

CH. CHARAN SINGH UNIVERSITY

LL.M. 2 YEAR (FOUR SEMESTER) COURSE

SYLLABUS

(w.e.f. : 2014 – 15 Session)

SCHEME OF EXAMINATION

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

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Indian Constitutional Law (Fundamental Rights) – I	L-101	100
II	Jurisprudence– I (Theories of Law)	L-102	100
III	Legislative Oughts, Interpretation and Judicial Process	L-103	100
IV	Legal Education and Research Methodology	L-104	100

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Indian Constitutional Law – II	L-201	100
II	Jurisprudence– II (Legal Concepts)	L-202	100
III	Law And Social Transformation In India	L-203	100
IV	Human Rights	L-204	100

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

- ❖ Three 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) : Buisness Law Group**

OR

- **GROUP (C) : Torts And Criminal Law Group**

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Constitutionalism And Constitutional Development in India	L-301	100
II	Comparative And Cooperative Federalism (India, America And Australia)	L-302	100
III	Civil And Political Rights : Comparative Study of Select Constitutions (India, USA and U.K.)	L-303	100
IV	Local Self Government Law	L-304	100

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Contract – I (General Principles of Contract)	L-305	100
II	Contract – II (Specific Contract, Sales of Goods And Law of Partnership)	L-306	100
III	Company Law	L-307	100
IV	Banking Law	L-308	100

SEMESTER – III [GROUP (B) : Torts And Criminal Law Group] : (Toatal : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	History and Principles of Criminal Law	L-309	100
II	Penology And Treatment of Offenders Act	L-310	100
III	Privileged Class Deviance	L-311	100
IV	Police And The Criminal Justice	L-312	100

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Administrative Law of India – I	L-401	100
II	Administrative Law of India – II	L-402	100
III	Dissertation (Compulsory for all Students)	L-407	100
IV	Viva-voce	L-408	100

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

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Insurance Law	L-403	100
II	International Trade Law	L-404	100
III	Dissertation (Compulsory for all Students)	L-407	100
IV	Viva-voce	L-408	100

SEMESTER – III [GROUP (B) : Torts And Criminal Law Group] : (Toatal : 400 Marks)

Paper No.	Title of the Paper	Paper Code	Max. Marks
I	Development of Law of Torts And General Torts	L-405	100
II	Specific Tort	L-406	100
III	Dissertation (Compulsory for all Students)	L-407	100
IV	Viva-voce	L-408	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 - I
(Fundamental Rights)
(Paper Code : L-101)

1. **Concept of State** : Constitutional And Judicial Approach of State (Article 12)
2. **Right to Equality**: Scope of the right to Equality. New approach of Article 14. Equality of opportunity in matters of public employment and in admission to educational institutions.
3. **Freedom of Speech and Expression**: The area of freedom and its limitation. Freedom of Press and challenges of new scientific development.
4. **Emerging regime of new Fundamental Rights**: The changing dimension of right to life and Personal Liberty. Reading Directive Principles and Fundamental Duties into Fundamental rights.
5. **Right to Freedom of Religion(Article 25 – 28)**: The scope of the freedom and the State Control. Secularism and religious fanaticism.
6. **Minorities Rights (Articles 29 & 30)**: Constitutional And Judicial Approach.
7. **Right to Remedy** : Constitutional And Judicial Approach.
8. Relationship Between Fundamental Rights And Directive Principles of State Policy.

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism*.
Chander Pal, *State Autonomy in Indian Federation: Emerging Trends*.
Hidayatullah M., *Constitutional Law of India*.
Jain M.P., *Constitutional Law*.
Pandey J.N., *Constitutional Law of India*.
Seervai H.M., *Constitutional Law of India*.
Shukla V.N., *Constitutional Law of India*.
Tope T.R., *Constitutional Law of India*.

PAPER – II
JURISPRUDENCE - I
(Theories of Law)
(Paper Code : L-102)

The course shall comprise of the following :

- (1) **Introduction** : Definition, Nature and Scope of legal theory, Importance of the Study of legal theory.
- (2) **Analytical School** : Analytical Positivism – John Austin, Kelsen, And H.L.A.Hart.
- (3) **Historical School** : Savigny’s Theory of Volk-geist, and Maine’s Theory of Status to Contract.
- (4) **Natural Law School** : Classical Natural Law, Revival of Natural Law : Rudolf Stammler and Kohler.
- (5) **Sociological School** : Background and Characteristics, Roscoe Pound’s theory of Social Engineering, Dugits Doctrine of Social Solidarity.
- (6) American Realist School
- (7) Relationship between Law and Morality : Hart and Fuller Controversy.
- (8) **Economic Approach of Law** : Marxist Theory of Law.

BOOKS RECOMMENDED

Bodenheilmer : *Jurisprudence*.
Dias, *Jurisprudence*.
Friedman, *Law in Changing Society*.
Llyoyd, *Introduction of Jurisprudence*.
Mahajan V.D., *Jurisprudence*.
Paton : *Jurisprudence*.
Salmond : *Jurisprudence*.

PAPER – III
LEGISLATIVE OUGHTS, INTERPRETATION AND JUDICIAL PROCESS
(Paper Code : L-103)

1. **Principles of Legislation:** Bentham's Theory of Utility and its Relevance, Relationship of Law and Public Opinion.
2. **Interpretation:** Meaning, Purpose, Main Rules of Interpretation, Subsidiary Rules of Interpretation, External and Internal Rules of Interpretation, Interpretation of the Constitution and Penal statutes
3. **Judicial Process:**
 - (a) 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) Decision making in the Supreme Court of India: Nature of participation- Dissent, concurrence, unanimity and voted with majority etc.

BOOKS RECOMMENDED

Bentham, *Theories Of Legislation*.
Cardozo, *Nature of Judicial Process*.
Craze W. F, *Statute Law*.
Dicey, A.V., *Law and Public Openion*.
Henry J. Abraham, *Judicial Process*.
J. Swaroop, *Interpretation*.
Maxwell, *Interpretation*.

PAPER – IV
LEGAL EDUCATION AND RESEARCH METHODOLOGY
(Paper Code : L-104)

• **LEGAL EDUCATION :**

1. Objectives of Legal Education
2. Lecture method of teaching – Merits and demerits
3. Discussion method and Seminar method of teaching
4. Examination system and problems in evaluation.

• **RESEARCH METHODOLOGY**

5. **Introduction:** Legal Research – Evolution, Changing Emphasis and Contemporary Trends in general and specific to India.
6. **Different Kinds of Legal Research:** Doctrinal, Non-Doctrinal/Empirical/Socio-Legal , Inter/Multidisciplinary, Historical.
7. **Research:** Meaning, Objectives, Motivations, Types and Significance, Method and Methodology, Scientific Method, Research Process.
8. **Formulating Research Problem:** Literature Review, Hypothesis, Research Design.
9. **Sampling Procedures:** Probability and Non-Probability Sampling.
10. **Quantitative Method:** Use of quantitative method of research, Types and Sources of Data – Primary and Secondary data, Data analysis for specific type of data, Observation, Interview, Questionnaire, Schedules, Case Study.
11. Organisation, Interpretation and Analysis of Data.
12. **Communication and Evaluation of Research :** Report writing and writing of research papers, Presentation of research proposals, Evaluation of Research Report, Oral and written presentation of research (abstracts / synopsis), How to write a Thesis, Use of Citations, Foot Notes, References, Bibliography, Indexes, Appendices etc.
13. **Tools of Legal Research:** Library, Books, Journals, Law Reports, Law Commission Reports, Legislative and Constitutional Assembly Reports, Computer/Internet.
14. **Legal Research and Law Reforms:** Role of Judges and Jurists, Recommendations of Commissions and Committees etc.

BOOKS RECOMMENDED

- Black Thomas, *Understanding Social Science Research*.
Bruce L. Berg, *Qualitative Research Methods For The Social Sciences*.
C.R. Kothari, *Research Methodology: Methods and Techniques*.
Engelhart Max D., *Methods of Educational Research*.
Fern Edward F, *Advanced Focus Group Research*.
Galtung Johan, *Theory and Methods of Social Research*.
Kothari C.R., *Research Methodology- Methods and Techniques*.
Verma S.K. & Wani (eds) M Afzal, *Legal Research and Methodology*.

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
CONSTITUTIONAL LAW OF INDIA - II
(Paper Code : L-201)

1. **Indian Federalism:** Conceptual position of Federalism. Nature of the Indian Constitution. Cooperative Federalism. Relationship of trust and faith between center and state. Challenges before the Indian Federalism.
2. **Distribution of Legislative Powers:** The Scheme of the distribution of legislative powers in India the judicial approach and the present position. Recommendation of Sarkaria Commission & Venkatachaliah Commission.
3. **The Judiciary:** The Supreme Court of India. Jurisdiction and Powers. Its role as guardian of the Constitution, Independence of Judiciary.
4. **Tortious Liability of State :** Constitutional And Judicial Approach.
5. Freedom of Trade Commerce And Intercourse (Article 301 – 308)
6. Parliamentary Privileges.
7. **Emergency Provisions in Indian Constitution :** National And State Emergency
8. Amendment of the Constitution (Article 368).

BOOKS RECOMMENDED

Chander Pal, *Centre State Relations and Indian Cooperative Federalism.*
Chander Pal, *State Autonomy in Indian Federation: Emerging Trends.*
Hidayatullah M., *Constitutional Law of India.*
Jain M.P., *Constitutional Law.*
Pandey J.N., *Constitutional Law of India.*
Seervai H.M., *Constitutional Law of India.*
Shukla V.N., *Constitutional Law of India.*
Tope T.R., *Constitutional Law of India.*

PAPER – II
JURISPRUDENCE - II
(Legal Concepts)
(Paper Code : L-202)

- (1) **Legal Person** : (a) Nature and Concept, (b) Theories of Legal Personality
- (2) **Legal Rights and Duties**: (a) Definition, Basis and Characteristics, (b) Kinds of Legal Rights (c) Relationship between Rights and Duties.
- (3) **Possession and Ownership** : (a) Possession in Fact and Possession in Law, (b) Relation between Possession and Ownership
- (4) **Liability** : (a) Theory of Remedial Liability, (b) Theory of Penal Liability
- (5) **Law and Justice** : (a) Concept of Justice, (b) Theories of Justice (c) Administration of Justice
- (6) Theories of Possession
- (7) Precedent
- (8) Concept of State and Sovereignty.

BOOKS RECOMMENDED

Bodenheilmer : *Jurisprudence*.
Dias, *Jurisprudence*.
Friedman, *Law in Changing Society*.
Llyoyd, *Introduction of Jurisprudence*.
Mahajan V.D., *Jurisprudence*.
Paton : *Jurisprudence*.
Salmond : *Jurisprudence*.

PAPER – III
LAW AND SOCIAL TRANSFORMATION IN INDIA
(Paper Code : L-203)

1. Interaction of Law and Social Sciences
2. Impact of Social Development of Law
3. Law as an instrument of Social Change
4. Legal Idealism and the Sociological approach to Law
5. Social Morality and Legal Order
6. Role of Law, the individual and the welfare state
7. Role of Law and the function of lawyer
8. Social change through Judicial interpretation in India.
9. Economic, Social and Political Reforms and the Law: Modernization and the Law.

BOOKS RECOMMENDED

Bhat P. Ishwara, *Law And Social Transformation*.
Cardozo, *The Nature of Judicial Process*.
Enbee, *Law, Social Transformation And Judicial Process in India- I*.
Friedman, *Law And Changing Society*.
Malik K.P. & Raval K.C. (Dr.), *Law And Social Transformation in India*.
Mendelsohn Oliver, *Law And Social Transformation in India*.

PAPER – IV
HUMAN RIGHTS
(Paper Code : L-204)

1. 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
2. Universal Declaration on Human Rights:
 - (a) History of the Declaration
 - (b) Structure of the Declaration
 - (c) Legal Significance
3. International Covenants: ICCPR and ICESCR
 - (a) Nature and Characteristic
 - (b) Optional Protocols
4. 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
5. Right to Life and Personal Liberty: Evolution of New Dimension of Human Rights Through Judicial Interpretation.
6. Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.
7. Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.
8. Emerging regime of new Human Rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

BOOKS RECOMMENDED

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

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) : Buisness Law Group**

OR

- **GROUP (C) : Torts And Criminal 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 with prior consent of his / her Supervisor. It will be submitted by the students latest by one month from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER – I
[GROUP (A)]
CONSTITUTIONALISM AND CONSTITUTIONAL DEVELOPMENT
IN INDIA AND ENGLAND
(Paper Code : L-301)

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

BOOKS RECOMMENDED

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
[GROUP (A)]
COMPARATIVE AND COOPERATIVE FEDERALISM
(India, America, And Australia)
(Paper Code : L-302)

1. Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.
2. Indian Federal Constitution and its present shape.
3. The changing dimension of modern federal Constitutions New trends in federalism. National supremacy. Cooperative Federalism.
4. The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia. The specific legislative powers: Defence & External affairs.
5. Emergency provisions. Effect of Emergency on the federal structure. Judicial approach. Indian and American experiences.
6. Judicial Review for federal Umpiring. Scope of judicial review in the federal Constitutions. The approach of Indian & American Supreme Court.
7. Scope of Constituent power. Amending process and process in action. Judicial response. The direction of the Indian constituent power.

BOOKS RECOMMENDED

- 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
[GROUP (A)]

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

(Paper Code : L-303)

1. Constitutional basis for protection of Individual rights. Balance between individual liberty and social needs. To whom and against whom Rights are available. Suspension of Rights.
2. Right to Equality. General principles. Protective discrimination with special references to emerging judicial response to the problems of group inequalities. Comparative study of the decisions of the Indian and American courts.
3. Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.
4. Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by law” and the American expressions “liberty’ and ‘due process”. Radical changes in judicial thinking in this area.
5. Freedom of Religion Judicial interpretation of the freedom under the Constitution of India and of the United States.
6. 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.
7. Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

BOOKS RECOMMENDED

- 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
[GROUP (A)]
LOCAL SELF GOVERNMENT LAW
(Paper Code : L- 304)

1. Historical Perspectives: Early period, Gram Swaraj-the Gandhian concept
2. Constitutional Scheme: Directive Principles, Structure and powers of local bodies
3. Legislative Powers: Direct democracy and grass root planning, Municipalities and corporation, gram Sabha
4. Quasi-legislative Powers: Rule making power of the State Government, Regulations and Bye-laws
5. Financial Powers: Levying taxes, Licensing power, Financial resources and powers
6. Judicial and Quasi-judicial powers of the Local Bodies
7. Election to Local Bodies
8. Conduct of Meetings – Corporation, Municipal Council, Panchayat Committee and Gram Sabha
9. Institutional and Judicial Control

BOOKS RECOMMENDED

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 with prior consent of his / her Supervisor. It will be submitted by the students latest by one month from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER – I
[GROUP (B)]
(CONTRACT – I : GENERAL PRINCIPLES OF CONTRACT)
(Paper Code : L- 305)

1. Formation of Contract: A critical study of offer and acceptance.
2. Doctrine of Consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.
7. Discharge of contracts with special reference to the doctrine of frustration.
8. Relations resembling those created by contract.
9. Remedy in the form of compensation.

BOOKS RECOMMENDED

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.
Pollock and Mulla, Indian Contract and Specific Relief Act
Singh Avtar (Dr.), Law of Contract

PAPER – II
[GROUP (B)]

(CONTRACT – II : SPECIFIC CONTRACT, SALES OF GOODS AND LAW OF PARTNERSHIP)
(Paper Code : L- 306)

1. Contract of Indemnity : Definition and nature of contract of indemnity, Extent and commencement of liability
 2. Contract of Guarantee : Meaning and Essentials of Contract of Guarantee, Extent of Surety's Liability, Discharge of Surety's Liability, Rights of Surety
 3. Contract of Bailment & Pledge : Meaning and Essentials of Contract of Bailment, Duties of Bailer and Bailee, Rights of Bailee, Meaning and Essentials of Pledge and persons entitled to pledge.
 4. 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.
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1. Delimitation 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.
 2. 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.
 3. Network of Partnership, Difference between Partnership and a Company, Mutual relationship between Partners, Authority of Partners, Dissolution of Partnership, Minor as Partner.

BOOKS RECOMMENDED

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
[GROUP (B)]
COMPANY LAW
(Paper Code : L- 307)

1. **Introduction:** History of Company Legislation, Characteristic features of a company and Lifting the corporate veil.
2. **Prospectus :** Meaning and Definition, Requirements, Statement in lieu of Prospects, Public Issue, Misrepresentation – Remedies for Liabilities for Misrepresentation.
3. **Share Capital :** Shares—Meaning, Allotment- restrictions on allotment, Certificate of shares, Transfer and restrictions on transfer, Kinds of share capital, Preference share capital, Bonus shares, Issue and redemption of shares – Allotment, Alteration, Reduction, Transfer, Transmission, Surrender, Forfeiture of shares.
4. **Shares:** Meaning, kinds and general principles and statutory provisions regarding Allotment of shares. Effect of irregular Allotment.
5. **Share Holders and Members :** Differences, How to become a member, who may be a member, Rights of share holders – Right to receive dividend, Right to transfer shares, Preemptive right, Right to information, Inspection and Investigation.
6. **Shares and Debentures :** Difference and similarities between shares and debentures, Redeemable and Irredeemable debentures, Remedies of debenture holders, Company Charges : Registration, Floating Charges, Fixed Charge, Crystallization of Floating Charge.
7. **Take-Over and Mergers:** Meaning, Provisions relating to take-over in Company Law, Guidelines of the Security and Exchange Board of India (SEBI) on Take-over.
8. **Insider Trading :** Meaning, Reasons for prohibiting Insider Trading, Provisions in Company Law to prohibit Insider Trading, American and English perspective, Guidelines of SEBI on Insider Trading.
9. **Securities And Exchange Board of India (SEBI):** Its Constitution, Powers and Functions of SEBI, The Securities and Exchange Board of India Act, 1992.
10. **Dividends :** Meaning of Dividends, How are they paid – Payment of Dividend only out of profits, Deduction of loss or depreciation, Reserves – Transfer of certain percentage of profits to reserves, Declaration—No declaration on dividend on equity shares in case of non- compliance with Section 80A, Dividend to be paid in cash, Accounts and Audit, Account Books, Annual Accounts and Balance Sheets – their inspection, Auditors – Appointment, Appointment, Powers, Duties, Removal, Special Audit, Audit of Cost accounts.

BOOKS RECOMMENDED

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*.

PAPER – IV
[GROUP (B)]
BANKING LAW
(Paper Code : L- 308)

1. **Introduction:** Nature and development of banking. History of banking in India and elsewhere-indigenous banking-evolution of banking in India-different kinds of banks and their functions, Multi-functional banks- growth and legal issues.
2. **Law relating to Banking Companies in India:** Controls by government and its agencies. On management, On accounts and audit, Lending, Credit policy, Reconstruction and reorganization, Suspension and winding up, Contract between banker and customer; their rights and duties.
3. **Social Control over Banking:** Nationalization, Evaluation: private ownership, nationalization and disinvestments, Protection depositors, Priority lending, Promotion of under privileged classes.
4. **Deposit Insurance:** The Deposit Insurance Corporation Act 1961: Objects and Reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC the Reserve Bank of India.
5. **The Central Bank:** Evolution of Central Bank, Characteristic and functions, Economic and social objectives, The Central Bank and the State as bankers' bank, The Reserve Bank of India as the central Bank, Organizational structure, Functions of the RBI, Regulation monetary mechanism of the economy, Credit control , Exchange control, Monopoly of currency issue, Bank rate policy formulation, Control of RBI over non-banking companies, Financial companies, Non-financial companies.
6. **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.
7. **Negotiable Instruments:** meaning and kinds, Transfer and negotiations, Holder and holder in due course, Presentment and payment, Liabilities of parties.
8. **Lending by Banks:** Good lending principles, Lending to poor masses, Securities for advances, Kinds and their merits and demerits, Repayment of loans: rate of interest, protection against penalty, Default and recovery, Debt recovery tribunal.
9. **Recent Trends of Banking System in India:** New technology, Information technology, Automation and legal aspects, Automatic teller machine and use of internet, Smart card, Use of expert system, Credit cards.
10. **Reforms in Indian Banking Law:** Recommendations of committees: a review.

BOOKS RECOMMENDED

- 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) : Torts And Criminal 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 with prior consent of his / her Supervisor. It will be submitted by the students latest by one month from the date of last theory paper of LL.M. IVth Semester examination.**

PAPER – I
[GROUP C]
HISTORY AND PRINCIPLES OF CRIMINAL LAW
(Paper Code : L- 309)

1. History and Development of Criminal law in India and England.
2. Crime and criminal law: - Nature of crime & place of criminal law in criminal science.
3. Basic Elements of Crime.
4. Stages in Commission of Crime.
5. Constructive and Joint Criminality.
6. Abetment and Criminal Conspiracy.
7. General Exceptions.

BOOKS RECOMMENDED

Hall Jerome, *General Principles of Crime*.
Harrie, *Principles & Practices of Criminal law*.
Kenny, *Outlines of Criminal law*.
Lal Ratan & Lal Dhiraj, *Law of Crimes*.
Nigam R.C, *Principles of Criminal law*.
Radzinowicz , *History of English Criminal Law*.
Russel, *Law of Crimes*.
Stephen J.F., *History of Criminal law in England*.
Williams G., *Criminal Law*.

PAPER – II
[GROUP (C)]
PENOLOGY AND TREATMENT OF OFFENDERS ACT
(Paper Code : L- 310)

- (A) Ancient and Medieval Concept of Treatment Offenders:**
- (1) Primitive Treatment of Offenders.
 - (2) Transportation of Criminals
 - (3) Capital Punishment.
- (B) Era of Reform: - Emergence of Concept of Imprisonment:**
- (1) Reforms in Criminal law.
 - (2) Genesis and development of Penitentiary.
 - (3) Appraisal of Conventional Imprisonment
 - (4) County Jails and Town lock-up
 - (5) Correctional Treatment for women
 - (6) Rise of Reformatory
- (C) Rehabilitative Process within the Framework of Imprisonment :**
- (1) Emergence of the Concept of Corrections.
 - (2) The Processing of the Convicted offenders by the Prison.
 - (3) Education and Religion Behind Bars.
 - (4) Self Government in Prison.
 - (5) Prison Visiting, Citizen Participation and inmate Contribution to Society.
 - (6) Inmate Labour in Correctional Program.
- (D) Resocialisation of Offenders in Community :**
- (1) Release and Reception of the criminal in Community.
 - (2) Suspended Sentences and Probation.
 - (3) Conditional Release and Parole.
 - (4) The Challenge of Delinquency and Crime.

BOOKS RECOMMENDED

Fitzgerald , *Punishment*.
Hart H.L.A, *Punishment & Responsibility*.
Oppenheimer, *Rationale of Punishment*.
Packer Iterbert L., *Limits of Criminal Sanction*.
Ross A., *On Guilt, Responsibility & Punishment*.
Shukla K.S., *Sociology of Deviant Behavior*.
Siddiqui A., *Criminology*.
Sutherland, E. and Cressy, *Principles of Criminology*.

PAPER – III
[GROUP (C)]
PRIVILEGED CLASS DEVIANCE
(Paper Code : L- 311)

1. Conceptions of white-collar crimes
2. Indian approaches to socio-economic offences
3. Notions of privileged class deviance as providing a wider categorization of understanding Indian development.
4. Typical forms of such deviance
5. Official deviance (deviance by legislators, judges, bureaucrats)
6. Professional deviance: journalists, teachers, doctors, lawyers, engineers, architects and publishers
7. Trade union deviance (including teachers, lawyers/urban property owners)
8. Landlord deviance (class/caste based deviance)
9. Police deviance
10. Deviance on electoral process (rigging, booth capturing, impersonation, corrupt practices)
11. Gender-based aggression by socially, economically and politically powerful.

BOOKS RECOMMENDED

Sutherland, E. and Cressy, *Principles of Criminology*.
James Teary, *Introduction of Criminology*.
Sethna S.M., *Society and Criminology*.
Pannanan M., *Criminology and Penology*.

PAPER – IV
[GROUP (C)]
POLICE AND THE CRIMINAL JUSTICE
(Paper Code : L- 312)

- (1) The Police system.
- (2) Structural organization of police at the Centre and the States.
- (3) Powers and Duties of Police under U.P. Police Acts, Criminal Procedure Code and other Laws.
- (4) Arrest, Search, Seizure and Constitutional Imperatives.
- (5) Methods of Police Investigation.
- (6) Third Degree Methods.
- (7) Corruption in Police.
- (8) Relationship between Police and Prosecution.
- (9) Liability of Police for Custodial Violence.
- (10) Police Public Relations.
- (11) Select aspects of National Police Commission report.

BOOKS RECOMMENDED

Chaturvedi Shailendra Kumar, *Role of Police in Criminal Justice System.*
Dempsey John & Forst Linda S., *Police With Criminal Justice Course.*
Starmer Keir, *Criminal Justice, Police Powers and Human Rights.*
Hoover Larry, *Police Crime Control Strategies.*
Manoharan N. (Dr.), *Reforming the Criminal Justice System.*
Sharma P.D., *Criminal Justice Administration.*
Mondal Dipock, *The Role of Police in Criminal Justice System.*

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 write a Dissertation on the topic of his choice with prior consent of his / her Supervisor. It will be submitted by the students latest by one month 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
[GROUP (A)]
ADMINISTRATIVE LAW IN INDIA – I
(Paper Code : L- 401)

- (1) Importance and Scope of Administrative Law;
- (2) Rule of Law;
- (3) Separation of Powers;
- (4) Delegated Legislation:
 - a. Constitutionality;
 - b. Judicial Control;
 - c. Parliamentary Control;
 - d. Procedural Control
- (5) Ombudsman in India (Lokpal)
- (6) Central Vigilance Commission
- (7) The Commission of Inquiry Act, 1952.

BOOKS RECOMMENDED

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*.

PAPER – II
[GROUP (A)]
ADMINISTRATIVE LAW IN INDIA – II
(Paper Code : L- 402)

- (1) Judicial Review of Discretionary Power.
- (2) Writ of Habeas Corpus
- (3) Writ of Mandamus.
- (4) Writ of Certiorari.
- (5) Writ of Prohibition.
- (6) Writ of Quo-warranto.
- (7) Natural Justice: Rule Against Bias, Opportunity of Hearing (Audi alteram partem).
- (8) Administrative Tribunals.
- (9) Domestic Inquiries.
- (10) Administrative Finality.
- (11) Role of Declaratory Decree as Public Law Remedy.
- (12) Role of Injunction as Public Law Remedy.

BOOKS RECOMMENDED

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 : L- 407) (100 Marks)** : Dissertation will be submitted by the students latest by one month from the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code : L-408)--- 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 write a Dissertation on the topic of his choice with prior consent of his / her Supervisor. It will be submitted by the students latest by one month 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
[GROUP (B)]
INSURANCE LAW
(Paper Code : L- 403)

1. Nature and definition of Contract of Insurance.
 - (a) Definition of Contract of Insurance.
 - (b) Contract is ‘Aleatory’
 - (c) Contract of utmost good faith.
 - (d) Contract of indemnity.
 - (e) Contract of Wager.
2. Insurable interest:
 - (a) Nature of insurable interest
 - (b) Time or duration of interest
 - (c) Insurable interest and Life insurance.
 - (d) Insurable interest and Fire insurance.
3. The Risk:
 - (a) Meaning of risk
 - (b) Scope of risk
 - (c) Application of rule in various classes of insurance
 - (d) The elements of risk
 - (e) The alteration of the risk
4. The Insurance Regulatory and Development Authority:
 - (a) Establishment
 - (b) Composition
 - (c) Duties, powers and functions.

BOOKS RECOMMENDED

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*.
Ray R.M., *Life Insurance in India*.
Singh Avtar, *Law of Insurance*.

PAPER – II **[GROUP (B)]** **INTERNATIONAL TRADE LAW** **(Paper Code : L- 404)**

- (1) **International Trade and Trading Blocks:** Theory and policy, Institutionalisation of international trade, pre general agreement on tariff and trade (Gatti), Establishment of World Trade Organization (WTO).
- (2) **Establishment of World Trade Organization, WTO and Tariff Restrictions, WTO and non-tariff restrictions:**
- (3) **Competition law and International Trade:** Interface between trade and competition, International aspects of competition policy, competition and consumer protection, regulation of anti-competition activities, multinational corporations and competition in international trade.
- (4) **Settlement of Disputes under World Trade Organisation:** Dispute settlement under world trade organisation rules, regulations and procedures relation to settlement of disputes under world trade organisation.
- (5) **International Commercial Arbitration:** International commercial contract and International commercial arbitration, Agreement, Procedure for International commercial Arbitration, International commercial institution.
- (6) **Regulations on Investments:** Borrowing and landing of money and foreign currency, Immovable property, Purchase abroad, Establishment of business outside, Investment in Indian banks, Repatriation and surrender of foreign securities.

BOOKS RECOMMENDED

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 : L- 407) (100 Marks)** : Dissertation will be submitted by the students latest by one month from the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code : L-408)--- 100 Marks**

IVth SEMESTER Syllabus

● **GROUP (C) : TORTS AND CRIMINAL 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 write a Dissertation on the topic of his choice with prior consent of his / her Supervisor. It will be submitted by the students latest by one month 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
[GROUP (C)]
DEVELOPMENT OF LAW OF TORTS AND GENERAL TORTS
(Paper Code : L- 405)

1. Evolution of Law of Torts
2. Definition, nature, scope and objects
3. Principles of liability in torts
4. Justification in Tort
5. Extinguishment of liability in certain situations
6. Standing
7. Vicarious liability
8. Doctrine of sovereignty and its relevance in India.
9. Absolute Strict liability
10. Legal Remedies

BOOKS RECOMMENDED

Bangia R.K., *The Law of Torts*.
Kapoor S.K., *Law of Torts*.
Lal Rattan & Lal Dhiraj, *The Law of Torts*.
Paranjape N.V., *Law of Torts*.
Salmond W.G., *Law of Torts*.
Winfield and Jolowicz, *Torts*.

PAPER – II
[GROUP (C)]
SPECIFIC TORTS
(Paper Code : L- 406)

1. Assault, batter, mayhem False imprisonment
2. False imprisonment
3. Defamation
4. Malicious prosecution
5. Trespass to land, trespass to goods, detinue, conversion.
6. Injurious falsehood, misstatements, passing off.
7. Negligence:
 - (a) Basic concepts
 - (b) Theories of negligence
 - (c) Standards of care, duty to take care carelessness, inadvertence
 - (d) Doctrine of contributory negligence
 - (a) *Res ipsa loquitur* and its importance in contemporary law
 - (b) Liability due to negligence-different professionals.
 - (c) Liability of common causes for negligence.
8. Nervous shock.
9. Nuisance: definition, essentials and types
10. Acts which constitute nuisance-obstructions of highways, pollution of air, water, water, noise, and interference with light and air.
11. Liability due to negligence- different professions- under the consumer protection Act.
12. Liability of manufacturers and business houses for their products under the consumer Protection Act.

BOOKS RECOMMENDED

- Bangia R.K., *The Law of Torts*.
Kapoor S.K., *Law of Torts*.
Lal Rattan & Lal Dhiraj, *The Law of Torts*.
Paranjape N.V., *Law of Torts*.
Salmond W.G., *Law of Torts*.
Winfield and Jolowicz, *Torts*.

- **DISSERTATION (Code : L-407) (100 Marks)** : Dissertation will be submitted by the students latest by **one month after** the date of last theory paper of LL.M. IVth Semester examination.
- **VIVA- VOCE (Code : L-408)--- 100 Marks**