

**HEMCHAND YADAV VISHWAVIDYALAY, DURG (C.G.)**

**Website : [www.durguniversity.ac.in](http://www.durguniversity.ac.in)**

**Email : [academic@durguniversity.ac.in](mailto:academic@durguniversity.ac.in)**




**SCHEME OF EXAMINATION  
&  
SYLLABUS  
OF  
LL.M.**

**SEMESTER SYSTEM**

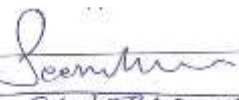
**FACULTY OF LAW**


**SESSION 2023-24**

**(Approved by Board of Studies Effective from July 2023)**

  
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## SCHEME OF THE EXAMINATION

1. (a) Every candidate appearing for First Semester shall be examined in the following four papers of 100 marks each in which 80 marks for theory paper and 20 marks for internal Assessment.

Paper – I - Law and Social Transformation in India  
 Paper – II - INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES  
 Paper – III - LEGAL THEORY – I  
 Paper – IV - Research Methodology

- (b) Every candidate appearing for LL.M. Second Semester shall be examined in the following four papers of 100 marks each in which 80 marks for theory paper and 20 marks for Internal Assessment.

Paper – I - Jurisprudence and Legal Theory  
 Paper – II - Interpretation of Statutes and Theory of Legislation  
 Paper – III - Judicial Process  
 Paper – IV - INTELLECTUAL PROPERTY RIGHTS

### **LL.M. FIRST SEMESTER EXAMINATION (Compulsory)**

S. N.	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	101	Law and Social Transformation in India	05	IA – 20, Theory – 80	IA-08 Theory-32
2	102	INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES	05	IA – 20, Theory – 80	IA-08 Theory-32
3	103	LEGAL THEORY – I	05	IA – 20, Theory – 80	IA-08 Theory-32
4	104	Research Methodology	05	IA – 20, Theory – 80	IA-08 Theory-32
Total			20	Total - 100	

### **LL.M. SECOND SEMESTER EXAMINATION (Compulsory)**

S.N	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	105	LEGAL THEORY – II	05	IA – 20, Theory – 80	IA-08 Theory-32
2	106	Interpretation of Statutes and Theory of Legislation	05	IA – 20, Theory – 80	IA-08 Theory-32
3	107	Judicial Process	05	IA – 20, Theory – 80	IA-08 Theory-32
4	108	<b>INTELLECTUAL PROPERTY RIGHTS</b>	05	IA – 20, Theory – 80	IA-08 Theory-32
<b>Total</b>			<b>20</b>	<b>Total - 100</b>	

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Project shall be compulsory for each student Topics of the Project shall be allotted by the Head of the Department. This paper contains 100 marks for script writing and viva- voce. Each student shall also appear for a Viva- Voce examination of 100 marks. This will be held before a Board of three examiners of whom two will be external and one internal. The absence of one external examiner may, however, be condoned by the Kulpati, if it is caused due to unavoidable circumstances. Ordinarily, the head of Department of Law will be the internal examiner.

(C) Every candidate appearing for Third Semester Examination shall be examined in the following papers of 100 marks each in which 80 marks for theory paper and 20 marks for Internal Assessment.

### **Group-A (Optional) Constitutional Law**


- Paper – I - Constitutional Law of UK and Commonwealth Relation  
 Paper – II - Constitutional Law of USA and Comparative Studies of Other Federal System  
 Paper – III - Constitutional Law of Canada and Australia  
 Paper – IV - Constitutional Law of Japan and Switzerland

### **Group-B (Optional) Criminal law**

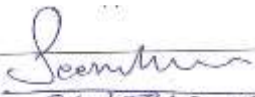
- Paper – I - Criminology  
 Paper – II - Penology  
 Paper – III - General Principles of Criminal Law and IPC  
 Paper – IV - Law of Evidence


### **LL.M. THIRD SEMESTER EXAMINATION Constitutional Law**

S. N	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	109	Constitutional law of UK and Commonwealth Relation	05	IA - 20, Theory - 80	IA-08 Theory-32
2	110	Constitutional Law of USA and Comparative Studies of Other Federal System	05	IA - 20, Theory - 80	IA-08 Theory-32
3	111	Constitutional Law of Canada and Australia	05	IA - 20, Theory - 80	IA-08 Theory-32
4	112	Constitutional Law of Japan and Switzerland	05	IA - 20, Theory - 80	IA-08 Theory-32
<b>Total</b>			<b>20</b>	<b>Total - 100</b>	

  
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**LL.M. THIRD SEMESTER EXAMINATION**  
**Criminal Law**

S.N	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	113	Criminology	05	IA - 20, Theory - 80	IA-08 Theory-32
2	114	Penology	05	IA - 20, Theory - 80	IA-08 Theory-32
3	115	General Principles of Criminal law and IPC	05	IA - 20, Theory - 80	IA-08 Theory-32
4	116	Law of Evidence	05	IA - 20, Theory - 80	IA-08 Theory-32
<b>Total</b>			<b>20</b>	<b>Total - 100</b>	

(d) Every candidate appearing for LL.M. Fourth Semester Examination shall be examined in the following papers of 100 marks each in which 80 marks for theory paper and 20 marks for Internal Assessment.

**Constitutional Law**

Paper - I - Human Rights and Environmental Development Policy  
 Paper - II - Administrative Law (UK, USA, France and India) `  
 Paper - III - Dissertation  
 Paper - IV - Viva- Voce

**Criminal law**

Paper - I - **PROCEDURAL LAW IN INDIA**  
 Paper - II - **Social Offence in India**  
 Paper - III - Dissertation  
 Paper - IV - Viva- Voce

**LL.M. FOURTH SEMESTER EXAMINATION**  
**Constitutional Law**

S.N.	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	117	Human Rights and Environmental Development Policy	05	IA - 20, Theory - 80	IA-08 Theory-32
2	118	Administrative Law (UK, USA, France and India)	05	IA - 20, Theory - 80	IA-08 Theory-32
3	119	Dissertation	05	100	40
4	120	Viva- Voce	05	100	40
<b>Total</b>			<b>20</b>	<b>Total - 100</b>	

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## LL.M. FOURTH SEMESTER EXAMINATION

### Criminal law

Sr. No.	Course Code	Course	No. of Credit	Max. Marks	Min. Marks
1	121	PROCEDURAL LAW IN INDIA	05	IA - 20, Theory - 80	IA-08 Theory-32
2	122	Social Offences in India	05	IA - 20, Theory - 80	IA-08 Theory-32
3	123	Dissertation	05	100	40
4	124	Viva- Voce	05	100	40
<b>Total</b>			<b>20</b>	<b>Total - 100</b>	

(e) Dissertaion shall be compulsory for each student Topics of the dissertation shall be allotted by the Head of the Department. This paper contains 100 marks for script writing.

Each student shall also appear for a Viva- Voce examination of 100 marks. This will be held before a Board of three examiners of whom two will be external and internal. The absence of one external examiner may, however, be condoned by the Kulpati, if it is caused due to unavoidabel circumstances. Ordinarily, the head of Department of Law will be the internal examiner.

(f) Distribution of marks of Internal Assessment - 20 marks of Internal Assessment as to theory papers shall be divided as following -

1. Written Examination - 10 marks
2. Seminar - 05 marks
3. Attendance - 05 marks (above 75 % - 05 marks & above 60 % - 03 marks)

(g) The following are the Groups of papers, any one of which shall be offered by the candidates appearing for LL.M. Examination, Viz.


### Group - I, Constitutional Law

#### LL.M. THIRD SEMESTER


- Paper - I - Constitutional Law of UK and Commonwealth Relation  
Paper - II - Constitutional Law of USA and Comparative Studies of Other Federal System  
Paper - III - Constitutional Law of Canada and Australia  
Paper - IV - Constitutional Law of Japan and Swizerland


#### LL.M. FOURTH SEMESTER

- Paper - I - Human Rights and Environmental Development Policy  
Paper - II - Administrative Law (UK, USA, France and India)  
Paper - III - Disseratation  
Paper - IV - Viva - Voce

  
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**Group – II, Criminal Law**  
**LL.M. Third Semester**

- Paper – I - Criminology  
Paper – II - Penology  
Paper – III - General Principles of Criminal Law and IPC  
Paper – IV - Law of Evidence

**LL.M. Fourth Semester**

- Paper – I - **PROCEDURAL LAW IN INDIA**  
Paper – II - Social Offences in India  
Paper – III - Dissertation  
Paper – IV - Viva-Vice

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**LL.M. FIRST SEMESTER**  
**PAPER – I (PAPER CODE- 101)**

**Law and Social Transformation in india**

**Objective-** This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and(b) aspire to inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavor is to make the students aware of the role the law has played and has to play in the contemporary Indian society. The following syllabus prepared with these perspectives will be spread over a period of one semester.

**UNIT – I**

**Law and Social change :**Law as an instrument of social change. Law as th product of traditions and culture Criticism and evaluation in the light of colonization and the introduction of common law system and institution in India and its impact on further development of law and legal institution in India.

**Religion and the Law :**Religion as a divisive factor, Secularism as a solution to the problem. Reform of the law on secular lines : problems ;Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

**UNIT – II**

**Language and the Law :**Language as a divisive factor: formation for linguistic states Constituional guarantees to linguistic minorities. Language policy and the Constitution Official language multi-language system. Non-discrimination on th ground of language.

**Community and the Law:** Caste as a divisive factor, Non-discrimination on th ground of caste. Acceptance of castea as a factor to undo past injustices, Protective discrimination: Scheduled castes, tribes and backward classes. Reservations ; Statutory Commissions, Statutory provisions.

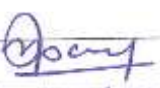
**UNIT – III**

**Regionalism and the law :**Regionalism as a divisive factor, Concept of India as one unit Right of movement residence and business impressibility of state or regional barriers.

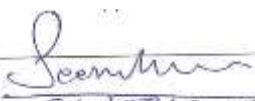
**Equalaity in matters of employment: the slogan “Songs of the Soil” and its practice.**


**Admission to educational institution; preference to residents of a state.**

1. **Women and the Law :**Crimes agains women Gender injustice and its various forms. Women’s Commission. Compowerment of women; Constitutional and other legal provisions.

  
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#### UNIT - IV

**Children and the Law :** Child labour. Sexual exploitation. Adoption and related problems, Children and education.

**Alternative Approaches to law :** The Jurisprudence of Sarvodaya- Gandhiji, VinobaBhave; Jayaprakash Narayan- Surrender of dacoits; Concept of gramanyayalyas. Socialist thought on law and justice: An enquirey through constitutional debates on the right to property.

Indian Marxist critique of law and justice Naxalite movement: causes and cure.

#### UNIT - V

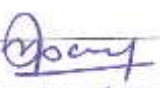
Modernisation and The Law: Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Modernization of social Institutions through law.

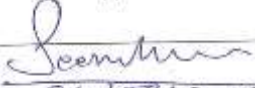
Reform of family law. Agrarian reform - Industrialization of agriculures Industrial Reform : Free enterprise Vs. State regulation Industrialization Vs. environmental protection. Reform of court process. Criminal Law : Plea bargaining; Comppounding and payment of Compenretion to viction. Civil law: (ADR) Confrontation Vs. Consensus; meditation and conciliation . ; Lokadalats. Prison Reforms . Domocratic e centralization and local self- government.


#### Book Recommended:

- Mare galanter - Law and Society in modern inida (1997) oxford.  
Robert Lingar - The Classical Law of India (1998) Oxford.  
U. Baxi - The Crisifo the Indian Legal System (1982) Vikas,Newdelhi  
U. Baxi - Law and Poverty Critical Essay, (1988) Tripathi, Bombay  
Manushi - A Journal about Women and Society.  
Duncan Derret - The State, Religion and Law on india (1999) oxford  
H.M. Servai - Constitutional Laww of India (1996) Tripathi.  
D.D. Basu- Shorter Constitution of India(1996) Prentic-0Hall of India(p) ltd. Armol Publications Delhi.  
Sunil Deshtra and KirnaDeshta - Law and Menace of Child Labour (2000)Armol Publications delhi.  
SabitriGunasekhare - Children. Law and Justice (1997) Sage.  
Indian law Institute, Law and Social Change: Indo American Reflections Tripathi (1988)  
J.B. Kripalani, Gandhi - Hist life and Thought (1970) Ministry f Information and Brodcasting ,Governement of India.  
M.P. Jain. - Outline of legal history (1993), TripathiBombey  
Agents, Flavia, Law and GendarInequalaity - The Postion of Women's Rights in India (1999) Oxford.

  
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# LL.M. FIRST SEMESTER

## PAPER – II (PAPER CODE- 102)

### INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

OBJECTIVE:- The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law, who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time.

#### UNIT-I

##### 1. Federalism

##### 1.1. Creation of new states

##### 1.2. Allocation and share of resources - distribution of grants in aid

##### 1.2.1. The inter-state disputes on resources

##### 1.3. Rehabilitation of internally displaced persons.

##### 1.4. Centre's responsibility and internal disturbance within States.

##### 1.5. Directions of the Centre to the State under Article 356 and 365

##### 1.6. Federal Comity: Relationship of trust and faith between Centre and State.

##### 1.7. Special status of certain States.1.7.1. Tribal Areas, Scheduled Areas

#### UNIT-II

##### 2. "State": Need for widening the definition in the wake of liberalisation.

##### 3. Right to equality: privatisation and its impact on affirmative action.

##### 4. Empowerment of women.

#### UNIT-III

##### 5. Freedom of press and challenges of new scientific development

##### 5.1. Freedom of speech and right to broadcast and telecast.

##### 5.2. Right to strikes, hartal and bandh.

##### 6. Emerging regime of new rights and remedies


##### 6.1. Reading Directive Principles and Fundamental Duties into Fundamental Rights

##### 6.1.1. Compensation jurisprudence


##### 6.1.2. Right to education

##### 6.1.2.1. Commercialisation of education and its impact.

##### 6.1.2.2. Brain drain by foreign education market.

  
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#### UNIT-IV

7. Right of minorities to establish and administer educational institutions and state control.
8. Secularism and religious fanaticism.
9. Separation of powers: stresses and strain
  - 9.1. Judicial activism and judicial restraint.
  - 9.2. PIL: implementation.
  - 9.3. Judicial independence.
    - 9.3.1. Appointment, transfer and removal of judges.
  - 9.4. Accountability: executive and judiciary.
  - 9.5. Tribunals

#### UNIT-V

10. Democratic process
  - 10.1. Nexus of politics with criminals and the business.
  - 10.2. Election
  - 10.3. Election commission: status.
  - 10.4. Electoral Reforms
  - 10.5. Coalition government, 'stability, durability, corrupt practice'
  - 10.6. Grass root democracy

#### Book Recommended :

M.P. Jain, Constitutional Law of India (1994) Wadhwa.

H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.

John B. Howard, "The Social Accountability of Public Enterprises" in Law and Community Controls in New Development Strategies (International Center for law in Development 1980).

Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1 972).

Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second

Press Commission" 26 J.I.L.I. 391 (1984).

Soli Sorabjee, Law of Press Censorship in India (1976).


Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).

D D. Basu, The Law of Press of India (1980).


Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative Law and Public Interest litigation).

Padey J.N.: The Constitutiona Law of India

Shukla V.N.: Constitutional of India

  
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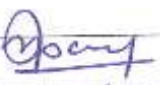
  
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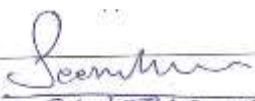
**LL.M. FIRST SEMESTER**  
**PAPER – III (PAPER CODE- 103)**  
**LEGAL THEORY – I**


**OBJECTIVE: -** “Legal Method” contains two words- “Legal”- which means something relating to law and “Method”- which means a way or procedure of doing something in an organized manner. It guides the students to understand the basic ideas and reasoning behind the written law. It helps them to understand the fundamentals of the law and figure out the actual rule of the law. The lawyer and judges can use jurisprudence as a guide to correctly interpret certain laws that require interpretation. The core function of jurisprudence is to study the origin of law, how law has developed and traces back its origin as to how that law has contributed towards regulating society.

UNIT-I	Introduction - Insights into meaning and scope of Legal Theory & Jurisprudence Significance of developing Jurisprudence in the contemporary law Definitions of Law, Justice and Morality
UNIT-II	Natural Law- Emergence and development of Natural Law, St. Thomas Aquinas; Grotius; Hobbes; Locke; Rousseau Revival of Natural Law- Rudolf Stammler, Lon Fuller, John Finnis , Gustav Radbruch • Role of Natural Law in modern constitutional law
UNIT-III	
UNIT-IV	Historical School- Ancient Period, Medieval Period, The Period of renaissance, Modern Period, Savigny, Sir Henry Main.
UNIT-V	Analytical Positivism - Jeremy Bentham , John Austin- Positivist theory of law , Hans Kelson – Pure theory of Law Insights into Post Modern Legal Thought - H. L. A Hart , Ronald Dworkin , Friedrich Nietzsche , Karl Marx 2 Sociological school and Realism - Social engineering theory of Roscoe Pound, Rudolph Ritter von Jhering, Leon Duguit , Jerome Frank. , Karl Lewellyn , Indian Judicial process & relevance to American legal realism. <b>REFERENCE BOOKS</b> W. Friedmann – Legal Theory Julius Stone – Social Dimension of Law & Justice. C. K. Allen – Law In the Making. Lloyd – Introduction to Jurisprudence. Dias – Text on Jurisprudence. H.L.A. Hart – Law, Liberty and Morality. Prof. Julius Stone – Province & functions of Law. Ronald Dworkin – Morality principle. Patton – Text on Jurisprudence. John Rawls – Theory of Justice. Precedent in Indian Legal System - Prof. A. Lakshminath

  
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**LL.M. FIRST SEMESTER**  
**PAPER – IV (PAPER CODE- 104)**  
**Research Methodology**

**UNIT – I**

Introduction, Scope of Sociology, Nature of Social Phenomenon, Characteristics of Social Phenomenon.

Law-Meaning of Law, Nature of Law , Purpose of Law, Sociology of Law, Importance of duty/obligation, Relation between juristic science and social science.

**UNIT – II**

Meaning, Nature and Scope of Legal Research – Introduction meaning of research, Legal Research, Importance and Utility of Research, Nature of Legal research and legal research method, Benefits of legal research, Necessity of legal research, Scope of legal research, Aims and objective of legal research, Motivating factors of legal research, Facts, events and data of legal research, Basic assumptions of socio-legal research, Quality of a good legal researcher.

**UNIT – III**

Legal research Methodology – Meaning of methodology, Research method and Research technique, Main Characteristics of research methodology. Background and Development of Legal Research in India – The different Phases of legal research in India (First, Second, Third and Fourth Phases of legal research in India) Various Kinds of Legal Research – Kinds of research according to objectives of study material, Kinds of research according to the methods available for doing research, Legal Reasoning, Concept and their Role in Scientific legal investigation,, Theory and research.

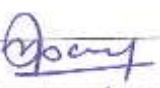
Major Steps involved in doing legal research (The legal research process), Selection or Formulation of legal research problem or topic.

**UNIT – IV**

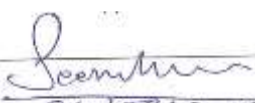
Hypothesis – Meaning, Characteristics and Sources of Hypothesis, Types of Hypothesis, Testing of the Hypothesis, Legal Research Design, Part of Research Design, Characteristics of a good research design, Types of research design,


Sampling design for legal, meaning of Sampling, Merits and demerits of sampling, Characteristics, Types of Sampling.

Research Data, Forms, Sources Tools and Collection of Data, Different methods for collecting the data, Observation Method and its different kinds, Interview Method and its different kinds, Schedule Method and its kinds, Questionnaire Method and its kinds, Case Study Method and Survey Method.

  
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## UNIT – V

Data processing – Editing, Coding, Classification and Tabulation, Analysis and Interpretation of Data, Generalization in Legal Research, Problem of measurement in legal research, Scaling technique in legal research, Sociometry in legal research, Jurimetrics.

Method of using Libraries and the use of Computer in legal research Inter-Disciplinary Research

Preparation of Research Report and its writing.

### Reference Books

Dr. S.R. Myneni-Legal Research Methodology, Published by Allahabad Law, Agency

Dr. H.N. Tiwari- Legal Research Methodology, Published by Allahabad Law Agency.

ShilpaAgrawal – Legal Research Methodology

Indian Law Institute – Legal Research and Methodology, Edited by S.K. Verma and M. AfzalWani.

William P. Stastky- Legal Research

EvwincSureency – A Guide to Legal Research


William J. Goode & Paul K. Hatt- Method in Social Research

Dr. H.N. Giri – Legal Research Methodology (Written in Hindi)

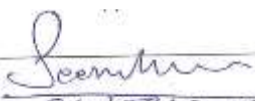
Dr. Sanjay Kulshrestha- VidhikAnushandhanPaddhatiry (Written in Hindi)


Dr.BashantiLal Babel – Legal Education and Research Methodology (Written in Hindi)

Dr.Bhupendrakarvande – Vidhik AnusandhanevamVidhik Padhati.

  
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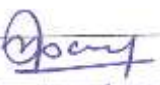
  
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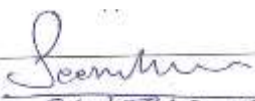
**LL.M. SECOND SEMESTER**  
**PAPER – I (PAPER CODE- 105)**  
**LEGAL THEORY – II**

OBJECTIVE: - “Legal Method” contains two words- “Legal”- which means something relating to law and “Method”- which means a way or procedure of doing something in an organized manner. It guides the students to understand the basic ideas and reasoning behind the written law. It helps them to understand the fundamentals of the law and figure out the actual rule of the law. The lawyer and judges can use jurisprudence as a guide to correctly interpret certain laws that require interpretation. The core function of jurisprudence is to study the origin of law, how law has developed and traces back its origin as to how that law has contributed towards regulating society.

UNIT-I	Definition, Nature, Kinds, and Classification of Law, Law and Morality, State and sovereignty. Development of Civil and Criminal Law in India, Codification of Indian Law and Law commission.
UNIT-II	Sources of Law- Custom, Precedent and Legislation Introduction to Precedents. Use of Precedent in U K, French and the American Legal System. Hierarchy of Courts and the principles that govern the application of the doctrine or precedent among the different courts in India. Art. 141, 151, 145 of the Constitution
UNIT-III	Ratio Decidendi and Obiter dicta. Definition, Determination of Tests Wambaugh's tests .Dr. Goodhart's test. Lord Halsbury's tests. Ratio decidendi as an indeterminate/illusory category: American Realist Julius Stone Weight and authority of precedent [overruling distinguishing] per in curium not followed. Certainty retroactivity and prospective overruling Judicial restraint v Judicial Activism , Plurality of opinions, A case of single and anonymous opinion Precedent value of Advisory opinion Judicial reasoning
UNIT-IV	Introductory, constitutional background, Nature of Legislative powers under the Indian Constitution as distinguished from U. K. and American legal systems , Forms of Legislation: Statutes, Ordinances: Delegated Legislation; forms, executive Statutory corporations and companies and association and their 'control mechanisms: critique of Ordinance making power under the Indian Constitution ,Parliamentary practice and procedure relating to legislation [excluding parliamentary privileges and immunities]
UNIT-V	Legal concepts- Person, Rights and Duties, Possession and Ownership, Title, Liability, Obligation, Property. Approach to the Interpretation of statutes.

  
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Books Recommended:

HLA Hart - The Concepts of Laws (Oxford) ELBS

Salmond - Jurisprudence (Tripathi) Bambay

G.W. Paton - Jurisprudence (Oxford) ELBS

RWM Dias - Jurisprudence (Indian Rep.) (Aditya). New Delhi.

V.D. Mahajan - Jurisprudence Legal Theory (EBC), Lucknow

W. Fridmann - Legal Theory (1999) (Universal) Delhi.

S.N. Dhyani - Jurisprudence - A study of Indian Legal Theory (Metropolitan) New Delhi.

M.S. Pandit, Out lines of Ancient Hindu Jurisprudence

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**LL.M. SECOND SEMESTER  
PAPER – II (PAPER CODE- 106)**

**Interpretation of Statues & Theory of Legislation**

The Courses is intended to acquaint the students of advances studies in Law with the History and Development of Legislation with special reference to the Western Legal Systems and a comparative study of legislation in India Legal System particular attention is to be paid to the Benthamite movement of legislation and its comprativeimpace on other legal systems. The subject of study shall inter-alias include- (1) Principles of Legislation (2) Methods of Legislation, and (3) Interpretation of Statutes.

**UNIT – I**

Principles and Legislation – Law: Legislature, Executive and Judiciary, Principle of Utility, Operation of these Principles upon Legislation, Distinction between Morals and Legislation.

Interpretation of Statutes – Introduction, Meaning, Commnencement, Operation and Repeal of Statutes, Purpose of Interpretation of Statutes Classification of Statutes.

**UNIT – II**

General Principles of Interpretation – Primary Rules, Literal Rule, Golden Rule, Mischief Rule (Rule in the Hydon’s Case) Rule of Harmonious Construction, Secondary Rules, Noscitur a Soclis, Ejusdem Generis, ReddendoSingulaSingulis, UtresMagisValeat Quam Pereat, ContemporaneaExpositioestFortissima in Lege.

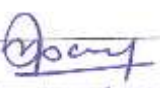
Presumptions in Statutory Interpretation- Presumption as to Jurisdiction, Presumption Against inconvenient or Absurd, Presumption Against Intending Injustice, Presumption Against Impairing Obligations or Permitting from One’s Own Wrong Prospective Operation of Statutes.

**UNIT – III**

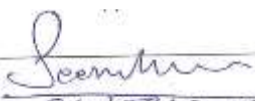
Aids to Interpretation and Maxim of Statutory interpretation – Internal Aids and External Aids, Maxims – Delegates Non PotestDelegare, ExpressioUniusExclusiAlterius, GeneralisSpecialibus non Derogant, In Pari Delicto PotiorEst Condition Possidentis, UtresvaletPotior Quam Pareat, ExpressumFacitCessaretacitum, Jure Nature SuntImmutabilia.


**UNIT – IV**

Interpretation with Reference to the Subject Matter and Purpose : Beneficial Construction, Strict Construction of Penal Statutes and Taxing Statutes, Construction and Interpretation of Welfare Legislation, Harmonious Construction of the Statutes, interpretation of Statutes in PariMateria, Amending, Consolidation and Codifying Statutes, Mandatory and Directory Enactments and Conjunctive and Disjunctive Enactments.

  
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## UNIT – IV

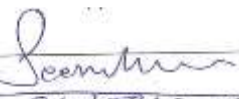
Principles of Constitutional Interpretation : Principles of Implied Powers, Incidental or Ancillary Power, Doctrine of Pith and Substance and Colorable Legislation, Principles of Implied Prohibition, Occupied Field and Territorial Nexus, Doctrine of Severability and Repugnancy and Doctrine of Eclipse and Ancillary Powers, Retrospective and Prospective Operation of Statutes.


### Book Recommended :

Bentham	:	Theory of Legislation
Jethro Brown	:	Undertaking Principles of Modern Legislation
Decey A.V.	:	Law and Public Opinion
Illbert C.	:	Mechanics of Law Making
Maxwell	:	The Interpretation of Statute
Sing G.P.	:	Principles of Statutory Interpretation
Beal	:	Rules of Interpretation
Ginsberg	:	Law and Public Opinion and England 20th Century
Rathan Swami	:	Legislation of Statutes Law
Craise	:	Interpretation of Statute Law
James	:	Bentham and Legal Theory
Dale W.	:	Legislative Drafting a New approach
Cross R.	:	Statutory Interpretation
Odgers	:	Constriction of Deeds and Statute
Swaroop J.	:	Legislation and Interpretation
Bentham	:	Principles of Statutes in British India
Sarathi, V.P.	:	Interpretation of Statutes
Tripathi, N.M.	:	Maxwell's Interpretation of Statute
Dicey A.V.	:	Law and Public opinion in England
Arora J.D.	:	Principles of Legislation (in Hindi)

  
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**LL.M. SECOND SEMESTER  
PAPER – III (PAPER CODE- 107)**

**Judicial Process**

Objective- A lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

**UNIT – I**

**NATURE OF JUDICIAL PROCESS**

- i. Judicial process as an instrument of social ordering
- ii. Judicial process and creativity in law-common law model-Legal Reasoning and growth of law-change and stability.
- iii. The tools and techniques of judicial creativity and precedent.
- iv. Legal development and creativity through legal reasoning under statutory and codified systems.

**UNIT-2**

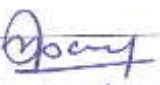
**SPECIAL DIMENSIONS OF JUDICIAL PROCESS IN CONSTITUTIONAL ADJUDICATIONS**

- i. Notions of judicial review
- ii. Role in constitutional adjudication –various theories of judicial role.
- iii. Tools and techniques in policy-making and creativity in constitutional adjudication.
- iv. Varieties of judicial and juristic activism
- v. Problems of accountability and judicial law-making.

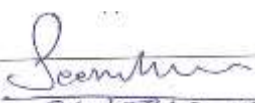
**UNIT-3**


**JUDICIAL PROCESS IN INDIA**

- i. Indian debate on the role of judges and on the notion of judicial review.
- ii. The "independence "of judiciary and the "political" nature of judicial process
- iii. Judicial activism and creativity of the Supreme Court –the tools and techniques of creativity.
- iv. Judicial process in pursuit of constitutional goals and values-new dimensions of judicial activism and structural challenges.
- v. Institutionalism of courts and judicial activism- scope and limits.

  
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## UNIT-4

### THE CONCEPTS OF JUSTICE

- i. The concept of justice or Dharma in Indian thought
- ii. Dharma as the foundation of legal ordering in Indian thought.
- iii. The concept and various theories of justice in the western thought.
- iv. Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

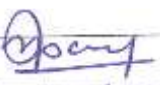
## UNIT-5

### RELATION BETWEEN LAW AND JUSTICE

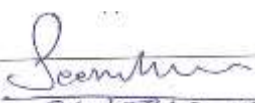
- i. Equivalence Theories –Justice as nothing more than the positive law of the stronger class
- ii. Dependency theories-For its realization justice depends on law, but justice is not the same as law.
- iii. The independence of justice theories-means to end relationship of law and justice-The relationship in the context of the Indian constitutional ordering.
- iv. Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

#### Selected Readings

- 1) Julius Stone, the Province and Function of Law, Part II, Chs.1.8-16(2000),Universal, New Delhi.
- 2) Cardozo, The Nature of Judicial Process(1995)Universal ,New Delhi
- 3) HenryJ. Abraham, The Judicial Process (1998), Oxford.
- 4) J.Stone, Precedent and the Law: Dynamics of Common Law Growth(1985)Butterworths
- 5) W.Friedmann, Legal Theory(1960),Stevens, London
- 6) Bodenheimer, Jurispurdence –the Philosophy and Method of the Law (1997),Universal ,Delhi
- 7) J..Stone, Legal System and Lawyers 'Reasoning's(1999),Universal, Delhi
- 8) U.Baxi, The Indian Supreme Court and Politics(1980),Eastern, Lucknow.
- 9) Rajeev Dhavan, The Supreme Court of India - A Socio -Legal Critique of its Juristic Techniques1977),Tripathi, Bombay.
- 10) John Rawls, A Theory of Justice(2000),Universal, Delhi
- 11) Edward H.Levi, An Introduction to Legal Reasoning (1970), University of Chicago.

  
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**LL.M. SECOND SEMESTER  
PAPER – IV (PAPER CODE- 108)  
INTELLECTUAL PROPERTY RIGHTS**

Objective:

The globalization of Intellectual Property Rights triggered the debate on the relationship between the Human Rights and Intellectual Property Rights because many developing countries are not able to implement the TRIPS standards in their jurisdiction without further compromising their development at the cost of Human Rights. With the study of this course, the students will be able to understand the various concept of IPR and also analyze the nature of IPR with reference to the Human Rights.

UNIT-1

Introduction to Global IPR Regime: An Overview

UNIT-2


PATENTS

- i. Introduction & concepts, Historical Overview.
- ii. Subject matter of patent.
- iii. Kinds of Patents.
- iv. Development of Law of Patents through international treaties and conventions including TRIPS Agreement.
- v. Procedure for grant of patents & term of Patent.
- vi. Surrender, revocation and restoration of patent.
- vii. Rights and obligations of Patentee
- viii. Grant of compulsory licenses
- ix. Infringement of Patent and legal remedies
- x. Offences and penalties
- xi. Discussion on leading cases.

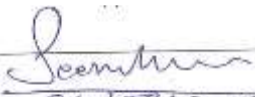
UNIT-3


COPYRIGHT

- i. Historical Evolution
- ii. Subject matter of copyright.
  - i. Literary works
  - ii. Dramatic Works & Musical Works
  - iii. Computer Programme
  - iv. Cinematographic films
- iii. Registration of Copyrights
- iv. Term of Copyright and Ownership of Copyrights
- v. Neighboring Rights
- vi. Rights of Performers & Broadcasters
- vii. Assignment of Copyright.

  
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- viii. Author's Special Rights (Moral Rights)
- ix. Infringement of Copyrights and defenses
- x. Remedies against infringement (Jurisdiction of Courts and penalties)
- xi. International Conventions including TRIPS Agreement WIPO, UCC, Paris Union, Berne Convention, UNESCO.
- xii. Discussion on leading cases

#### UNIT-4


The Trade Marks Act 1999 & Design Act 2000

#### UNIT-5

The Geographical Indications of Goods (Registration and Protection) Act, 1999


#### SELECTED READINGS:

1. G.B.Reddy, Intellectual Property Rights and Law, Gogia Law Agency, Hyderabad.
2. S.R.Myneni, Intellectual Property Law, Eastern Law House, Calcutta
3. P Narayanan Intellectual Property Rights and Law (1999), Eastern Law House, Calcutta, India
4. VikasVashistha, Law and Practice of Intellectual Property,(1999) Bharat Law House, New Delhi.
5. Comish W.R Intellectual Property,3rded, (1996), Sweet and Maxwell
6. P.S. Sangal and Kishor Singh, Indian Patent System and Paris Convention,
7. Comish W.R Intellectual Property, Patents, Copyrights and Allied Rights, (2005)
8. Bibeck Debroy, Intellectual Property Rights, (1998), Rajiv Gandhi Foundation
9. Dr. B. Ramaswamy, Intellectual Property Rights Concepts and Laws

  
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**Group A**  
**Constitutional Law**  
**Third Semester**  
**Paper - I (Peper Code - 109)**  
**Constitutional Law of UK and Commonwealth Relation**

**UNIT - I**

The nature of British Constitutional development Rise and growth of Parliament. The nature of the British Constitutional law Fundamental Laws and Judicial process in India of legislation, The scope of Constitutional Law, The functions of the Government doctrine of separation of power, The rule of law general characteristics of the British Constitution of the British Constitutional law nature and classification of the conventions.

**UNIT - II**

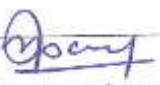
The central government - The monarchy and its relevance, The Royal prerogative and immunities general natur of the peregogaticce, The prerogative in dornestic areas and foreign affairs, The cabinet and the Prime- Minister Parliamentary Supremacy - History, Growth and nature of Parliamentary Supremacy Limitation on the sovereignty of Parliament, The birth growth composition fundamental and importance of the House of Lords, The development, organization, powers and functions of the House of Commons, Parliamentary of legislative procedure, committee system, Parliamentary privileget.

**UNIT - III**

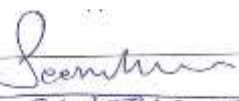
The United Kingdom and Europe-Introduction, The Sources of Comminityh Law, European Communityh Act 1972, Community Law as a source of domestiv Law, Parliament and Community Law, The impact of Community Law, The Armed Forces and the Emergency Powers of the executive emergency Powers and personal freedom.


Administration of Justice- Features and organization of the British Judicial system, Composition, Powers and Jurisdiction of the Supreme court the Privy Councils, The Judicial function of the Privy council at present day.

Right and Duties of the Individual - Rights of the individual under the United Kingdom Constitution, International Covenants European Convention for the Protection of human rights and fundamental freedom 1950 and Erropean Social charter, 1961 and the Human Rights Act, 1998 Freedom of person and freedom of property, freedom of expression freedom of person and freedom of property, freedom of expression freedom of assembly and freedom of Association, Nationality Citizenship, Immigration and Extradition.

  
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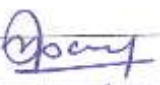
  
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## UNIT - IV

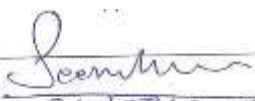
The Commonwealth – Dependent Territories – The British Islands Territories of the commonwealth British Colonies, The Colonial Validity, Act 1965, Independence with inb the commonwealth. The Dominions, The common-wealth at present day, Appeals to the Privy Council – Appeals from dependent territories and Appeals from Independent commonwealth countries.


### Book Recommended:

Dicey A.v.	-	Law of the Constitution
Wade and Phillips	-	Constitutional Law
Hood and Phillips	-	Constitutional law
Keir and Lawson	-	Cases on Constitutional Law
Jenning and Young	-	Constitutional Law of the common wealth
Jenning	-	Law and Constitution
Yeardeley and young	-	Introduction to British Constitutional Law
Mackintosh	-	British Constitution
Jenning	-	Cabinet Government
Cooley	-	Constitutional Limitations
Gladhill. A.	-	Bitish Commonwealth
Hood Phillips & Jackson	-	Constitutional and Administrative Law
डॉ. वी.पी. सिंह	:	विश्व के प्रमुख सविधान

  
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## Paper – II (Peper Code – 110)

### Constitutional Law of USA and Comparative Studies of other Federla Systems

#### UNIT – I

General Background of the Comstitution of USA – Historical Backgroud of the Constitution, Causes of the Revolution, Estabishment of Confederation, Articles of Confederation, Nature of Confederation Defect of Constitutional Convention – Making of the Constitution (Philadelphia Convention), Compromies of Philadelphia Convention, Ratification of theConstitutiton, Growth of the Constitution, Methods and sources fo the development of USA Constitution, SalentReatures of th American Constitution.

#### UNIT –II

Separation of Powers, Doctrine of Check and Balances, Criticism of the Separation of Powers in America.Delegation of Legislative Powers, Methods of Control over Delegation of Power.

Amendments of the Constitution – Procedure for Amendment of the Constitution, Ratification by the States, Scope of Amenments, All amendments of th Constitution.

#### UNIT –III

Seaparation Federal System – Formation of Federation, Federal Feaures in the Americal Constitution, Distribuion of Powers, Method of Distribution, Powers of the Federal Government and the Powers of the State Governments (Powers possessed and Powers denied of both the Government) Residuary poers of the State Government, Doctrine of Implied Powers, Factors Responsible for the growth of National Powers in America.

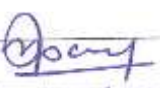
The President –Characteristics of American Presidency, Election of President, Powers and Functions fof the President, American Cabinet system.

The American Congress – Composition, Powers and Funtion of the House of Representative, Legislative Procedure and Committee System.

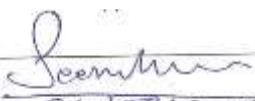
#### UNIT –IV


Federal Judiciary in Americal (Supreme Court and Judicial process in India) – Organization of Federal Judiciary Composition Appointment Tenure, Removal of The Judges of the Supreme Courst, Working of th Supreme Court, Jurisdiction and Role of Supreme Court Judicial process in India, judicial Activism or Judicial Self Control.

Fundamental Rights under the American Constitution – Classification and Description of Fundamental Rights (1) personal Rights (ii) Rights relating to Judicial Process (iii) Rights to Property.

  
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## UNIT – V

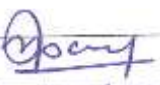
Co-operative Federalism, Financial Relation of Federal and State Government, The Taxation and Fiscal powers of Congress, Direct Taxes and Excises.\

Interstate Commerce Clause under the American Constitution, Doctrine of Immunity of Instrumentalities under the USA Constitution, Doctrine of Eminent Domain, Police powers of the State.

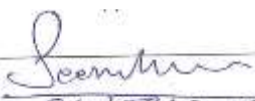
War Power under the American Constitution, Military Law, Power to make Peace, Administration of New State, Citizenship.


### Book Recommended :

Growin	-	Constitution of the United States
Growin	-	Constitution and what means today
Thoms M. Cooley	-	Constitution Law in the USA
Ridge	-	Constitution Law
Tressolin	-	American Constitutional Law
Mason and Beane	-	American Constitutional Law
Pritchett C.H.-		American Constitution Law
Antieau	-	American Constitutional Law
Eight	-	Constitutional Law
Kelley & harbinson-		विश्व के प्रमुख संविधान

  
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**Paper – III (Peper Code – 111)**  
**Constitutional Law of Canada and Australia**

**UNIT – I**

History of Development, History of Constituion, Durham Reportm, Origin of Canadian Federation, Sources of the Constitution of Cananda Salient Features of the Constitution, Conventions of the Constitution Nature of the constitution, Federal Features of the Canadian Constitution.

**UNIT – II**

Dominion Executive – crown, governor general of Canadan, Powers of the Governor General, Real position of governor general, Utility and usefulness of the Governor General, The Privy council of Cananda, Canandian cabinet, composition, powers and functions of the cabinet Prime minister, position and power of PM

The Canandian Legislature – Composition, powers and function of the senate, Comparision between USA senate and Canandian senate Composition, powers and functions of the House of Commons Procedure of law making  
Candadian Judiciary – features of Judiciary, Courts of Canada, powers of Supreme Courtst of Canada, Judicial process in India in the constitution of Cananda.

**UNIT – III**

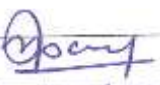
History of Development of Australia, making of the Constitution, features of the constitution of the Austratlia, Federal system in Australian constitution of the Australia, Federal system in Australian constitution, Characteristics of federal system, Distribution of Powers, Reasons of the extenstion of powers of federal Government. The Federal Executive – The governor General, Powers and functions of the Governor General. Appointment of Prime Minister Powers and functions of Prime Minister Position of Prime Minister, Cabinet, Compositon, Powers and function of cabinet.

**UNIT – IV**

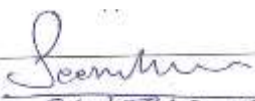
The Parliament- the senate, Compositon, Powers and function of senate, House of Representatative, Composition, Powers and functions of House of Representative President of Senate,. Speaker of House of Representative Privlileges etc. Of Houses Legislative procedure Powers of the House in respect of legislative procedure Powers of the House in respect of legislation.


**UNIT – V**

The Judiciary- Organization of Judicial system in Australia, Powers, functions and jurisdiction of the High court of Australia, Finance, Scope of trade and commerce power in Australian Constitution, Taxing powers, Doctrine of Immunities of Instrumentalities State autonomy in Australia, Commonwealth Grant Commission of Australia, Procedure of amendment of the constitution Incidental powers.

  
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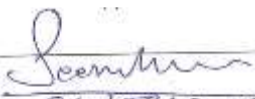
  
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Book Recommended :

- |                  |   |  |
|------------------|---|--|
| Pato             | - | Law of Commonwealth of Australia               |
| Swat             | - | Cases on Constitutional Law of Australia       |
| Sweetman         | - | Australia Constitutional Developments          |
| Mitchell E.      | - | Essays on the Australian Constitution.         |
| Howard           | - | Australian Federal constitutional Law          |
| Lane             | - | An Introduction to the Australian Constitution |
| Lumb             | - | The Constitution of common Wealth Australia    |
| Fajanbauem       | - | Australian Constitutional Law cases            |
| Lane P.H.        | - | The Australia Federal System                   |
| डॉ. वी.पी. सिंह  |   | विश्व के प्रमुख संविधान                        |
| डॉ. ओ.पी. नागपाल |   | जापान, आस्ट्रेलिया और नेपाल का संविधान         |

  
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**Paper – IV (Peper Code – 112)**  
**Constitutional Law of Japan and Switzwerland**

**UNIT – I**

Historical Background of Japan, Importance of the Study of the Japanese Constitution, Constitutional Developemnt of Japan , Meiji Constitution Framing of the Modernh Constitution.

Nature of the Japanese Constitution, Characteristics Features of the Constituton, Comparison between the old and new Constitution.

Introduction, General Provision, Specific Rights, Procedure of amendment of the Constitution.

**UNIT – II**

The emperor- powers and functions of Emperor Real Position of Emperor The Cabinet Composition of the Cabinet Powers and Functions of the cabinet.

The Legislature – History of Diet, Composition, Power and functions of the House of Representative, Composition Power and Function sof the house of Councilors Legislative Procedure Committee System in Japanese Constitution.

Judiciary – Organization of Modern Judiciary Constitution Powers and Jurisdiction of Supreme Court.

**UNIT – III**

Swiss Constitution – Historical Backgroun, importance of the Swiss Constitution, Characteristics of the Swiss Constitution Basic, Civil and social rights.

The Swiss Federal System, Dual policy System Distribution of Powers, Federal status of the cantons, Extenstion of the powers of the centre procedure of amendment.

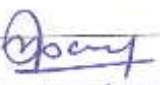
**UNIT – IV**

The Federal Legislature- Composition, Power and functions of the council of states, privileges and Immunities, Composition Powers and Functions of the Nation Council Powers of the federal Assembly, Working of the federal Assembly.

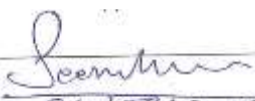
Federal Executive – Organization of the Federal Council. Power and Functions of the Federal Council Relation of the Federal Council with the Federal Assembly, President of the Swiss Confederation Nature of the Federal Executive, The Federal Chancellery.


**UNIT – V**

The Federal Tribunal – Organization of the Swiss Court System Jurisdiction of the Federal Tribunal, The Federal Tribunal and Judicial process in India, Cantons- Amdinistration of cantons, Districts and Communes method of Direct democracy in Swiss Constitution Primary Assemblies. Referendum and Initiative, merits and demerits of Referendum and Initiative.

  
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Book Recommended :

Beckmann, George M

- The making of th Meiji Constitution  
(Lawrence, 1957)

Cabinet Sectetariat

- The Constitution of Japan (Tokyo, 1947)

Fujisawa, F.

- The Recent Aims and Politicaal Development  
of Japan

Gubbins, J.H.

- The Maaking of modern Japan (London 1922)

Ike, N.

- The Beginning of Political Democrecy in

Japan Baltimore, 1950Butty N.

- Parliamentary Democracy in Japan

Kapoor A.C.

- Selected Constitution

Hughes

- The Federal Cosntitution of the World

Rao B.S.

- Selected Constitution of the World

Basu


- Selected Constitution of the World

डॉ. वी.पी. सिंह


विश्व के प्रमुख सविधान


डॉ. ओ.पी.

नागपाल जापान, आस्ट्रेलिया और नेपाल का सविधान

  
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**LL.M. Fourth SEMESTER**  
**PAPER – I (PAPER CODE- 117)**  
**Human Rights & Environmental Development Policy**

**UNIT – I**

Constitution and Human Rights : Fundamental Rights, Directive Principles and Fundamental Duties, international Human Rights and the Indian Constitution, Judicial process in India and Administrative Actions with reference to Human Rights, State of Human Rights during Emergency (v) Judicial Activism – protection of human rights, Liberty, Equality and Fraternity in Human Rights Perspective.

**UNIT – II**

Special Laws for Protection of Specific Categories/ Vulnerable Sections of the People : Reservation and the Right to Equality, Protection of Minorities Cultural and Education Rights, Contract and Unorganized Workers, Bonded Labour, Tribal People.

**UNIT – III**

Enforcement of Human Rights : Judiciary : Article 32, Article 226 – Public Interest Litigation, National Specialized Agencies : Law Commission, SC/ST Commission, Minorities Commission, Women's Commission, Human Right Commissions, Criminal

Justice Delivery System, Legal Aid, NGO's, Social movements and pressure groups working through democratic institutions such as lobbying MPS, Media, International Redressal Mechanism.

**UNIT – IV**

The Concept of Environment :

Meaning and Historical Perspective, Traditions, Natural and Biological Sciences : Perspectives, Modern concept : Conflicting dimensions.

International Perspectives and Development : Stockholm Declaration, 1972, Right to development versus right to clean environment, Rio Declaration: Sustainable development.

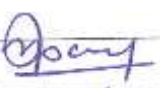
Environmental Protection in India : Constitutional rights and duties, Precautionary principle, trust doctrine Polluter pay principle.

**UNIT – V**

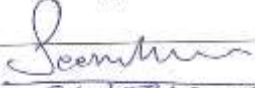
Environmental Protection in Developing Countries :

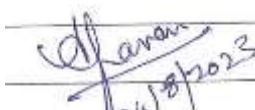
Poverty, Indigenous people and Tribal Developing economies, Depletion of forest and natural resources

International concern : World environment movement Natural and cultural heritage : Common Heritage Principle, Role of international and regional organization, International financing policy and world environment fund, Global Environmental Facilities (GEF).

  
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Book Recommended :

J.K. Starke – An Introduction to the International law.

J.L. Brierley – The Law of Nations (Oxford)

A.K. Pillai – National Human Rights Commission

S.K. Verma – An Introduction to Public International Law (Prentice – Hall India).

All the Covenants and Conventions.


Shaw M.N. – International law (CUP).

M.C. Nair – The Law of Treaties (Oxford)

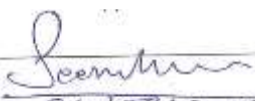
ParasDiwan&PiyushiDiwan – Human Rights & The Law – Universal & Indian.


S.K. Kappor – Human Rights under International Law and Indian Law Central Law Agency Allahabad.

D.D. Basu – Human Rights in Constitutional Law (Prentice- Hall).

  
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**PAPER – II (PAPER CODE- 118)**

**Administrative Law**

**(U.K. U.S.A. France and India)**

**UNIT – I**

Growth and Development of Administrative law, Concept, Scope and Definitions of Administrative law, Sources of Administrative Law Rule of Law-Development in UK,

USA, France and India, Meaning and present position of Rule of Law.

Separation of Powers – Development, Meaning and present Position of Separation of Powers in UK, USA, France and India Droit Administratif.

**UNIT – II**

Classification of Functions-Tripartite Functions of Administration Delegated Legislation-Meaning. Nature and purpose of Delegated Legislation, Forms and Type of Delegated legislation, Factors leading to the growth of Delegated legislation, Constitutionality of Delegated Legislation in UK, USA, France and India, Limits of Delegated Legislation, Control over Delegated Legislation in UK, USA, France and India, Sub-delegation and Administrative Directions.

**UNIT – II**

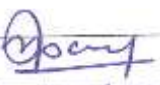
Administrative Adjudication and Administrative Tribunals- Growth of Administrative Tribunals in UK, USA, France and India, Working of Administrative Tribunals, Administrative Tribunals and Judicial process in India Natural Justice – Concept and Definition, Principles of Natural Justice, Application of Natural Justice in UK, USA, France and India, Exceptions of the Principles of Natural Justice, Effect of Failure of Natural Justice.

**UNIT – IV**

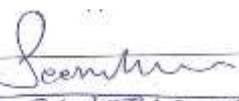
Judicial Control of Administrative Actions through Writs-Need for Judicial Control, Position of Judicial Control of Administrative Action in UK, USA, France and India, Grounds of Judicial Review, Limits of Judicial Review, Exclusion of Judicial Review, Public Interest Litigation Judicial Control of Administrative Actions (Remedies through ordinary Law) in UK, USA, France and India, Declaratory Action, Injunction and Action for Damages Judicial Review for Administrative Discretion.


**UNIT – V**

The Ombudsman- History, Development and Recent position in different Countries, The Lokpal/Lokayukta, and Commissions of Inquiry, Government Privileges and Immunities in Legal Proceedings, Doctrine of Estoppel and Waiver Liability of the State in UK, USA, France and India, Act of State, Public Corporations and Regulatory Bodies

  
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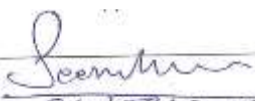
Note- Following Acts shall also be deemed to be included in the Units of this paper,  
Federal Administrative procedure act, 1946  
Federal Tort Claim act, 1945  
Freedom of Information Act, 1966  
Tribunals & Inquires Act, 1992  
The Crown Proceedings Act, 1947  
Parliamentary Commissioners Act, 1967  
Administrative Tribunals Act, 1985  
The Lokpal&Lokayuka Bill 2011


Book Recommended :

Rebson – Justice and Administrative Law  
Griffith and Street – Principles of Administrative law  
Wade w.R.H. – Administrative Law  
Schwartz B – American Administrative Law  
De Smith S.A. – Judicial Review and Administrative Action  
Allen C.K. – Law and order  
Basu – Comparative Administrative Law  
Prasad – Administrative Tribunal in Action  
Jain & Jain- Principles of Administrative Law  
I.L.I.- Cases and material on Administrative law in India  
Nair – Parliamentary control of Administrative Action  
Flaukes – Introduction of administrative law  
Schwartz – Legal control of Government administration in Britain and the United States  
Wyner – Executive Ombudsman in U.S.A.  
Davis K.G. – Administrative law text  
Davis K.G.- Administrative law Cases.  
Browne and Garner – French Administrative law  
Bowatt – Ombudsman  
Street – Justice in Welfare States  
Ramchandra V. – Administrative law  
Fazal M.A. – Comparative Administrative law of UK, USA, India and France  
Laffey – Administrative law cases and Materials  
Markose A.T. – Judicial Control of Legislative action in India  
Sathe – Administrative law in India  
Jain – Administrative law in India  
Indian Law Institute – Delegated Legislation in India.

  
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**(PAPER -III, PAPER CODE - 119)**

**Dissertation**

Dissertation shall be compulsory for each student Topics of the dissertation shall be allotted by the Head of the Department. This paper contains 100 marks for script writing.

(PAPER -IV, PAPER CODE - 120)

Viva - Voce

Each student shall also appear for a Viva-Voce examination of 100 marks. This will be held before a Board of three examiners of whom two will be external and one internal. The absence of one external examiner may, however, be condoned by the Kulpati, if it is caused due to unavoidable circumstances, ordinarily, the head of Department of Law will be the Internal examiner.

**GROUP - II**

**Criminology**

**(Paper - I, Paper Code - 113)**

**Criminology**

**UNIT - I**

Definition of Criminology, Crime and Criminal law , their theory and significance, Development of criminal law and criminology in india. Study of crime as behaviour.

**UNIT - II**

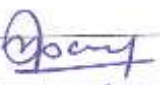
Schools of Crimonology : Pre-classical, Classssical and Neo - Classical and their theories Baccaria and Benthm, The Positive school and their contribuotors C. Lambroso, R Garafellow and E Ferricreiews of other school ie , cartographer sociological sociologist and clinical and multifactor'setc, and their contributors.

**UNIT - III**

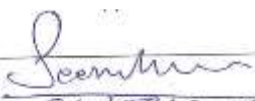
Types of Crimes and Criminal: Habitual, Sexual, Professional Organized and white - collar. Terrorism Marginal and Victimless crimes. Modern and International crimes such as - cyber crime. Human organ crime, Hijacking, Feticide, and Nuclear theft crime against Women-Murder, Rape, Dowry-death, Torture, Kidnaping abduction etc.


**UNIT - IV**

Cause of Crimes : Individual, Mental, Physical, Economical, Psychological and Religious, Sexual, Harmonialabreoviability as a cause of crime Social disorganization, movability, Theory of Differentiate association, Anomie, Labeling, Gang delinquency Effect mass media and role of state and politician as crime causation.

  
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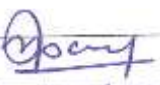
  
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## UNIT – V

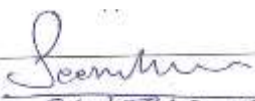
Juvenile Delinquency : - Its causes Economic Pressing, Gang culture, Differential association, Vagrancy, Truancy, Recidivism, Drug addiction, Tract went of Juvenile and their signification : Borshi system observation home Reformatories after care organization and Provision of the Juvenile Justice (care and protection of children) Act 2000.


### Book Recommended:

Sutherland & crassly	-	Criminology
Taft & England	-	Criminology
Reckless W.	-	Criminology The Crime Proble
Vole G.B.	-	Theoretical Criminolgoy
Mannheim	-	Compensation criminology
LolikaAsrkar	-	Crmie& Women
UpendraBaxi	-	Law & Poverty
Pillai S.	-	Theory of Criminology
Cycil Burt	-	Young Delinquents
Gilliam J.L.	-	Criminology Penology
Gluck	-	Delenquanti in working
Siddique	-	Crminology Problem & Perspective
David abhabanson	-	Crime &Humna Maid
Cove Land	-	The Emitters of Crminology
Katherine S William	-	Text Book of Crminology
Leon Redzeinoartz	-	Ideolgoy of Crime
W. Reckless Delinquency	-	The Prevention of Juvenile
P.H. Kohen	-	Juvenile Offenders & The Law
K.S. Shukla	-	Adolescent Offenders
ILI (Delhi)	-	Habitual Offenders & The Law
E. Sutherland	-	White Collar Crime
M. Ponnaniam	-	Crminology and Penology

  
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**(Paper – II, Paper Code – 114)**  
**Penology**

**UNIT – I**

Concept of Punishment: Its history and development Religious and Punishment: Types and Forms of Punish and as Ancient, medieval and Modern India. Its classification whether death penalty is necessary: Its merits and Demetis.

**UNIT – II**

Theories of Punishments: Deterrence, Retributive, Expiation Reprobation, Probation, Classical and utilitarian view on punishment: Punishment advantages and disadvantages: critical analysis in the righting in purpose scale and provision of criminal law and pardon. Social necessity of law and order.

**UNIT – III**

History of penal system in development in India, Types of Prisons and Prisoners Basic principles for the treatment of prisoners National and International Rights of Prisoners under our Constitution and the Prisoners Act 1990.

**UNIT – IV**

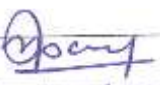
Probation and Parole: Its nature, origin and advantages. The Provision of Probation of offernders Act 1958, Comparison between Probation and Parole, Its Effects in Rehabilitation of Prisoners.

**UNIT – V**

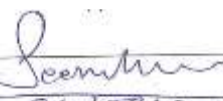
Power and Jurisdiction of Police under Cr. Pe U/s 302, 55, 161, 36, 156, 160, 174, 102 and 166 Criminal Jusitice Process, Organize ahead structure fo Jail and Police in India Provision relation to custodial death, torture etc.


**Book Recommended :**

- |                   |   |                                       |
|-------------------|---|---------------------------------------|
| P.K. Sen          | - | Penology old and New                  |
| Gillian JL        | - | Criminology and Penology              |
| Bhattacharya      | - | Prisons                               |
| Flexvor&GBaldwani | - | Juvenile court and Probation          |
| M. Ponnial        | - | Criminology AND Penology              |
| J.C. Chaturvedi   | - | Penology & Criminology Procedure Code |
- The Books recommended for code No. 113 are also relevant and useful.

  
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**PAPER – III (PAPER CODE – 115)**  
**General Principles of Criminal Law and IPC**

**UNIT – I**

Concept of Criminal liability: Its history nature and scope in Ancient medieval and modern context codification of criminal law in India and of India Penal Code of 1860.

**UNIT – II**

Sections relating to General exception and punishment (sec 1- 75 IPC) General explanation (sec 76 – 106 IPC) and Abatement (sec 107-120 IPC) Criminal conspiracy (sec 120A-120B IPC) Offences against the state and public tranquillity sedition (sec 124 A IPC) Unlawful assembly, Rioting and Affray (Sec 141 – 146 & 159)

**UNIT – III**

Giving false evidence, fabricating false evidence and other offences against public justice health safety and morals (Sec 191-229) Provisions relating to public nuisance, obscenity (Sec 268-294) offences relating to body : Specially Culpable homicide, murder, Dowry death, Suicide, Miscarriage, Hurt, Grievous hurt, Wrongful restraint and Wrongful confinement, Force, criminal force, Assault, Kidnapping, Abduction (sec 299-374)

**UNIT – IV**

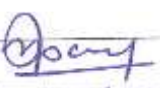
Sexual offences (sec 375-377), Offences relating to property especially – Theft (sec 378), Extortion (sec 383), Robbery (sec 390), Dacoity (sec 391), Criminal Misappropriation of property (sec 410-414), Cheating, mischief and criminal trespass (sec 415, 425, 441) House breaking (sec 445), Offence relating to documents (sec 463-477A)

**UNIT – V**

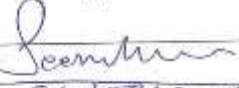
Offences relating to property marks and currency notes (479-489E) Offences relating to marriage (sec 493-498 A), Defamation (sec 499-502), Criminal intimidation; Insult and Annoyance (sec 503-510) and attempt to commit offences (sec 511)

**Book Recommended :**

P.K. sen	-	Penology old and New
Gillian JL	-	Criminology and penology
Bhattachary	-	Prisons
Flexvor&Baldwani	-	Juvenile court and Probation
M. Ponnian	-	Criminology and Penology
J.C. Chaturvedi	-	Penology & Criminology Procedure

  
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**PAPER – IV (PAPER CODE – 116)**

**Law of Evidence**

**UNIT – I**

Introduction and History of Evidence, Rule of Evidence in Hindu and Muslim Law, Changes in British period, Interpretation clause of Indian Evidence Act, May Presume, Shall Presume and conclusive proof.

**UNIT – II**

Relevancy of facts in various circumstances (sec 4-6) Admission: its types and provisions relating to it. Provision relating to confession (sec 24-31) and statement by person who cannot be called on witness (sec 32-33) position of statement made under special circumstances and how such statement be proved (sec 34-39) Relevancy of the judgement of the court and opinion of third person (sec 40-44 & 45-51) and provision relating to character of person (sec 52-55)

**UNIT – III**

Fact which had not be proved; oral and documentary evidence (sec 56-78) Presumption as to document (sec 79-90) and relating to the exclusion of oral by documentary evidence (sec 91-100)

**UNIT – IV**

Burden of proof relating to death, ownership, legitimacy, suicide and dowry death and their presumptions (Sec 101- 114 A) Section relating to dumb and other types of witness (sec 118-134)

**UNIT – V**

Sections relating to the examination of witness: Examination in chief cross and Re-examination, Leading questions and other provision of chapter xi (sec 135-167) of Indian Evidence Act.

**Book Recommended:**

P.K.Sen – Penology old and New

Gillian JL – Criminology and Penology

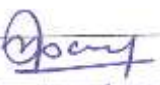
Bhattachary – Prisons

Flexvor&Baldwani – Juvenile court and Probation

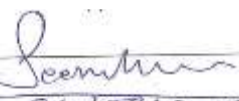
M.Ponnanian – Criminology and Penology


J.C. Chaturvedi – Penology & Criminal Procedure Code

The Books recommended for code No. 113 are also relevant and useful.

  
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**Forth Semester**  
**(Paper - I, Paper Code - 121)**  
**PROCEDURAL LAW IN INDIA**

**OBJECTIVE** -The course will make the students understand the criminal procedure law in India and comprehend the role of various functionaries like police, magistrates, courts etc. The students will also learn important concepts like offence, bail examination of witnesses, appeals etc. The study of this course will make students learn the basic procedures relating to FIRs, Complaint, Police Report, Inquiry, Search and Seizures etc. At the completion of the course, the students will be able to analyze the overall criminal Prosecution procedure in India.

**UNIT-1**

**THE CODE OF CRIMINAL PROCEDURE, 1973**

The rationale of Criminal Procedure, The importance of fair trial - Constitutional Perspectives: Articles 14, 20 & 21- The organization of Police, Prosecutor and Defence Counsel - Pre-trial Process - Arrest —

Distinction cognizable between and non-cognizable- offences - Steps to ensure presence of accused at trial - Warrant and Summons cases - Arrest with and without Warrant – The absconder status

Rights of arrested persons under Cr.P.C. and Article 22 (2) of the Constitution of India.

**UNIT-2**

**BAIL, BAILABLE AND NON-BAILABLE OFFENCES**

Cancellation of Bails — Anticipatory Bail — General Principles concerning Bail Bond —Preliminary pleas to bar trial — Jurisdiction — Time Limitations — Pleas of AutrefoisAcquit and Autrefois Convict — Fair Trial — Concept of fair trial — Presumption of innocence — Venue of trial —Jurisdiction of Criminal Courts — Rights of accused - Constitutional Interpretation of Article 21 as a right to speedy trial.

**UNIT-3**

**GENERAL PRINCIPLES OF SEARCH & SEIZURE**

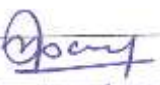
Constitutional aspects of validity of Search and Seizure Proceedings.

Trial Process: Commencement of Proceedings — Dismissal of Complaint

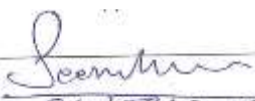
**UNIT-4**


**CHARGE — FORM AND CONTENT OF CHARGE — TRIAL BEFORE A COURT OF SESSION**

Procedural steps and substantive rights.

  
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Judgment: Form and content - Summary trial — Post-conviction orders in lieu of punishment —

Modes of providing judgment copy — appeals, review and revisions- Reforms in Criminal Procedure Code

Preventive Measures- removal of Public Nuisance- Security Provisions-

Maintenance of wife, children & parents

Probation and Parole: Authority granting Parole — Supervision — Conditional release --

Suspension of sentence — Procedure under Probation of Offenders Act, 1958 – Salient features of the Act.

#### UNIT-5

Juvenile Justice (Care & Protection of Children) Act – 2015

#### SELECTED READINGS:

1. R.V. Kelkar Outlines of Criminal Procedure Code

2. R. D. Agrawal Code of Criminal Procedure

3. P. C. Sarkar Criminal Procedure Code

4. M. P. Tondon Code of Criminal Procedure

5. Vijay Malik Dandniya Manual (Three Major Arts, Cr. P. C., I.P.C. & Evidence (in Hindi)

6. Murli Manohar Dand Prakriya Vyakhyan (Code of Criminal Procedure)


7. Mahavir Singh Code of Criminal Procedure (in Hindi)

8. Ratanlal Dhirajlal Criminal Procedure Code

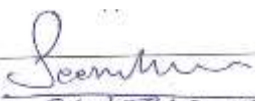
9. Ratanlal Dhirajlal Criminal Procedure Code (in Hindi)


10. N. V. Paranjape Code of Criminal Procedure, Juvenile Justice ACT and Probation Of offenders Act, (in Hindi)

11. D. D. Basu Criminal Procedure Code

  
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**(Paper – II, Paper Code – 122)**  
**SOCIAL OFFENCES IN INDIA**

OBJECTIVE- This course will help students understand the various social-economic offences and the deep impact of the same on society to address the plight which had been faced by the society. After completion of the course, the students will be able to emphasize the possible solutions and laws which are made to solve the issues of socio-economic offences in India.

**UNIT-1**

**INTRODUCTION TO THE SOCIO-ECONOMIC OFFENCES**

- i. Concept and Evolution of 'Socio-Economic Offences.'
- ii. Nature and Extent of Socio-Economic Offences.
- iii. Mens Rea, Nature of Liability, Burden of Proof and Sentencing Policy.
- iv. Distinction among Socio-Economic Offences, White Collar Crimes and Traditional Crimes.
- v. Socio-Economic Offences in India: The Santhanam Committee Report, 1964 and the 47th Report of the Law Commission of India, 1972.

**UNIT-2**

**THE IMMORAL TRAFFIC (PREVENTION) ACT, 1956**

- i. History, Development and Magnitude of Human Trafficking Constitutional Provisions and Sections 370-373 of the Indian Penal Code, 1860
- ii. The 64th report of the Law Commission of India, 1975 The Immoral Traffic (Prevention) Act, 1956

**UNIT-3**

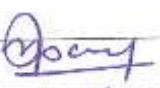
**DOWRY PROHIBITION ACT – 1961 and Dowry Prohibition (Maintenance of Lists of Presents to the Bride and Bridegroom) Rules 1985**  
**The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act – 1994**

**UNIT-4**

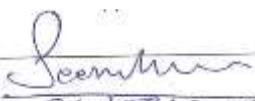
**Protection of Women from Domestic violence Act – 2005**  
**Scheduled Castes and Scheduled Tribes (Prevention Of Atrocities) Act -1989**


**UNIT-5**

**Sexual Harassment of Women At Workplace (Prevention, Prohibition And Redressal) Act 2013**  
**Prohibition of Child Marriage Act - 2006**  
**The Protection of Children from Sexual Offences Act – 2012**

  
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24/8/2023

**SELECTED READINGS:**


1. Mahesh Chandra, Socio-Economic offences (1979).
2. Nuzhat Parveen Khan, Law relating to socio- Economic Offences (2018).
3. S.C. Tripathi, Law relating to Women and Children, Eastern Book Company.
4. P.S. Narayan, Commentary on Immoral Traffic and Prevention Act, 1956 (2nd Ed. 2013).
5. G.B Reddy, Women and Law, Gogia Law Agency

**(Paper - III, Paper Code - 123)  
Dissertation**


Dissertation shall be compulsory for each student. Topics of the dissertation shall be allotted by the Head of the Department. This paper contains 100 marks for script writing.


**(Paper - IV, Paper Code - 124)  
Viva- Voce**

Each student shall also appear for a Viva-Voce examination of 100 marks. This will be held before a Board of three examiners of whom two will be external and one internal. The absence of one external examiner may, however, be condoned by the Kulpati, if it is caused due to unavoidable circumstances, ordinarily, the head of Department of Law will be the Internal examiner.

  
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