

# **DETAIL SYLLABUS**

## **LL.M. TWO YEARS COURSE**

## SCHEDULE A: COMPULSORY PAPERS

### First Semester

#### Compulsory Paper: Indian Constitutional Law

1. **Indian Federalism:** Conceptual position of Federalism. Nature of the Indian Constitution. Cooperative Federalism. Relationship of trust and faith between center and state. Challenges before the Indian Federalism.
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.
3. **The Judiciary:** The Supreme Court of India. Jurisdiction and Powers. Its role as guardian of the Constitution.
4. **Right to Equality:** Scope of the right to Equality. New approach of Article 14. Equality of opportunity in matters of public employment and in admission to educational institutions.
5. **Freedom of Speech and Expression:** The area of freedom and its limitation. Freedom of Press and challenges of new scientific development.
6. **Emerging regime of new Fundamental Rights:** The changing dimension of right to life and Personal Liberty. Reading Directive Principles and Fundamental Duties into Fundamental rights.
7. **Right to Freedom of Religion:** The scope of the freedom and the State Control. Secularism and religious fanaticism.
8. **Working of the Constitution:** Achievements and failures. Areas of concern and challenges before the Constitution. The perception of National Commission to Review the Working of the Constitution.

## **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
2. Madhava Menon, N.R.; A Handbook of Clinical Legal Education; Tata McGraw Hill
3. William, J.Goode; Methods in Social Research; Tata McGraw Hill
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
8. Economic, Social and Political Reforms and the Law: Modernization and the Law.

## **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.
2. The nature of Judicial Process. Judicial process as an instrument of social ordering. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.
3. Judicial Process in India. Indian debate on the role of judges and on the notion of judicial review. Danger signals and New challenges before the Indian Judiciary.
4. Independence of judiciary and the nature of judicial process. Provisions of the Indian Constitution guaranteeing Independence of judiciary. Attitude of confrontation with the Legislature & Executive. Appointment & transfer of judges and its effect on independence of judiciary.
5. Judicial Activism and Constitutional obligations of the court. Evolution of the concept. Reasons in defense of judicial activism. Constitution of India and judicial activism. Role played by the Supreme Court of India. The tools and techniques of the judicial activism. Need for care and caution.
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 I: Constitutionalism and Constitutional Development in India and England.**

1. What is a Constitution? Constitution, Constitutional Law and Constitutionalism. Concept of Limited Government and limitations on government power. Conventions of constitutionalism- Law and conventions. Historical evaluation of constitutional government in India and England.
2. Rule of Law. Concept and new horizons; Separation of powers. Concept and its applicability in India and England.
3. Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position.
4. The King of England. Prerogatives of the Crown. Position of the King in England. Cabinet System of government in India and England.
5. The Judicial system in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

## **Paper II: Comparative and Cooperative Federalism.**

1. Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.
2. Indian Federal Constitution and its present shape.
3. The changing dimension of modern federal Constitutions New trends in federalism. National supremacy. Cooperative Federalism.
4. The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia. The specific legislative powers: Defence & External affairs.
5. Emergency provisions. Effect of Emergency on the federal structure. Judicial approach. Indian and American experiences.
6. Judicial Review for federal Umpiring. Scope of judicial review in the federal Constitutions. The approach of Indian & American Supreme Court.
7. Scope of Constituent power. Amending process and process in action. Judicial response. The direction of the Indian constituent power. 4. Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by law” and the American expressions “liberty” and ‘due process’. Radical changes in judicial thinking in this area.



### **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.
2. Right to Equality. General principles. Protective discrimination with special references to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts.
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
9. Offence against Morals: Obscenity.
10. Offence against state: Sedition.

**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.**

- a. Principles of Traditional Criminal Jurisprudence.
- b. Special features of Socio-Economic
- c. Offences. 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.**

**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.

**6. Dowry Prohibition (Gift to Bride & Bride Groom) Rules 1985.**

**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.**

1. Formation of Contract: A critical study of offer and acceptance.
2. Doctrine of Consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.
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

- (d) Nature and Essentials of 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**

1. **Introduction:** Nature and development of banking. History of banking in India and elsewhere-indigenous banking-evolution of banking in India-different kinds of banks and their functions, Multi-functional banks- growth and legal issues.
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 State as bankers' bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monetary 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.
10. **Reforms in Indian Banking Law:** Recommendations of committees: a review.



## **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
- (6) The Commission of Inquiry Act, 1952.

## **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;
- (5) Right to Information Act, 2005.
  - a. State privilege to refuse Production of documents in Courts in Great Britain and India;
  - b. The Official Secrets Act, 1923 (Indian)
  - c. The Freedom of Information Act, 2002.
  
- (10) Doctrine of Legitimate Expectation in India and Great Britain.

## **Group5: Business Administration**

### **Paper I: Business Organisation**

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.
4. Memorandum of Association: Contents and relation with Articles of Association, Alteration of Memorandum.
5. Prospectus; Meaning and consequences of Misstatements in prospectus.
6. Shares: Meaning, kinds and general principles and statutory provisions regarding Allotment of shares. Effect of irregular Allotment.
7. Membership of company.

**Paper II: Business Management (Company Management & Administration)**

1. Qualifications, Appointment and Removal of Directors, Managing Directors and Managers.
  2. Remuneration of Directors, Managing Directors and Managers.
  3. Legal position of Directors and Criminal Liability of the Officers of the Company.
  4. Meetings of the Company- Statutory Meeting, Annual General Meeting and Extra-ordinary Meeting.
  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

### **Paper III: Law Relating to Multinational Corporation.**

1. Meaning and Definition of Multinational Corporation: Problems of Definitions and Criteria of Determination. 2. Historical perspectives of MNC in India.
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.
4. U.N. Commission on Transactional Corporation – 1975.
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.**

1. Meaning, Nature and Philosophy of Labour Management Relations.
2. An Historical and Constitutional perspective of Labour Management Relations
3. State Regulatory process of Labour Management Relations in India.
4. Labour Management Regulatory processes in U.K. and USA- Its impact on 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