. Fifoot and M. p. Formston Law Contract (1992) ELBS with Butterworths.
17. M. Krishnan Nair, Law of Contract, (1998)
18. G.H. Trinel , Law of Contract Sweet & Maxwell (1997 Reprint)
19. Indian Competition Act,2002

LL.M. (E) 404-II

CRIMINAL LAW-II

(CRIMINOLOGY AND PENOLOGY)

UNIT-I

1. Criminology: Definition, Nature, Scope and Utility
2. Methods of Criminological Studies.
3. Schools of Criminology: Classical, Biological, Cartographic, sociological and Socialist.

UNIT-II

1. Theorising Criminal aetiology,
2. Lombroso and Neo-Lombrosian psycho-analysis,
3. Differential Association, Anomie tradition;
4. Critical criminology with reference to Labelling, Interactionism and Conflict Theory.

UNIT-III

1. A brief discussion on Modern Trends in criminology: Phenomenology,
2. Postmodernism and Feminism, Crime and Feminism.
3. Punishment: Concept and Theories
4. Death Sentence
5. Treatment of Offenders: Prison, Probation and Parole

UNIT-IV

1. White Collar Crime
2. Juvenile Justice
3. Probation & Parole

UNIT-V

1. Victimology

Recommended readings

1. Sidique, Ahmed, Criminology, 1999
2. Sirohi, Criminology and Ceiminal Adminstration, 2003
3. Sutherland EH, Criminology.
4. Emile Durkheim, Crime and Normal Phenomenon.
5. Reckless, WC, The Crime Problem 1976
6. Baccaria, Crime and Punishment.
7. Tappan PW., Crime, Justice and Corruption
8. Hoawrd Jones, Crime and the Penal System
9. Gillin, JL., Criminology and Penology
10. Barnes and Teeters, Horizons in Criminology
11. Enrico Ferri, Criminal Sociology.
12. Mullick BN. "Effects of Industrialization on Crime, 1956