



SYLLABUS

2015-16

LLM



PT. RAVISHANKAR SHUKLA UNIVERSITY
RAIPUR
CHHATTISGARH

ORDINANCE NO. 60
MASTER OF LAWS (LL.M.) EXAMINATION

1. The Course for the Degree of Master of Laws under this Ordinance shall extend over a period of two academic years comprising four semesters in all, for each semester there shall be held an examination in the papers prescribed for the said semester concerned. These semesters shall be called as :

LL.M. Part-I	-	First Semester
LL.M. Part-I	-	Second Semester
LL.M. Part-II	-	First Semester
LL.M. Part-II	-	Second Semester

2. LL.M. First Semester shall be made in the month of July every year and the Second Semester examination shall be held in the month of January of the following year.

Examinations for all the Semesters shall be held twice a year, namely, January/February and July/August.

3. (a) A Candidate who after having passed the three years course for the degree of Bachelor of Laws of the University or of any other statutory University recognised as equivalent thereto, with atleast 55% of marks (incase of ST/SC/OBC candidate 50% of the marks LL.B. or equivalent Examination) has prosecuted a regular course of prescribed study for one Semester session in the University Department of Law or any college affiliated to the University shall be eligible to appear at the LL.M. Part-I, First Semester Examination.
- (b) A candidate who after having passed LL.M. Part-I, 1st Semester Examination of the University has prosecuted a regular course of prescribed study for one semester session in the University Department of Law, or in an affiliated College shall be eligible to present himself/herself at the LL.M. part-I, Second Semester Examination.
- (c) A candidate who, after having passed LL.M. Part-I, Second Semester Examination of this University has prosecuted a regular course of prescribed study for one Semester session in the University Department of Law or a College affiliated to the University shall be eligible to appear at LL.M. Part-II, First Semester Examination.
- (d) A candidate who after having passed the LL.M. Part-II, First Semester Examination of this University has prosecuted a regular course of study for one Semester session in this University Department of Law or a College affiliated to the University shall be eligible to appear at the LL.M. Part-II, Second Semester Examination.
4. (a) No candidate shall be permitted to appear for any of the LL.M. Semester

Examination unless he has attended atleast 75% of the total number of Lectures and Seminars held during the Semester session.

- (b) Every student of the College/University Teaching Department seeking admission to the examination shall submit through the Principal or Head of the Department as the case may be, application on prescribed form, together with necessary fees and following certificates from the Principal / Head of the Department, viz certificates of :
- i. Good Conduct
 - ii. Fitness to present , himself/herself at the examination and,
 - iii. Of having attended the class teacher's seminars, etc. during the session atleast the minimum number's prescribed in sub-para (a) above.
- (a) No candidate who has appeared in any LL.M. Semester Examination but has not been declared successful thereat in accordance with the provisions contained in the following sub para shall be eligible for admission to the next higher semester class examination.
- (b) In order to declare successful at any of the LL.M. Semester examination every candidates will have to obtain atleast 40% marks in individual papers and atleast 50% marks in aggregate.

Provided that for the purpose of declaration of the result of candidates appearing in LL.M. Part-II, Second Semester Examination, the marks obtained by them in the written examination as well as the viva-voce shall be taken into account.

A Successful candidate shall be assigned division on the basis of the marks obtained by him/her in all the four semester examinations taken together. Those who secure 60% marks or more shall be placed in the FIRST DIVISION. All other successful candidates shall be placed in the SECOND DIVISION.

A candidate who has been declared unsuccessful at a semester examination may at his/her option re-appear at it subsequently as ex-student without being required to attend regular course of study again for the same semester subject to the condition that such a candidate shall abide by and shall be governed by provision of this and **other ordinances as applicable**.

5. The Executive Council shall publish the results of the examination as soon as possible for it.

SCHEMES OF THE EXAMINATION

- 1 (a) Every candidate appearing for LL.M. Part-I, 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	-	LEGAL AND CONSTITUTIONAL HISTORY OF INDIA
Paper II	-	CONSTITUTIONAL LAW & NEW CHALLENGES – I
Paper III	-	CONSTITUTIONAL LAW & NEW CHALLENGES –II
Paper IV	-	RESEARCH METHODOLOGY

- (b) Every candidate appearing for LL.M. Part-I, 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	-	INDIAN ADMINISTRATIVE LAW
Paper IV	-	HUMAN RIGHTS AND ENVIRONMENTAL DEVELOPMENT POLICY

LL.M. PART-I, FIRST SEMESTER EXAMINATION

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	101	Legal and Constitutional History of India	05	IA – 20, Theory-80	
2	102	Constitutional Law and New Challenges -I	05	IA – 20, Th. -80	
3	103	Constitutional Law and New Challenges -II	05	IA – 20 Th. – 80	
4	104	Research Mythology	05	IA – 20, Th. - 80	
Total			20	Total – 100	

LL.M. PART-I, SECOND SEMESTER EXAMINATION

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	105	Jurisprudence and Legal Theory	05	IA – 20, Theory-80	
2	106	Interpretation of Statutes and Theory of Legislation	05	IA – 20, Th. -80	
3	107	Indian Administrative Law	05	IA – 20 Th. – 80	
4	108	Human Rights and Environmental Development Policy	05	IA – 20, Th. - 80	
Total			20	Total – 100	

- (c) Every candidate appearing for LL.M. Part-II, First 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 and Administrative Law

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

Crimes and Torts

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

**LL.M. PART-II, FIRST SEMESTER EXAMINATION
Constitutional and Administrative Law**

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	109	Constitutional Law of UK and Commonwealth Relation	05	IA – 20, Theory-80	
2	110	Constitutional Law of USA and Comparative Studies of Other Federal System	05	IA – 20, Th. -80	
3	111	Constitutional Law of Canada and Australia	05	IA – 20 Th. – 80	
4	112	Constitutional Law of Japan and Switzerland	05	IA – 20, Th. - 80	
Total			20	Total – 100	

**LL.M. PART-II, FIRST SEMESTER EXAMINATION
Crimes and Torts**

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	113	Criminology	05	IA – 20, Theory-80	
2	114	Penology	05	IA – 20, Th. -80	
3	115	General Principles of Criminology Law and IPC	05	IA – 20 Th. – 80	
4	116	Law of Evidence	05	IA – 20, Th. - 80	
Total			20	Total – 100	

- (d) Every candidate appearing for LL.M. Part-II, Second 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 and Administrative Law

- Paper I - Law and Social Transformation in India
 Paper II - Administrative Law (UK, USA, France and India)
 Paper III - Dissertation
 Paper IV - Viva-Voce

Crimes and Torts

Paper I	-	Law of Torts – General Principles
Paper II	-	Specific Torts – Special Topics (1) Negligence (2) Vicarious Liability
Paper III	-	Dissertation
Paper IV	-	Viva-Voce

LL.M. PART-II, SECOND SEMESTER EXAMINATION

Constitutional and Administrative Law

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	117	Law and Social Transformation in India	05	IA – 20, Theory-80	
2	118	Administrative Law (UK, USA, France and India)	05	IA – 20, Th. -80	
3	119	Dissertation	05	100	
4	120	Viva-Voce	05	100	
Total			20	Total – 100	

LL.M. PART-II, SECOND SEMESTER EXAMINATION

Crimes and Torts

Sr. No.	Course Code	Course	No. of Credit	Max Marks	Min. Marks
1	121	Law of Torts – General Principles	05	IA – 20, Theory-80	
2	122	Specific Torts – Special Topics (1) Negligence (2) Vicarious Liability	05	IA – 20, Th. -80	
3	123	Dissertation	05	100	
4	123	Viva-Voce	05	100	
Total			20	Total – 100	

- (e) 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.

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.

- (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. Part-II, Examination, Viz

Group – I, Constitutional and Administrative Law

LL.M. Part-II First Semester

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

LL.M. Part-II Second Semester

- Paper I - Law and Social Transformation in India
- Paper II - Administrative Law (UK, USA, France and India)
- Paper III - Dissertation
- Paper IV - Viva-Voce

Group – II, Crimes and Torts

LL.M. Part-II First Semester

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

LL.M. Part-II Second Semester

- Paper I - Law of Torts – General Principles
 Paper II - Specific Torts – Special Topics (1) Negligence (2)
 Vicarious Liability
 Paper III - Dissertation
 Paper IV - Viva-Voce

Group – III, Personal Laws

LL.M. Part-II First Semester

- Paper I -
 Paper II -
 Paper III -
 Paper IV -

LL.M. Part-II Second Semester

- Paper I -
 Paper II -
 Paper III - Dissertation
 Paper IV - Viva-Voce

Group – IV, Merchantile Law

LL.M. Part-II First Semester

- Paper I -
 Paper II -
 Paper III -
 Paper IV -

LL.M. Part-II Second Semester

- Paper I -
 Paper II -
 Paper III - Dissertation
 Paper IV - Viva-Voce

Group – V, International Law Group**LL.M. Part-II First Semester**

Paper I -
Paper II -
Paper III -
Paper IV -

LL.M. Part-II Second Semester

Paper I -
Paper II -
Paper III - **Dissertation**
Paper IV - **Viva-Voce**

PAPER – I (PAPER CODE – 101)**LEGAL AND CONSTITUTIONAL HISTORY OF INDIA**

This Course is intended to acquaint students of higher studies in law with the legal and Constitutional History of India beginning from 1600 upto date. Abroad reference will also be made to the history of nationalist movement:

UNIT – 1

1. **INTRODUCTORY** : Early Charters and Surat Factory, Legislative Power, King's Commission, Charter of 1600, Charter 1661, Surat Factory.
2. **ADMINISTRATION OF JUSTICE IN MADRAS (1639-1726)** :
First period : 1639 – 1665, Judicial System, Second Period : 1665-1686, Third Period : 1686-1726, Admiralty Court, Mayor's Court, Crimes and Punishments.
3. **ADMINISTRATION OF JUSTICE IN BOMBAY (1668-1726)** :
First Period : 1668-1683, Charter of 1668, Judicial System, Judicial system of 1672, Second Period : 1684-1690, Third Period : 1718-1726, Working of the Court.
4. **ADMINISTRATION OF JUSTICE IN CALCUTTA (1690-1726)** :
Moghul Judicial System, Zemindar's Judicial Powers, Judicial System at Calcutta.

UNIT – II

5. **MAYOR'S COURT** : Corporation, Judicial System, Legislature, Charter of 1726, Madras Charter of 1687, Working of the Judicial System : 1726-1754, Charter of 1753, Courts for the Indians, Defects of the Judicial System.
6. **BEGINNING OF THE ADALAT SYSTEM** : Company becomes Diwan, Significance of Diwani, Execution of Diwani Functions, Judicial Plan of 1772, An Appraisal of the Plan, Plan of 1774, Sardar Nizamat Adalat.

7. SUPREME COURT AT CALCUTTA : Provisions of the Regulating Act, Legislative Authority, Charter of the Supreme Court, Supreme Court and Nizamat & Diwani, Trial of Nandkumar, The Patna Case, The Cossijurah Case, Gora Chand Dutt Case etc., Act of Settlement, 1781, Pitts India Act, 1781, A Dual Judicial System.
8. Supreme Court at Bombay and Madras, Re-organization of the Adalat System, Judicial Measures of Warren Hastings and Cornwallis, Scheme of Criminal Judicature 1790, Further Reforms up to 1793, Defects of the Scheme of 1793, Cornwallis Vs Hastings, Appraisal of the System of 1793.

UNIT – III

9. Progress of the Adalat System: Sir John Shore, Wellesley Amherst, Criminal Judicature after Cornwallis, Adalat System in Bengal: Willium Bentinck and after, Judicial System Beyond Bengal, Racial Discrimination in the Judicial System. Present Judicial System.
10. HIGH COURT: The Indian High Courts Act, 1861, Charter of the Calcutta High Court, Allahabad High Court, The Indian High Courts Act, 1911, The Government of India Act, 1915, Other High Courts, High Courts under the Government of India Act, 1935, Jurisdiction of the High Courts.
11. From Privy Council to Supreme Court : Basis of the Privy Council's Jurisdiction, Appeals to Privy Council, Progress of Indian Appeals : 1833-1845, High Courts-Appeals to the Privy Council, Appeals by special Leave, Appraisal of the System of Appeals to the Privy Council, Move for an Indian Appeal Court, Federal Court, Demise of Appeals to the Privy Council, Supreme Court, Post Constitutional Development.

UNIT – IV

12. Development of Criminal Law (1772-1860), Development of Law : Presidency Towns, Development of Civil Law: Mofusil, Codification of Law : 1833-1882
13. Legislature in India (1861-1950) : The Indian Councils Act, 1861, The Indian Councils Act, 1892, The Indian Councils Act, 1909, The Government of India Act 1909 and The Government of India, Act 1919, The Government of India Act, 1935.
14. Law Reform : , Law Reform, History of Reform, Need for Law Reform, Hindu Law and the Courts, Law applicable to sects and sub-sects, Muslim Law and Custom, Hindu Law and Custom, Hindu Law and Legislature, Muslim Law and Legislature, The Special Marriage Act, 1954, Codification of Hindu Law, Uniform Civil Code, Law Commission in India, Administrative of Justice, Reports of the Law Commission of India.

UNIT – V

15. Constitutional Developments Leading to Indian Independence (1937 to 1947) : The Cripp's Mission, 1942, Draft declaration, Proposal relating to interim Settlement, Quit India Movement, 1942, Wavell Plan and Simla Conference of 1945, The Cabinet Mission.
16. Provincial Representation in the Constituent Assembly
17. Formation of the Interim Government.
18. The Indian Independence Act, 1947, Effects of the Indian Independence Act, 1947, Shaping of the Indian Constitution, Some Aspects of the Indian Constitution, Evolution of the Indian Constitution, Sources of the Indian Constitution.
19. Personal Laws of Hindus and Mohammedans :

20. Law Reporting in India, Growth of the Legal Profession, Legal Education.

BOOKS RECOMMENDED :-

- Jain M.P. : Outlines of Indian Legal History
 Acharya B.K. : Codification in British India
 Pylee M.V. : Constitutional History of India
 Archibald W.A.J. : Outline of India Constitutional History
 Banerjee A.G. : Indian Constitutional Documents
 (Vol. I,II,III)
 Fawcett Charies : First Century of British Justice in India
 Cowell Herbert : History and Constitution of the Courts
 Legislative Authority in India
 Kaye, J.W. : The Administration of the East India
 Company
 Setalvad M.C. : Constitutional History of India
 Stephans J.F. : Minute on the Administration of Justice in
 British India
 Keith A.B. : Constitution History of India
 Morey W.H. : Administration of Justice in British India
 Rankin G.G. : Background of Indian Law
 Punniiah K.V. : Constitutional History of India
 Trevelyan E.J. : The Constitutional and Jurisprudence of the
 Courts of Civil Justice in British India
 Field C.D. : Some observations on Codification in India,
 1833.
 Jayaswal : Tagore Law Lectures (917)
 Stocks : Anglo Indian Courts
 Singh G.N. : History of the Constitutional Development
 and Nationalis Movement in India
 Kulshreshth, V.D. : Hkkjr dk oS/kkfud bfrgkl
 Paranjape, V.N. : Indian Legal & Constitutional History

LL.M. Part-I, First Semester**PAPER – II (PAPER CODE – 102)****CONSTITUTIONAL LAW & NEW CHALLENGES - I**

This Course is intended to acquaint students with the organization and structure of the Indian Polity, its characteristic features and evolution. A comparative study of Constitutional Law of UK & USA is also desirable.

UNIT – 1

1. INTRODUCTION :- Organs of the Government, classification of Constitutions, Forms of Government.
2. HISTORICAL BACKGROUND :- Framing of Indian's Constitution.
3. SALIENT FEATURES OF THE INDIAN CONSTITUTION :- Preamble.

UNIT – II

4. THE UNION AND ITS TERRITORY : Article (1 to 4), Citizenship Article (5 to 11)
5. FUNDAMENTAL RIGHTS (Article 12 to 35) : Concept, Historical Background, nature and scope of Fundamental Rights, Fundamental Rights vis-à-vis Human Rights, States and Laws Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, Saving of Certain Laws, Right to Constitutional Remedies.
6. DIRECTIVE PRINCIPLES OF STATE POLICY (Article 36 TO 51) and FUNDAMENTAL DUTIES (Article 51-A)

UNIT – III

7. THE UNION (Article 52 to 147) : The Executive (Article 52 to 78)
8. THE STATE (Article 152 to 237) : The Executive (Article 153 to 167)

UNIT – IV

9. Union Legislature : Parliament of India (Art 79 to 123)
10. State Legislature : Legislative Council & Legislative Assembly (Art 168 to 213)

UNIT – V

11. Union Judiciary : Supreme Court of India (Art 124 to 147),
COMPTROLLER AND AUDITOR-GENERAL OF INDIA (Art 148 to 151)
12. State Judiciary : High Court of India (Art 214 to 232),
SUBORDINATE COURTS (Art 233 to 237)

BOOKS RECOMMENDED :-

Pandey J.N.	:	The Constitutional Law of India
Kumar Narendra.	:	Constitutional Law of India
Rai Kailash	:	Constitutional Law of India
Shukla V.N.	:	Constitution of India
Jain M.P.	:	Indian Constitution
Basu D.D.	:	Commentaries on Indian Constitution
Sen D.K.	:	Comparative Study of Indian Constitution
Seervai H.M.	:	Constitutional Law of India
Keith A.B.	:	Constitutional History of India

Tripathi P.K.	:	Spotlights and Constitutions
Dauglus W.O.	:	Studies in Indian and American Constitutional Law
Gledhill A.	:	Fundamental Rights
Setalvd M.E.	:	The Indian Constitution.
Subramaniam	:	Case Law of Indian Constitution
Basu	:	Case Law on Indian Constitutional Law
Shiv Rao B.	:	The framing of Indian Constitution
Where K.C.	:	Modern Constitution
Indian Law Institute	:	Central State Relations
Indian Law Institute	:	Delegated Legislation in India
Austin	:	The Indian Constitution : Cornerstone of a Nation
Where K. C.	:	Federalism

LL.M. Part-I, First Semester**PAPER – III (PAPER CODE – 103)****CONSTITUTIONAL LAW & NEW CHALLENGES -II**

This Course is intended to acquaint students with the organization and structure of the Indian Polity, its characteristic features and evolution. A comparative study of Constitutional Law of UK & USA is also desirable.

UNIT – I

- 01 LOCAL AUTHORITIES : The Union Territories (Article 239 to 241), The Panchayats (Article 243 to 243-O) The Municipalities (Article 243-P to 243-ZG)
- 02 RELATIONSHIP BETWEEN THE UNION AND THE STATES (Article 245 to 263): Legislative Relations (Article 245 to 255), Administrative Relations (Article 256 to 263)

UNIT – II

- 03 FINANCE, PROPERTY, CONTRACTS AND SUITS (Article 264 to 300-A) : Finance, Financial Provisions, Borrowing, Property, Contracts, Rights, Liabilities, Obligations and Suits, Right to Property, Trade, Commerce and Intercourse within the Territory of India (Article 301 to 307).

UNIT – III

04. SERVICES UNDER THE UNION AND THE STATES (Article 308 to 323).
05. TRIBUNALS (Article 323-A & 323-B), Elections (Article 324 to 329), Special Provisions relating to Schedule Caste and Schedule Tribal Caste (Article 330 to 342), Language of the Union (Article 343 to 344), Regional Language (Article 345 to 347), Language of the Supreme Court and High Courts (Article 348 to 351)

UNIT – IV

06. EMERGENCY (Article 352 to 360) and Miscellaneous (Article 361 to 367)

UNIT – V

07. UTION (Article 368) : All Amendments of the Constitution till date and All the Schedules.

BOOKS RECOMMENDED :-

Pandey J.N.	:	The Constitutional Law of India
Kumar Narendra.	:	Constitutional Law of India
Rai Kailash	:	Constitutional Law of India
Shukla V.N.	:	Constitution of India
Jain M.P.	:	Indian Constitution
Basu D.D.	:	Commentaries on Indian Constitution
Sen D.K.	:	Comparative Study of Indian Constitution
Seervai H.M.	:	Constitutional Law of India
Keith A.B.	:	Constitutional History of India
Tripathi P.K.	:	Spotlights and Constitutions
Dauglus W.O.	:	Studies in Indian and American Constitutional Law
Gledhill A.	:	Fundamental Rights
Setalvd M.E.	:	The Indian Constitution.
Subramaniam	:	Case Law of Indian Constitution
Basu	:	Case Law on Indian Constitutional Law
Shiv Rao B.	:	The framing of Indian Constitution
Where K.C.	:	Modern Constitution
Indian Law Institute	:	Central State Relations
Indian Law Institute	:	Delegated Legislation in India
Austin	:	The Indian Constitution : Cornerstone of a Nation
Where K. C.	:	Federalism

LL.M. Part-I, First Semester

PAPER –IV (PAPER CODE – 104)

RESEARCH METHODOLOGY

UNIT – I

- 01 Introduction, Scope of Sociology, Nature of Social Phenomenon, Characteristics of Social Phenomenon
- 02 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

- 03 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

- 04 Legal research Methodology—Meaning of methodology, Research method and Research technique, Main Characteristics of research methodology.
- 05 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)
- 06 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.
- 07 Major Steps involved in doing legal research(The legal research process), Selection or Formulation of legal research problem or topic.

UNIT – IV

- 08 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 research, meaning of Sampling, Merits and demerits of sampling, Characteristics, Types of Sampling
- 09 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

UNIT – V

- 10 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.
- 11 Method of using Libraries and the use of Computer in legal research, Inter-Disciplinary Research
- 12 Preparation of Research Report and its Writing.

REFERENCE BOOKS:

- 1---Dr. S.R. Myneni-Legal Research Methodology, Published by Allahabad Law Agency
- 2---Dr. H.N. Tiwari- Legal Research Methodology, Published by Allahabad Law Agency
- 3---Shilpa Agrawal- Legal Research Methodology
- 4---Indian Law Institute-Legal Reserch and Methodology, Edited by S.K. Verma and M. Afzal Wani
- 5---William P. Stastisky- Legal Research
- 6---Ewvinc Surrency- A Guide to Legal Research
- 7---William J. Goode& Paul K. Hatt-Method in Social Research
- 8---Dr. H.N. Giri-Legal Research Methodology (Written in Hindi)
- 9---Dr. Sanjay Kulshrestha-Vidhik Anushandhan Paddhatiya(Written in Hindi)
- 10—Dr. Bashanti Lal Babel-Legal Education and Research Methodology(Written in Hindi)

LL.M. Part-I, Second Semester

PAPER – I (PAPER CODE – 105)

JURISPRUDENCE AND LEGAL THEORY

UNIT-I

- 1. CRITICAL SURVEY OF LEGAL THEORIES :** Natural Law and the search for absolute values, the problem of natural law, ancient theories, reasons and the law of nature, natural law and social contract (Grotius, Hobbes, Locke, Rousseau) Revival of Natural Law theories

UNIT-II

- 2. . PHILOSOPHICAL IDEALISM AND THE PROBLEM OF JUSTICE :** German Transcendental Idealism (Kant, Fichte, Hegel) Neo Kantian Philosophy and Scientific legal idealism, modern value, philosophy and Law.

UNIT-III

- 3. THE IMPACT OF SOCIAL DEVELOPMENT ON LEGAL THEORIES, HISTORICAL EVOLUTION AS A GUIDE TO LEGAL THOUGHT, BIOLOGY, SOCIETY AND LEGAL EVOLUTION, MODERN SOCIOLOGICAL THEORIES OF LAW.**

UNIT-IV

- 4. POSITIVISM AND LEGAL THEORIES :** Kelsen's pure theory of law, Utilitarianism, the Jurisprudence of interests and legal idealism,

Legal Theory and contemporary problems : Legal theory of Modern political movements, socialistic and

communist theories of law, Neo- Scholastic Doctrine and modern catholic legal philosophy.

UNIT-V

5. LIABILITY PROPERTY OBLIGATION & EVIDENCE

- a) Rights and Duties
- b) Possession and ownership
- c) Person
- d) Title
- e) **Liability** - Definition, Nature, Kind - Civil and Criminal General conditions of liability - Negation, Their Theories Subjective & Objectives, Mental aspects, Duty of care, Standard & Care, Exemptions for Liability.
- f) **Obligation** - Definition, kinds and sources of obligation.
- g) **Property** - Its meaning and kinds and theories mode & acquisition, Its relation with law.
- h) **Evidence** - Procedural and Substantial, Element of Judicial procedure Evidence its nature and kinds.

BOOKS RECOMMENDED -

1. HLA Hart - The Concepts of Laws (Oxford) ELBS
2. Salmond - Jurisprudence (Tripathi) Bambay
3. G.W. Paton - Jurisprudence (Oxford) ELBS
4. RWM Dias - Jurisprudence (Indian Rep.) (Aditya), New Delhi.
5. V.D. Mahajan - Jurisprudence Legal Theory (EBC), Lucknow
6. W. Fridmann - Legal Theory (1999) (Universal) Delhi.
7. S.N. Dhyani - Jurisprudence - A study of Indian Legal Theory (Metropolitan), New Delhi.
8. M.S. Pandit, Out lines of Ancient Hindu Jurisprudence

LL.M. Part-I, Second Semester

PAPER – II (PAPER CODE – 106)

INTERPRETATION OF STATUTES & THEORY OF LEGISLATION

The Course is intended to acquaint the students of advance 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 comparative impact on other legal systems. The subject of study shall inter-alia include- (1) Principles of Legislation (2) Methods of Legislation, and (3) Interpretation of Statutes.

UNIT-I

1. **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, Commencement, Operation and Repeal of Statutes, Purpose of Interpretation of Statutes Classification of Statutes.

UNIT-II

- (2) **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, Reddendo Singula Singulis, Utres Magis Valeat Quam Pereat, Contemporanea Expositio est Fortissima 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

- (3) **AIDS TO INTERPRETATION AND MAXIMS OF STATUTORY INTERPRETATION** - Internal Aids and External Aids, **MAXIMS** - Delegates Non Potest Delegare, Expressio Unius Exclusio Alterius, Generalia Specialibus non Derogant, In Pari Delicto Potior Est Condition Possidentis, Utresvalet Potior Quam Pareat, Expressum Facit Cessare Tacitum, Jure Nature Sunt Immutabilia.

UNIT-IV

- (4) **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 Pari Materia, Amending, Consolidating and Codifying Statutes, Mandatory and Directory Enactments and Conjunctive and Disjunctive Enactments.

UNIT-V

- (5) **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.

Books Recommended :

Bentham : Theory of Legislation

Jethro Brown Legislation	: Undertaking Principles of Modern
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 Century	: Law and Public Opinion and England 20 th
Rathan Swami	: Legislation Principle and Practice
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)

LL.M. Part-I, Second Semester

PAPER – III (PAPER CODE – 107)

INDIAN ADMINISTRATIVE LAW

UNIT-I

1. Introduction of administrative law, administrative process, discretion and direction :

Definition of Administrative Law, Development of Administrative Law, Nature and Scope of Administrative Law, Rule of Law and Administrative Law, Separation of Powers and Administrative Law, Changing role of the State and It's impact on Administrative Law.

Administrative Process - Administrative Processes in India : The President vested with the Executive Power (1) Emergency powers of the President (2) An Evaluation of the President's powers (3) Can Mandamus be availed of against abuse of power under part XVIII of the Constitution, Ministerial Responsibility, The Indian Approach as to Minister's Powers., Development of Administrative Law in India. The Progress of Administrative Adjudication

Administrative Discretion - Meaning, nature and criteria, its use or principle applicable for its use, need for administrative discretion, limit on exercise of discretion, malafide exercise of discretion acting under dictation, constitutional imperative... and use of discretionary authority, non-application of mind, unreasonableness and standard of reasonableness, taking irrelevant consideration or not taking in to consideration among relevant matter, non exercise of discretionary powers, administrative arbitrariness and bias. Procedural safe guards for use of discretion.

Administrative Direction - its use and classification, its unenforceability.

UNIT-II

Delegated legislation, Administrative adjudication & Tribunal

Reason for development of Delegated Legislation, methods of Delegates: Power to fill in details, Power of inclusion and exclusion, Power to modify the statute, Power to bring and Administrative into operation,

Delegated legislation, its historical background and function, reasons for its growth, need for delegation of administrative power,

kinds of delegated legislation, sub-delegated legislation and conditional legislation, constitutionality of delegated legislation in Britain and India, Re Delhi Laws Act, Power of exclusion and inclusion and power to modify statutes, essential legislative functions, requirement for the validity of delegated legislation.

Judicial control of delegated legislation - Doctrine of ultra virus, its kinds, substantive and procedural grounds for its applicability, consultation, sub delegation, publication, administrative directions, circular legislative or parliamentary control on delegated legislation, laying procedure, policy statement, committees on delegated legislation and hearing before it, sub delegation & powers, guide-lines for it, and control of sub delegation, administrative adjudication and tribunals, reasons for proliferation of administrative tribunals, functional approach characteristics and feature of administrative tribunals, Basic difference between a court and a tribunals, position of tribunals in India, CAT its purpose, establishment and composition, jurisdiction power and authorities, aspect of tribunal practice and administrative procedure, procedure before the enquiry or hearing, procedure at the tribunal hearing and procedure after tribunal hearing, frank committee report, administrative tribunal act 1985, administrative tribunals and appeal judicial review and finality of the tribunal decision, reopening of tribunal proceeding rule of resjudicate, Administrative tribunals in India.

UNIT-III

The Principles of Natural Justice : Principle of natural Justice and violation thereof, The first principles: Justice in one's own cause, Bias, Judge's Bias, The second principle- Hearing the other side, Limit to the rule of Audi alteram Partem, The third principle: party to know the reason for the decision, effect of contravention: void or voidable. Against whom natural justice are not violated, when rules of natural justice are not violated, General Principles as revealed by Judicial Decisions. Limits of Judicial Review, Exceptional exclusion of Natural Justice.

UNIT-IV

State Liability for Wrongs Act & Commission of Inquiry & Corporate:

Liabilities for torts, distinction between sovereign and commercial functions, constitutional provisions in this regard, act of state and statutory immunities contractual liability of Govt., Government privilege in legal proceeding state secrets, public interest, transparency and right to information estoppec and waiver.

Remedies against administrative acts, constitutional remedies writ injunctions, its nature and types, distinction between injunction and mandamus, suit for declaration, its condition and nature, suits for damages.

Public enquiry and commission of enquiry, general enquiry under service rules, procedure in disciplinary action and Provisions of commission of enquiry act 1952, and

Corporation : Corporations, its kinds and characteristics, its classification, legal and constitutional provisions & their responsibilities in contract and in tort, position of their employee whether they are civil servants ? Control on corporation, legislative control, judicial control, governmental control and public controls.

UNIT-V

Ombudsman, Vigilance commission & Right to Information Act

Ombudsman, its development in Newzealand, Britain and Australia, Position of Ombudsman in India, Lokpal and Lokayukt and their position, Public Interest litigations its nature and importance in Democracy. Central vigilance commissions its powers and functions

Right to Information Act, 2005-Introduction, Right to Information and Voluntary Organization, Right to Information in the Foreign Countries, Request for Right to Information, Constitution, Rights and Obligations of the Information Agencies, Procedure of Disposal of Applications and Complaints by State Commissions with special reference to Section 18, 19 and 20 of Right to Information Act 2005.

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Books Recommended :

1. Jain and Jain - Principles of Administrative law, Tripathi (1986).
2. Wade - Administrative law (Indian Rep.) Universal Delhi.
3. J.C. Garner - Administrative law, Butherworth (1990)
4. D.D. Basu - Comparative Administrative law (Prentice Hall).
5. I.P. Massey - Administrative law EBC, Lucknow. (1996).
6. M.P. Jain - Cases and material on Indian Administrative law (Vol I & II) 1998
Universal book traders Delhi.
7. S.P. Sathe - Administrative law (1998), butterworth (India), Delhi.
8. De Smith - Judicial review of Administrative Action (1995) with supplement, Sweet & Maxwell.

9. M.A. Fazal - Judicial control of administrative action in India Pakistan & Bangladesh (2000), Butterworth India.
10. Indian law institute - Cases and material on Administrative law in India vol. I (1996), Delhi.

LL.M. Part-I, Second Semester**PAPER – IV (PAPER CODE – 108)****HUMAN RIGHTS & ENVIRONMENTAL DEVELOPMENT POLICY****UNIT-I**

1. CONSTITUTION AND HUMAN RIGHTS: Fundamental Rights. Directive Principles and Fundamental Duties, International Human Rights and the Indian Constitution, Judicial Review 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

2. SPECIAL LAWS FOR PROTECTION OF SPECIFIC CATEGORIES / VULNERABLE SECTIONS OF THE PEOPLE : Reservations and the Right to Equality, Protection of Minorities- Cultural and Educational Rights, Contract and Unorganized Workers, Bonded Labor, Tribal People
- 3.

UNIT-III

4. 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 Rights 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

5. THE CONCEPT OF ENVIRONMENT :

- (1) Meaning and Historical Perspective, Traditions, Natural and Biological Sciences: Perspectives, Modern concept : Conflicting dimension.
- (2) INTERNATIONAL PERSPECTIVES AND DEVELOPMENT: Stockholm Declaration, 1972, Right to development: UN Declaration on the Right to Development, 1986, Right to development versus right to clean environment, Rio Declaration: Sustainable development.
- (3) ENVIRONMENTAL PROTECTION IN INDIA : Constitutional rights and duties, Precautionary principle, Public trust doctrine, Polluter pay principle

UNIT-V

6. ENVIRONMENTAL PROTECTION IN DEVELOPING COUNTRIES : (1) 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 Facility (GEF).

Books Recommended :

1. J.K. Starke - An Introduction to the International Law.
2. J. L. Brierley - The Law of Nations (Oxford)
3. A.K. Pillai - National Human Rights Commission.
4. S.K. Verma - An Introduction to Public International Law (Prentice-Hall India).
5. All the Covenants and Conventions.
6. Shaw M.N. - International law (CUP).
7. M.C. Nair - The Law of Treaties (Oxford)
8. Paras Diwan & Piyushi Diwan - Human Rights & The Law - Universal & Indian.
9. S.K.Kappor - Human Rights under International Law and Indian Law Central Law Agency Allahabad.
- (2)10. D.D.Basu - Human Rights in Constitutional Law (Prentice - Hall).

Group A
CONSTITUTIONAL AND ADMINISTRATIVE LAW

THIRD SEMESTER
PAPER – I (PAPER 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 review 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 conventions 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 nature of the prerogative, The prerogative in domestic 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 or legislative procedure, committee system, Parliamentary privileges.

Unit-III

The United Kingdom and Europe- Introduction, The Sources of Community Law, European Community Act 1972, Community Law as a source of domestic 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 functions of the Privy council at present day.

Unit-IV

Rights 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 freedoms, 1950 and European Social charter, 1961 and the Human Rights Act, 1998 Freedom of person and freedom of property, freedom of expression, freedom of assembly and freedom of Association, Nationality Citizenship, Immigration and Extradition.

Unit-V-

The Commonwealth- Dependent Territories- The British Islands, Territories of the commonwealth, British Colonies, The Colonial Validity Act, 1965, Independence within the commonwealth- The Dominions and the statute of Westminster (The Statute of Westminster 1931), Extension of U.K. legislation to the dominions, The commonwealth at present day, Appeals to the Privy Council- Appeals from dependent territories and Appeals from Independent commonwealth countries.

BOOKS 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
Yearley and Young	:	Introduction to British Constitutional Law
Mackintosh	:	British Constitution
Jenning	:	Cabinet Government
Cooley	:	Constitutional Limitations
Gladhill. A.	:	British Commonwealth
Hood Phillips & Jackson	:	Constitutional and Administrative Law

डॉ. वी. पी. सिंह : विश्व के प्रमुख संविधान

PAPER –II (PAPER CODE 110)

**CONSTITUTIONAL LAW OF USA AND COMPARATIVE STUDIES
OF OTHER FEDERAL SYSTEMS**

Unit-I

General Background of the Constitution of USA—Historical Background of the Constitution, Causes of the Revolution, Establishment of Confederation, Articles of Confederation, Nature of Confederation, Defect of Confederation, Failure of Confederation.

The Constitutional Convention—Making of the Constitution(Philadelphia Convention), Compromises of Philadelphia Convention, Ratification of the Constitution, Growth of the Constitution ,Methods and sources of the development of USA Constitution, Salient Features of the 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 Amendments, All amendments of the Constitution.

Unit-III

American Federal System—Formation of Federation, Federal Features in the American Constitution, Distribution 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 powers 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 of the President, American Cabinet system

The American Congress—Composition, Powers and Functions of the Senate, Composition, Powers and Functions of the House of Representative, Legislative Procedure and Committee System.

Unit-IV

Federal Judiciary in America(Supreme Court and Judicial Review)—Organization of Federal Judiciary, Composition , Appointment, Tenure, Removal of the Judges of the Supreme Court, Working of the Supreme Court, Jurisdiction and Role of Supreme Court, Judicial Review, Judicial Activism or Judicial Self Control.

Fundamental Rights under the American Constitution—Classification and Description of Fundamental Rights (i) Personal Rights (ii)Rights relating to Judicial Process (iii)Rights to Property.

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 Powers under the American Constitution, Military Law, Power to make Peace, Admission of New States, Citizenship.

BOOKS RECOMMENDED:

Growin	:	Constitution of the United States
Growin	:	Constitution and what means today
Thoms M. Cooley	:	Constitutional Law in the USA
Ridge	:	Constitutional Law
Tressolini	:	American Constitutional Law
Mason and Beane	:	American Constitutional Law
Pritchett C.H.	:	American Constitutional
Antieau	:	Commentaries on the Constitution of USA
Shapin	:	American Constitutional Law
Enight	:	Constitutional Law
Kelley & harbinson	:	American Constitution
डॉ. वी. पी. सिंह	:	विश्व के प्रमुख संविधान

PAPER – III (PAPER CODE 111)

CONSTITUTIONAL LAW OF CANADA AND AUSTRALIA

Unit I–

Historical Development, History of Constitution, Durham Report, Origin of Canadian Federation, Sources of the Constitution of Canada 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 Canada, Powers of the Governor General, Real position of governor general, Utility and usefulness of the Governor General, The privy council of Canada Canadian cabinet, composition, powers and functions of the cabinet Prime minister, position and power of PM
The Canadian Legislature – Composition , powers and functions of the senate ,Comparison between USA senate and Canadian senate Composition , powers and functions of the House of Commons ,Procedure of law making
Canadian Judiciary – features of Judiciary, courts of Canada, powers of Supreme Court of Canada, Judicial review in the constitution of Canada

Unit III

History of Development of Australia, making of the Constitution, features of the constitution of the Australia, Federal system in Australian constitution. Characteristics of federal system, Distribution of Powers, Reasons of the extension 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, Composition , Powers and function of cabinet.

Unit IV

The Parliament- The senate, Composition, Powers and function of senate, House of Representative, Composition, Powers and functions

of House of Representative President of Senate, Speaker of House of Representative Privileges etc. of Houses. 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.

BOOKS RECOMMENDED:

Paton	:	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 Australian Federal System
डॉ. वी. पी. सिंह :		विश्व के प्रमुख संविधान
डॉ. ओ पी. नागपाल		जापान, आस्ट्रेलिया और नेपाल का संविधान

PAPER – IV (PAPER CODE 112)

CONSTITUTIONAL LAW OF JAPAN AND SWITZERLAND

Unit I

Historical Background of Japan ,Importance Of The Study Of The Japanese Constitution , Constitutional Development Of Japan , Meiji Constitution Framing of The Modern Constitution.

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

The Rights and Duties of the People-

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 , powers and functions of the House of Representatives , Composition , Powers and Functions of 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 Background, importance of the Swiss Constitution, Characteristics of the Swiss Constitution. Basic, Civil and social rights.

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

Unit IV

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

Federal Executive—Organization of the Federal Council, Powers 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 Review, Cantons- Administration of cantons, Districts and Communes method of Direct democracy in Swiss Constitution- Primary Assemblies, Referendum and Initiative, merits and demerits of Referendum and Initiative.

BOOKS RECOMMENDED:

Beckmann, George M	The making of the Meiji Constitution. (Lawrence, 1957)
Cabinet Secretariat	The Constitution of Japan (Tokyo, 1947)
Fujisawa, F.	: The Recent Aims and Political Development of Japan
Gubbins, J.H.	: The Making of modern Japan (London, 1922)
Ike, N.	The Beginning of Political Democracy in Japan Baltimore, 1950)
Butty N.	: Parliamentary Democracy in Japan
Kapoor A.C.	: Selected Constitutions
Hughes	: The Federal Constitution of Switzerland
Rao B.S.	: Selected Constitution of the World
Basu	: Selected Constitution of the World
डॉ. वी. पी. सिंह :	विश्व के प्रमुख संविधान
डॉ. ओ पी. नागपाल	जापान, आस्ट्रेलिया और नेपाल का संविधान

GROUP - I
CONSTITUTIONAL AND ADMINISTRATIVE LAW

FOURTH SEMESTER

PAPER – I (PAPER CODE 117)

LAW AND SOCIAL TRANSFORMATION IN INDIA

Unit I–

1. LAW AND SOCIAL CHANGE

Law as an instrument of social change.

Law as the 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 institutions in India.

2. 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

3. LANGUAGE AND THE LAW

Language as a divisive factor: formation for linguistic states.

Constitutional guarantees to linguistic minorities.

Language policy and the Constitution: Official language; multi-language system.

Non-discrimination on the ground of language.

4. COMMUNITY AND THE LAW

Caste as a divisive factor.

Non-discrimination on the ground of caste.

Acceptance of caste as a factor to undo past injustices.

Protective discrimination: Scheduled castes, tribes and backward classes.

Reservations; Statutory Commissions, Statutory provisions.

Unit III

5. REGIONALISM AND THE LAW

Regionalism as a divisive factor.

Concept of India as one unit

Right of movement, residence and business; impassibility of state or regional barriers.

Equality in matters of employment: the slogan “Sons of the soil” and its practice.

Admission to educational institutions: preference to residents of a state.

6. WOMEN AND THE LAW

Crimes against women.

Gender injustice and its various forms.

Women’s Commission.

Empowerment of women: Constitutional and other legal provisions.

Unit IV

7. CHILDREN AND THE LAW

Child labour.

Sexual exploitation.

Adoption and related problems.

Children and education.

8. ALTERNATIVE APPROACHES TO LAW

The jurisprudence of Sarvodaya- Gandhiji, Vinoba Bhave; Jayaprakash Narayan- Surrender of dacoits; concept of grama nyayalayas.

Socialist thought on law and justice: An enquiry through constitutional debates on the right to property.

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

Unit V–

9. 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 agriculture.
 Industrial reform: Free enterprise Vs. State regulation
 Industrialization Vs. environmental protection.
 Reform of court process.
 Criminal law: Plea bargaining; compounding and payment of compensation to victims.
 Civil law: (ADR) Confrontation Vs. consensus; mediation and conciliation.; Lok adalats.
 Prison reforms.
 Democratic e centralization and local self-government.

BOOKS RECOMMENDED

- Marc Galanter : Law and Society in Modern India (1997) Oxford
 Robert Lingat : The Classical Law Of India (1998) Oxford
 U. Baxi : The Crisis Of the Indian Legal System (1982), Vikas, New Delhi
 U. Baxi : Law and Poverty Critical Essay. (1988) Tripathi, Bombay
 Manushi : A Journal about Women and Society.
 Duncan Derret : The State , Religion and Law in India (1999) Oxford
 H.M. Seervai : Constitutional Law of India (1996) Tripathi
 D.D. Basu : Shorter Constitution Of India (1996) Prentice- Hall of India (P) ltd
 Sunil Deshta and Kiran Deshta : Law and Mernace of Child Labour (2000)
 Armol Publications Delhi.
 Savitri Gunasekhare : Children, Law and Justice (1997) Sage
 Indian Law Institute, Law and Social Change: Indo American Reflections,
 Tripathi(1988)
 J.B.Kripalani, Gandhi : His life and Thought,(1970) Ministry of Information and
 Brodcasting, Government of India
 M.P.Jain, : Outline of Legal History,(1993), Tripathi, Bombay.
 Agens, Flavia, Law and Gender Inequality: The Position of Women's Rights in India
 (1999), Oxford

PAPER – II (PAPER CODE 118)
ADMINISTRATIVE LAW
(U.K U.S.A. FRANCE AND INDIA)

Unit-I

Growth and Development of Administrative law, Concept, Nature, 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-III

Administrative Adjudication and Administrative Tribunals—Growth of Administrative Tribunals in UK, USA, France, and India, Working of Administrative Tribunals, Administrative Tribunals and Judicial Review
 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 Actions 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 of 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 Estoppels and Waiver

Liability of the State in UK, USA, France and India, Act of State, Public Corporations and Regulatory Bodies

Note--: Following Acts shall also be deemed to be included in the Units of this paper.

- (1) Federal Administrative Procedure Act,1946
- (2) Federal Tort Claim ct, 1945
- (3) Freedom Of Information Act,1966
- (4) Tribunals & Inquires Act,1992
- (5) The Crown Proceedings Act, 1947
- (6) Parliamentary Commissioners Act, 1967
- (7) Administrative Tribunal Act, 1985
- (8) The Lokpal & Lokayukta Bill,2011

Books Recommended

- Rebson : Justice And administrative Law
- Griffth 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
- Prasd : 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.
- Brown 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
- Laffe : 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.

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

CRIMES AND TORTS

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 behavior.

Unit-II

Schools of Criminology:- Pre-classical, Classical and Neo-classical and their theories Baccaria and Bentham, The Positive school and their contributors C. Lambroso, R Garafellow and E Ferricriews of other schools ie. cartographer sociological sociologist and clinical and multifactor's etc. and their contributors.

Unit-III

Types of Crimes and Criminals: 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, Kidnapping, abduction etc.

Unit-IV

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

Unit-V

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

Books Recommended

Sutherland & crassy	- Criminology
Taft & England	- Criminology

Reckless W.	- Criminology The Crime Problem
Vole G.B.	- Theoretical Criminology
Mannheim	- Compensation criminology
Lolika Asrkar	- Crime & Woman
Upendra Baxi	- Law & Poverty
Pillai S.	- Theory of Criminology
Cycil Burt	- Young Delinquents
Gilliam J.L.	- Criminology Penology
Gluck	- Delinquency in working
A.Siddique	- Criminology Problem & Perspective
David Abhahanson	- Crime & Human Maid
Cove Land	- The Emitters of Criminology
Katherine S William	- Text Book of Criminology
Leon Radzeinoartz	- Ideology of Crime
W. Reckless	-The Prevention of Juvenile Delinquency
P.H.Kohn	- Juvenile Offenders & The Law
K.S.Shukla	- Adolescent Offenders
ILI (Delhi)	- Habitual Offenders & The Law
E.Sutherland	- White Collar Crime
M.Ponnanian	- Criminology 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 Demerits.

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 1900.

Unit-IV

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

Unit-V

Power and jurisdiction of Police under Cr.pc U/s 302, 55, 161, 36,156,160,174,102 and 166 Criminal Justice Process, Organize ahead structure of Jail and Police in India Provision relating to custodial death, torture etc.

Books Recommended

P.K.sen	- Penology old and New
Gillian JL	- Criminology and Penology
Bhattacharya	- Prisons
Flexvor &Baldwine	- Juvenile court and Probation
M.Ponnanian	- Criminology and Penology
J.C.Chaturvedi	- Penology and Correctional Administration
Baser D.D.	- Crimial Procedure code 1973
रतन लाल धीरजलाल	- दण्ड प्रक्रिया संहिता 1937

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 Indian 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 tranquility seditious (sec 124A 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 (sec375-377), Offences relating to property especially – Theft (sec 378), Extortion (sec 383), Robbery (sec 390), Dacoit (sec 391), Criminal misappropriation of property (sec 403-404), Criminal Breach of Trust (sec 405 -409), stolen 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 493-498A), Defamation (sec 499-502), Criminal intimidation: Insult and Annoyance (sec 503- 510) and attempt to commit offences (sec 511)

Books Recommended

Hall J.	-	General Principles of Criminal Law
William G.	-	Criminal law
Kenney	-	Out times of criminal law
Cross & Jones	-	Introduction to criminal law
Elliot and wood	-	Cases Book on criminal law
Cross and Jones	-	Cases on Criminal law
Ratan lal Dhirajlal	-	Law of Crimes
Gaur K.D.	-	Criminal law
Ratan lal Dhiraj lal	-	Indian Penal Code (भारतीय दण्ड संहिता)
Bhattacharya T.	-	Indian Penal Code
S.N. Mishra	-	Indian Penal Code

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 4-16) 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 of a statement to be proved (sec 34-39) Relevancy of the judgment 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 the 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- 114A) 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 x and chapter xi (sec 135- 167) of Indian Evidence Act.

Books Recommended

Woodroff & Ameer Ali	-	Law of Evidence
Phipson	-	Manual on Evidence
Sarkar	-	Law of Evidence
Noaks	-	Introduction to Evidence

Sarathi

- Element of law of Evidence

**FOURTH SEMESTER
PAPER - I (PAPER CODE 121)
LAW OF TORTS - GENERAL PRINCIPLES**

Unit - I

Law of Torts: Its introduction definition and classification; history; and development its comparison with crime, breach of contract and breach of trust, Essential of torts; Acts and omission and legal damages dam num sine injuria and injuria sine dam num.

Unit - II

Foundation of tortuous liability: Mental elements-Fault as a basis of liability in various torts- Test of proximity Directness and test of foreseeability principles for awards of damages Position of contributory negligence and intervention of third party non actus intervenes.

Unit - III

General defense in action of torts- Private defenses necessity, inevitable accident; Act of God, Mistake; statutory authority and consent. Remedies in action of torts- judicial and extra judicial remedies, Discharge of torts; waiver, accord and satisfaction; Release of Acquiescence Res judicata and statute of limitation Assignment of right of action in torts and death of party and its effect on tortuous actions.

Unit - IV

Capacity to sue or be sued in tort: Position of unborn child, Minor Husband and wife, Lunatic, insolvent, convicts, judicial officer, alien enemy Trade union, corporation Foreign sovereign state and its executive authority, Liability of state for the tortuous liability acts of his servant and foreign torts joint and several tort feaser. Liability for injury caused by animal (scanter rule)

Unit - V

General principle s for occupiers liability for dangerous land premises principles relating to product liability (Donough v Stevenson Rule) Strict Liability: Ryland vs. fleture rule; Doctrine of alternative dameges.

Books Recommended

Salmond	-	On Torts
Flemming	-	Law of Torts
Pollock	-	Low of Torts
Clark and Linds dell	-	Linds dell - Torts
Waifield	-	Law of Torts
Rancsworny Iyer	-	Law of Torts
Ratan Lal Dhiraj lal	-	Law of Torts
James	-	General Principles of Law of Torts
Weir T.	-	A case lal on Torts
Marrison	-	Law of Torts
Under Hills	-	A Summary of Law of Torts

American Law Institute	-	Re-statement of Torts
Pillai PSS	-	Law of Torts

PAPER - II (PAPER CODE 122)
Specific Torts- Special Topics
Negligence and Vicarious Liability

Unit - I

Injuries to the person, wrongs relating to domestic relations; torts relating to incorporeal rights worship; dignity and intentional wrong doing, intimidation, conspiracy and interference with trade business or occupation by unlawful means.

Unit - II

Wrongs of movable property - Trespass to goods, conversion its kinds and remedies, detention wrongs of immovable property - Trespass its types remedies defences and damages;

Injuries to reversion and waste, wrongs to easements and torts relating to incorporeal personal property, Slender of Goods & Title, Maintenance and Champerty.

Unit - III

Interference with contractual and Business relations - Malicious prosecution, abuse of legal process, Misfeasance in Public office, Nuisance, Injurious falsehood and Deceit (fraud) and Defamation.

Unit - IV

Negligence as a Torts - Its definition; essential ingredient for actionable Negligence. Requirement of duty - The standard of duty to take care. The Breach of duty the relation between them: Liability for the negligence of the occupier of land and premises towards various person Negligence of persons possessing greater skill and specilised trade and profession; Negligence by the keepers of dangerous animal and dangerous goods. Contributory - Negligence; Breach of statutory duty and burden of proof in Action of negligence.

Unit - V

Vicarious liability (A liability for the wrongs committed by other) Relationship master and servant Masters liability for the wrongful act of independent contractor; Principal and agency liability by relation & liability by ratification.

Grounds for vicarious liability - course of employment, liability for the act of servant; for the act of driver: Deviation and Detour; Doctrine of common employment. Vicarious liability of Hospital authorities for the negligence act of Doctor and Nurses.

Books Recommended

Ramaswamy Iyar	-	The Law of Torts
Charls worth	-	Law of Negligence
Beavan	-	Negligence
Baty	-	Vicarious Liability
Bradell & Kar	-	Master and Servant
Bingham R.	-	Modern Cases on Negligence
Odgers	-	Libel and Slander

William G.	-	Joint torts and Contributory Negligence
Atiyah PS	-	Vicarious Liability
Spencer Bowen	-	Defamation
Das & Sodhi	-	Negligence
Gandhi B.M.	-	Law of Torts

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.