

MASTER OF LAWS (LL.M.)-PART-I (TWO YEARS COURSE)

Exam pattern

The LL.M. Candidates must obtain at least 40% marks in individual paper and 48% marks in the total aggregate. Those securing 66% or more marks in the aggregate shall be placed in first division and rest in second division.

In the main examination each paper shall be of three hours duration and carry 70 marks. Minimum pass marks shall be 28 out of 70.

SCHEME OF STUDIES

LL.M. Part-I

(FIRST & SECOND SEMESTERS)

First Semester

Sr. No.	Paper Subject	University Exam.	Internal assessment *	Max. Marks
1-	Law and Social Transformation in India	70	30	100
2-	Indian Constitution Law: The New Challenges	70	30	100
3-	Judicial Process	70	30	100

Second Semester

Sr. No.	Paper Subject	University Exam.	Internal assessment *	Max. Marks
1-	Legal Education and Research Methodology	70	30	100
2-	Interpretation of Statute	70	30	100
3-	Dissertation and Viva-Voce	70	30	100

* The break-up of 30 marks for Internal Assessment will be as under :

- (a) Two tests of which average will be considered for assessment. 15 Marks
- (b) Assignment/ Seminar 10 Marks
- (c) Attendance 05 Marks

SCHEME OF STUDIES

LL.M. Part-I

(THIRD & FOURTH SEMESTERS)

Branch-I (Corporate, Business and Contractual Law)

Third Semester

Sr. No.	Paper Subject	University Exam.	Internal assessment *	Max. Marks
1-	General Principal of Contract and special contract	70	30	100
2-	Banking Law	70	30	100
3-	Law of Corporate Management and Governance	70	30	100

Fourth Semester

Sr. No.	Paper Subject	University Exam.	Internal assessment *	Max. Marks
1-	Law of Intellectual Property	70	30	100
2-	Law of Export- Import Regulation	70	30	100
3-	Practical and Viva-Voce			100

Branch-II (Torts and Crime)

Third Semester

Sr. No.	Paper Subject	University Exam.	Internal assessment *	Max. Marks
1	General Principle of Tort and Specific Wrong	70	30	100
2	General Principle of Crime and Specific offences	70	30	100
3	Comparative Criminal Procedure	70	30	100

Fourth Semester

Sr. No	Paper Subject	University Exam.	Internal assessment*	Max. Marks
1	Juvenile Delinquency	70	30	100
2	Penology: Treatment of offenders	70	30	100

3	Practical and Viva-Voce		100
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* The break-up of 30 marks for Internal Assessment will be as under :

(a) Two tests of which average will be considered for assessment.	15 Marks
(b) Assignment/ Seminar	10 Marks
(c) Attendance	05 Marks

LL.M. (Two Years Degree Course)

First Semester

Paper I

Law and Social Transformation in India

1. Law and Social Change
Meaning and concept of Law-Law as a purposive device, Law as the product of Traditions and culture, Social engineering, Development of judicial institution, Reform of criminal court, Reform of civil court, Lok adalat, Prison reforms.
2. Responses of Law to social institutions
Response of religion through secularism, language through constitutional guarantees, response of regionalism through unity, protective discrimination.
3. Children and the Law
Child labour, Sexual abuse, sexual exploitation, Adoption related problems, Right to education and Right to Education Act, 2009
4. Women and the Law
Crime against women, Sexual offences, crime relating to marriage, offences relating to trafficking of body, female foeticide and empowerment of women
5. Religion and Law
Religion as a divisive factor, secularism-Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.
6. Language and the Law
Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution-Official Language, State Language, Court Language
7. 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, Reservation: Statutory Commission, Statutory provisions.
8. Modernization and Law
Modernization as value-Constitutional perspectives reflected in the fundamental duties, Modernization of social institutions through law Reform of family law, Agrarian reform, and industrial reforms.

Paper-II

Indian Constitution Law: The New Challenges

1. Federalism: Creation of new states, Allocation and share of resources-distribution of grants-in-aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.
2. Separation of Power: Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary.
3. Democratic Process: Election and Electoral reforms, Election Commission.
4. The rule of law: The independence of judiciary as an aspect of separation of powers/Division of functions.
5. The Executive- Constitutional status, Powers and functions of the President vis-a vis form of Government.
6. The Legislature: Parliamentary/Legislative Privilege: Nature, Extent, Scope and Limitation on privileges.
7. The Judiciary: Status, Power, functions and contemporary developments, Power of judicial review. Good Governance: Principle of good governance-Administrative responsibility and accountability-Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.
8. 'State'-Need for widening the definition in the wake of liberalization, Right to equality: Privatization and its impact on affirmative action, Empowerment of Women
9. Emerging regime of new rights and remedies, Reading Directive Principles and Fundamental Duties into Fundamental Rights, Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice.

Paper III Judicial Process

1. Nature of judicial process Judicial process as an instrument of social ordering, Judicial process and creativity in law common law model-Legal Reasoning and growth of law-change and stability, The tools and techniques of judicial creativity and precedent, Legal development and creativity through legal reasoning under statutory and codified systems. Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review, Role in Constitutional adjudication-various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism, Problems of accountability and judicial law-making.
2. Judicial Process in India Indian debate on the role of judges and on the notion of judicial review, The independence of judiciary and the political nature of judicial process, Judicial activism and creativity of the Supreme Court-The tools and

- techniques of creativity, Judicial process in pursuit of constitutional goals and values-New dimensions of judicial activism and structural challenges, Institutional liability of courts and judicial activism-Scope and limits.
3. The Concepts of Justice The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, Various theoretical bases of justice-the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.
 4. Relation between Law and Justice Equivalence Theories-Justice as nothing more than the positive law of the stronger class, Dependency theories-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

Second Semester

Paper I

Legal Education and Research Methodology

1. Socio-legal research, Doctrinal and non-doctrinal research, Computerized research, Relevance of empirical research.
2. Legislative research material, Decisional research material, Ratio decidendi and obiter dicta, Juristic writing
3. Formulation of research problem, Tools and techniques of data collection, Use of questionnaire and interview, Use of case study
4. Sampling procedure-design of sample, types of sample to be adopted, Classification and tabulation of data, Analysis of data, Art of thesis writing.

Paper II

Methods and Principles of Legislation & Statutory Interpretation

1. Legislation-
 - a. Types of Legislation
 - b. Methods of Legislation
 - c. Meaning, Object and Necessity of Interpretation of Statute
 - d. Types of Statute
 - e. Commencement, Extent and Duration of Statutes
 - f. Repeal, Amending, Consolidating and Codifying Statutes
2. General Principles of Statutory Interpretation-
 - a. Primary or Literal Rule of Interpretation
 - b. Mischief Rule of Interpretation
 - c. Golden Rule of Interpretation
 - d. Harmonious Rule of Interpretation
 - e. Beneficial construction

- f. Internal Aids to Interpretation of Statutes
- g. External Aids to Interpretation of Statutes

Paper III

Dissertation

Dissertation shall be compulsory in LLM Second Semester. It shall be on any topic relating to the group wherein the candidate has chosen to specialize. The topic shall be chosen well in advance at the time of admission in LLM Second Semester with the approval of Dean who shall also assign a supervisor for each student.

The dissertation shall not be of less than 100 pages typed and shall be forwarded by the Supervisor to the Dean and shall be deposited in College to be forwarded to the examination section. The dissertation must be submitted 10 days before the commencement of the written examination in two copies. This paper shall be of maximum 100 marks. 80 maximum for dissertation and 20 marks for Viva Voce.

The candidate whose Dissertation is rejected, may with the approval of the Faculty of Law, write a Dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this Dissertation also, he shall be declared failed at LL.M. Degree Examination.

Viva Voce Examination-

- (a) The Viva Voce Examination shall be conducted by a Board of Examiners.
- (b) The Board shall consist of three members; at least one of them shall be an external member.
- (c) The Viva-Voce Examination shall carry 20 marks.
- (d) The candidate shall be required to obtain a minimum of 10 marks to pass the Viva Voce

Note: it is made clear that dissertation student may write papers either in Hindi or English.

Branch-I (Corporate, Business and Contractual Law)

Third Semester

Paper I

General Principles of Contract

UNIT – I History – Formation of Contract – Agreement and Contract – Definitions – Classification - Offer and Acceptance – Communication – Revocation – Essential elements – Invitation to Offer – Tenders. Consideration – Nudum Pactum - Essential elements – Privity of Contract and of Consideration – Exceptions – Unlawful Consideration and its effect. Contractual Ability – Electronic Documents as Web Pages – Digital Certificates as Entry Passes – Time and Place of Contract – Secured Custody of Electronic Records.

UNIT – II Capacity to Contract – Minor’s Agreements and its effects – Persons of unsound mind – Persons disqualified by Law. Free Consent – Coercion - Undue influence – Misrepresentation – Fraud – Mistake – Legality of Object – Void Agreements – Agreements against Public Policy – Wagering Agreements – Its exceptions – Contingent Contracts.

UNIT – III Discharge of Contracts and its various Modes – by performance – Time and place of performance – Performance of reciprocal promises - Appropriation of Payments – Discharge by Agreement – By operation of Law – By frustration (Impossibility of Performance) – By Breach (Anticipatory and Actual).

UNIT – IV Remedies for Breach of Contracts – Damages – Remoteness of damages – Ascertainment of damages -Injunction – When granted and when refused– Restitution – Specific performance when granted – Quasi Contracts.

UNIT – V The Specific Relief Act Nature of Specific Relief – Recovery of Possession of movable and immovable Property – Specific performance when granted and not granted – Who may obtain and against whom – Discretionary remedy – Power of Court to grant relief – Rectification of instruments – Cancellation – Declaratory decrees – Preventive relief – Temporary injunctions – Perpetual and Mandatory Injunctions. Government as a contracting party: Constitutional provisions – Government powers to contract – Procedural requirements – Kinds of Government Contracts, their usual clauses, performance of such contract, settlement of disputes and remedies.

Unit-VI Sale of Goods - Sale and agreement to sell- Conditions and warranties - Effects of the contract of sale - Performance of contract - Rights of an unpaid seller - Suits for breach of contract - Auction Sales

Unit-VII Partnership - Nature of Partnership - Relations of partners to one another - Relations of partners to third parties - Incoming and outgoing partners - Dissolution of firms -Registration of firms

Paper II

Banking Law

UNIT - I Introduction

- a. Nature and development of banking
- b. History of banking in India and elsewhere -indigenous bankingevolution of banking in India - different kinds of banks and their functions.
- c. Multi-functional banks - growth and legal issues.
- d. Evolution of Central Bank, its characteristics, objectives, functions and importance
- e. Reserve Bank of India and its various functions, its role as Central Bank, Bank rate policy formulation
- f. Nationalization of banks and its importance
- g. Co-operative Banks : Importance and drawbacks

UNIT - II Law Relating to Banking Companies in India

- a. Controls by government and its agencies on management, audit and accounts, lending and credit policy of the Banking Companies
- b. Reconstruction and reorganisation
- c. Suspension and winding up

UNIT - III Social Control over Banking

- a. Nationalization
- b. Evaluation: private ownership, nationalization and disinvestment
- c. Protection of depositors
- d. Priority lending
- e. The Deposit Insurance and Credit Guarantee Corporation Act, 1961, Objects and reasons, Establishment of Capital of DIC, Registration of banking companies insured banks, liability of DIC to depositors, Relations between insured banks, DIC and Reserve Bank of India

UNIT - IV Relationship of Banker and Customer -

- a. Legal character
- b. Contract between banker and customer : their rights and duties
- c. Banker's lien
- d. Protection of bankers
- e. Customers - Nature and type of accounts, Special classes of customers - lunatics, minor, partnership, corporations, local authorities, Consumer protection: banking as service

UNIT - V Negotiable Instruments

- a. Meaning and kinds
- b. Transfer and negotiations
- c. Holder and holder in due course and his rights
- d. Liabilities of parties in case of dishonour of Negotiable Instruments

Paper III

Law of Corporate Management and Governance

Unit - I: Corporate Incorporation and Management 1. (i) Certificate of Incorporation (ii) Memorandum and Articles of Association (iii) Doctrine of Ultra Vires (iv) Doctrine of Indoor Management 2. (i) Directors: Appointment, Removal, Position, Powers and Duties of Directors. (ii) Audit Committee: Its Role. (iii) Company Secretary: Qualification, Appointment and Duties (iv) Officer who is in default: Definition of Officer who is in default (v) Liability of independent directors. 3. (i) Types of Meetings (ii) Procedure of calling meeting (iii) Company's resolutions and its kinds

Unit -2: Oppression & Mismanagement and Investigation (Sections 397 to 408; Sections 235 to 251) 1. (i) Rule in Foss v. Harbottle (ii) Prevention of Oppression (iii) Prevention of Mismanagement (iv) Role & Powers of the Company Law Board (v) Role & Powers of Central Government

Unit – 3: Corporate Liquidation 1. (i). Winding up of Companies (ii). Mode of winding up of the companies (iii). Compulsory Winding up under the Order of the Tribunal (iv). Voluntary winding up (v). Contributories (vi). Payment of liabilities

Unit -4: Corporate Governance and Social Responsibility 1. (i) Importance of Corporate Governance (ii) Different system of Corporate Governance (iii) Impact of Legal Traditions and the Rule of Law on Corporate Governance (iv) Legal Reforms of Corporate Governance in India (v) Reports of the various Committees on Corporate Governance (vi) Emerging Trend based on the recommendation of the Committees in the Companies Act 1956 and the Listing Agreement with Special reference to Clause 49.

Branch-I (Corporate, Business and Contractual Law)

Fourth Semester

Paper I

Law of Intellectual Property

Unit I Concept of Intellectual Property Economic Importance of Intellectual Property International Scenario: TRIPS and other Treaties.

Unit II Copy Right: Introduction to Copyright, the Copyright Act, 1957, Copyright vis-a-vis Digital Technology, Software Copyright. Implication of International Conventions in India.

Unit III Industrial Design: Need for Protection of Industrial Designs, The Designs Act, 2000 International Regime relating to Industrial Design, Design: Integrated Circuit Layout, the Semiconductor Integrated Circuit Layout International Conventions.

Unit IV Trademark and Passing Off: Introduction to Trade Mark and its Relevance and Need for Protection, Trade Mark Act, 1999, Passing Off, Exhaustion of Right in Trade Mark Domain Name dispute and cyber squatting.

Unit V Law relating to Geographical Indication: Domestic as well as International Law Traditional Knowledge.

Unit VI Introduction to Patents Indian Patent Act, 1970 International Regime relating to Patent: Convention and Treaties, Relevant provisions under TRIPs Drug Patent vis-a-vis Public Health, Software Patent.

Paper II

Law of Export- Import Regulation

UNIT - I Introduction: State control over import and export of goods- from rigidity to liberalization, Impact of regulation on economy.

UNIT - II The Basic Needs of Export and Import Trade: Goods, Services, and Transportation

UNIT - III International Regime: WTO agreement, WTO and Tariff restrictions, WTO and non-tariff restrictions, Investment and transfer of technology, Quota restriction and anti-dumping. Permissible regulations, Quarantine regulation. Dumping of discarded technology and goods in international market, Reduction of subsidies and counter measures.

UNIT - IV General Law on Control of Imports and Exports: General scheme Legislative control, Power of control : Central Government and RBI, Foreign Trade Development and Regulation Act 1992, Restrictions under customs law, Prohibition and penalties, Export-import formulation: guiding features, Control under FEMA, Foreign exchange and currency, Import of goods, Export promotion councils, Export oriented units and export processing zones.

UNIT - V Control of Exports: Quality control, Regulation on goods, Conservation of foreign exchange, Foreign exchange management, Currency transfer, Investment in foreign countries.

UNIT - VI Law Relating to Customs; Prohibition on import and exportation of goods, Control of Smuggling activities in export-import trade, Levy of an exemption from, customs duties, Clearance of imported goods and export goods, Conveyance and warehousing of goods

UNIT - VII Regulation on Investment: Borrowing and lending of money and foreign currency, Securities abroad- issue of, Immovable property- purchase abroad, Establishment of business outside, Issue of derivatives and foreign securities- GDR (global depositories receipts), ADR (American Depository receipts and Euro, Investment in Indian banks, Repatriation and surrender of foreign securities.

UNIT - VIII Technology Transfer: Restrictive terms in technology transfer agreements, Automatic approval schemes.

Paper III

Subject: Project Work / Practical Training

1. Students have to take five classes of LL.B. each class will be of 5 Marks. (Total Marks-25)
2. Two class Room presentation on current legal topic or judgment - 25 Marks
3. Home assignment- 25 Marks
4. viva-voce- 25 Marks (viva-voce will be conducted by committee of two faculty member of college and one external examiner)

Branch-II (Torts and Crime)

Third Semester

Paper I

General Principal of Tort and Specific Wrong

1. Concept of Tortious Liability

- a. Definition of Tort
- b. Distinction from contractual liability
- c. Distinction from criminal liability
- d. Damnum Sine Injuria
- e. Injuria Sine Damno

2. Strict liability

- a. 2.1 Dangerous thing – escape – non natural use of land
- b. 2.2 The Rule in Rylands V. Fletcher
- c. 2.3 Defences to the Rule

3. The Rule of Absolute Liability - The Rule in M.C. Mehta Vs. Union of India

4. Statutory Liability

5. Vicarious Liability

- a. Master and Servant
- b. Who is a Servant?
- c. Lending a Servant
- d. What is the course of employment- Carelessness of servant- Mistake of servant - Willful wrong of servant -Theft by servant -Damage to goods bailed - Fraud of Servant
- e. Mutual rights and obligations of Master and Servant and Independent Contractor

6. Negligence as a Tort

- a. Duty to take care
- b. Breach of duty
- c. Consequent damage
- d. Contributory negligence

7. Liability of State

8. Defences to actions

- a. Consent Volenti non fit injuria
- b. Public Policy
- c. Mistake
- d. Inevitable Accident
- e. Act of God 8.6 Private Defence
- f. Necessity
- g. Statutory Authority

Paper II

General Principles of Crime and Specific offences

1. Conception of crime- Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.

- a. State's power to determine acts or omissions as crimes
- b. State's responsibility to detect, control and punish crime.
- c. Distinction between crime and other wrongs.
- d. IPC: a reflection of different social and moral values.

2. Elements of criminal liability

- a. Author of crime – natural and legal person
- b. Mens rea – evil intention
- c. Importance of mens rea
- d. Recent trends to fix liability without mens rea in certain socioeconomic offences
- e. Act in furtherance of guilty intent
- f. Omission
- g. Injury to another

3. Group liability

- a. Stringent provision in case of combination of persons attempting to disturb peace.
- b. Common intention
- c. Abetment:
- d. Unlawful assembly:
- e. Criminal conspiracy
- f. Rioting as a specific offence

4. Stages of a crime

- a. Guilty intention – mere intention not punishable
- b. Preparation
- c. Attempt

5. Factors negating guilty intention

- a. Minority
- b. Insanity Impairment of cognitive faculties, emotional
- c. Intoxication – involuntary
- d. Private defence – justification and limits
- e. Necessity
- f. Mistake of fact

6. Types of punishment

7. Specific offences against human body

8. Offences against women

9. Offences against Property

10. Defamation, Criminal intimidation & insult

Paper III

Comparative Criminal Procedure

UNIT- I- Organization of courts and prosecuting Agencies: Hierarchy of criminal courts and their jurisdiction, organization of prosecuting agencies, prosecution and the policy.

UNIT- I Pre Trial Procedure: - Arrest and questioning of the accused, rights of the accused, evidentiary value of statements or articles collected by police. Role of prosecutor and judicial officer in investigation.

UNIT- I Trial Procedure : The accusatory system of trial and the inquisitorial system. Role of judge, prosecutor and defense attorney in the trial main features of session's trial, wasn't, Trial and summons trial, Summary trial and plea bargaining.

UNIT- I Appeals: Reference and revisions.

UNIT- I Provision as to Bails and Bail Bonds -

UNIT- I Correction and after case services: Institutional correction of the offenders, Role of court in correction programmes.

Fourth Semester

Paper I

Juvenile Delinquency

Unit I The conception of 'child' in Indian Constitution and Penal Code, Delinquent Juvenile, 'Neglected Juvenile', the Overall situation of children/young persons in India, also with reference to crime statistics (of crime by and against children), Differential Association, Anomie, Gang-sub-culture.

Unit II: Legislative Approaches Legislative approaches during the late colonial era, Juvenile Justice Act, 2000, Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged, United Nation Conventions on the Right of Child, 1989

Unit III: Indian Context of Juvenile Delinquency The child population percentage to total sex ratio, urban/rural/rural-urban, Labourers, In organised industries like Zari, Cappet, Bidi, Glass, In unorganised section like domestic servant, shops and establishments, Durg Addicts, Victims of violence-sexual abuses, battered, killed by parents.

Unit IV: Judicial Contribution and Preventive Strategies Social Action Litigation concerning Juvenile Justice, Judicial decisions, Role of legal profession in Juvenile Justice System, State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrials, individual.

Paper II

Penology and Treatment of offenders

UNIT- I Definition of Penology - historical and contemporary approaches to penology.

UNIT- II Theories of punishment - Retribution - Utilitarian prevention: Deterrence - Utilitarian: Intimidation Behavioral prevention: Incapacitation - Behavioral prevention: Rehabilitation - Classical Hindu and Islamic approaches to punishment.

UNIT- III Approaches to sentencing - Probation - parole - corrective labor - fines - bail, bond – collective fines - reparation by the offender/by the court.

UNIT- IV Juvenile Delinquency - factors - response - JJ Act 2000 - JJ Board - Welfare Boards - Constitutional aspects - Neglected and Delinquent, care and protection.

UNIT- V Sentencing - types of sentences in IPC and special laws - sentencing for habitual offender, white collar crime - Pre - sentence hearing - summary punishment - Capital punishment [Constitutionality, Judicial attitude and law reform]

UNIT- VI Victmology and Compensation - state of Jail reform - Classification of prisoners - Rights of prisoners - open prison.

Paper III

Project Work / Practical Training

This paper shall be of 100 marks. It is bifurcated as under-

1. Students have to take five classes of LL.B. Each class will be of 5 Marks. (Total Marks-25)
2. Two class Room presentation on current legal topic or judgment - 25 Marks
3. Home assignment- 25 Marks
4. viva-voce- 25 Marks (viva-voce will be conducted by committee of two faculty member of college and one external examiner)