DETAIL SYLLABUS

LL.M. TWO YEARS COURSE
SCHEDULE A: COMPULSORY PAPERS

First Semester

Compulsory Paper: Indian Constitutional Law


2. **Distribution of Legislative Powers**: The Scheme of the distribution of legislative powers in India the judicial approach and the present position. Recommendation of Sarkaria Commission & Venkatachaliah Commission.


5. **Freedom of Speech and Expression**: The area of freedom and its limitation. Freedom of Press and challenges of new scientific development.


Second Semester

Compulsory Paper: Legal Education and Research Methodology.

Research Methodology

- Meaning of research, kinds of research, and objectives of legal research.
- Criteria of good research, factors affecting legal research, importance of research.
- Problems of researchers in India.
- Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources.
- Major steps of preparation of research design.
- Identification and formulation of research problem, hypothesis and research design (characteristics and contents).
- Processing the plan of research:, data collection, analysis and use of internet, legislative material, indian & foreign court decision and juristic writings.
- Data collection: tools and techniques, sampling procedure, survey and case study method,
- Scaling and content analysis, questionnaire and interview, .collection of case materials and juristic literature,
- Use of historical and comparative research material. census and survey sampling: types, merits and demerits,
- Report writing .legal material, interpretation and analyzing data, statistical tools.Supervision,guidelines for researchers.
- Report/article writing, citation methodology.
- Book review and case comments, organization of seminars, and publication of journals.
- Clinical legal education:legal aid, legal-literacy camp,
- Legal survey and law reforms.

Text Books
1. Agrawal, S.K; Legal Education in India; Eastern Book House
2. Legal Research and Methodology; Indian Law Institute
Reference Books

1. Pauline, V.; Scientific Social Survey and Research; Prentice-Hall of India
4. Journal on Research Methodology; Indian Law Institute
5. Index to Indian and Foreign Legal Articles; National Law University, Delhi.
Third Semester

Compulsory Paper on Law and Social Transformation in India.

1. Interaction of Law and Social Sciences
2. Impact of Social Development of Law
3. Law as an instrument of Social Change
4. Legal Idealism and the Sociological approach to Law
5. Social Morality and Legal Order
6. Role of Law, the individual and the welfare state
7. Role of Law and the function of lawyer
Fourth Semester

Compulsory Paper: Judicial Process

1. The concept of justice and relation between Law and Justice. the concept of ‘Dharma’ in Indian thought. ‘Dharma’ as the foundation of legal ordering. Various theories of justice in the Western thought.


6. Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.
SCHEDULE B: OPTIONAL GROUPS

Optional Group 1: Constitutional Law


Paper II: Comparative and Cooperative Federalism.


2. Indian Federal Constitution and its present shape.


Paper III:

Civil and Political Rights: Comparative Study of Select Constitution (India, United States of America and United Kingdom)

1. Constitutional basis for protection of Individual rights. Balance between individual liberty and social needs. To whom and against whom Rights are available. Suspension of Rights.


3. Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.
Group 2: Crimes:

Paper I: Criminology and Penology

I. Criminology- Definition, Nature, Scope and utility

II. Methods of Criminological Studies

III. Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist.

IV. Theorising Criminal aetiology : Lombroro and Neo- Lombrosian, Psycho-analysis, Differential Association, Anomie Tradition; Critical Criminology with reference to Labeling, Interactionism and Conflict Theory

V. A brief discussion on Modern Trends in Criminology: Phenomenology, Postmodernism and Feminism Crime and Feminism.

VI. Punishment: Concept and Theories

VII. Death Sentence

VIII. Treatment of offenders: Prison, Probation and Parole

IX. Victimology.
Paper II: Criminal Law in India.

1. Crime and Criminal Law

2. Elements of Crime: External and Internal Intention, Recklessness, Negligence; Relevance of Motive; Strict Liability.

3. Joint and Constructive Liability

4. Preliminary offences: Attempt; Criminal conspiracy; Abetment

5. Defences:
   i) Mistake
   ii) Necessity
   iii) Intoxication
   iv) Unsoundness of mind
   v) Consent
   vi) Compulsion by Threat
   vii) Superior order
   viii) Private Defence.

6. Offences Against Human Body
   i) Culpable Homicide and Murder ii) Kidnapping and Abduction

7. Offences Against Property:
   i) Theft ii) Robbery

8. Offences Against Marriage:
   i) Bigamy ii) Adultery


Paper III: Crimes Against Social & Economic Security and Problems of their Control.

1. The concept of Social and Economic Offences.

2. The Distinction between Traditional Offences and the Socio Economic Offences.
   b. Special features of Socio-Economic
   c. Offences. Socio Economic offences and white collar crimes.


4. Dowry As a Social Evil.
   i. Origin and Social causes of Dowry in Indian Subcontinent.
   ii. Post Independence phenomenon. Expansion and growth of Dowry system in India.
   iii Criminal off shoots of Dowry – Dowry Crimes.

5. The Dowry (Prohibition Act 1961.)
   i. Definition of Dowry
   ii. Offence of Giving and Taping Dowry
   iii. Offence of Demanding Dowry
   iv. Offences of Non-transfer of Dowry
   v. Dowry Agreements,
   vi. Nature of Dowry Offences under the Act.


7. Problems of Control of Dowry System in India
   (1) Socio Economic Factors
   (2) Failure of Legislative Enactments.
Group 3 – Contract and Insurance

Paper I: General Principles of Contract.


2. Doctrine of Consideration and Privity of Contract


4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.

5. Standard form Contracts.


7. Discharge of contracts with special reference to the doctrine of frustration.

8. Relations resembling those created by contract.

9. Remedy in the form of compensation.
Paper II: Specific Contracts

1. Contract of Indemnity.
   (a) Definition and nature of contract of indemnity
   (b) Extent and commencement of liability

2. Contract of Guarantee
   (a) Meaning and Essentials of Contract of Guarantee
   (b) Extent of Surety’s Liability
   (c) Discharge of Surety’s Liability
   (d) Rights of Surety

3. Contract of Bailment & Pledge
   (a) Meaning and Essentials of Contract of Bailment.
   (b) Duties of Bailor and Bailee
   (c) Rights of Bailee.
   (d) Meaning and Essentials of Pledge and persons entitled to pledge.

4. Contract of Agency
   (e) Creation of Agency: Implied Agency and Agency of Necessity.
   (f) Agency by Ratification.
   (g) Termination of Agency
Paper-III: Banking Law


2. **Law relating to Banking Companies in India**: Controls by government and its agencies. On management, On accounts and audit, Lending, Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer; their rights and duties.

3. **Social Control over Banking**: Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.

4. **Deposit Insurance**: The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC the Reserve Bank of India.

5. **The Central Bank**: Evolution of Central Bank, Characteristic and functions, Economic and social objectives, The Central Bank and the Sate as bankers’ bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monitory mechanism of the economy, Credit control, Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Financial companies, Non-financial companies.

6. **Relationship of Banker and Customer**: Legal character, Contract between banker and customer, Banker’s lien, Protection of bankersCustomers, Nature and type of accounts,
Special classes of customers-lunatics, minor, partnership, corporations, local authorities
Banking duty to customers, Consumer protection: banking as service.

7. **Negotiable Instruments**: meaning and kinds, Transfer and negotiations, Holder and holder in
due course, Presentment and payment, Liabilities of parties.

8. **Lending by Banks**: Good lending principles, Lending to poor masses, Securities for
advances, Kinds and their merits and demerits, Repayment of loans: rate of interest,
protection against penalty, Default and recovery, Debt recovery tribunal.

9. **Recent Trends of Banking System in India**: New technology, Information technology,
Automation and legal aspects, Automatic teller machine and use of internet, Smart card,
Use of expert system, Credit cards.

GROUP 4: Administrative Law

Paper I: Administrative Law in India

(1) Importance and Scope of Administrative Law;

(2) Rule of Law;

(3) Separation of Powers;

(4) Delegated Legislation

   a. Constitutionality;

   b. Judicial Control;

   c. Parliamentary Control;

   d. Procedural Control

(5) Ombudsman in India

Paper II: Administrative Law in India-II

(1) Judicial Review of Discretionary Power;
(2) Writ of Mandamus;
(3) Writ of Certiorari;
(4) Writ of Prohibition
(5) Writ of Quo-warranto
(6) Nature Justice: Bias, Opportunity of Hearing;
(7) Administrative Tribunals;
(8) Domestic Inquiries;
(9) Administrative Finality;

(10) Role of Declaratory Decree as Public Law Remedy.
Paper III: Comparative Administrative Law

(1) Merits of French Administrative Law, Remedies available under French Administrative Law;

(2) Availability of Judicial Review in the United States-
   a. Doctrine of Primary Jurisdiction;
   b. Doctrine of Exhaustion of Administrative Remedies;
   c. Doctrine of Standing;
   d. Doctrine of Ripeness

(3) Government liability for torts committed by its employees in Great Britain, France and India;

(4) Promissory Estoppel in Great Britain and India;

   a. State privilege to refuse Production of documents in Courts in Great Britain and India;
   b. The Official Secrets Act, 1923 (Indian)

(10) Doctrine of Legitimate Expectation in India and Great Britain.
1. Introduction: History of Company Legislation, Characteristic features of a company and Lifting the corporate veil.

2. Kinds of Companies

3. Promoter- Definition and his legal position and effects of Pre-incorporation Contracts.


5. Prospectus; Meaning and consequences of Misstatements in prospectus.


7. Membership of company.
Paper II: Business Management (Company Management & Administration)


2. Remuneration of Directors, Managing Directors and Managers.

3. Legal position of Directors and Criminal Liability of the Officers of the Company.


5. Division of powers between Company-in-General Meeting and Board of Directors. Remedies in cases of oppression and Mismanagement

1. Investigations into the affairs of the Company.

2. Company Secretary- Appointments and his Legal position.

3. National Company Law Tribunal and Appellate Tribunal


3. The Concept of Doctrine of Ultra-vires:
   a) In India b) In England and c) U.S.A. – Consequences of Doctrine of Ultra-vires.


5. National Regulation of MNC in India.
   a) Regulation through Company Law- 1956.
   b) Regulation through Taxation Law
   c) Regulation through FEMA-1999.
Group-6: Labour Management Relations

Paper I: Regulation of Labour Management Relations.


2. An Historical and Constitutional perspective of Labour Management Relations

3. State Regulatory process of Labour Management Relations in India.


5. Labour Management Relations and collective Bargaining.

6. The New Economic policy and its impact on Labour Management Relations in India

7. Some recent trends to regulate the Labour Management Relations.
Paper II: Law Relating to Employment and Non Employment

1. Meaning and Concept of Employment
2. Wages and Conditions of Service
3. Termination of Employment
4. Termination of other than Dismissal
5. Dismissal for Misconduct
Paper III: Law Relating to terms of Employment and Conditions of Service

1. Meaning and concept of terms of Employment and conditions of service

2. The term of employment or the conditions of labour of any person.
   
   a) continuity of service
   b) per permanency of tenure of service
   c) Transfer

3. Hours of Work

4. Work loads

5. Shifts

6. Promotions

7. Increments

8. Fringe benefits

9. Refusal benefits