

**RANCHI UNIVERSITY
RANCHI**



**Regulation and Syllabus of LL.M
(Master of Laws) 2 year Course.**

**INSTITUTE OF LEGAL STUDIES
MORABADI CAMPUS, RANCHI
(w.e.f. 2020 Onwards)**

REGULATION [LL.M]

With the sole motto of providing Law Graduates of Jharkhand an opportunity to have post Graduate Degree in Law, LL.M (2 year) course had been introduced at Ranchi College, Ranchi in the year 2004. Since its inception the LL.M Department never looked back and achieved new heights. In its 14 years of journey it has produced not only hundreds of Post Graduates but given number of Law Scholars to the Judiciary.

Previously the course ran at Ranchi College, Ranchi which has been upgraded as a Unitary State University and now is known as Dr. Shyama Prasad Mukherjee University. Subsequently the LL.M course is now started in the Institute of Legal Studies of Ranchi University, Ranchi from the session 2019-21.

1. SHORT TITLE AND COMMENCEMENT:

These Regulations shall be called as regulations for the Post Graduate Degree of Master of Law, Ranchi University, Ranchi and shall commence from the session 2019-21 at the Institute of Legal Studies, Ranchi University, Ranchi.

2. DEFINITION:

- i. A “Regular Student” is one who has pursued a regular course of study and completed prescribed attendance mentioned hereafter and is eligible to appear in the examination for the aforesaid course.
- ii. “Ex-Student” means one who has pursued a regular course of study in the faculty for at least one academic year proceeding the date of the semester examination and has failed to appear in that examination though otherwise eligible.
- iii. Academic Year – Two consecutive (one odd + one even) semesters constitute one academic year.

3. THE POST GRADUATE DEGREE OF MASTER OF LAWS:

Ranchi University Ranchi may confer Post-Graduate Degree in Law [LL.M] on such candidates, who are eligible for admission to the LL.M Degree Course, have received regular instructions in the prescribed course of study, passed relevant examinations and being otherwise suitable by virtue of their character, have fulfilled such other conditions as may be laid down from time to time by the appropriate authorities.

4. **DEGREE:** LL.M Degree of Ranchi University, Ranchi.

5. **DURATION & CURRICULUM OF THE COURSE:** Two (02) years comprises Four (04) semester.

6. **MODE OF ADMISSION :** On the basis of merit list of Entrance Test/Exam.

Note:- Having same marks in the Entrance Test applicant with earlier date of birth will be selected.

7. **ADMISSION FORM:** Online (website – www.ranchiuniversity.ac.in / www.ranchiuniversityils.in) download admission form from the website , fill up and submit the duly filled up print out of the admission form, along with prescribed fee submit to the office of the Institute of Legal Studies, Ranchi University, Ranchi.

Self attested copies of :-

- i) LL.B mark sheet
- ii) CLC/TC
- iii) Caste and Income Certificates
- iv) Migration Certificate.

8. **TOTAL NUMBER OF SEATS:** 60 + 06 = 66

Open :- 30 (Thirty)

ST :- 16 (Sixteen)

SC :- 06 (Six)

BC- I :- 05 (Five)

BC – II :- 03 (Three)

Physically Challenged : 02 (Two)

Paid Seat :- 06 (Six)

9. **RESERVATION :**

AS per the Government of Jharkhand Reservation Policy. Institutional Preference not exceeding 25% of the total seats available may be given to Ranchi University students.

Reservation for the ST/SC/OBC and others shall be as per the Ranchi University statutes/ Jharkhand Govt. Reservation guidelines.

10.THE CURRICULUM AND DURATION OF STUDIES:

- i. The curriculum of the LL.M Degree shall comprise of the courses set out in schedule “A”
- ii. The Board of Studies in Law shall prescribe changes in paper and / or contents of various papers as per requirement of the time and report the matter to the Academic Council of the Ranchi University for its consideration.
- iii. The curriculum of the study for the LL.M degree shall be spread over to two Academic Years divided into four semesters.
- iv. The Academic year shall extend from the day of reopening of the University after Summer Vacation to the last working day of the concerned academic years.

11.ADMISSION:

- i. Candidates for the LL.M. Degree shall first be admitted to the first semester on the basis of the LL.M. Entrance Test (LL.M. E.T).
- ii. A candidate possessing 3 years LL.B. degree after graduation under 10+2+3 pattern or 5 years LL.B. degree under 10+2+5 pattern recognized by the Bar Council of India and / or U.G.C. with a minimum of 50% marks in aggregate or equivalent for General, BC- I, BC- II and 45% marks for ST / SC Candidates shall be eligible to appear in the LL.M. Entrance Test organized once every year.
- iii. Entrance Test: Place of Test: Institute of Legal Studies, Ranchi University, Ranchi.
- iv. **Level of Test : -LL.B**

Syllabus of LL.M. Entrance Test

The syllabus is divided in two parts. The total marks of LL.M. Entrance Test is 100. Part-I of syllabus consists of objective / multiple choice questions.

Part-I : Total marks : 60(each question of one marks each)

Jurisprudence, Constitutional Law, Law of Contract,

Law of Torts, Law of Crimes, Environmental Law, Business Laws & International law etc.

Part – II : Total marks : 40

Part –II of the syllabus is based on Analytical/ Subjective and descriptive Questions. Each Question consists of 10 marks. The question to be answered in around 1000 words each.

Note: (The answers may be given in English / Hindi only.)

- v. **Minimum Qualifying Marks in the Entrance Test:-** Provided that for admission to the course of instruction for the LL.M it shall be necessary for students appearing in the LL.M Entrance Test to have obtained following qualifying marks in the Entrance Test to be conducted by the Institute of Legal Studies, Ranchi University.

Open Category :- 50 % of total marks of the Entrance Test.

BC Category :- 40% of total marks of the Entrance Test.

ST / SC Category :- 35 % of total marks of the Entrance Test.

Note:- No examinee will be allowed to enter the examination hall after 20 minutes of the commencement of the test.

12.FEE STRUCTURE:

Fee for each semester shall be Rs. 30,000/- (Thirty Thousand) only for all categories and Rs. 50,000/- (Fifty Thousand) only for paid seats. Fee structure can be changed as per the decision of the Ranchi University / Government of Jharkhand.

Course fee along with other admissible fee may be deposited to the office of the Institution of Legal Studies, Ranchi University, Ranchi.

13.REGULAR COURSE OF STUDY:

A candidate for the Degree of Master of Laws shall be required to:

- i.** Study four compulsory papers in LL.M 1st semester, One Specialization Group (Four Paper) in 2nd and 3rd semesters and in 4th semester one compulsory theoretical paper along with Dissertation.
- ii.** To attend Lectures, Tutorials and Seminars on regular basis.
- iii.** The Director, Institute of Legal Studies, Ranchi University, Ranchi shall be authorized to take decision in consultation with the other faculty members with regard to the running of the Specialization / Optional Groups.
- iv.** In fourth semester the student has to write a Dissertation on a topic approved by the Director, Institute of Legal Studies, Ranchi University in consultation with the supervisor who, necessarily, shall be the member of the faculty.

14.ATTENDANCE:

A student has to attend not less than 75% of the lectures, tutorials and seminars in each of the first three semesters to become eligible to appear in the final examination of relevant semesters. However, in the fourth semester his attendance shall be counted on the basis of the report of the supervisor regarding his/her regularity.

15.EVALUATION & EXAMINATION

- (a) The evaluation of students in a course shall have two components unless specifically stated otherwise in the Scheme of Teaching & Examination and syllabus:
- (i) Evaluation through a semester-end examination.
 - (ii) Continuous evaluation by the teacher(s) of the course.
- (b) The distribution of marks for theory papers shall be as below:
- (i) **THEORY PAPERS**

(A) End Semester Examination	70%
(B) Continuous evaluation by the teachers	30%

The teacher's Continuous evaluation shall be Based on the following:

- Internal Assessment 25 Marks.
- Attendance/Assignment/
Additional Test/ viva-voce etc. 05 Marks.

Note:- The Internal Assessment (Mid Semester Examination) shall ordinarily be held after 12 weeks of teaching in accordance with the University Academic Calendar.

16.EXAMINATION:

Each theory Paper shall be of 100 marks having two components. 70 marks shall be assigned to End Semester University Examination, conducted by the University, and 30 marks for Mid Semester Examination (Internal Assessment) conducted by the Institute. The marks of Internal Assessment shall further break into 25 for Internal Written Examination, and 05 for Attendance, overall performance and other activities.

17. Standard of Passing for LL.M Courses:

No candidate shall be declared to have passed the LL.M examination, unless he / she obtains minimum 50% marks (**taken together 'Internal Assessment' and 'End Semester Examination' both**) in each Theory Paper separately. In Practical Papers also only those students shall have declared to have passed who obtains 50% marks.

18.REGISTRATION:

A candidate shall apply for Registration (if not registered in Ranchi University, Ranchi) on the prescribed form along with the fee and Original Migration Certificate at the time of Admission as prescribed by the University from time to time.

19.ADMIT CARD:

i) No candidate shall be admitted to the LL.M. Degree Examination unless he/she produces his/her Admit Card to the officer conducting the Examination or satisfies such officer about his identity and eligibility to appear in the examination and undertakes to produce in his examination of his admit card next paper.

i) The Controller of Examination may, if satisfied that an Admit Card has been lost or destroyed, issue a duplicate Admit Card on the payment of prescribed fee with an affidavit.

ii)

20.LL.M EXAMINATION:

i) Eligibility:

The LL.M. Degree Examination shall be open to a student who, having been admitted to the LL.M. course of study; has pursued a regular course of study for the said examination.

ii) Written Paper:

A candidate for the LL.M. Degree examination shall be examined in Twelve (12) Theory papers, and One (01) Dissertation divided in four semesters as mentioned in Schedule-A. The paper on the Legal and Social Research Method the evaluation shall be made / done on the basis of written assignments and oral examination from in 1st semester.

The full marks of paper of Legal and Social Science Research Methodology shall be divided as follows:-

- a) Project Work :- 50
- b) Project Presentation :- 25
- c) Oral Test / Viva-Voce :- 25

iii) Dissertation:

- a) Candidate shall be required to submit the dissertation within a period of six months after the completion of IIIrd semester.
- b) The candidate shall be required to secure at least 50% marks in the dissertation to pass the Examination.
- c) The Examiner shall either:
 - i) Award at least 50% marks. Or
 - ii) return the dissertation for revision, or
 - iii) reject the dissertation.
- d) The candidate whose dissertation is returned for revision may revise the dissertation and resubmit it within a period of two months.
- e) In case the candidate fails to resubmit the dissertation within two months he shall have to write a dissertation on a new topic assigned by the Director, Institute of Legal Studies, Ranchi University Ranchi. In no case this relaxation shall exceed the maximum prescribed period for completion of LL.M. Degree Course, which is four year from the date of admission to the course.
- f) The candidate, whose dissertation has been rejected, may with the approval of the Director, Institute of Legal Studies, Ranchi University, Ranchi write a Dissertation on a new topic and submit within a period of six months. If he/she fails again, another topic may be assigned to him by the Director, Institute of Legal Studies, Ranchi University. In no case this relaxation shall exceed the maximum prescribed period for completion of LL.M. degree course.
- g) A dissertation shall be examined by a Board of two Examiners of whom at least one shall be an external examiner having experience of LL.M. teaching or a person of high repute in the field of Law.
- h) The evaluation of the two examiners shall be coordinated as here under.
 - i) Each examiner shall award out of 100;
 - ii) If the marks awarded by the two examiners vary by 20 marks or more the dissertation shall be examined by a third examiner, whose decision shall be final.
 - iii) If any one of examiners returns the dissertation, it shall be examined by another examiner whose decision shall be final.
- iv) If one of the examiners has rejected a dissertation and another examiner has returned it for revision, the dissertation shall be processed for revision.
- v) If any examinee fails in the dissertation written work but has passed in the Viva-Voce, it will be presumed that the examinee has failed in dissertation work and he/she has to write Dissertation on a new topic and he /she appear in the Viva-Voce for the fresh Dissertation and marks obtained in this Viva-Voce will be Valid.

21.VIVA-VOCE EXAMINATION:

- i) The Viva-Voce Examination shall be conducted by a Board of examiners consisting of Director, Institute of Legal Studies, Ranchi University. One Senior member of the faculty and at least one external Examiner having experience of LL.M. teaching as per UGC norms.
- ii) The Viva-Voce Examination shall carry 100 marks and the candidate shall be required to obtain a minimum of 50 marks to pass the Viva-Voce examination.

22.REGISTRATION FOR EXAMINATION:

- i) A candidate shall not be registered for Examination without undergoing a regular course of study of that Semester. Those pursued a regular course of study, fail to appear in the written examination of any semester shall be registered for the examination and appear in the concerned end semester examination as ex-student as defined under rule 2(ii) Of this regulation.
- ii) Who having appeared, fails to secure minimum pass marks in any one or more paper of the said semester, or fail to appear in any paper of the said semester, may appear in the concerned paper or papers in any subsequent examination of the semester.
- iii) Where a candidate submits himself / herself for re-examination under the aforesaid clause(i) or clause(ii) the marks obtained by him/her, in the written papers, as the case may be, in the previous examination shall be cancelled and his/her result shall be declared on the basis of his performance at there-examination.

23.TOTAL DURATION OF THE LL.M COURSE:

A student admitted to the LL.M. Degree course shall have to complete all the prescribed requirements within a maximum period of Four years from and including the year of admission in order to be eligible for the award of the degree.

24.PROMOTION CRITERIA:

A Candidate / Examinee who fails to appear in any paper / papers or appeared but unable to secure the prescribed minimum pass marks as prescribed under this regulation shall be promoted to appear in his next semester examination, if he / she has obtained the minimum pass marks in at least 50 % of the total papers of the concerned end semester examination.

Such Candidate / Examinees shall be given opportunity to appear and clear his / her concerned paper in which he / she failed to appear or unable to secure the minimum prescribed pass marks in the ensuing concerned end semester examination under the category of Ex-Student as defined under Rule 2 (ii) of this Regulation.

However, A student may be admitted in their next semester class without clearing their 50% of the total papers of the previous end semester examination subject to the condition that he / she has attended the required number of classes of his / her previous semester as provided under Rule 14 of this Regulation.

25.SPECIAL EXAMINATION:

If the University deems it necessary after the publication of result of LL.M III Semester, on the recommendation of the Examination Board one Special examination may be conducted for the students of LL.M III Semester who failed to clear the end semester examination of III Semester within a month of declaration of LL.M III end semester result.

26.MODERATION / GRACE MARKS:

A maximum of 5 grace marks will be awarded only in theory papers, once in complete academic cycle to pass the examinee in any of the end semester examination except Semester IV.

27.SCALE & MARKS DIVISION AND DISTRIBUTION:

Maximum Marks in each paper–100

Minimum pass marks in

- i) Written Papers: 50% marks in each paper.
- ii) Project Work Evaluation / Dissertation: 50% marks in the aggregate.
- iii) Viva-Voce: 50%marks

Division:

First Class : 65% marks and above of the aggregate of marks.

Second Class : 50% marks and above of the aggregate of marks.

Distinction:

A student who secures 75% or more in the aggregate shall be declared to have obtained distinction.

Merit:

The Order of Merit shall be determined on the basis of aggregate marks obtained in the prescribed courses of study for the LL.M. Degree Examination by the candidates, irrespective of their optional papers who passed in the first attempt, with in a period of two years from the year of their being admitted to the LL.M. previous.

28.TIMING OF CLASSES

In general, Classes of LL.M. shall start from 01.30 p.m. on wards up to on every working day and from 10:00 a.m. during vacations at Institute of Legal Studies, Ranchi University, Ranchi.

29.Medium

The Medium of instruction and examination is English / Hindi.

SCHEDULE “A”

Detailed syllabus of LL.M semester wise.

Ranchi University, Ranchi

Two Year LL.M. Syllabus
Session : 2020-2021 onwards

SEMESTER-I

Paper Code	SUBJECTS	Credit	Lecture	End Semester Exam	Mid Semester Exam	Total Marks
LL.M. 101	Legal Philosophy	6	84	70	30	100
LL.M. 102	Comparative Constitutional Law	6	84	70	30	100
LL.M. 103	Legal and Social Science Research Methodology	6	84	100		100
LL.M. 104	Law & Justice in Globalizing World	6	84	70	30	100
	Total	24	336			400

SEMESTER-II

Specialized / Optional Subject Group (Any one of the following Optional Groups)

Group –I: Constitutional Law

Paper Code	SUBJECTS	Credit	Lecture	End Semester Exam	Mid Semester Exam	Total Marks
LL.M. 201	Constitutional History of India and U.K.	6	84	70	30	100
LL.M. 202	Comparative Federalism.	6	84	70	30	100
LL.M. 203	Judicial Process	6	84	70	30	100
LL.M. 204	Law Related to Women, Child and Indigenous People.	6	84	70	30	100
	Total	24	336			400

Group –II: Contract and Insurance

Paper Code	SUBJECTS	Credit	Lecture	End Semester	Mid Semester	Total Marks
				Exam	Exam	
LL.M. 201	General Principles of Contract	6	84	70	30	100
LL.M. 202	Specific Contract	6	84	70	30	100
LL.M. 203	Insurance	6	84	70	30	100
LL.M. 204	Trade Law	6	84	70	30	100
	Total	24	336			400

Group –III: Environmental Law

Paper Code	SUBJECTS	Credit	Lecture	End Semester	Mid Semester	Total Marks
				Exam	Exam	
LL.M. 201	International Environmental Law	6	84	70	30	100
LL.M. 202	Environmental Law in India	6	84	70	30	100
LL.M. 203	Environmental and Current Social Problems.	6	84	70	30	100
LL.M. 204	Intellectual Property Rights	6	84	70	30	100
	Total	24	336			400

SEMESTER-III**Specialized / Optional Subject Group (Any one of the following Optional Groups)****Group –I: Criminal Law**

Paper Code	SUBJECTS	Credit	Lecture	End Semester	Mid Semester	Total Marks
				Exam	Exam	
LL.M. 301	Criminology and Penology	6	84	70	30	100
LL.M. 302	Law of Crimes in India	6	84	70	30	100
LL.M. 303	Crimes against social and economic Security and problems of their Control	6	84	70	30	100
LL.M. 304	Cyber Crimes	6	84	70	30	100
	Total	24	336			400

Group –II: Business Organization

Paper Code	SUBJECTS	Credit	Lecture	End Semester Exam	Mid Semester Exam	Total Marks
LL.M. 301	Business Organization (Company Law Excluding Management)	6	84	70	30	100
LL.M. 302	Business Organization(Company Management and Administration)	6	84	70	30	100
LL.M. 303	Regulation of Labor Management Relations.	6	84	70	30	100
LL.M. 304	Competition Law	6	84	70	30	100
Total		24	336			400

Group –III: Human Rights

Paper Code	SUBJECTS	Credit	Lecture	End Semester Exam	Mid Semester Exam	Total Marks
LL.M. 301	Human Rights Jurisprudence	6	84	70	30	100
LL.M. 302	Human Rights Law in India	6	84	70	30	100
LL.M. 303	International Law of Human Rights	6	84	70	30	100
LL.M. 304	Law of Refugees and Internally displaced persons (IDP)	6	84	70	30	100
Total		24	336			400

SEMESTER-IV

Paper Code	SUBJECTS	Credit	Lecture	End Semester Exam	Mid Semester Exam	Total Marks
LL.M. 401	Interpretation of Statutes	6	84	70	30	100
LL.M. 402	Dissertation –I	6	84			100
LL.M. 403	Dissertation - II					100
LL.M. 404	Viva-Voce					100
Total		12	168			400

Ranchi University, Ranchi
Master of Laws (LL.M)
Programme Structure.

Semester	Total Credits	Total Lectures	Total Marks
Semester 1	24	84 x 4 = 336	400
Semester 2	24	84 x 4 = 336	400
Semester 3	24	84 x 4 = 336	400
Semester 4	12	84 x 2 = 168	400
Total	84	1176	1600

LL.M. SEMESTER- I

Paper Code:LL.M.0...

Legal Philosophy
(Paper-I)

FullMarks 100

PassMarks 50

Unit I

(Lectures -12)

Concepts of Jurisprudence, Legal Theory and Philosophy – Scope of Legal Philosophy – Schools of Jurisprudence – Relevance of Social Science and their Relations with Law.

Unit II

(Lectures -08)

Philosophical School-Friedrich Hegel-Immauel Kant

Unit III

(Lectures -08)

Analytical Legal Postivism – Ideological Basis of the Rise of Positivism- Austinian Theory of Law- H.L.A. Hart-Hans Kelsen.

Unit IV

(Lectures -06)

Sociological Realist Theory – American Realist Theory.

Unit V

(Lectures -06)

Historical Jurisprudence: Friedrich Savigny and Sir Henry Maine

Unit VI

(Lectures -08)

Natural Law – Characteristics – History- Classical Natural Law – Decline and Revival of Natural Law.

Unit VII

(Lectures -06)

Marxist Theory of Law.

Unit VIII

(Lectures -06)

Critical Legal Theory, Post – structuralism and Post- modernism.

Unit IX

(Lectures -04)

Feminist Legal Theory.

Unit X

(Lectures -06)

Law and Morals.

Unit XI**(Lectures -06)**

Sources of Law Legislation – Custom – Precedent.

Unit XII**(Lectures -04)**

Hohfeldian Analysis of Legal Rights.

Unit XIII**(Lectures -04)**

Concepts and Theories of Property and Legal Personality.

Text Books

- 1) R W M Dias, Jurisprudence
- 2) Prof. Nomita Aggarwal , Jurisprudence (Legal Theory)
- 3) B N M Tripathi , Legal Theory
- 4) Edger Bodenheimer , Jurisprudence

Reference Books

- 1) G W Paton A Text Book of Jurisprudence
- 2) Lloyds An Introduction to Jurisprudence

LL.M. SEMESTER- I

Paper Code:LL.M.0...

Comparative Constitution (India, United States of America and United Kingdom)
(Paper-II)

FullMarks 100
PassMarks 50

Unit I **(Lectures – 10)**

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.

Unit II **(Lectures -15)**

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.

Unit III **(Lectures -12)**

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.

Unit IV **(Lectures -15)**

Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by the law” and the American expressions “liberty” and „due process” –Radical changes in judicial thinking in this area.

Unit V **(Lectures -10)**

Freedom of Religion – Judicial interpretation of the freedom under the Constitution of India and of the United States.

Unit VI **(Lectures -12)**

Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society – Power and Procedure for amendments of these rights under the American and Indian constitution.

Unit VII **(Lectures -10)**

Rule of Law – Concept and new horizons; Separation of powers – Concepts and its applicability in India and England.

Suggested Reading :

1. Basu, Durga Das, BhagabatiProsad Banerjee and B.M Gandhi. Comparative Constitutional law. Lexis Nexis
2. BaxiUendra (2013) “Ordering” Constitutional Transfers: A view from India.
3. Jian ,MahabirPrashad . Indian Constitutional Law. Wadhawa& Company, 2003

LL.M. SEMESTER- I

Paper Code:LL.M.0....

Legal and Social Science Research Methodology
(Paper-III)

Full Marks 50

Unit I

(Lectures -18)

Introduction to Research – Scope – Aims – Steps – Methods – Research Models – Limitation of Research.

Unit II

(Lectures -18)

Research Design – Meaning – Functions – Characteristics – Phase – Quantitative and Qualitative Research – Advantages of designing research – Research Proposal – Pilot Study – Trends – Cohort – Panel Studies.

Unit III

(Lectures -13)

Hypothesis – Nature – Types – Characteristics – Criticism.

Unit IV

(Lectures -16)

Sampling – Meaning – Purpose – Advantages – Principles – Types – Sample Size.

Unit V

(Lectures -19)

Research Tools – Questionnaire – Interview Schedule – Pre-Testing – Advantages- Limitation – Interview – Role of Interviewer – Merits and limitations.

Suggested Reading :

1. Social Research Methods , Alan Bryan , Oxford , New York, 2008
2. G.R Basotia , K.K Sharma, Research Methodology, Mangal Deep Publication
3. S.K Verma , M. Afzal Vani, Legal Research & Methodology, Indian Law Institute, New Delhi, 2001

LL.M. SEMESTER- I

Paper Code:LL.M.0...

Law and Justice in Globalizing World (Paper-IV)

FullMarks 100
PassMarks 50

Unit I :- Introduction (Lectures -22)

- a. Relationship of Law and Justice: Justice as Function and Purpose of Law
- b. Globalization and different dimensions of Globalization: Social, Political, and Economic
- c. Emergence of Transnational Law in a Globalizing World
- d. Globalization and Sovereignty of States

Unit II :- Globalization and Justice (Lectures -23)

- a. Concept of Global Justice Global Poverty
- a. Globalization and Social Justice/ Global Distributive Justice
- b. Displacement for Development
- c. Role of international institutions to control armed conflicts, environmental pollution and
- d. Terrorism

Unit III :- Impact of Globalization and Free Market (Lectures -19)

- a. Impact of globalization on welfare state Impact on Natural Resources and Environment;
- b. Impact on Human rights
- c. Impact on Trade and Investment law
- d. Impact on Intellectual Property Rights

Unit IV:- Emerging Concepts of Justice in Globalization (Lectures -20)

- a. AmartyaSen's Idea of Justice: Its relevance in the light of Justice and World
- b. Special Economic Zone (SEZ): Need of Law and Challenges.
- c. Environmental Jurisprudence and Millennium Development Goals (MDGs) to Sustainable
- d. Development Goals (SDGs)
- e. Accountability and Transparency in Governance

Reference Books:-

1. Rawls John (2001), Theory of Justice, Universal publications
2. Anghie, A. (2007), Imperialism, sovereignty and the making of international law, Cambridge: Cambridge University Press.
3. Pogge, T. (2002), World poverty and human rights: Cosmopolitan responsibilities and reforms, Cambridge Polity
4. Rajagopal B. (2003), International law from below: Development, social movements and third world resistance. Cambridge University Press.
5. Sen, A. (2009), The idea of justice, Cambridge: Harvard University Press.

LL.M. SEMESTER- II

Paper Code:LL.M.0....

CONSTITUTIONAL LAW GROUP

Full Marks	100
Pass Marks	50

Paper-I: Constitutional History of India and U.K.

Unit – I (Lectures 20)

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.

Unit – II (Lectures 16)

Rule of Law. Concept and new horizons. Separation of powers. Concept and its applicability in India and England.

Unit – III (Lectures 16)

Sovereignty of British Parliament, powers and functions privileges of the Parliament and Courts Indian and British position.

Unit – IV (Lectures 16)

The King of England Prerogatives of the Crown Position of the king in England. Cabinet system of government in India and England.

Unit – V (Lectures 16)

The Judicial system in England Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India Prerogative writs.

LL.M. SEMESTER- II

Paper Code:LL.M.0....

CONSTITUTIONAL LAW GROUP

FullMarks 100
PassMarks 50

Paper-II: Comparative Federalism

Unit I **(Lectures 12)**

Concepts of Federalism – Requisite conditions of federalism – Patterns of federal government of U.S.A and Australia – Federal Control v. State autonomy.

Unit II **(Lectures 15)**

Indian Federal Constitution and its present shape – Nature of Indian Federation – Judicial approach.

Unit III **(Lectures 14)**

The changing dimension of modern federal Constitutions – New trends in federalism – National supremacy – Cooperative Federalism.

Unit IV **(Lectures 16)**

The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. , Canada and Australia – The specific legislative powers: Defense & External affairs.

Unit V **(Lectures 15)**

Emergency provisions – Effect of Emergency on the federal structure – Judicial approach – Indian and American experiences.

Unit VI **(Lectures 12)**

Judicial Review for federal Umpiring – Scope of judicial review in the federal Constitutions- The approach of Indian & American Supreme Court- Scope of Constituent power – Amending process and process in action – Judicial response – The direction of the Indian constituent power.

LL.M. SEMESTER- II

CONSTITUTIONAL LAW GROUP

FullMarks	100
PassMarks	50

Paper-III: Judicial Process

Unit – I (Lectures – 14)

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.

Unit – II (Lectures – 12)

The nature of Judicial Process. Judicial process as an instrument of social order. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.

Unit – III (Lectures – 14)

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.

Unit – IV (Lectures – 16)

Independence of judiciary and the nature of judicial process. Provisions of the Indian Constitution guaranteeing. Independence of judiciary. Attitude of confirmation with the Legislature & Executive. Appointment & transfer of judges and its effect on independence of judiciary.

Unit – V (Lectures – 16)

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.

Unit – VI (Lectures – 12)

Decision making in the Supreme Court of India. Nature of participation – Dissent, concurrence, unanimity and voted with majority etc.

LL.M. SEMESTER- II

CONSTITUTIONAL LAW GROUP

Full Marks 100
Pass Marks 50

Paper-IV: Law Related to Women, Child and Indigenous People:

Unit – I

(Lectures 12)

Status of Women in contemporary Indian Society:

- a) Poverty, illiteracy, lack of independence, oppressions, social customs and gender justice.
- b) Violence against and abuse of women in public and private domains; Domestic violence, sexual harassment.

Unit – II

(Lectures 12)

International Norms for protection of Women.

- a) UN convention on the Elimination of all forms of Discrimination against Women.
- b) Convention on the Nationality of Married Women.

Unit – III

(Lectures 15)

Political Rights of Women.

Convention on the Political Rights of Women.

- a) Universal suffrage
- b) Equal Right to vote
- c) Equal Right to be elected
- d) Equal Right to hold Public Office.

Unit – IV

(Lectures 12)

Constitution of India and the Status of Women.

- a) Equality provisions in Fundamental rights and Directive Principles
- b) Special provisions for the protection of women Articles 15(3), Article 39(d) & (e), Articles 42, Articles 243-D & 243-T.

Unit – V**(Lectures 11)**

Special Laws for Protection of Women.

- a) Prevention of Immoral Traffic Act,1956
- b) Indecent Representation of Women (Prohibition) act,1986
- c) Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection Act,1994

Unit – VI**(Lectures 11)**

Status of Child in National and International law, Law relating to Indian Legal system, Law related to Child law and Right vis-à-vis Civil Law. Different International convent regarding Child right.

Unit – VII**(Lectures 11)**

Right to indigenous people in International Law and Municipal Law.

LL.M. SEMESTER-II

Paper Code:LLM0.....

CONTRACT AND INSURANCE GROUP

Full Marks:100

Pass Marks:50

Paper-I : General Principles of Contract:

Unit – I

(Lectures – 15)

Formation of Contract: A critical study of offer and acceptance, communication, acceptance and revocation of the terms of offer and acceptance.

Unit – II

(Lectures – 04)

Standard form contract.

Unit – III

(Lectures – 10)

Doctrine of Consideration and Privity of contract; Controversy regarding the abolition of consideration.

Unit – IV

(Lectures – 07)

Capacity to contract: Nature of Minor's agreements and the doctrine of restitution.

Unit – V

(Lectures – 12)

Importance of consent: Its existence and absence.

Unit – VI

(Lectures – 08)

Public policy and contracts: Agreements relating to restrain in trade and wagering agreements.

Unit – VII

(Lectures – 10)

Discharge of contracts with special reference to the doctrine of Frustration.

Unit – VIII

(Lectures – 08)

Implied Contract.

Unit – IX

(Lectures – 10)

Breach of Contract and Remedies available with special reference to the general principles of the assessment of damages.

Text Books:

1. Avtar Singh – Law of Contract and Specific Relief
2. Mulla - Law of Contract and Specific Relief

References:

1. Anson's - Law of Contract
2. Bangia - Law of Contract and Specific Relief
3. Cheshire and Fifoot - Law of Contract

LL.M. SEMESTER-II

PaperCode:LLM0.....

Full Marks:100
Pass Marks:50

Paper-II : Specific Contracts:

Unit – I **(Lectures – 23)**

Contract of Agency: Definition, Nature, Creation, Ratification, Rights and Duties, Termination, Liability of Principal for misrepresentation and fraud by agent, Agent's personal liability.

Unit – II **(Lectures – 06)**

Contract of indemnity: Definition, Characteristics, Control of Insurance as contract of Indemnity.

Unit – III **(Lectures – 25)**

Contract of Guarantee: Definition, Characteristics, Difference between indemnity & Guarantee, Surety – Right & Liabilities Discharge of Surety.

Unit –IV **(Lectures – 20)**

Contract of Bailment: Definition, Rights and Liabilities of Bailor and Bailee, Lien – General and Particular.

Unit – V **(Lectures – 10)**

Contract of Pledge: Definition, Difference between Bailment and Pledge. Rights and Liabilities of Pledger and Pledge.

Text Books:

3. Avtar Singh – Law of Contract and Specific Relief
4. Mulla - Law of Contract and Specific Relief

References:

4. Anson's - Law of Contract
5. Bangia - Law of Contract and Specific Relief
6. Cheshire and Fifoot - Law of Contract

LL.M. SEMESTER-II

Paper Code:LLM0...

Full Marks:100

Pass Marks:50

Paper-III : Insurance:

Unit – I

(Lectures – 12)

Nature and definition of the contract of insurance, distinction between Life, Fire and Marine Insurance Contract.

Unit – II

(Lectures – 08)

Insurance and Wagering Contracts.

Unit – III

(Lectures – 10)

Insurance interests: Its essentials.

Unit – IV

(Lectures – 06)

Indemnity as the controlling principle of Insurance laws.

Unit – V

(Lectures – 06)

An insurance contract is a contract of Uberrimafidei, i.e. of utmost good faith.

Unit – VI

(Lectures – 12)

Doctrine of subrogation; its essentials. Its essentials, Subrogation as a necessary corollary of the principle of indemnity.

Unit – VII

(Lectures – 10)

Meaning: Scope and Elements of Risk, proximate cause under Insurance and Re-Insurance Contracts.

Unit – VIII

(Lectures – 06)

Double insurance and Re-insurance.

Unit – IX

(Lectures – 08)

Meaning, form, characters and kinds of Warranties, effect of Breach of Warranty, Difference between Warranty and Representation.

Unit – X

(Lectures – 06)

Nationalization and Regulation of Insurance business.

SUGGESTED READINGS:

1. Modern Law of Insurance-Ksn. Murthy & Dr. KvsSarma.
2. Principles of Insurance Law -M.N. Srinivasan.

LL.M. SEMESTER-II

PaperCode:LLM0...F

ull Marks:100

Pass Marks:50

Paper-IV : Trade Law:

Unit – I

(Lectures – 11)

Introduction:

- a) Trade History, Nature of International Trade (Origin, Evolution and Characteristics)
- b) From GATT to WTO
- c) Inter –Relation between Multilateral Rules, Regional Agreements and Domestic legislation.
- d) Economics of International Trade
- e) Institutional Overview of WTO
- f) Free Trade Theory and Protection

Unit – II

(Lectures – 09)

Trade Policies and Regulation of International Trade

- a) Pillars of Multilateral Trading System (MFN, National Treatment, Tariff Bindings, Customs Law, Non Tariff Barriers)
- b) Quantitative Restrictions

Unit – III

**(Lectures –
06)**

Subsidies

Unit – IV

**(Lectures –
10)**

Safeguards

- a) Nature of Safeguard Measures
- b) Preconditions and Procedures for Taking Safeguard Measures
- c) Developing Countries and Safeguards
- d) Limitations and General Disciplines
- e) Grey Area Measures

Unit – V

(Lectures – 08)

Anti-dumping and Countervailing Duty Measures

Unit – VI**(Lectures – 12)**

Sectoral Problems and their Resolutions

- a) Trade in Agriculture
- b) Trade in Services
- c) TRIPS
- d) Trade in Investment

Unit – VII**(Lectures – 13)**

Trade Relations and Dispute Resolution

- a) Competing interests of Trading Partners
- b) Problems of Market Access
- c) Institutions and Principles of Dispute Settlement
- d) The First World – Third World Divide

Unit – VIII**(Lectures –)**

Trade and Labor

Unit – IX**(Lectures – 06)**

Trade and Environment

Unit – X**(Lectures – 06)**

Trade and Human Rights issues.

SUGGESTED BOOKS:

1. Indira Carr : International Trade Law
2. Dr. S.R Myneni: International Trade Law
3. Niharika Vij: International Trade Law

LL.M. SEMESTER- II

ENVIRONMENTAL LAW & IPR GROUP

FullMarks 100
PassMarks 50

Paper-I - International Environmental Law:

Unit – I

INTRODUCTION TO INTERNATIONAL ENVIRONMENTAL LAW

- a) Historical Evolution
- b) Developed and Developing Countries Perspectives Stockholm, Rio and Johannesburg

Unit – II

SOURCES AND PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW

1. Sources:
 - a) Treaties
 - b) Custom
 - c) General Principles of Law
 - d) Other Sources
2. Principles:
 - a) Sovereignty over Natural Resources
 - b) Obligation Not to Cause Damage
 - c) Principles of Preventive Action and Precaution
 - d) Polluter Pays Principle and Equitable Sharing of Cost
 - e) Sustainable Development
 - f) Equitable Utilization
 - g) Common but Differentiated Responsibilities The Link Between Environment and Development

Unit – III

TRANSBOUNDARY/TRANSNATIONAL POLLUTION: STATE LIABILITY AND STATE RESPONSIBILITY

- a) Desertification as a Transnational Problem; Tropical Deforestation;
- b) The 1994 Desertification Convention Transboundary River Pollution;
- c) Transboundary Groundwater Pollution Transboundary Shipments of Hazardous Wastes;
- d) The Basel Convention Regime
- e) Transfrontier Air Pollution and Convention on Transboundary Air Pollution Environmental Warfare State Liability;
- f) Theoretical Issues Victim State Sovereignty Threshold of Cognizable Injury
- g) The Legacy of the Trail Smelter Arbitration
- h) Standard of Liability Strict Liability and Ultra-Hazardous Activities Viability of a Liability Regime

Unit – IV

GLOBAL COMMONS

- a) OCEANS: Oceans as a Commons;
- b) Marine Pollution;
- c) Fishery Conservation.
- d) Atmosphere: Ozone Layer Depletion; The Ozone Protection Regime;
- e) The Climate Change Convention.
- f) Antarctic Treaty Regime

Unit – V

PROTECTION OF SPECIES AND ECOSYSTEMS WEEK

3. Protection: Species; Migratory Species; Whales and Seals
Protection of Genetic Variety; Causes of Biodiversity Loss; Ecosystem Protection

Unit – VI

COMPLIANCE AND GOVERNANCE MECHANISMS WEEK

- a) State Obligations and the role of judiciary;
- b) policy and legislative measures in India for environmental protection
- c) International Environmental Institutions including UNEP and other specialized agencies and their Reforms Expanding The Role of Non-governmental Organizations

LL.M. SEMESTER- II

ENVIRONMENTAL LAW & IPR GROUP

FullMarks 100
PassMarks 50

Paper-II - Environmental Law in India:

Unit – I

The Relationship Between Human Rights and the Environment

- a) Protecting the Environment using a Human Rights Approach
- b) Legal and Institutional Framework: Human Rights and the Environment - The UN Human Rights System and Other International Recognition of Human Rights and Environment Linkages Legal and Institutional Framework: Human Rights and the Environment - The Regional Human Rights System and Institutional Framework

Unit – II

Human Rights Norms relating to the Protection of the Environment

- a) Procedural Obligations Relating to the Environment,
- b) Substantive Obligations Relating to the Environment, Obligations relating to the Marginalized and those in Vulnerable Situations

Unit – III

Implementation of a Human Rights Approach to Environmental Protection

- a) Constitutional Rights to a Healthy Environment
- b) Good Practices in Procedural and Substantive Environmental Protection
- c) Good Practices in the Protection of those Vulnerable to Environmental Harm

Unit – IV

Conceptualizing “Indigenous Peoples” Human-Environmental Interactions throughout the Ages

- a) Biological Diversity Convention 1992
- b) Biological Diversity Act and Rules 2002
- c) Interface of Traditional Knowledge and IPR Access and Benefit Sharing

LL.M. SEMESTER- II

ENVIRONMENTAL LAW & IPR GROUP

FullMarks 100
PassMarks 50

Paper-III - Environmental and Current Social Problems :

Unit – I

Science of Climate Change and its Effects

Unit – II

General Approach to Climate Change

- a) Mitigation
- b) Adaptation

Unit – III

UNFCCC and International Law

- a) GroBrunntlandReport
- b) Rio Earth Summit Common but DifferentiatedResponsibility

Unit – IV

Kyoto Protocol Overview

- a) Implementing Kyoto: The FlexibilityMechanisms
- b) Post-Kyoto Strategies:Intensity Targets, Action Targets, Policies and Measures Paris Accord

Unit – V

Air Act

- a) Overview and CPCB &SPCB
- b) Vehicle Emissions Standards andPreemption
- c) Coal-Fired Power Plants and Future Regulations underEPA
 - a. EnergyPolicies
- d) TraditionalModel
- e) Reforms
- f) INDC

Unit – VI

Torts Cases and Causes of Action

- a) PoliticalQuestion
- b) FutureImplications

LL.M. SEMESTER- II

ENVIRONMENTAL LAW & IPR GROUP

FullMarks 100
PassMarks 50

Paper-IV - Intellectual Property Rights:

Unit I Introduction

Introduction to IPR – Concept and Meaning of IPR – Nature and Characteristics of IPR – Rationale behind the notion of IPR – Theories of IPR – Growth of IPR and International Conventions on IPR – Berne Convention, Paris Convention and TRIPS Agreement – Role of WTO in the IPR Regime – Private Monopoly Rights in IPR v. Interest of the General Public.

Unit II Copyright

Concept and Meaning of Copyright – Subject Matter and Term of Copyright – Authors and Owners of Copyright – Moral Rights, Economic Rights and Neighboring Rights – Performers and Broadcasters Rights – Assignment and Licensing of Copyright – Infringement of Copyright – Fair Use and Fair Dealing Concept – Copyright in Digital Era.

Unit III Trademark

Concept and Meaning of mark and trademark – Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and Non-Conventional Marks – Concepts of distinctiveness – Absolute and relative grounds of refusal – Doctrine of honest concurrent user – Procedure for registration and Term of protection – Assignment and licensing of marks – Infringement and Passing off – Trademark Protection in Domain Names and Marketing on Internet – Trademark in Merchandise.

Unit IV Patents

Meaning – Criteria for obtaining patents – Novelty, Inventive step and Capable of Industrial Application – Patentable subject matter and non-patentable subject matter – Procedure for Registration and Term of Patents – Rights of Patentee – Basic Concept of Compulsory License and Government use of patent – Infringement of patents and remedies in case of infringement – Patent in Pharmaceutical Drugs – Gene Patenting.

Unit V

Other Forms of IPR and Contemporary Issues in IPR

Designs, Geographical Indications, Trade Secrets, Plant Variety Protection and Farmers Rights – Interface between IPR and Human Rights – Interface between IPR and Competition Law – IPR Concept and Meaning of mark and trademark – Categories of Trademark: Certification Mark, Collective Mark and Well known Mark and Non-conventional Marks – Concept of distinctiveness – Absolute and relative grounds of refusal – Doctrine of honest concurrent user – Procedure for registration and Term of protection – Assignment and licensing of marks – infringement and Passing Off- Trademark Protection in Domain Names and Marketing on Internet – Trademark in Merchandise.

LL.M. SEMESTER- III

Paper Code:LL.M.0...

CRIMINAL LAW GROUP

FullMarks 100
PassMarks 50

Paper-I: Criminology & Penology:

Unit – I (Lectures – 22)
Criminology:

1. Definition, nature, scope and importance of criminology.
2. Method of Criminological studies:
 - a) Statistical
 - b) Case Study
 - c) Study of the criminal “in the open”
 - d) Experimental Method

Unit – II (Lectures – 20)
Schools of Criminology:

- i) Classical
- ii) Typological
- iii) Cartographical
- iv) Socialist
- v) Feminist Approach
- vi) Multiple Factor Approach

Unit – III (Lectures – 18)
Cause of Crimes:

- a) Lombrosian
 - b) Psycho-analytical theory
 - c) Social Disorganization and Anomie
 - d) Differential Association theory
 - e) Delinquent sub-culture theory
1. Juvenile Delinquency – Causes, prevention and treatment.

Unit – IV (Lectures – 24)
Penology:

1. Theories of Punishment
2. Capital Punishment
3. Victimology and compensation to the victims of crime.
4. Concept of treatment with reference to:
 - a) Prison
 - b) Probation
 - c) Parole

LL.M. SEMESTER- III

Paper Code:LL.M.0....

CRIMINAL LAW GROUP

FullMarks 100
PassMarks 50

Paper-II: Law of Crimes in India:

Unit – I

(Lectures – 12)

Introduction:

- i) Definition of Crime
- ii) Elements of Crime
- iii) Crimes of Strict Liability.

Unit – II

(Lectures – 20)

General Defences:

- i) Mistake
- ii) Insanity
- iii) Intoxication
- iv) Necessity
- v) Accident
- vi) Private Defence

Unit – III

(Lectures – 10)

Inchoate Offence:

- i) Abetment
- ii) Conspiracy
- iii) Attempt.

Unit – IV

(Lectures – 35)

Specific Offences:

1. Offences against Human Body:

- i) Culpable Homicide & Murder
- ii) Wrongful Restraint and wrongful confinement
- iii) Kidnapping & Abduction

2. Offences against property:

- i) Theft
- ii) Extortion
- iii) Robbery

3. Offences against PublicMorals:

- i) Bigamy
- ii)Obscenity

4. Offences against PublicOrder:

- i) Unlawful Assembly
- ii) Riot
- iii) Affiray

5. Offences against the Security of theState:

- i) Sedition

Unit – V Joint Liability

(Lectures – 07)

LL.M. SEMESTER- III

Paper Code:LL.M.0....

CRIMINAL LAW GROUP

FullMarks 100

PassMarks 50

Paper-III: Crimes against Social & Economic Security & Problems of their Control:

Unit – I **(Lectures – 16)**

Concept of Socio-Economic Offences.

Unit – II **(Lectures – 16)**

Distinction between Traditional and Socio-Economic Offences.

Unit – III **(Lectures – 12)**

White Collar Crime.

Unit – IV **(Lectures – 20)**

Dowry Prohibition Act, 1961 as amended in 1984 and 1986.

- a) Definition of Dowry
- b) Offence of taking / giving dowry and penalties
- c) Offence of demanding Dowry and Penalties
- d) Ban on Advertisement
- e) Dowry to be for the benefit of Bride & penalties for non-transfer of Dowry.
- f) Agreement for giving and taking Dowry to be void.
- g) Cognizance of the offences.
- h) Offences to be cognizable for certain purposes and nature of offences and the act non bailable and non compoundable.
- i) Power of the Central and State Government to make rules.

Unit – V **(Lectures – 20)**

Prevention of Food Adulteration Act, 1954.

- a) Definitions
- b) Machinery for implementation
- c) Penalties
- d) Defenses available on prosecution
- e) Cognizance and trial of offences
- f) Application of Probation of Offenders Act, 1958 and Section 360 of Criminal Procedure Code.
- g) Power of Central Government to give direction
- h) Rule making power of Central and State Government.

LL.M. SEMESTER- III

CRIMINAL LAW GROUP

Paper Code:LL.M.0....

FullMarks 100
PassMarks 50

Paper-IV: Cyber Crimes

Unit I

(Lectures – 24)

Cyber Jurisdiction – Jurisdiction of the IT Act and IPC – Relation between jurisdiction and sovereignty – First principles of international Jurisdiction – Investigative Jurisdiction in Cyber Crimes – MLATs – Essentials for Jurisdiction – Tests for Personal Jurisdiction.

Unit II

(Lectures – 18)

Intermediaries – Definition – Responsibilities – Blocking of Sites – Safe Harbour – Proposed Guideline – Due Diligence.

Unit III

(Lectures – 18)

Cyber Crimes and Offences – Definitions – Section 43 and 66 of IT Act – Notices – Intermediary Guidelines Rules 2011 – Copyright Act and Rules.

Unit IV

(Lectures – 24)

Privacy and Data Protection – Data Theft – IT Reasonable Technology, Reasonable Security Practices & Procedures and Sensitive Information Rules, 2011 – Data Protection Bill, 2018.

LL.M. SEMESTER-III

BUSINESS ORGANIZATION GROUP

PaperCode:LLM0...

Full Marks:100

Pass Marks:50

Paper-I : Business Organization (Company Law excluding Management):

Unit – I (Lectures – 15)

Company as a legal person, lifting the veil of Corporate personality.

Unit – II (Lectures – 15)

Legal position of the promoters of a company; Pre-incorporation contracts vis-a vis, promoters.

Unit – III (Lectures – 16)

Prospectus – Definition, Contents and Liability in case of false representation in the prospectus.

Unit – IV (Lectures – 08)

Memorandum and Articles of association – Contents Alteration and Legal Effects.

Unit – V (Lectures – 08)

The objects clause of memorandum of Association and doctrine of Ultra vires.

Unit – VI (Lectures – 10)

Share Capital – Kind of share Capital; Procedure for increase and reduction of Share – Capital.

Unit – VII (Lectures – 12)

Charge: Floating charge and fixed charge. Circumstances when floating charge becomes a fixed charge.

Text books:

1. Avtar Singh : Indian CompanyLaw
2. Shah S. M : Lectures on CompanyLaw

Further Readings:

1. Palmer – CompanyLaw
2. Ramiaya: Guide to CompaniesAct
3. Gower: Principles of Modern CompanyLaw

LL.M. SEMESTER-III

BUSINESS ORGANIZATION GROUP

PaperCode:LLM0...

Full Marks:100

Pass Marks:50

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

Unit – I (Lectures – 12)

Structure of corporate Management in India with comparative study of England and Continental countries.

Unit – II (Lectures – 12)

Division of powers between company in General Meeting and Board of Directors.

Unit – III (Lectures – 10)

Legal position of directors and criminal liability of officers of the company.

Unit – IV (Lectures – 10)

Judicial and Administrative remedies in the case of Management.

Unit – V (Lectures – 12)

Appointment, Removal and Remuneration of Directors, Managing Director and Manager.

Unit – VI (Lectures – 10)

Appointment of Secretary of the Company, his qualification duties and legal position.

Unit – VII (Lectures – 08)

Investigation, Special Audit, Cost Audit.

Unit – VIII (Lectures – 10)

Borrowing powers of a company and its directors; effects of doctrine of Constructive Notice and Indoor Management.

Text books:

3. Avtar Singh : Indian CompanyLaw
4. Shah S. M : Lectures on CompanyLaw

Further Readings:

4. Palmer – CompanyLaw
5. Ramiaya: Guide to CompaniesAct
6. Gower: Principles of Modern CompanyLaw

LL.M. SEMESTER-III

BUSINESS ORGANIZATION GROUP

Paper Code:LLM0....

Full Marks:100

Pass Marks:50

Paper-III :Labour Management Relations:

Unit – I (Lectures – 12)

Industrial Concept under the Industrial Disputes Act, 1947. Such as Industry, Workman, Industrial Dispute, Award.

Unit – II (Lectures – 08)

Reference mechanism of dispute under Industrial Dispute Act, 1947.

Unit – III (Lectures – 06)

Industrial Adjudication under Industrial Dispute Act and collective Bargaining.

Unit – IV (Lectures – 10)

Regulation of Managements Prerogatives during Pendency of disputes and outside the pendency of disputes before the authorities under the Industrial Dispute Act, 1947.

Unit – V (Lectures – 10)

Constitution and functions of Industrial Tribunal and Labour court and Conciliation officer.

Unit – VI (Lectures – 08)

Strike and Lock out.

- a) Concepts, Nature & Statutory Regulation of Strike and Lockouts.
- b) Right to Strike & the Nature.

Unit – VII (Lectures – 08)

Voluntary Arbitration: (Under I.D. Act 1947.)

Unit – VIII (Lectures – 10)

The Trade Union Act, 1926.

- a) Registration of Trade Union and its Cancellation.
- b) Rights & Liabilities of Trade Unions.

Unit – IX

(Lectures – 12)

Industrial Employment (Standing Orders) Act, 1946.

- a) Standing Orders and Certification
- b) Modification of Standing Orders
- c) Nature of Standing Orders Certified Under the Act.

Text books:

1. Statutory Material - Trade Union Act, 1926, Industrial Employment (Standing Orders) Act, 1946 and Industrial Dispute Act, 1947
2. S.C. Srivastava, Industrial Relations and Labor Law, Vikas Publishing House, New Delhi

References:

1. O.P. Malhotra, Industrial Disputes Act, Vol. I & II
2. Indian Law Institute – Cases and Materials on Labor Law and Labor Relations

LL.M. SEMESTER-III

BUSINESS ORGANIZATION GROUP

PaperCode:LLM0...F

Full Marks:100

Pass Marks:50

Paper-IV : Competition Law:

Unit – I

(Lectures – 18)

Legislative History of Competition Law in India

- a) Monopolies Inquiry Commission,1964
- b) Monopolistic and Restrictive Trade Practices Act, 1969
- c) Tata Engineering and Locomotive Co. Ltd. (Telco) vs. RRTA reports 1977 SC 971 on the Restrictive Trade PracticesAgreements.
- d) Monopolistic and Restrictive Trade Practices Act, 1969 (Amendments in1984).
- e) The Raghvan Committee,1999
- f) The Competition Act,2002
- g) BrahmDuttVs. Union of India reported at AIR 2005 SC730.
- h) The Competition Act, 2002 (Amendment in year 2007)
- i) Similarities of the provisions under the MRTP Act vis-a vis the CompetitionAct.

Unit – II

(Lectures – 19)

Prohibition of Anti-Competition Agreements under the Competition Act, 2002.

- a) Definition of Anti-CompetitionAgreements.
- b) Kinds of Anti-CompetitiveAgreements:
- c) Horizontal Agreements (including cartel) based on persetheory
- d) Vertical Agreements based on rule of reasontheory
- e) Factors determining whether an agreement has an Appreciable Adverse Competition (AAEC)
- f) Exceptions to the Anti-CompetitiveAgreements:
- g) Protection of Intellectual Property relatedissues:
- h) Protection for exporting goods from India:
- i) Joint venture agreements if such agreements increase efficienciestc.
- j) Comparative provisions in the maturesjurisdictions.

- k) Leading case laws (two/three) on the subject, which can be told to the student beginning of this unit.

Unit – III

(Lectures – 10)

Abuse of Dominant Position under the Competition Act, 2002.

- a) Definition of Abuse of dominant position.
- b) Definition of Predatory pricing.
- c) Determination of Relevant Market with Reference to Relevant Geographical and/or Relevant Product Market.
- d) Factors determining the Relevant Geographic Markets and Relevant Product Markets
- e) Factors determining whether an enterprise enjoy a dominant position.
- f) Comparative provisions in the matured jurisdictions.
- g) Leading case laws (two/three) on the subject which can be told to the students at the beginning of this unit.

Unit – IV

(Lectures – 10)

Regulation of Combination under the Competition Act, 2002.

- a) Definition of Combination which includes acquisition, merger or amalgamation.
- b) Threshold/ Triggering point for giving Notice to the Competition Commission of India and its exemption thereto.
- c) Definitions of „Control“, „Group“ and „valuation of assets“.
- d) Consequences of not giving Notice to the Competition Commission of India.
- e) Comparative provisions in the matured jurisdictions.
- f) Leading case laws (two/three) on the subject which can be told to the students at the beginning of this unit.

Unit – V

(Lectures – 14)

Inquiry and Investigation under the Competition Act, 2002.

- a) Procedure of Inquiry by the Competition Commission of India and Investigation by the Director General.
- b) Whether the procedure adopted during Inquiry and/or Investigation adhere to Principles of Natural Justice.
- c) Imposition of penalties by the Competition Commission of India:
- d) During the Inquiry and /or Investigation;
- e) On the conclusion of Inquiry.

- f) Analysis of the judgment of the Hon^{ble} Supreme Court in the matter of Competition Commission of India Vs. Steel Authority of India and another reported at (2010) 10 SCC 744.
- g) Analysis of the judgment of the Hon^{ble} High Court of Delhi in the matter of Google Inc. and others Vs. Competition Commission of India and others reported at 2015 CompLR0391(Delhi).

Unit – VI

(Lectures – 13)

Evaluation of the Economic Evidences

- a) Economic Evidence used in determining Anti-Competitive Agreements
- b) Economic Evidence in abuse of dominance
- c) Economic Evidence in court
- d) Measurement Techniques

Text books:

1. T. Ramappa: Competition Law in India policy , issues and development
2. VershaVahini: Indian Competition Law.

References:

1. S.M Dugar: Guide to Competition Law

LL.M. SEMESTER-III
HUMAN RIGHT GROUP

Paper Code: LLM0....

Full Marks:100
Pass Marks:50

PAPER-I HUMAN RIGHTS JURISPRUDENCE:

Unit – I

Philosophical Foundation of Human Rights

- a) Origin and Development
- b) Human Rights in ancient civilization (other than India)
- c) Indian wisdom and the idea of Human Rights
- d) Duty oriented society and rights based society
- e) Ancient wisdom in modern instrument.
- f) Ancient wisdom in modern instrument

Unit – II

Conceptual Contours of Human Rights

- a) Human Rights – Modern meaning and Scope
- b) Schools of human rights
- c) Universalisation vis a vis localization
- d) Freedom, liberty, rights, claim, entitlement
- e) Human rights jurisprudence in International Instruments

Unit – III

Democracy and jurisprudence of human rights

- a) Human rights jurisprudence in various Constitutions
- b) Human rights jurisprudence in parliamentary democracies (where there is no written Constitution)
- c) Human rights jurisprudence in religious democracies
- d) Human rights jurisprudence in communist democracies

Unit – IV

Judicial delineation of human rights jurisprudence

- a) Judicial review and human rights
- b) Similarities and differences between US and Indian approach
- c) Rights based review and restriction based review
- d) Strict scrutiny and Proportionality Principle
- e) Progressive realization of Human rights
- f) Human rights jurisprudence and Manifest arbitrariness

Unit – V

Human rights jurisprudence and its limitations

- a) Absolutism and relativity of human rights
- b) National security and foreign policy as limitations
- c) Financial hurdles as limitations
- d) Religious values, customs, traditions as limitations.

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PAPER-II: HUMAN RIGHTS LAW IN INDIA

Unit – I

Right to Equality; Special provisions for weaker sections of the society; Reservation policy under the Constitution.

Unit – II

Right to Freedom of Speech and Expression; Reasonable Restrictions; Freedom of Press; Right to Information.

Unit – III

Right to Life and Personal Liberty; New Dimension; Judicial approach

Unit – IV

Secularism and Freedom of Religion

Unit – V

Emerging regime of new human rights in India; Reading Directive Principles of State Policy and Fundamental Duties into Fundamental Rights

Unit – VI

Implementation and Enforcement Mechanism; Remedies provided by the judiciary; National Human Rights Commission- Powers and Functions.

Unit – VII

Fundamental Duties: Article 51-A; Concept of Duty; Need of Fundamental Duties; Enforcement and Effectuation of Fundamental Duties.

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PAPER-III : INTERNATIONAL LAW AND HUMAN RIGHTS

Unit – I

International Concern:

Protection of Individual in International Law; League of Nations; War Crime Trials

Unit – II

Human Rights and the United Nations Charter;

(a) Normative and Institutional Framework of the UN

(b) Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

Unit – III

Universal Declaration on Human Rights:

- a. History of the Declaration
- b. Structure of the Declaration
- c. Legal Significance

Unit – IV

International Covenants: ICCPR and ICESCR

- a. Nature and Characteristic
- b. Optional Protocols

Unit – V

Regional Instruments

- a. European Convention on Human Rights
- b. American Convention on Human Rights
- c. African Charter on Human And People`s Rights
- d. Asia and Human Rights

LL.M. SEMESTER-III
HUMAN RIGHT GROUP

Paper Code: LLM0....

Full Marks: 100
Pass Marks: 50

PAPER-IV : LAW OF REFUGEES & INTERNALLY DISPLACES PERSONS (IDP):

Unit – I

Introduction:

Determination of Refugee Status under the Refugee Convention of 1951 and Protocol

Unit – II

Human Rights of the Refugees

Unit – III

Solution to Refugee Problem:

- a) Resettlement in ThirdCountry
- b) LocalIntegration
- c) Voluntary or ForcedRepatriation
- d) ComprehensiveResponses

Unit – IV

Contemporary Developments in Refugee Law:

- a) International BurdenSharing
- b) International Safe CountriesBurden
- c) TemporaryProtection
- d) EnvironmentalRefugees
- e) SafetyZones

Unit – V

Internally Displaced Persons: UN Guiding Principles on Internal Displacement 1998

Unit – VI

Refugee Law and Policy in India.

LL.M. SEMESTER-IV

Paper Code:LLM0...

Syllabus (LL.M. Semester-IV)

Interpretation of Statutes

Unit – I

(Lectures – 07)

Meaning of the word statute – Different types of classifications – meaning of the words construction and Interpretation – commencement, repeal and revival of legislation.

Unit – II

(Lectures – 10)

Internal Aids to construction – Title-Preamble- Headings- Marginal notes- illustrations – Definition – Types of Definition-Utility and Importance of Definition – Proviso- Explanation – Schedule.

Unit –III

(Lectures – 10)

External Aids to construction – Parliamentary History – Historical facts – Reference to other statutes – Contemporanea Expositio (Effect of usage and custom) – Dictionaries – Foreign decisions – Government publications.

Unit – IV

(Lectures – 10)

Guiding rules: Rule of literal construction – Mischief rule- Beneficial rule- Restrictive rule- Golden rule – words understood according to their subject matter regard to consequences – Noscitur A Sociis.

Unit – V

(Lectures – 08)

Operation of Statutes – commencement – Retrospective operation – Operation controlled on considerations of constitutionality – Operation controlled on considerations of territorial nexus – other relevant considerations relating to operations.

Unit – VI

(Lectures – 06)

Statutes affecting jurisdiction of courts: General principles – the extent of exclusion of jurisdiction of superior courts.

Unit – VII

(Lectures – 06)

Construction of taxing statutes and evasion of statutes: Strict construction of taxing statutes – General Principles of strict construction – Illustration cases – Limits of Rules of strict construction evasion of Statutes.

Unit – VIII

(Lectures – 10)

Remedial and Penal statutes: Meaning, Distinction between the two, Liberal construction of Remedial statutes. Strict construction of penal statutes. Mens Rea in statutory offences.

Unit – IX

(Lectures – 10)

Use of different words: Use of negative words, Affirmative words may imply a negative, use a of „shall“ or shall and may“ must and should – conjunctive words „or“ & „and“.

Unit – X**(Lectures – 07)**

Principles of Legislation: Distinction between Morals and Legislation, Political good and evil
Circumstances which affect sensibility, Methods of reasoning on subject of legislation.

Text books:

1. B.M Gandhi: Interpretation of Statutes
2. Kafaltiya A.B : Interpretation of Statutes
3. VepaP.Sarathi: Interpretation of Statutes
4. Justice G P Singh Principles of Statutory Interpretation
5. S N Bindra Interpretation of Statutes
6. D N Mathur Interpretation of Statutes

Reference Books

Maxwell's on Interpretation

Subjects	Marks	Paper Code
Interpretation of Statutes	100	
Dissertation – I	100	
Dissertation – II	100	
Viva-Voce	100	
Total	400	