

MAA SHAKUMBHARI UNIVERSITY

LL.M. 2 YEAR (FOUR SEMESTER) COURSE SYLLABUS

(w.e.f. : 2023 – 24 Session)

SCHEME OF EXAMINATION

The Syllabus of LL.M. 2 Year (Four Semester) Course shall be applicable in Affiliated College of the Maa Shakumbhari University, Saharanpur and Legal Study Center (Self- Financed) of Maa Shakumbhari University, Saharanpur.

SEMESTER – I (Compulsory Papers): (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Constitutional Law of India	0178101		100
II	Jurisprudence– I (Theories of Law and Legal Concepts)	0178102		100
III	Principles of Legislation ,Interpretation and Judicial Process	0178103		100
IV	Legal Education and Research Methodology	0178104		100

SEMESTER – II (Compulsory Papers): (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code		Max. Marks
I	Law and Social Transformation In India	0278101		100
II	Law of Human Rights	0278102		100
III	General Principles of Criminal Law and Forensic Studies	0278103		100
IV	Environment Protection Law	0278104		100

Note : SEMESTER – III & IV (Papers Based on Optional Groups)

- ❖ There will be **Three (03) Law Group Courses in Semester III & IV**. The Student has to opt **any one Law Group** in LL.M. IIIrd and IV Semester. **Once a group opted by the student in LL.M. III Semester, he/she cannot change the Group in LL.M. IV Semester i.e. they shall keep the same Group with them** . All the Theory Paper of LL.M. IIIrd and IVth Semester will carry Maximum **100 Marks**.
- ❖ The Student has to appear in **FOUR Theory Papers in LL.M. IIIrd Semester**. Each Theory Paper will carry **100 Marks**
- ❖ The Student will **start writing a Dissertation in LL.M. III Semester** on the topic (**Any topic**)

pertaining to Law and the Society) of his choice with prior consent of his / her Guide / Supervisor. It will be submitted by the students latest by one month (30 days) from the date of last theory paper of LL.M. IVth Semester examination. The Dissertation will carry 100 Marks.

- ❖ The Student has to appear in **TWO Theory Papers in LL.M. IVth Semester. The Subject Group will be same as it was taken in Semester III by the student.** Each Theory Paper will carry **100 Marks.**
- ❖ The Student will appear in **Viva-voce examination** in LL.M. IVth Semester which will carry **100 Marks.**

❖ **LL.M. Semester III & IV Law Groups are as under :**

- **GROUP (A) : Constitutional And Administrative Law Group**

OR

- **GROUP (B) : Business Law Group**

OR

- **GROUP (C) : Family Law Group**

SEMESTER – III [GROUP (A) : Constitutional And Administrative Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Constitutionalism And Constitutional Development in India and England	0378101		100
II	Comparative And Cooperative Federalism (India, America And Australia)	0378102		100
III	Civil And Political Rights : Comparative Study of Select Constitutions (India, USA and U.K.)	0378103		100
IV	Local Self Government Law	0378104		100

SEMESTER – III [GROUP (B) : Business Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Contract – I (General Principles of Contract)	0378105		100
II	Contract – II (Specific Contract, Sales of Goods And Law of Partnership)	0378106		100
III	Company Law	0378107		100
IV	Banking Law	0378108		100

SEMESTER – III [GROUP (C) : FAMILY LAW GROUP] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code		Max. Marks
I	FAMILY LAW Ist (HINDU LAW)	0378109		100
II	FAMILY LAW IInd (MUSLIM LAW)	0378110		100
III	GENDER JUSTICE AND WELFARE LAWS IN INDIA	0378111		100

IV	WOMEN AND VIOLENCE- CENTRIC LAWS IN INDIA	0378112		100
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SEMESTER – IV [GROUP (A) : Constitutional And Administrative Law Group] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Administrative Law of India – I	0478101		100
II	Administrative Law of India – II	0478102		100
III	Dissertation (Compulsory for all Students)	0478103		100
IV	Viva-voce	0478104		100

SEMESTER – IV [GROUP (B) : Business Law Group] : (Total : 400 Marks)

Optional Papers

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Insurance Law	0478105		100
II	Student has to opt any one optional Paper among the following. (subject to availability of expert Faculty in the Department)			
	International Trade Law (Optional Paper)	0478106		100
III	Dissertation (Compulsory for all Students)	0478107		100
IV	Viva-voce	0478108		100

SEMESTER – IV [GROUP (C) : FAMILY LAW GROUP] : (Total : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Catch	Max. Marks
I	Family Dispute Resolution under Indian Law	0478109		100
II	Personal Laws of Christians , Parsis And Jews	0478110		100
III	Dissertation (Compulsory for all Students)	0478111		100
IV	Viva-voce	0478112		100

LL.M. Ist SEMESTER

(COMPULSORY PAPERS)

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**

PAPER –I
CONSTITUTIONAL LAW OF INDIA
Paper Code : 0178101

Unit I

Nature of the Indian Constitution ,Concept of Federalism , Cooperative Federalism.
Relationship between Centre and State. Challenges before the Indian Federalism.

Unit-II

Preamble,

Widening definition of State,

Right to Equality, its new concepts and Protective Discrimination, Dynamism of Rule of Law
and Separation of Powers

Freedom of Speech & Expression with reference to RTI

Unit-III

Art 20-protection in respect of Conviction for offences,

Right to Life & Personal Liberty, Emerging Regime of New Rights and Remedies under the Garb
of Fundamental Rights,

Right to Education

Unit-IV

Secularism and Freedom of Religion

Rights of Minorities,

Constitutional Remedies

The Concept of Judicial Review

Relation between Fundamental rights & Directive Principles & Fundamental Duties

Unit-V

Judicial Independence:-Appointment, transfer and removal of judges,

Legislative Relations between Centre and States,

Freedom of Trade and Commerce,

Election Commission & Electoral reforms,

Special Status of J&K,

Emergency Provisions,

Amending Power and Theory of Basic Structure

SUGGESTED READINGS

- Cardozo, The Nature of Judiciary Process (1995), Universal, New Delhi.
- Duncan Derret, The State, Religion and the Law in India (1999) Oxford University Press, New Delhi.
- H.M.Seervai, Constitution of India, Vol. 1-3(1992), Tripathi, Bombay.

- Indian Law Institute, Law and Social Change: Indo-American Reflections (1988) Tripathi.
- J. Stone, The Legal System and the Lawyer's Reasoning (1999), Universal, New Delhi,
- M.P. Singh (ed.), V.N. Shukla, Constitution of India (2000), Oxford.
- M.P. Jain, Outlines of Indian Legal History (1993) Tripathi, Bombay.
- Marc Glanter (ed.), Law and Society in Modern India (1997) Oxford.
- Ravi Prakash, Constitution, Fundamental Rights and Judicial Activism in India (1997).
- U. Baxi, The Indian Supreme Court and Politics (1980) Eastern, Lucknow.
- Upendra Baxi, The Crises of the Indian Legal System (1982) Vikas, New Delhi

Paper II
JURISPRUDENCE
(Theories of Law & Legal Concepts)
Paper Code : 0178102

Unit-1

Nature of Jurisprudence: Meaning of Jurisprudence, Relevance of Jurisprudence, Concept of 'Legal Theory' and 'Jurisprudence'.

Concept and Philosophy of Law:

The Definition of Law

The Evolution of Law: Primitive Law, Middle Law, Classical Law, Post-Classical

Sources of Law, Custom Precedents and Ownership

Legal personality Legal Rights and Duties & Liability

Unit-II

Natural Law and its Re-emergence:

Philosophical Idealism of Ancient Era: Meaning and Origin Greeks and Romans Philosophy

Medieval Era: Renaissance, And Reformation, Grotius and International

Law, Philosophy of Social Contract.

Natural Law in Nineteenth and Twentieth Centuries Modern Value Philosophies and Revival of Natural Law Theories

Indian Perspective of Natural Law School

Analytical Positivism:

Bentham's English Positivism: Utilitarian Approach of Law, Pleasure and Pain Principle in Legislation, Bentham on Codification and Law Reforms

Austin's Theory of Law

The Pure Theory of Law

Modern Trends in Analytical Jurisprudence: Hart's Concept of Law Indian Perspective of Analytical School

Unit-III

Historical School of Thought:

The Romantic Reaction: Herder and Hegel,

Savigny and Historical School in Germany,

Law and Anthropology,

Historical School in England, United States and India

Sociological Jurisprudence and Sociology of Law:

Comte and Sociology, Laissez Faire and Herbert Spencer, Jhering,

Max Weber, Emile Durkheim, Eugen Ehrlich, Roscoe Pound.
Sociological Jurisprudence since Pound and Towards Sociology of Law
Indian Constitution and Sociological Jurisprudence
American and Scandinavian Jurisprudence
Concept of Morality and its Relationship with Law: Hart Fuller Controversy

Unit-IV

Theories of Jurisprudence and Postmodernism

Critical Legal Studies Movement,
Feminist Jurisprudence
Postmodernist Jurisprudence & Critical Race Theory

Globalisation: Meaning. Significance and different dimensions,
Impact of Globalisation, Administration of Justice, Theories of Punishment--Recent
Trends, Concept of Euthanasia .

SUGGESTED READINGS:

- Lloyd's Introduction to Jurisprudence
- R.W.N. Dass: Jurisprudence 5th ed. Aditya Books Private Ltd. New Delhi, 1994
- G.W. Paton: A Text Book of Jurisprudence
- Karl N Lewellyn: Jurisprudence Realism in Theory and Practice.
- W. Friedman: Legal Theory 5th ed. London Stevens & Sons 1967
- Dhyani: Fundamentals of Jurisprudence and Jurisprudence and Legal Theory
- William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009)
- Amartya Sen, 'Idea of Justice'

PAPER III
**(PRINCIPLES OF LEGISLATION, INTERPRETATION
AND JUDICIAL PROCESS)**
Paper Code : 0178103

UNIT I

Principles of Legislation: Bentham's Theory of Utility: Its Relevance, Inter-relationship of Law and Public Opinion.

UNIT II

Interpretation of Statutes,
Commencement, Repeal and Revival of Statutes,
Enabling, Consolidating and Codifying Statutes
The Primary Rule: literal construction
Mischief Rule; Golden Rule.

Unit III

Harmonious Construction,
Ut res magis Valeat quam Pereat,
Statutes to be read as a whole (Ex Visceribus Actus),
Beneficial Construction,
Interpretation of the Constitution: Doctrine of Pith and Substance, Doctrine of Eclipse, D
Colourable Legislation, Doctrine of Severability, Doctrine of Eclipse

Unit IV:

INTERNAL AIDS

Title: Preamble, Definition or Interpretation Clause; Headings;
Marginal Notes; Punctuation Marks; Illustrations; Proviso, Explanation; Schedule;
Legal fiction, non obstante clause

EXTERNAL AIDS

Parliamentary History of the Enactment, Legislative History,
General Social Policy; Public Policy, Historical Setting,
Previous Legislation and Statutes in Pari materia
Previous Decision &,
Text Books, Dictionaries,
International Conventions,
Retrospective Operation of Statutes,

Doctrine of Prospective Over Ruling

SUBORDINATE PRINCIPLES OF INTERPRETATION

Uni est Exclusio Alterius

Generalia Specialibus Non-derogant; -Treatment of General Words

Doctrine of Eiusdem Generis

Rules of casus omissus,

Redendo Singula Singulis; Noscitur a Sociis

Contemporanea expositio est fortissima in lege

Unit V

Judicial Process:

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

SUGGESTED READINGS:

- G. P. Singh, Principles of Statutory Interpretation. (7th Edition) 1999, Wadhwa, Nagpur.
- .P. St. Langan (Ed.), Maxwell on the Interpretation of Statutes (1976), N. M. Tripathi, Bombay
- .K. Shanmukham, N. S. Bindras's Interpretations of Statutes, (1997)
- Sarathi, Interpretations of Statutes, (1994) Eastern, Lucknow
- M. P. Jain, Constitutional of Statutes, (1984) Wadhwa & Co.
- M.P. Singh, (Ed.) V.N. Sukla's Constitution of India, (1994) Eastern, Lucknow
- U. Baxi, Introduction of Justic K. K. Mathew's Democracy Equity and freedom (1978) Eastern, Lucknow
- Maxwell on the Interpretation of Statutes

PAPER IV
LEGAL EDUCATION AND RESEARCH
METHODOLOGY
(Paper Code : 0178104)

Unit-I

Legal Research: Nature, scope and objectives. Various approaches to Legal Research: Doctrinal and Non Doctrinal. Socio-Legal Research. Identification and formulation of Research Problem. Survey of existing literature. Research Design.

Unit-II

Hypothesis.

Sampling techniques in research.

Primary and Secondary Data; Data collection techniques: Case Study. Observation, Interview, Questionnaire and Schedule, Survey, Historical.

Unit-III

Data processing: Editing, Coding and Classification. Techniques of Data Presentation in Research: Tabulation, Diagrammatic and Graphic. Analysis and Interpretation of Data.

Unit-IV

Legal Research Report: Various Aspects- Research Proposal Dissertation/ Thesis Writing, Foot Notes and Bibliographic Techniques

Unit-V

Role of Library, Computer, Internet and Legal Data bases in research. Issues of Copy right and Plagiarism in Research. Research Funding: Role of Government and other Agencies; Practical difficulties involved in allocation and utilization of Funds. Ethics in Legal Research.

SUGGESTED READINGS:

- Denzin, N.K. and Yvonna, S. Lincoln, (Ed), Collecting and Interpreting Qualitative Materials, SAGE Publications, Inc. California, Fourth Edition, 2013.
- Fitzgerald J. and Jerry Fitzgerald, Statistics for Criminal Justice and Criminology in Practice and Research-An Introduction, 2014
- Goode, W.J. and Paul, K. Hatt., Research Methodology. Prentice Hall of India Pvt. Ltd. New Delhi, Latest Edition.
- Guest, G. (et. al), Collecting Qualitative Data- A Field Manual for Applied Research. SAGE Publications Inc. California, 2013.
- Kumar, R., Research Methodology-A Step by Step Guide For Beginners, SAGE Publications India Pvt. Ltd., New Delhi, Latest Edition.
- Myneni, S.R., Legal Research Methodology. Allahabad Law Agency, Faridabad, Fifth Edition, 2012.
- Richards, L. and Janice M. Morse., README First For a User's Guide to Qualitative Methods, SAGE Publications, Inc. California, 2013.
- Singh, Rattan, Legal Research Methodology, Lexis Nexis Publications, Gurgaon, Haryana, Edition, 2013
- Yaqin, A., Legal Research and Writing Methods, LexisNexis Butterworths Wadhwa, Nagpur First Reprint, 2011
- Menan Madhav NR, Clinical Legal Education, EBC

LL.M. IInd SEMESTER

(COMPULSORY PAPERS)

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IInd Semester. Each Theory Paper will carry 100 Marks**

PAPER-I
LAW AND SOCIAL TRANSFORMATION IN INDIA
(Paper Code : 0278101)

UNIT-I

Law and Social Change

Law as an Instrument of Social Change: Law and Development, Limits of Law in bringing out Social Change

Concept of Social Engineering - Its evaluation and critique in the light of common law tradition and the legal institutions in India

UNIT-II

Community and the Law Caste as a divisive factor

Non-discrimination on the ground of caste: Constitutional and Statutory Provisions

Acceptance of caste as a factor to undo past injustices: Protective

Discrimination and Reservation

UNIT-III

Women and the Law Crimes against Women: Legislative and Judicial Initiatives

Gender injustice and its various forms Women's Commission and Protection of Women's Rights in India

UNIT-IV

Children and the Law

Child Labour: Constitutional and Legislative Provisions

Sexual exploitation of Children: Legislative measures Children and Education

UNIT-V

Contemporary Society and the law

Industrial reforms / Economic Reforms. Agrarian reforms. Modernization & the law.

Reforms of family law. Prison Reforms. Reforms in justice delivery system.

SUGGESTED READINGS:

- U.Baxi, The Crisis of the Indian legal System (1982), Vikas, New Delhi
- Savitri Gunasekhare, Children, Law and Justice (1997)
- Marc Galanter (ed.), law and Society in Modern India
- Indian law Institute, Law and Social Change: Indo-American Reflections. Tripathi, (1988) .
- Agnes Flavia, Law and Gender Inequality: The Politics of women's Rights in India (1999) Oxford, new Delhi.
- Virendre Kumar: Dynamics of Reservation Policy: Towards a More Inclusive Social Order 50, Journal of ICI PP 478-517 (2007)
- M.P. Jain, Outlines of Indian Legal History (1993), Tripathi, Bombay

PAPER-II
LAW OF HUMAN RIGHTS
(Paper Code : 0278102)

UNIT-I:

Human Rights and the United Nations Charter:

Normative and Institutional Framework of the UN

- Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

UNIT-II

- Universal Declaration on Human Rights:
- History of the Declaration
- Structure of the Declaration
- Legal Significance
- International Covenants: ICCPR and ICESCR
- Nature and Characteristic
- Optional Protocol

UNIT-III

Regional Instruments

- European Convention on Human Rights
- American Convention on Human Rights
- African Charter on Human and People's Rights
- Asia and Human Rights

UNIT-IV

- Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.
- Right to Life and Personal Liberty: Evolution of New Dimension of Human Rights Through Judicial Interpretation.

UNIT-V

- Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.
- Emerging regime of new Human Rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

SUGGESTED READINGS

- Basu D.D., *Human Rights in Constitutional Law*.
- Khera S.C., *Human Rights and United Nation*.

- Agrawal H.O., *Human Rights*.

- Amartya Sen - "The Idea of Justice"
- G. G. Parikh (editor) - "India and Human Rights: Reflections"
- Alison Brysk - "Human Rights and Global Justice"
- John Rawls - "A Theory of Justice"
- Joseph Raz - "The Concept of Human Rights"
- Andrew Clapham - "Human Rights: A Very Short Introduction"
- Dr.Tripathi T.P., "An Introduction to the study of HUMAN Rights", ALA

PAPER-III

PaperCode-0278103

General principles of Criminal Law and Forensic Studies

UNIT I

-Constituents of Crime:

-*ACTUS REUS* , *MENS REA*

General principles of Criminal Liability:

-Principle of Legality

-Corporate Criminal Liability

-Various Liability with special reference to section 34 and 149 IPC

-Strict Liability

UNIT II

-Inchoate Crimes

-Abetment

-Criminal Conspiracy

-Attempt

UNIT III

-General Defenses

-Mistake, Accident, Necessity ,Insanity, Intoxication, Private Defence .

UNIT IV

Definition ,nature and scope of forensic science

History and development of forensic science

Crime scene investigation: Understanding and pupose of crime scene examination

and investigation ,physical evidence its collection packing and transportation chain of custody evidentiary of forensic report.

UNIT V

Difference between suicidal homicidal and accidental wounds

Recent advances in forensic science:narco analysis , brain mapping ,dna finger printing and their admissibility in the court polygraph test and NHRC guidelines of administration of polygraph test .

SUGGESTED READINGS:

- Modis, Medical Jurisprudence And Toxicology , Lexis Nexis , New Delhi, 2006.
- B.R. Sharma, Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co., New Delhi, 2014.
- Andrew Ashworth and Jeremy Horder, Principles of Criminal Law, Oxford University Press, New York, 2013.
- Card and Cross and Jones, Criminal Law, Oxford University Press, 2012
- Mike Molan, Duncan Bloy and Denis Lanser Modern Criminal Law
- Cavendish Publishing Limited, London, 2003.
- PSA Pillai, Criminal Law, LexisNexis Butterworths Wadhwa, Nagpur; (10 Edition, Reprinted 2012).
- O.P. Srivastva, Principles of Criminal Law, Easter Book Company, Lucknow; 4th Edition
- Glanville Williams, Criminal Law, Universal Law Publishing Co. Pvt. Ltd.2009

- Jonathan Herring, Criminal Law, Oxford University Press, New York,2006,

- David Ormerod, Criminal Law, Oxford Press, New York, 2005,
- R.C. Nigam, Law of Crimes in India - Vol. 1 Principles of Criminal Law, Asia Publishing House, Bombay.1965
- S.N. Misra, Indian Penal Code, Central Law Publications

- K. Mathiharan and Amrit K Patnaik, Modi's Medical Jurisprudence and . Toxicology, LexisNexis, Buttersworth, 2010.
- K. Kannan and K. Mathiharan, Textbook of Medical Jurisprudence and Toxicology, Butterworth's India, 2012.
- R.M. Jhala and K Raju, Medical Jurisprudence, Eastern Book company,1997.

- K.S. Narayan Reddy, Medical Jurisprudence and Toxicology (Law Practiceand Procedure), ALT Publications, 2006 .

- Krishan Vij, Forensic Medicine and Toxicology, Principles and Practice, Elsevier India Private Limited, 2014
- Robert Milne, Forensic Intelligence, Taylor & Francis Group , London,2013.

- B.R. Sharma, Forensic Science in Criminal Investigation & Trials, Universal Law Publishing Co., New Delhi, 2014.

PAPER-IV
PAPER CODE :0278104
ENVIROMENT PROTECTION LAW

Unit-I

Global and National Environmental Issues and Problems: Air Pollution, Water Waste and Hazardous Wastes Disposal.

Pollution, Noise Pollution, Ozone Layer Depletion, Environmental Hazards related to Hazardous Chemicals, Batteries, Bio-Medical Waste, Municipal Solid

The Water (Prevention and Control) of Pollution Act, 1974 The Air (Prevention and Control) of Pollution Act, 1981-

Unit-II

The Environment Protection Act, 1986 The Noise Pollution (Regulation and Control) Rules, 2000

Hazardous and Other Wastes (Management and Tranboundary Movement)Rules, 2016

Unit- III

The Chemical Accidents (Emergency) Planning, Preparedness and Response Rules, 1996

The Bio-Medical Waste (Management) Rules, 2016

The Plastic Waste Management Rules, 2016

The Solid Wastes (Management) Rules, 2016

Unit-IV

Public Liability Insurance Act, 1991.

The National Green Tribunal Act, 2010

Batteries Management and Handling Rules, 2001 including 2010 Amendment

The E-Waste (Management) Rules, 2016.

UNIT -V

Liability for Environmental Damage

State Liability and State Responsibility for Environmental Damage: Defining Environmental Damage, Threshold at which environmental damage entails liability, standard of care and reparationThe Work of International Law Commission on Prevention of Transboundary harm and Allocation of Loss and 2001 Articles on State Responsibility,State practice and United Nations Compensation Commission's Report and Recommendations Concerning the Third Installment of "F4" Environmental Damage Claims

Civil Liability for environmental damage under international law: Issues and Challenges Scope,

SUGGESTED READINGS

- P.S.Jaswal and Nishtha Jaswal, Environmental Law, Pioneer Publications, Allahabad Law Agency, Faridabad, 2014 N.M. Swamy, N.Ranjit and N. Chaithanya, Law Relating to environmental
- Pollution and Protection, Asia Law House, 2013 LAL'S Commentary on Water and Air Pollution and Environment (Protection) Laws, Revised by M.C. Mehta, Delhi Law House, 2007
- P. Leelakrishnan, Environmental Law in India, Third Edition, Lexis Nexis, Butterworths, Nagpur, 2010 E. John, A. Matthews, J. Patrick, SAGE Handbook of Environmental
- Change Vol. I and II SAGE Publication, L.A. 2012 P.B. Sahasranaman, Oxford Handbook of Environmental Law, Oxford University Press, 2012
- Dr. Vidya Bhagat, Environmental Laws Issues and Concerns, Regal
- Publication, New Delhi, 2011
- Ritwick Dutta, The Environmental Activists Handbook, Published by Socio-Legal Information Centre, Mumbai, 2002 Donald Anton and Dinah L. Shelton, Environmental Protection and Human Rights, Cambridge University Press, Cambridge, 2011

LL.M. IIIrd & IVth SEMESTER (OPTIONAL GROUP PAPERS)

The Student has to opt any one Law Group among the following Law Groups in LL.M. IIIrd and Fourth Semester. Once a group opted by the student in LL.M. III Semester, he/she cannot change the Group in LL.M. IV Semester *i.e.* they shall keep the same Group with them . All the Theory Paper of LL.M. IIIrd and IVth Semester will carry Maximum 100 Marks.

- **GROUP (A) : Constitutional And Administrative Law Group**

OR

- **GROUP (B) : Business Law Group**

OR

- **GROUP (C) : Family Law Group**

IIIrd SEMESTER

Syllabus

- **GROUP (A) : Constitutional And Administrative Law Group**
- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester examination.**

Paper-I
CONSTITUTIONALISM AND CONSTITUTIONAL DEVELOPMENT
IN INDIA AND ENGLAND
(Paper Code : 0378101)

UNIT-I

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

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

UNIT-III

Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position.

UNIT-IV

The King of England. Prerogatives of the Crown. Position of the Kind in England. Cabinet System of government in India and England.

UNIT-V

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

SUGGESTED READIGS

- Begehot Walter, *The English Constitution*.
- Boqdanor Vernon, *The New British Constitution*
- .Hidayatullah M., *Constitutional Law of India*.
- Jain M.P., *Constitutional Law*.
- King Anthoni, *The British Constitution*.
- Pandey J.N., *Constitutional Law of India*.
- Seervai H.M., *Constitutional Law of India*.
- Shukla V.N., *Constitutional Law of India*.

PAPER-II
COMPARATIVE AND COOPERATIVE FEDERALISM
(India, America, And Australia)
(Paper Code : 0378102)

UNIT I

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

Indian Federal Constitution and its present shape.

The changing dimension of modern federal Constitutions New trends in federalism. and **Cooperative Federalism.**

UNIT II

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.

UNIT III

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

UNIT IV

Judicial Review for federal Umpiring. Scope of judicial review in the federal constitutions The approach of Indian & American Supreme Court.

UNIT V

Scope of Constituent power. Amending Process and Process in action. Judicial Response. The direction of the Indian constituent power.

SUGGESTED READINGS

- Amar Akhil Reed, *America's Constitution : A Select Bibliography.*
- French Robert, Lindell Geoffrey and Saunders Cheryl (ed.), *Reflections on the Australian Constitution.*
- Hidayatullah M., *Constitutional Law of India.*
- Jain M.P., *Constitutional Law.*
- Landynski Jacob & Padover Saul, *The Living U.S. Constitution.*
- Mason, *The Australian Constitution in Retrospect and Prospect.*
- Pandey J.N., *Constitutional Law of India.*
- Saunders Cheryl, *The Constitution of Australia.*
- Seervai H.M., *Constitutional Law of India.*
- Shukla V.N., *Constitutional Law of India.*
- Stevens Richard G., *The American Constitution and Its Provenance.*
- Vile John R., *A Companion to the United States Constitution and Its Amendments.*

PAPER-III
CIVIL AND POLITICAL RIGHTS : COMPARATIVE STUDY OF SELECT CONSTITUTIONS
(India, United States of America and United Kingdom)

(Paper Code : 0378103)

UNIT I

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 II

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.

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.

UNIT III

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

UNIT IV

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 V

Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

SUGGESTED READINGS

- Amar Akhil Reed, *America's Constitution : A Select Bibliography*.
- Begehot Walter, *The English Constitution*. Boqdanor Vernon, *The New British Constitution*. Hidayatullah M., *Constitutional Law of India*.
- Jain M.P., *Constitutional Law*.
- Landynski Jacob & Padover Saul, *The Living U.S. Constitution*.
- Pandey J.N., *Constitutional Law of India*. Saunders Cheryl, *The Constitution of Australia*. Seervai H.M., *Constitutional Law of India*.
- Shukla V.N., *Constitutional Law of India*.
- Stevens Richard G., *The American Constitution and Its Provenance*

Vile John R., *A Companion to the United States Constitution and Its Amendments*.

PAPER-IV
LOCAL SELF GOVERNMENT LAW
(Paper Code : 0378104)

UNIT I

Historical Perspectives: Early period, Gram Swaraj-the Gandhian concept
Constitutional Scheme: Directive Principles, Structure and powers of local bodies

UNIT II

Legislative Powers: Direct democracy and grass root planning, Municipalities and corporation, gram Sabha

Financial powers:levying taxes,licensing power,financial resources and powers

UNIT III

Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws **Judicial and Quasi-judicial** powers of the Local Bodies

UNIT IV

Election to Local Bodies Conduct of Meetings – Corporation, Municipal Council, **Panchayat Committee** and Gram Sabha

UNIT V

Institutional and Judicial Control

SUGGESTED FREADINGS

- *Dhaliwal S.S., Local Self Government.*
- *Jain M.P., Constitutional Law.*
- *Mudgal Rahul, Local Self Government in India.*
- *Pandey J.N., Constitutional Law of India.*
- *Seervai H.M., Constitutional Law of India.*
- *Shukla V.N., Constitutional Law of India*
- *Swami Satpal, Local Self Government.*
- *Vidyasagar I.S., Local Self Government – Theoretical Perspective.*

IIIrd SEMESTER

Syllabus

- **GROUP (B) : Business Law Group**
- **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45days) from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER-I
(CONTRACT – I : GENERAL PRINCIPLES OF CONTRACT)
(Paper Code : 0378105)

UNIT I

Formation of Contract: A critical study of Offer and Acceptance.

Doctrine of Consideration and Privity of Contract

UNIT II

Capacity to contract: Nature of minor's agreements and the Doctrine of Restitution.

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

UNIT III

Standard form Contracts.

Void Agreements: With special reference to agreements relating to Restraint of Trade and Wagering Agreements.

UNIT IV

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

Relations resembling those created by contract.

UNIT V

Remedies in the form of Compensation.

SUGGESTED READINGS

- Anson's *Law of Contract*.
- Moitra A.C., (*Principles and digest of indian contract*)
- Pollock and Mulla, *Indian Contract and Specific Relief Act*.
- Bangia R.K. (Dr.), *Indian Contract Act*
- Desai S.T., *The Indian Contract Act*
- Kapoor S.K., *Contract*
- Singh Avtar (Dr.), *Law of Contract*

PAPER-II
(CONTRACT – II : SPECIFIC CONTRACT, SALES OF GOODS AND LAW OF PARTNERSHIP)
(Paper Code : 0378106)

UNIT I

Contract of Indemnity : Definition and nature of contract of indemnity, Extent and commencement of liability.

Contract of Guarantee : Meaning and Essentials of Contract of Guarantee, Extent of Surety's Liability, Discharge of Surety's Liability, Rights of Surety.

UNIT II Contract of Bailment & Pledge : Meaning and Essentials of Contract of Bailment, Duties of Bailor and Bailee, Rights of Bailee, Meaning and Essentials of Pledge and persons entitled to pledge.

Contract of Agency : Nature and Essentials of Contract of Agency, Creation of Agency: Implied Agency and Agency of Necessity, Agency by Ratification, Termination of Agency.

UNIT III

Delineation of Sale, Essentials of Contract of Sale and Agreement to Sale, Duties of Sellers and Buyers, Sale by Sample, Sale by Description, Conditions and Warranties, Rule of Caveat Emptor.

UNIT IV

Transfer of Title, Passing of Property in Goods, Delivery of Goods – Rules regarding Delivery of Goods, Unpaid Seller and his Rights, Remedies for the Breach of Contract.

UNIT V

Network of Partnership, Difference between Partnership and a Company, Mutual relationship between Partners, Authority of Partners, Dissolution of Partnership, Minor as Partner. Effect of non-registration of Firm.

Limited Liability Partnership.

SUGGESTED READINGS

- Anson's *Law of Contract*.
- Bangia R.K. (Dr.), *Indian Contract Act* Desai S.T., *The Indian Contract Act* Kapoor S.K., *Contract*
- Moitra A.C., (Dr.), *Principles and Digest of Indian Contract Act*.
- Narayana P.S., *The Law of Partnership*.
- Pollock and Mulla, *Indian Contract and Specific Relief Act*
- Singh Avtar (Dr.), *Law of Contract*.

**PAPER-III
COMPANY LAW
(Paper Code : 0378107)**

UNIT I

Introduction – History of Company Legislation, Characteristic features of company , Lifting of Corporate veil, Kind of companies.

Memorandum and Articles of association – Meaning, Contents and alteration,
Doctrine of *Ultra Vires*, Doctrine of Indoor Management.

UNIT II

Prospectus – Meaning, definition and contents of a prospectus, statement in lieu of prospectus, Mis Statement in a prospectus and their consequences.

Share and Share Capital – Meaning and Kinds of Shares, Allotment, Forfeiture, Transfer, Transmission of Shares, Underwriting and Brokerage, Bonus shares, Right shares, Reduction of Share Capital.

Investment, loans and borrowings – Investments, Charges , Debentures, Kinds of Debentures, Debenture Trust deed.

UNIT III

Company Management- Qualification and Disqualification of directors, appointment and removal of directors, legal position, duties, liabilities and power of directors.

Company Meetings – Types / Kinds of Meeting, Quorum and resolution of meetings

Majority Rule and Minority Protection – *Foss v. Harbottle*, Exception to the rule, Prevention of Oppression and Mismanagement.

UNIT IV

Amalgamation, Merger Take over and Reconstruction.

Winding –up – Modes of Winding up, Dissolution of Companies, Liquidators, NCLT.

UNIT V

Corporate Governance and Corporate Social Responsibility.

SUGGESTED READINGS

- Majumdar A.K., *Company Law and Practice*.
- Kapoor G.K. (Dr.) & Gower L.C.B., *Principles of Modern Company Law*.
- Singh Avtar (Dr.), *Indian Company Law*
- . Ramayya A., *A Guide to Companies Act*.
- Rai Kailash, *Principles of Company Law*.
- Dhingra L.C. (Dr.), *Principles of Company Law*
- Tripathi S.C. (Dr.), *Modern Company Law. The Companies Act, 2013*.

PAPER-IV
BANKING LAW
(Paper Code : 0378108)

UNIT I

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.

UNIT II

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.

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

UNIT III

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.

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, Non-financial companies.

UNIT IV

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

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

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.

UNIT V

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.

Reforms in Indian Banking Law: Recommendations of committees: a review.

SUGGESTED READINGS

- Bangia R.K., Negotiable Instrument Act.
- Bashyam & Adiga: The Negotiable Instrument Act.
- Chorley Lord, Law of Banking.
- Faizi O..P., The Negotiable Instrument Act.
- Gupta S.N., Banks and the Customer Protection Law.
- Gupta S.N., The Banking Law and Practice in India.
- Megrah Maurice & Ryder F.R., Pagets Law of Banking.
- Parthasarathy M.P., Negotiable Instrument Act.
- Singh Avtar (Dr.), Negotiable Instrument Act.
- Tannen M.L., Banking Law and Practice in India.

IIIrd SEMESTER

Syllabus

- **GROUP (C) : Family Law Group**

- ❖ **The Student has to appear in FOUR Theory Papers in LL.M. IIIrd Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will start writing a Dissertation on the topic of his choice (Any topic pertaining to Law and the Society) with prior consent of his / her Supervisor / Guide. It will be submitted by the students latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER- I
FAMILY LAW-I
(HINDU LAW)
Paper Code-0378109

UNIT I:

INTRODUCTION: Basic Principles of Hindu Jurisprudence, Concept of Dharma , Ancient and Modern Sources of Hindu Law, Importance and impact of Dharma-shastras on Legislation. Two Principal Schools of Hindu law ,Application of Hindu Law .

UNIT II

Marriage and Kinship -Evolution of the Institution of Marriage and Family Law before Hindu Marriage Act ,1955, A detailed study of **Hindu Marriage Act 1955**.:**Matrimonial Remedies** :Nullity of Marriage ,Restitution of Conjugal Rights , Judicial Saperation ,Divorse ,**Maintenance, Alimony** .
Customary Practices and legislative provisions relating to **Dowry Prohibition**.

UNIT III

Hindu Undivided Family-Mitakshara Joint Family :Formation and Incidents,
Property under both schools - **Mitakshara** and **Dayabhag** ,**Karta** : His Position ,Powers ,Privileges and Obligations
Debts :**Doctrine of Pious Obligation** -**Partition and Reunion**
:Religious and

Inheritance and Succession – Historical Perspective of Traditional Hindu Law relating to Inheritance –
A detailed study of Hindu Succession Act, 1956 .

STRIDHAN: Women`s property :Recent State and Central ammendments to Hindu Succession Act ,1956.

WOMAN'S ESTATE: Position before the passing of the Hindu Succession Act ,1956
Change brought about by the Hindu Succession Act,1956.

Property of a Female Hindu and Rules of Succession(sections :14,15,16)

UNIT V

The law relating to Hindu Minority and Guardianship: Kinds of Guardians
Duties and Powers of Guardians : A detailed study of
Hindu Adoption and Maintenance Act 1956:changing concept of adoption (from religious to secular)
Maintenance : Traditional Rights and rights of Hindu Adoption and Maintenance Act ,1956.

SUGGESTED READINGS

- Mayne, Treatise on Hindu Law and Usages, Bharat Law House, West
- Modern Hindu Law By Dr. Paras Diwan by Dr. Paras Diwan
- Modern hindu law with incorporating personal laws by Dr U.P.D Kesari
- Hindu Laws with State Amendments – Bare Act with Short Notes by Universal
- Marriage & Divorce Laws Paperback Family Law for Competitive Exams and Practitioners
- Lectures on Family Laws (Hindu, Muslim & Personal Laws)
- Family Law-I by Dr. Shivani Goswami
- Family Law Lectures Family Law-II by Dr. Poonam Pradhan Saxena
- Mulla: Principles of Hindu Law

PAPER-II
FAMILY LAW-II
(MUSLIM LAW)
Paper Code - 0378110

UNIT I

ISLAM :An Introduction :Definition of Islamic Jurisprudence,Basic Principles of Islamic Jurisprudence.

Subject Matter of Islamic Jurisprudence , Works on Islamic Jurisprudence and Development of Muslim Law ,
Schools:Sunni and Shia- their sub-divisions , Sources of Islamic Law: Primary and Secondary Sources , **The Shariat Act , 1937 ;**
Emergence of different Schools of Islamic Jurisprudence :Definitions Object and Nature .

UNIT II

Muslim Marriage :Essential requirements of , Classification of Marriage ;Legal effects of valid,void and irregular marriages ;Concept of **Muta Marriage;**

Dissolution of marriage:Types of Divorce, **Constitutionality of Talaq-ul- Biddat :**Divorce available to a woman under Dissolution of **Muslim Marriage Act ,1939 .**

The Concept of Dower:Explanation , Types and Importance of ‘Mehr’.

UNIT III

Matrimonial Remedies under Muslim law and Indian Divorce Act ,1869 (Amended Act -Indian Divorce Act , 2001)-

Nullity of Marriage-Bar to Matrimonial Relief ,Alimony and Maintenance ,
Alimony and maintenance as an independent remedy,

Indian Divorce Act 1869,Provisions under the Civil Procedure Code ,1973;

Maintenance of Divorced Muslim women under Muslim Women (Protection of Rights on Divorce)Act ,1986.

UNIT IV

Guardianship: Types of Guardianship in Muslim Law , Guardianship and Parental rights

Succession ;Child and Family , Legitimacy,Custody ,Maintenance and Education.

Inheritance:General Principles of Inheritance.

Right of Pre-Emption .

UNIT V

GIFT-Meaning , essential ingredients ,Exceptions ,Formalities and revocation of gift; Concept of Mushaa and exceptions to Mushaa, Gift made during marz-ul -maut.

WILL: Meaning , Object , Significance ,Difference between Hiba and Wills ,Requisites,Subject Matter , Extent and Revocation of Will.

Waqf:Meaning , Purpose,Essential , Legal Incidents, Modes ,Subject Matter, Kinds of Waqf ,
Who can create Waqf ,For whom it can be created , the Concept of Mutwalli .

SUGESTED READINGS

- Agnes Flavia: Family Law vol. II: Marriage, Divorce and Matrimonial Litigation, (Oxford University Press, New Delhi, 2011)
- Qureshi, M.A.: Muslim Law, (Central Law Publication, 2002)-

- Desai Kumud: Indian Law of Marriage and Divorce, (Lexis Nexis Buttersworths Wadhwa Nagpur, 2011) Diwan, Paras and Peeyushi Diwan,
- Law of Marriage and Divorce, (Universal Law Publishing Co. Ltd., New Delhi, 2008).
- Fyzee,
- F.A.A: Outlines of Muhammadan Law, (Oxford University Press,4th ed.).

PAPER-III
GENDER JUSTICE And WELFARE LAWS IN INDIA
Paper Code -0378111

UNIT I

Gender Justice: Meaning, Conceptual Position, Importance,
Gender justice as basic Human Right, Gender Justice as Social Justice,
Constitutional protection to women in India: Preamble provision,
Equality provisions, Protection Under Directive Principles.

UNIT II

Gender Justice in India: Rights of women in Pre – Independence Era: Contribution of Social Reformers (Raja Ram Mohan Roy, Jyotibha Phule, Savitri Bai Phule, Vivekananda, Annie Besant) for bringing about Equal Rights for Women like Education, Remarriage and Right to property, Role of United Nations in creating awareness for Gender Equality and Justice: Universal Declaration of Human Rights 1948, CEDAW (Convention on the Elimination of all Forms of Discrimination Against), 1979.

UNIT III

Violence against Husband: Arising out of the Judicial cognizance of widespread misuse of provisions under section 498A and 304-B.(IPC),

Women and Criminal Laws: Crimes against women under Indian Penal Code; offences affecting the Human Body; Offences related to: Miscarriage, Bigamy, Slavery and Good Conduct.

Labour Laws and Women: Factories Act, 1948; The Mine, Act 1952, The Employee's State Insurance Act, 1948; Maternity Benefit Act, 1961-Entitlement to Maternity Benefit and Miscellaneous Provisions; The Equal Remuneration Act, 1976.

UNIT IV

Uniform Civil Code: Pros and Cons; Impact of Modernization, Gender Neutral Laws

Women and Criminal Laws: Crimes against women under Indian Penal Code; offences affecting the Human Body; Offences related to: Miscarriage, Bigamy, Slavery and Good Conduct.

Succession: The Hindu Succession Act 1956: Entitlement to a Share equal to the Male Heirs,
Stridhan: As Distinguished from Women's Estate.

UNIT V

Special Women Welfare Laws: The Hindu Widow Remarriage Act, 1856;
The Child Marriage Restraint Act, 1929; The Immoral Traffic (Prevention) Act, 1956;
Dowry Prohibition Act, 1961; The Indecent Representation Prohibition Act, 1986;
The Commission of Sati (Prevention) Act, 1987; National Commission for Women Act, 1990.

SUGGESTED READINGS

- Chawla Monica: Gender Justice: Women and Law in India.
- Kanwal (Dr.) Sheetal, Gender Justice and Feminist Jurisprudence.
- Chatterjee Ishita (Dr.), Gender Justice and Feminist Jurisprudence.
- Rao Mamta, Law relating to Women and Children.

PAPER IV
WOMEN AND VIOLENCE- CENTRIC LAWS IN INDIA
Paper Code -0378112

UNIT I

Violence and Violence against women : Meaning and Conceptual Position.

Meaning and Definition of Domestic Violence :by United Nations and International Community;

Types and causes of Domestic Violence ;Determination of Abuse .

Causes of delayed recognition of Domestic Violence as Potential Violence to Women ;Legal

Definition of Domestic Violence : Section-4(Protection of Women against Domestic Violence Act,2005).

UNIT II

Causes Of Violence To Women:

Socio-Cultural And Structural Causes: Patriarchal Reason ;Various Manifestations and Forms of Violence against women like ,Rape ,Incest,Domestic Violence ,Female Foeticide and Infanticide, Molestation ,Eve-Teasing ,Harrasement and Trafficking of Women .

UNIT III

Role of NGOs in safeguarding women from domestic violence,

Meaning of NGOs(Non Government Organization); the various roles of NGOs towards

Women Empowerment , Guarantee Wommen participation in Women Empowerment,

Educating the rural women , Promoting Rural Leadership,Promoting Technology in Rural areas.

UNIT IV

Supreme court on Domestic Violence : Vishakha vs. State of Rajasthan(1997)—Detailed Guidelines.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act,2013

Supreme court on Domestic Violence :

Declaration on Elimination of Domestic Violence against Women ,1993;

Unsuccess of Dowry Prohibition Act for Women .

The Medical Termination of Pregnancy;Indecent;The Pre-conception and Pre-natal Diagnostic Techniques Causes of Faliure(Prohibition of Sex Selection)Act,1994.

UNIT V

National Commission for Women Act , 1990

Its ,constitution ,objectives and Functions .

SUGGESTED READINGS

- Violence and Protection Measures for women development and empowerment by Aruna Goel
- Philosophy of crime by Pradip Kumar *Deep and Deep Publications Pvt.Ltd.*
- Marriage and family in divorce and changing scenario by A.Ratra ,P.Kumar . and S.Chikkara, *Deep and Deep Publications Pvt.Ltd.*
- Organisation and structure of women development and empowerment by Aruna Goel *Deep and Deep Publications Pvt.Ltd.*
- The Protection of Women from Domestic Violence Acts & Rules by N.A.Zuberi, ALA.
- Law Relating to Women and Child by:O.P. Mishra,CA

IVth SEMESTER

Syllabus

- **GROUP (A) : Constitutional And Administrative Law Group**
 - ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
 - ❖ **The Student will submit his / her Dissertation latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
 - ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER-I
ADMINISTRATIVE LAW IN INDIA – I
(Paper Code : 0478101)

UNIT I

Approach Importance, Scope and content of Administrative Law: **English approach , American approach, French System : Droit Administratif**: definition origin ,historical development ,distinctive features of french administrative law and **Dicey`s criticism of Droit administratif.**

UNIT II

Rule of Law: **Dicey`s** formulation of rule of law , **Wade`s** Exposition of ‘Rule of Law’ ;Rule of law in England , Rule of Law in America ,Rule of Law in India
Separation of Powers: Meaning, Origin of the **Doctrine , Systems of Checks and Balances** :Position in England ,Separation of Powers in America , Separations of Powers in India .

UNIT III

Delegated Legislation:

- a. Constitutionality;
- b. Judicial Control;
- c. Parliamentary Control;
- d. Procedural Control

UNIT IV

Ombudsman in India (Lokpal)

Central Vigilance Commission

UNIT V

Judicial Review of Administrative Action ,Commission of Enquiry Act 1952.

SUGGESTED READINGS

- Massey I.P., *Administrative Law*.
- S.P.Sathe, *Administrative Law*.
- Takwani C.K., *Lectures on Administrative Law*.
- Thakkar C.K., *Administrative Law*.
- Wade H.P.W., *Principles of Administrative Law*.

- Basu D.D., *Comparative Administrative Law*.
- Jain M.P. & Jain S.N., *Principles of Administrative Law*
- .Joshi K.C., *Administrative Law*

PAPER-II
ADMINISTRATIVE LAW IN INDIA – II
(Paper Code : 0478102)

UNIT I

Judicial Review of Discretionary Power.

- (1) Writ of Habeas Corpus
- (2) Writ of Mandamus.
- (3) Writ of Certiorari.
- (4) Writ of Prohibition.
- (5) Writ of Quo-warranto.

UNIT II

- (6) Natural Justice: Rule Against Bias, Opportunity of Hearing (Audi alteram partem), Exceptions to **Natural Justice** .

UNIT III

Administrative Tribunals: Composition ,Position and Practice of Tribunals ,Other Statutory Tribunals : Income Tax Appellate Tribunal ,The Industrial Tribunal , Motor Accidents Claims Tribunal.

UNIT IV

Domestic Inquiries.

Administrative Finality.

UNIT V

Role of Declaratory Decree as Public Law Remedy.

Role of Injunction as Public Law Remedy.

SUGGESTED READINGS

- Basu D.D., *Comparative Administrative Law*.
- Jain M.P. & Jain S.N., *Principles of Administrative Law*.
- Joshi K.C., *Administrative Law*.
- Massey I.P., *Administrative Law*.
- S.P.Sathe, *Administrative Law*.
- Takwani C.K., *Lectures on Administrative Law*.
- Thakkar C.K., *Administrative Law*.
- Wade H.P.W., *Principles of Administrative Law*.

DISSERTATION (Code :0478103) (100 Marks) : Dissertation will be submitted by the students latest by one and half month (**45 days**) from the date of last theory paper of LL.M. IVth Semester examination.

- **VIVA- VOCE (Code :0478104)--- 100 Marks.**

IVth SEMESTER Syllabus

• GROUP (B) : Business Law Group

- ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will submit his / her Dissertation latest by one and half month (45days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
- ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER-I
INSURANCE LAW
(Paper Code : 0478105)

UNIT I

Nature and definition of Contract of Insurance – Definition of Contract of Insurance, Contract is ‘Aleatory’, Contract of utmost good faith, Contract of indemnity, Contract of Wager.
General Principle of Law of Insurance – The Risk – Commencement, Attachment and duration, Assignment and alteration, Settlement of Claim and Subrogation, Effect of War upon policies, Insurable Interest, Double Insurance and Re- Insurance.

UNIT II

Life Insurance – Nature and scope, Event insured against Life Insurance Contract, Circumstances affecting the risk, settlement of claim and payment of money.

UNIT III

Marine Insurance – Nature and scope, Classification of marine policies, Insurable interest, Insurable value, Voyage – deviation, Perils of the Sea, Assignment of Policy.

UNIT IV

Property Insurance –

Fire Insurance, Policies covering accidental loss, damage to property, Risk of explosion, Storm and tempest, Burglary and theft policies, Goods in transit insurance, Agriculture insurance .

Insurance against accidents and third party risks, Assessment of Compensation, Contributory Negligence, Apportionment of compensation and liability, Compulsory insurance, Liability Insurance, Public Liability Insurance.

UNIT V

Miscellaneous – Group Life Insurance, Medi-claim, Sickness Insurance, Insurance Regulatory and Development Authority.

SUGGESTED READINGS

- Ray R.M., *Life Insurance in India*.
- Singh Avtar, *Law of Insurance*
- Mishra M.N., *Principles of Insurance and Practices*.
- Mishra M.N., *Principles of Insurance*.
- Rao C.R., *Treaties on the Law of Insurance*.
- Singh Brij Nandan, *Insurance Law*.

PAPER-II
INTERNATIONAL TRADE LAW
(Optional Paper)
(Paper Code : 0478106)

UNIT I

International Trade and Trading Blocks – Institutionalization of Trade Rounds – GATT – Regional Trading Blocks, Co- Operation with International and regional organization;
WTO and International Trade – WTO agreements, additional; agreements, Protection of Intellectual property under WTO agreements, World Intellectual Property Organization.

UNIT II

Anti-Dumping Duties, Subsidies and Countervailing Duties and Measures, Procedure for Arbitration, Categories of Subsidies, SCM agreements.

UNIT III

Competition Law and International Trade – Concept of Competition, International Trade and Competition Interface between competition and Trade, Competition and WTO, Competition and Consumer forum, vertical restraints, Prohibition of Anti – competitive agreements, Unfair Trade Practices, Power of Competition Commission of India.

UNIT IV

International Commercial Arbitration – International Contracts, International Conventions and Treaties, UNCITRAL Neutrality, International Court of Arbitration, Permanent Court of Arbitration

UNIT V

Settlement of Disputes under WTO – Dispute Settlement Undertaking, Rule based system, Participation in dispute settlement, Dispute Settlement procedure, Tenure of Dispute, Expert Review Groups, Appeals.

SUGGESTED READINGS

- Kaul Krishan, Avtar, *The General Agreement on Tariffs and Trade/World Trade Organization-Law, Economics and Politics.*
- Carr, Indira, *Principles of International Trade Law.*
- Charley, Janetle, *International Trade Law.*
- Motiwal O.P., *International Trade- The Law and Practice.*
- Bhalla Raj, *International Trade Law: Theory & Practice.*
- Lowenfield A., *Law of International Trade.*
- Goyal Arun, *WTO in New Millennium.* Bagchi Jayanta, *World Trade Organization.*
- Rao M.B. & Guru Manjula, *WTO and International Trade.*

- **DISSERTATION (Code :0478107) (100 Marks)** : Dissertation will be submitted by the students latest by one and half month (**45 days**) from the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code:0478108)--- 100 Marks**

IVth SEMESTER

Syllabus

- **GROUP (C) : FAMILY LAW**

- ❖ **The Student has to appear in TWO Theory Papers in LL.M. IVth Semester. Each Theory Paper will carry 100 Marks.**
- ❖ **The Student will submit his / her Dissertation latest by one and half month (45 days) from the date of last theory paper of LL.M. IVth Semester. The Dissertation will carry 100 Marks.**
- ❖ **The Student will appear in Viva-voce examination in LL.M. IVth Semester which will carry 100 Marks.**

PAPER -I
Family Dispute Resolution in Indian Law
PAPER CODE:0478109

UNIT I :

Family:Meaning and Types;**Family Disputes:**Meaning and definition.

Introduction To Dispute Resolution Mechanism:

Meaning of Alternate Dispute Resolution ,The Mechanism of Alternate Dispute Resolution,
Overview of dispute Resolution Methods;

The Legal- framework for ADR in India :The Arbitration and Conciliation Act ,(1996) and
Other relevent Laws .

UNIT II

Arbitration :Principles and Process ,Types of Arbitration ,Essentials and Enforcement of
Arbitration Agreement,

Arbitration Proceedings : Appiontent of Arbitators ,Arbitral Award ,Conduct of Proceedings ,
Role of Courts in Arbitration.

UNIT III

Mediation and Conciliation: Its Principles and Processes

Differences and Similarities between **Mediation, Conciliation** and **Negotiation**

Role of Mediators and Conciliators ,

Pre-Mediation and conciliation stage , Actual-Mediation , Conciliation Sessions

Post Mediation and Conciliation Stage .

UNIT IV

Lok Adalat And Other Forms Of Alternate Dispute Resolution(ADR):

Lok Adalat under Legal Services Authorities Act, (1987), Establishment of Permanent Lok Adalat under
the ammended Legal Services Authorities Act, (2002), Cognizance of matters by Lok Adalat ,

The Legal Effect of the Awards passed by the Lok Adalat, Meaning of Public Utility Services in relation to
Permanent Lok Adalat, Further scope of **Conciliation , Mediation** and **Pre-trial Settlement Methodology** under
ammended Code of Civil Procedure ,(2002), Sec-89,

Constitutional validity of ADR under Sec-89,CPC.

Other relevant sections regarding ADR – Sections -19,20,21and 22 of Legal Services Authorities Act ,(1987).

UNIT V

Contemporary Issues and Challenges in ADR :

The role of ADR in access to justice.

Online Dispute Resolution (ODR): Understanding, benefits, and challenges.

Confidentiality and ethics in ADR.

Enforceability of ADR decisions.

International ADR and the Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law (UNCITRAL).

SUGGESTED READINGS

- Barlow Anne ,HunterRosemary ,Smithson Janet ,Mapping Paths to family Justice .
- Singh Awtar`s, Arbitration and Conciliation .
- Taylor Alison , The Handbook of Family Dispute Resolution.
- Murphy Jane C. & Singer Jana B.,Divorced from Reality:Rethinking Family Dispute Resolution .

PAPER-II

Personal Laws of Christians , Parsis and Jews

Paper Code:0478110

UNIT I

Introduction to Personal Laws in India : Role of personal Laws in secular India, Relevance, Acceptance and application of Personal Laws in Indian Legal System; Personal Laws and Constitution of India ; Importance of ‘Customary Laws’ of Christians, Parsis and Jews ; Salient Features of Legislation Enacted for the Christians and Parsis.

UNIT II

Hybrid Legal System : Salient Features of Hybrid Legal System ;Meaning and importance ;Role of Custom In Christian Law ;

Role of Custom in Parsi Law ;Customs relating to Marriage, Adoption and Succession In Parsis ;Role of Custom in Jewish Law;Matrimonial Customs of Jews in India .

UNIT III

History of Christian Law in India : The Indian Christian Marriage ,Act 1872-Its Provisions and Applications;The Indian Divorce Act ,1869: Its provisions and applications; Adoption and Guardianship in Christian Law ;Personal Laws governing Jews: Uncodified Jewish Law ,Jewish Law of Inheritance and succession ;Adoption and Guardianship And Case Studies.

UNIT IV

Comparative Study of Christian, Parsis and Jewish Laws; Personal Laws and Human Rights; Women`s Rights Under Personal Laws ; Contemporary Issues and Challenges, Conversion,Interfaith Marriages etc.

UNIT V

Constitutional Mandate of UCC in Article 44 of Indian Constitution .

Concept of Uniform Civil Code (UCC);Its Contents and objectives and Critical Analysis.

Advantages and Disadvantages of UCC in India ;UCC in USA ,

Canada , Australia , U.K., Russia and UCC in Goa (India) ,Need For UCC in India

And the way forward .

SUGGESTED READINGS

- Manushi: A Journal about Women and Society, no. 100, 1997. Supinder Kaur. Law of Succession in India, Lexis
- Agarwal, K.B. Family law in India. Kluwer Law International, 2016,
- Archana Parashar.
- Women and Family Reform in Sivaramayya, B. "Law: Of Daughters,
- Sons and Widows Discrimination in Inheritance.
 - India, Sage Publications, 1992
- Basanth Kumar Sharma. Hind Law, Central Law Vibhuti Patel "All Personal Laws in India are Publications, 2011.
- Inheritance and Property Rights under the Hindu Succession Act 1956, Lawyer Collective Women's Rights Initiative.
- https://www.researchgate.net/publication/340379989_Comparative_Study_of_Personal_Law_in_India

- **DISSERTATION (Code :0478111) (100 Marks)** : Dissertation will be submitted by the students latest by one and half month (**45 days**) after the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code :0478112) – (100 Marks).**

