

LL.M. Syllabus

Compulsory Paper LL.M. I Semester

Paper I : Constitutional Law of India I	Code LLM 101
Paper II : Jurisprudence I	Code LLM 102
Paper III : Legal thought, Interpretation and Judicial Process	Code LLM 103
Paper IV : Legal Education And Research Methodology	Code LLM 104

Compulsory paper LLM II Semester

Paper I: Constitutional law of India II (Law and basic needs)	Code LLM 201
Paper II: Jurisprudence II	Code LLM 202
Paper III: Law And Social Transformation	Code LLM 203
Paper IV: Human Rights	Code LLM 204

Optional Papers

Group A : Constitutional and Administrative Law Group

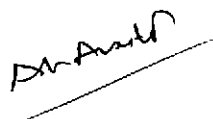
Paper-I : Constitutionalism . Pluralism	Code LLM 301
Paper-II : Federalism and Union State Relations	Code LLM 302
Paper-III : National Security, Public Order and Rule of Law	Code LLM 303
Paper-IV : Mass Media Law	Code LLM 304
Paper-V : Administrative Law in India	Code LLM 401
Paper-VI : Public Authorities and Liability· Control on Maladministration	Code LLM 402

Group B : Business Law Group

Paper-I : Intellectual Property Law	Code LLM 305
Paper-II : Legal Regulation of Economic Enterprises	Code LLM 306
Paper-III : Company Law	Code LLM 307
Paper-IV : Banking and Insurance Law	Code LLM 308
Paper-V : Economic Laws	Code LLM 403
Paper-VI : International Trade Law	Code LLM 404

Group C : Criminal Law Group

Paper-I : Comparative Criminal Procedure	Code LLM 309
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Paper-II : Treatment of Offender & Victimology	Code LLM 310
Paper-III : Drugs Addiction, Criminal Justice & Human Rights	Code LLM 311
Paper-IV : Privileged Class Deviance	Code LLM 312
Paper-V : Juvenile Delinquency	Code LLM 405
Paper-VI : Collective Violence & Criminal Justice System	Code LLM 406

Dissertation and Viva-Voce

Note : Other groups may be added in future depending on availability of Faculty and other infrastructure.

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LL.M. Ist SEMESTER

(COMPULSORY PAPERS)

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

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Code LL.M.101 Paper 01 : Indian Constitutional Law I

Unit I

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.

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.

Democratic Process : Election and Electoral reforms, Election Commission

The rule of law :The independence of judiciary as an aspect of separation of powers/Division of functions.

Unit II :

The Executive : Constitutional status, Powers and functions of the President vis-a vis form of Government.

The Legislature : Parliamentary/Legislative Privilege : Nature, Extent, Scope and Limitation on privileges

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.

Unit III:

- 'State'-Need for widening the definition in the wake of liberalization.
- Right to equality Privatization and its impact on affirmative action.
- Empowerment of Women
- Freedom of Press and Challenges of new scientific development.

Unit IV:

1. Emerging regime of new rights and remedies.
2. Reading Directive Principles and Fundamental Duties into Fundamental Rights.
3. Secularism : Religious freedom and right of minorities to establish and administer educational institutions of their choice.

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4. Implementation of International Obligation : Human Rights, Environmental protection and International trade

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

The course shall comprise of the following :

UNIT I : Introduction : Definition, Nature, Scope, and Importance of the Study of legal theory.

Analytical School: John Austin, Hans Kelsen, And HLL.A. Hart.

UNIT II : Historical School: Karl Fedrick Savigny, Sir Henery Maine.

Natural Law School : Classical Natural Law, Revival of Natural Law : Rudolf Stammler and Kohler.

UNIT III: Sociological School : Background and Characteristics, Dean Roscoe Pound, and Leon Dugit.

Modern American Realism.

UNIT IV : Relationship between Law and Morality : Hart and Fuller Controversy.

Economic Approach of Law: Marxist Theory of Law.

BOOKS RECOMMENDED

Bodenheilmer *Jurisprudence*

Dias, *Jurisprudence*.

Friedman, *Law in Changing Society*

Llyoyd, *Introduction of Jurisprudence*

Mahajan V.D., *Jurisprudence*.

Paton : *Jurisprudence*

Salmond : *Jurisprudence*.

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Code LL.M.103: Paper III :Legal Thought, Interpretation and Judicial Process

Unit I Principles' of Legislation: Bentham's Theory Of Utility And its Relevance, Relationship of Law and Public Opinion.

Interpretation: Meaning , Purpose. Main Rules of Interpretation, Subsidiary Rules of Interpretation, External and Internal Aids of Interpretation, Interpretation of the Constitution and Penal statutes

Unit II : 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.

Unit III : 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

Unit IV : 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.

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.

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Select Bibliography

1. Julius Stone, The Province and Function of Law, 2000 Universal, New Delhi
2. Cardozo, The Nature of Judicial Process, 1995 Universal, New Delhi
3. Henry J. Abraham, The Judicial Process, 1998, Oxford.
4. J. Stone, Precedent and the Law-Dynamics of Common Law Growth, 1985
5. W. Friedmann, Legal Theory, 1960
6. Bodenheimer-Jurisprudence-the Philosophy and Method of the Law, 1997, Universal, New Delhi
- 7 J. Stone, Legal System and Lawyers' Reasonings, 1999 Universal. New Delhi

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

UNIT I :Objectives of Legal Education.

1. **Lecture methods of teaching** -Problem method, Discussion method and Seminar method of teaching.
2. Clinical legal education.

UNIT II :Research - Meaning, Objectives, Motivations, Types and Significance, Method and Methodology, Scientific Methodology, Research Process.

3. **Legal Research** - Evolution, Changing Emphasis and Contemporary Trend in general and specific to India
4. **Research Methodology**- Doctrinal, Empirical/Socio-Legal , Inter/Multidisciplinary, Historical, Descriptive, Diagnostic etc.

UNIT III :Selection and Formulation of Legal Research Problem, -Utility of Literature Review.

5. Sources of Legal Research / Data collection methods (Tool of legal research) - Primary and secondary sources, Use of Library and Computer in Legal Research.
6. Hypothesis.
7. Research Design - Modes of data collection in empirical research - Observation, Interview, Questionnaire, Schedules, Case Study.

UNIT IV : Sampling and Interpretation of Data.

8. Report Writing - Synopsis, Report Writing (Research Proposal, reports, research article, writing of thesis, writing References, Bibliography, Writing of an Abstract, Presenting the subject (by foot notes, Table, graphs, index Appendices).

BOOKS RECOMMENDED

- Aggarwal Shipra, *Legal Research Methodology*.
Black Thomas, *Understanding Social Science Research*.
Bruce L. Berg, *Qualitative Research Methods For The Social Sciences*.
C R Kothari, *Research Methodology Methods and Techniques*.
Engelhart Max D *Methods of Educational Research*.
Fern Edward F, *Advanced Focus Group Research*
Galtung Johan, *Theory and Methods of Social Research*.
Kothari C.R., *Research Methodology, Methods and Techniques*
Purohit Mona, *Legal Education and Research Methodology*.

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LL.M. IInd SEMESTER

(COMPULSORY PAPERS)

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

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PAPER-I
CONSTITUTIONAL LAW OF INDIA –II
Law and Basic Needs
(Paper Code: LLM-201)

UNIT I : Rights based theories-Merits and Demerits, Role of directive Principles of State Policy in Governance, Basic Needs and Indian Constitution.

Unit ii: Legal Framework for Poverty Alleviation ,A Breif Interoduction ,Guranteed Employment to poor ,Land Acquisition, Resettlement and Rehabilitation Law

UNIT III : Food Security Law and Policy, Legal and Administrative Issues Involved in Raising the Level of Nutrition And Improving Public Health

UNIT IV : Provisions for Free and Compulsary Education , Legal Framework for Equal Opportunities and Assistance in Disablement

Legal Services And Aid To Poor and Deserving People, Legal Protection of Women Workers , Legal Protection to Vulnerable Peoples

BOOKS RECOMMENDED

Hidayatullah M., *Constitutional Law of India.*

Jain M P., *Constitutional Law.*

Pandey J.N., *Constitutional Law of India*

Seervai H.M , *Constitutional Law of India.*

Shukla V.N., *Constitutional Law of India.*

Tope T.R, *Constitutional Law of India.*

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

UNIT I :Legal Person ; Nature and Concept, Theories of Legal Personality.

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Legal Rights and Duties: Definition, Basis and Characteristics, Kinds of Legal Rights, Relationship between Rights and Duties, Wider sense of Right.

UNIT II :Possession : Theories of Possession, Possession in fact and Possession in Law, Kinds of Possession.

Ownership : Definition, Kinds of Ownership, Relation between Possession and Ownership.

UNIT III :Liability : Remedial Liability and Penal Liability, Strict and Vicarious Liability, *Mensrea* and Negligence.

Law and Justice : Administration of Justice, Theories of Punishment.

UNIT IV :Concept of State and Sovereignty.

Sources of Law : Custom, Precedent, and Legislation.

BOOKS RECOMMENDED

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

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

Unit I : Law and Social Change

Meaning and concept of Law- Law as a purposive device, Change or transformation-Social change-Value orientation in social change-Theoretic Models on Social change and their application-Inter play between law and social change-stability and social change. Relationship between law and morality-culture, social change and law, Law and development, Social change in the context of democracy

Historical and Sociological Study on the role of law in bringing about social change

Law and social change in ancient India-Social dimensions of law and social concern for justice-Role of family, associations and charitable institution in ancient India-The Interpretation of Shruti, Smriti and other commentaries to harmonize social change-Interaction between law and custom, Social control during the Muslim conquest-Social reform during the medieval period, Law and Social Transformation in Modern India-Colonial law and economic exploitation-Application of the Indian Law by the British-Social reforms and Women, Children and others-Codification of Laws-Freedom of Movement and Social reform ideas-Sociological perspective and social change.

Unit II : Constitution's Orientation and Social Transformation.

Impact of sociological school in India. Constitutional evolution and the Constitutional Assembly's role-Constitutional text as a mechanism for social change-the Constitutional amendments and social transformation-Basic structure theory as balancing continuity and change-The role of Governmental organs for social transformation- Working of the Constitution for Social transformation-Constitutional interpretation as an effective tool for social transformation. Application of international law in the process of constitutional interpretation-Constitutionalism and social transformation

Legal concepts in new social order : Jurisprudence of Sarvodaya-Gandhiji, Vinoba Bhava, Jaya Prakash Narain-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, Naxalists Movement-Causes and cure-Rise of Dalits and changing equations in social order in twenty first century.

Unit III : 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

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

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

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(1) Statutory Commission, Statutory provisions.

Regionalism and the law

Regionalism as a divisive factor, concept of India as one unit. Right of Movement, residence and business, impermissibility 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.

Unit IV : Modernization and 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 v. state regulation-Industrialization and environmental protection, Reform of court process-Criminal law-plea bargaining, compounding and payment of compensation to victim, Civil laws-(ADR) Confrontation v. Consensus, mediation and conciliation, Lok adalats, Prison reforms, Democratic decentralisation and local self-government

Select Bibliography :

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
2. Robert Lingat, The Classical Law of India, 1998
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. Duncan Derret, The State, Religion and Law in India, 1999
5. H.M.Seervai, Constitutional Law of India, 1996

PAPER-IV HUMAN RIGHTS (PaperCode: LLM-204)

UNIT I :. Human Rights and the United Nations Charter:

(a) Normative and Institutional Framework of the UN

(b) Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights

. Universal Declaration on Human Rights:

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- (a) History of the Declaration .
- (b) Structure of the Declaration
- (c) Legal Significance

UNIT II : International Covenants: ICCPR and ICESCR

- (a) Nature and Characteristic
- (b) Optional Protocols

Regional Instruments

- (a) European Convention on Human Rights
- (b) American Convention on Human Rights
- (c) African Charter on Human and People's Rights
- (d) Asia and Human Rights

UNIT III :Right to Life and Personal Liberty: Evolution of New Dimension of Human Rights Through Judicial Interpretation.

Implementation and Enforcement Mechanism of Human Rights in India. Remedies provided by the Judiciary and National Human Rights Commission.

UNIT IV :Fundamental Duties. Article 51-A of the Constitution concept and need of Fundamental

Duties. Enforcement and Effectuation of Fundamental Duties.

Emerging regime of new Human Rights in India. Taking guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

BOOKS RECOMMENDED

Agrawal H.O., *Human Rights*.

Basu D.D., *Human Rights in Constitutional Law*

Khera S.C., *Human Rights and United Nation*

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**CONSTITUTIONAL AND ADMINISTRATIVE LAW GROUP
LLM IIIrd Semester**

PAPER-1 (Paper Code -LL.M.-301)

CONSTITUTIONALISM PLURALISM

UNIT-I

Constitutionalism:

- 1) Meaning and nature of the concept of Constitutionalism - Historical Background of the concept- Liberal View, and Constitutionalism in Developing Societies.
- 2) What is Constitution? Meaning, Nature and Importance of Constitution ; Sources of strain in the Modern Constitutional Practice.
- 3) Locus of sovereignty and globe concept of justice
 - a. emergence of supra national institutions for the protection and enforcement of rights
 - b. concept of globe justice debate
- 4) Definition of 'State' with Reference to Public Undertakings and Control Mechanism

Parliamentary Form of Government:

- 1) Choice of West Minister Model - Presidential Vs. Parliamentary form of Government.
- 2) President of India and his constitutional status.
- 3) The Cabinet and the Doctrine of collective responsibility.
- 4) Governor and his role in Indian Federalism.
- 5) Party system and Anti-Defection Law.
- 6) Parliamentary Privileges.

UNIT-II

Judicial Review:

- 1) Meaning, Basis and Constitutional significance.
- 2) American Supreme Court on Judicial Review-Marbury V. Madison.
- 3) Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.

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UNIT-III:

Pluralism :

- 1) Meaning, Nature and Characteristics of pluralistic society and Right to Self - Determination
- 2) Religious, Ethnic, linguistic, cultural and political pluralism.
- 3) Right to dissent in plural society.
- 4) Role of Law in Pluralistic society.

UNIT-IV

5. Amendment

- 1) Amendment of the Constitution and Basic Structure Doctrine.
- 2) Effects of unconstitutionality and Doctrine of Prospective Overruling.
- 3) 44th Amendment and Art.300- A of the Constitution of India.

6. Election Commission.

- 1) Superintendence, direction and control of elections (Art. 324)
- 2) Electoral roll - Adult suffrage.
- 3) Power of the Parliament /Power of the legislature of a state to make provision with respect to election.
- 4) Bar to interference by Court in Electoral matters.

Books Suggested for Reading :

- 1) Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
- 2) M.P. Jain - Indian Constitutional Law.
- 3) D.D. Basu - Comparative Constitutional Law.
- 4) D.D. Basu- Legal Control of limited Government (Tagore Lectures).
- 5) H.M. Seervai - Constitutional Law of India (1993)
- 6) K.C. Wheare - Federal Government (1963)
- 7) Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
- 8) Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism - A Comparative Study (1992)
- 9) Subash C. Jain - The Constituion of India. Select Issues and Perceptions (Taxmann-2000).
- 10) D. J. De, - The Constitution of India, Vol I & II, Asia Law House (Hyderabad) , (2003).

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FEDERALISM AND UNION - STATE RELATIONS
LLM IIIrd Semester
PAPER-2 (Paper Code -LL.M.-302)

UNIT-I

Indian Federalism :

- 1) Essential features and requisites of federal government- Differences between Confederation and federation.
- 2) Pattern of Federal Government - USA, Australia, Canada, India.
- 3) Historical background of the federal structure of Government in India.
- 4) Why Federal government was chosen by the Constituent Assembly?
- 5) Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism.
- 6) Decentralisation of power and federal structure.
- 7) role of supreme court as a impartial umpire
- 8) Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

UNIT-II

Scheme of Distribution of Legislative and Administrative Powers:

- 1) General Scheme of Distribution of Legislative Powers and Art. 245 to 254.
- 2) Factors responsible for according paramountcy to the Centre.
- 3) Administrative Relations Art. 256-263.

Distribution of Fiscal Powers :

- 4) Scheme of allocation of Taxing Powers.
- 5) Extent of Union Power of Taxation.
- 6) Residuary Power.

Restrictions on Fiscal Powers :

- 1) Fundamental Rights.
- 2) Restrictions on the State's Power.
- 3) Inter- Governmental Tax Immunities - Doctrine- its origin and application in USA, Canada , Australia and India.

Distribution of Tax, Revenue and Financial Equilibrium:

- 1) Tax- Sharing under the Constitution.
- 2) Grants - in - aid. (Art. 275) and Specific Purpose Grants (282).
- 3) Borrowing power of the Government of India and the States.
- 4) Financial Emergency and its impact on the Federal Structure.

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UNIT-III

Planning Commission/Niti aayoga and Finance Commission.

- 1) Finance Commission - Constitution, Function, Role and Work of the Commission.
- 2) Planning Commission/ Niti aayoga and its Role.
- 3) Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Planning Commission and Finance Commission.

Freedom of Trade and Commerce : Art. 301-307 :

1. Freedom of Trade and Commerce.
2. Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.

UNIT-IV

Co-operative Federalism :

1. Development from Competitive to Co-operative Federalism - Emerging Trends .
2. Full Faith and Credit Clause.
3. Inter-State Council.
4. Zonal Councils.
5. Inter-State Water Disputes.
6. National Integration Council.

Books

Suggested for Reading :

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala _ Union State Financial Relations (1967).
- 3) M.P. Jain - Indian Constitutional Law (1987)
- 4) H.M. Seervai - Constitutional law of India Vol.2.chap.-22.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984)
- 6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap.5 & 8 (1983)

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CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
LLM IIIrd Semester

PAPER-3 (Paper Code -LL.M.-303)

NATIONAL SECURITY PUBLIC ORDER AND RULE OF LAW

UNIT-I:

National Security , Public Order and Rule of Law.

- 1) Concept and horizon of Rule of Law.
- 2) National Emergency and its impact on federal structure of India.
- 3) Failure of Constitutional Machinery under Art. 356.
- 4) Scope of Art. 355.

UNIT -II:

Preventive detention

- 1) Article 22 of Constitution
- 2) Preventive detention and Safeguards
- 3) Declaration of Emergency
- 4) 1962, 1965 and 1970 Emergencies
- 5) 1975 Emergency

UNIT-III

Exceptional Legislation.

1. unlawful activities prevention act 1967
2. Salient feature , compositions, powers and functions of authorities
3. Offences and penalties and appeals.
4. concept of terrorism and problems of definitions.
5. UN efforts to combat terrorism
6. Marshal law, provisions in Briton and indian constitution

UNIT -IV:

Civil Liberties and Emergency :

- 1) Preventive Detention and Safeguards
- 2) Suspension of fundamental Article 19 on declaration of emergency
- 3) President's Right to suspend right to move any court
- 4) Article 21- special importance - its non-suspendability.

Access to courts and Emergency

- 1) Article 359- ups and downs of judicial review
- 2) Constitution (44th) Amendment Act
- 3) 1978 , Constitution (59th) Amendment Act , 1988

Books Suggested for Reading:

Amendment

- 1) M.P.Jain - Indian Constitutional Law.
- 2) D.D. Basu - Comparative Constitutional Law.
- 3) H.M. Seervai , The Emergence, Future Safeguards and the Habeas Corpus :A Criticism (1978)
- 4) N.C. Chatterji and Parameshwar Rao, Emergency and the Law (1966).
- 5) Dr. M.C. Mehanathan , Law of Control on Narcotic Drugs and Psychotropic Substances in India
- 6) R.K. Agrawal and Alka Agrawal , The National Security Act, 1983.

PAPER-4 (Paper Code -LL.M.-304) LLM IIIrd Semester

MASS MEDIA LAW

Unit I . Mass media-Types of-Press Films, Radio and Television

Ownership pattern-Press-Private-Public, Ownership pattern-Films-Private, Ownership patterns-Radio & Television, Public, Difference between Visual and non-Visual Media-impact on Peoples minds.

Press-Freedom of Speech and Expression-Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition. The law relating to employees wages and service conditions, Price and Page Schedule Regulation, Newsprint Control Order, Advertisement-is it included within freedom of speech and expression? Press and the Monopolies and Restrictive Trade Practices Act.

Unit II : Films-How far included in freedom of speech and expression?

Censorship of films-Constitutionality, The Abbas Case, Difference between films and Press-why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act

Unit III : Radio and Television-Government Monopoly

Why Government department? Should there be an autonomous corporation? Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials etc., Judicial Review of Doordarshan decisions : Freedom to telecast.

Unit IV : Constitutional Restrictions

Radio and Television subject to law of defamation and obscenity, Power to legislate-Article 246 read with the Seventh Schedule. Power to impose tax-licensing and licensing fee.

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Select Bibliography

2. H.M.Seervai, Constitutional Law of India, 1991
3. M.P.Jain, Constitutional Law of India, 1994
4. John B Howard, The Social Accountability of Public Enterprises, 1980
5. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
6. Soli Sorabjee, Law of Press Censorship in India, 1976
7. Justice E.S Venkaramiah, Freedom of Press . Some Recent Trends, 1984
8. D.D.Basu, The Law of Press of India, 1980
9. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

LLM IVth Semester

PAPER-1 (Paper Code -LL.M.-401)

ADMINISTRATIVE LAW

Unit I

1. Evolution and significance of Administrative Law in various systems of governance- from ancient to modern
 - a) England and USA
 - b) France
 - c) Other systems
2. Doctrine of Separation of Powers: Comparative survey-Common Law and Continental System : England, USA, France and India from Rigidity to Flexibility.
3. Rule of Law : Changing dimensions, Regulation of administrative process.

Unit II

Delegated Legislation : Problems, Process and Control, Judicial Review of delegated legislation.

Unit III

Procedural Fairness : Evolution and Significance of Natural Justice, England : Judicial Process, Doctrine of fairness and doctrine of legitimate expectation U.S. : Due process and judicial decision, India . Through judicial decision-Doctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate Expectation, Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

Unit IV :

Control on Maladministration : Ombudsman, Commissions of Inquiry, Vigilance Commissions,

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Investigative Agencies · The CBI, Inquiries by Legislative Committee. Legislative control, Judicial Inquiries.

Select Bibliography

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh. Lok Ayukta · A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

LLM IVth Semester

PAPER-2 (Paper Code -LL.M.-402)

**PUBLIC AUTHORITIES
AND LIABILITY:
CONTROLS ON
MALADMINISTRATION**

UNIT I:

Liability of Government.

- 1) Liability of Government and Public Authorities in Torts and Contract; Promissory Estoppel.
- 2) Government Privileges in Legal Proceedings.

UNIT II:

Right to Know and Information :

- 3) Jurisprudential and Constitutional Perspectives.
- 4) American Freedom of Information Act, 1966 and English Official Secrets Act and Right to Know.
- 5) Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know.
- 6) Judicial Decisions.

UNIT III:

Ombudsman :

- 1) The concept.
- 2) Comparative perspectives

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3) Evolving Indian models - Lokpal, Lokayukta Institutions.

Fact Finding Commission and Inquiry :

- 1) Commission of Inquiry
- 2) Vigilance Commission
- 3) Investigation Agencies : the CBI
- 4) Inquiries by Legislative Committees.
- 5) Legislative Control
- 6) Financial Control - Comptroller and Auditor General
- 7) Judicial Inquiries.

UNIT IV

Administrative adjudication :

- 1) Need for devolution of Adjudicatory power on Administration.
- 7) Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status.
- 8) Nature and Character of Tribunals - CAT and SAT

Public Undertaking and Corporation :

- 9) Reasons for Autonomous Bodies.
- 10) Government Control, Parliamentary Control, Judicial Control.

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Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D. Basu - Comparative Administrative Law (1969)
- 3) H.W.R. Wade - Administrative Law.
- 4) De'Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu - Administrative Law (1996)
- 6) M.P. Jain - Treatise in Administrative Law Vol. I (1996).

DISSERTATION

Code LLM 407

Maximum Marks - 100

Dissertation will be submitted by the students latest by one and half month (45 days) from the date of last theory paper of LLM IVth Semester Examination

VIVA VOCE

Code LLM 408

Maximum Marks - 100

Dr. Anand

BUSINESS LAW GROUP
LLM IIIrd Semester

PAPER 01-LLM 305

Intellectual Property Law

UNIT I

Concept of Intellectual Property- Kinds of Intellectual Property, Importance of Intellectual Property Rights and the need for their Legal Protection, International Regime of Intellectual Property Rights, Pre and Post WTO régime.

UNIT II

Introduction to Patents, Indian Patent Act, 1970, Patentable subject matters, Patentability criteria. Patent granting procedure, Rights conferred, Infringement and remedies, International Regime relating to Patent, Convention and Treaties.

UNIT III

Introduction to Copyright, The Copyright Act, 1957, Subject matter of Copyrights, Fair use, Infringement and remedies, Copyright vis-a-vis Digital Technology, Software Copyright, Implication of International Conventions in India.

UNIT IV

Trade Mark Act, 1999. Rights conferred Infringement and remedies.

The Designs Act, 2000, Definition of Designs concept of novelty or originality items not protected under Design, Functional Designs, Industrial Design: Need for Protection of Industrial Designs.

Recommended Readings:

1. Cornish W.R. - Intellectual Property; Patents, Copyright, Trade Marks and allied Rights.

2. P.M.Bakshi - Intellectual property, Indian Trends

3. P.Narayanan - Intellectual Property Law

4. P.Narayanan - Law of Trade Marks and Passing off

Statutes and Agreements

1. The Patent Act, 1970

2. The Design Act, 2000

3. The Trade Marks Act, 1999

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4. The Copy Right Act 1957
5. TRIPS Agreement
6. GATT

LLM IIIrd Semester

PAPER 02-LLM 306

LEGAL REGULATION OF ECONOMIC ENTERPRISES.

UNIT -I

- 1 Rationale of Government Regulation of Economic Activities by Government
- i) Constitutional Perspective.
 - ii) Historical Background and Contemporary Issues.
 - iii) Judicial Review of Economic Regulation.

UNIT -II

- 2 Economic Policy Resolutions;
- i) Industrial Policies -old and new.
 - a) Its legal framework.
 - b) Public Sector, Private Sector, Joint Sector
 - c) Globalisation, Liberalisation: Meaning, dimensions, implications and impact of globalization.
 - ii) Price Policy Resolutions,
 - iii) Foreign Trade Policy Resolutions.
 - iv) Disinvestment and Legal Issues.

UNIT -III

- 3 Development, Regulation and Control of Industrial and Trading Activities;
- i) Industries (Development and Regulation) Act.
 - ii) Competition and Fairness in Competition; Competition Act. And its Philosophical basis.
 - iii) Foreign Trade Development and Regulation Act.
- 4 Control and Regulation of Capital and Finance;
- i) Foreign Exchange Management Act including FDI and FII regulations.
 - ii) Money Laundering Act, 2005.
 - iii) COFEPOSA.

UNIT -IV

- 5 Selected Regulatory Authorities and their Composition Role, Power, Functions, etc.
- i) Telecom Regulatory Authority,
 - ii) Broadcasting Regulatory Authority,

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iii) Electricity Regulatory Authority.

iv) Insurance Regulatory Authority.

Books Suggested for Reading:

1. Industrial Policy Resolutions of 1948, 1956, 1991.
2. Industrial Licensing Policy of 1970, 1975.
3. Industrial Policy Statement 1973, 1977, 1980.
4. Report of Commission on Competition, 2001.
5. Taxmann's FEMA Manual.
6. Taxmann's Corporate Laws, 2003 Edition.
7. K. K. Ramani's Exchange Control Manual 1998, Snowwhite.
46
8. Bharat's FEMA Rules, Regulations, RBI Circular with allied Acts and Rules, 2000.
9. V. S. Datey – Economic Laws and Practices (2005), Taxmann Publication.
10. K. K. Dewette on Economics, S. Chand Publication.
11. Rudra Dutt, Himalaya Publication.

Journals:

1. Annual Survey of Indian Law, Published by Indian Law Institute New Delhi.
2. Corporate Law Cases.
3. Company Law Journal.
4. Political and Economic Weekly.

Statutory Material:

1. Competition Act, 2002.
2. Industries Development and Regulation Act, 1951.
3. Foreign Exchange Management Act, 1999.
4. Money Laundering Act, 2005.
5. Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974.
6. Foreign Trade Development and Regulation Act, 1992.

LLM IIIrd Semester

PAPER 03 - LLM 307

Company Law

UNIT I

1. Meaning, Nature, functions, Advantages and Disadvantages of a company
2. Kinds of company
3. Registration and incorporation
- 4 Memorandum of Association-doctrine of *ultravires*.
5. Articles of Association-doctrine of constructive notice and indoor management exceptions

UNIT II

1. Shares: general principles, restrictions on the allotment of shares, share certificate: its objects and effect transfer of shares, restrictions on transfer, procedure for transfer refusal of transfer, issue of shares at premium and discount.

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2. Share capital - kinds ,alteration and reduction of share capital ,further issue of capital conversion of loans into capital, duties of court to protect the interests of creditors and shareholders
3. Shareholders and members –meaning ,eligibility, calls on shares ,forfeiture and surrender of shares ,lien on shares ,liabilities of shareholder,
4. Meetings - kinds, procedure for meeting, voting.

UNIT III

1. Directors – meaning , appointment , qualifications and disqualification, kinds, vacation of office removal, resignation ,powers and duties of directors ,meeting, registers, loans and remuneration of directors ,compensation for loss of office managing directors and other managerial personnel,
2. National Company Law tribunal and Appellate Tribunal
3. Majority Powers and Minority Rights :Rule in Foss v. Harbottle and exceptions

UNIT IV

1. Winding up of Companies: Kinds, Consequences and reasons of winding up, Role of the Court, Liability of past members, Payment of liabilities,
2. Analysis of the provisions of The Companies Act , 2013

Recommended Readings:

1. Taxman`s Corporate Laws.
2. Ramaih, A Guide to Companies Act, Wadhwa Publications
3. Avatar Singh: Indian Company Law, Eastern Book Company, Lucknow
4. Shah - Lectures on Company Law.
5. Taxman`s Company Law.
6. Anantha Raman, Lectures on company Law, Wadhwa and Company
7. Majumdar. Company Law, Taxman Publications
8. B.K Sen Gupta , Company Law, Eastern Law House, Kolkata

LLM III SEMESTER PAPER IV CODE LLM 308 Banking and Insurance Law

UNIT I

Different kinds of banks and their functions, Multifunctional banks-Growth and Legal issues.
Law relating to Banking Companies in India-Controls by Govt. and its agencies;
The RBI as the Central Bank - suspension and winding up;

UNIT II

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Contract between banker and customer –their rights and duties Relationship of Banker and customer. Legal character-Contract between banker and customer - Banking duty to customers-consumer protection and banking as service; Recent Trends of Banking system in India- /automatic teller machine and use of internet- Travelers' cheque- smart cards-credit cards.

UNIT III

Introduction- Nature; of insurance contract-various kinds of insurance, proposal, policy, parties, consideration, need for Utmost good faith, insurable interest, indemnity.

General Principles of Law of insurance-The Risk-Commencement, Attachment and duration, settlement of claim and subrogation-Effect of war upon policies.

Indian Insurance Law - General Insurance Act 1938 and Insurance Regulatory Authority Act, 2000

UNIT IV

Marine insurance- Term of insurance contract- express and implied conditions in the marine insurance policy-Risk covered by the policy and expected perils-proximate cause of loss avoidance of policy Concept of average. in Insurance contract- Settlement of-insurance claims.

Recommended Readings:

- 1 Bani A - Review of current Banking theory and practice
2. Pagets - Law of Banking
- 3 M.L.Tannan - Tannan's Banking Law and Practice in India
- 4 L.C.Goyle - The-Law of Banking and Bankers.
5. K.C.Shekar - Banking Theory and Practice in India
6. Amallesh Banerjee & S.K.Singh (eds.) - Banking and Financial Sector Reforms in India,
- 7 Good Hart - The Central Bank and the Financial System
8. K.Subramanyan - Banking Reforms in India.
9. Janaki Raman Committee Report on securities operation of Banks and Financial institutions
10. Narasimham Committee report on the Financial System 1991), Second Report (1999).
11. John Hanson and Christophals, Henby - All risks property Insurance
12. Peter Mac Donald - Eggers and Patric Poss, Good Faith and Insurance Contracts.
13. Banerjee - Law of Insurance
14. Mitra B.C. - Law Relating to Marine insurance
15. Birds - Modern Insurance Law;
16. Edwen. W.Patterson - Cases and Materials on Law of Insurance
17. Arnold - The Law of Marine Insurance and Average, Vol. I& II

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LLM IVth Semester

Paper I : CODE- LLM 403 ECONOMIC LEGISLATION

UNIT I

Foreign Exchange Management

- 1) Foreign Direct Investment in India
- 2) Current and Capital Account Transactions Remittance and Repatriation Prohibition of Investment in India
- 3) Direct Investment Outside India
- 4) Acquisition and Transfer

Competition Laws (of Immovable Property in and outside India)

- 1) Economic Reforms and Competition
- 2) Anti Competitive Agreement Dominant Position
- 3) Competition Commission of India
- 4) MRTP(Amendment Act) 1991

UNIT II

Consumer Protection Act

- 1) Definitions
- 2) Basic rights of Consumers
- 3) Redressal Machinery under the Act
- 4) Complaints before the District Forum and State Commission
- 5) Power of Redressal Agencies
- 6) Nature and Scope of remedies under the Act

Law Relating to Essential Commodities

- 1) Definition
- 2) Power of the Central Government to Control Production, Supply and Distribution of Essential Commodities
- 3) Nature of Order passed under the act
- 4) Seizure and Confiscation of Essential Commodities, Sale of Commodity *Mens rea*

UNIT III

Law relating to weights and measures (The Legal Metrology Act)

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- 1) Definitions
- 2) Standard Weights and Measures
- 3) Powers of Inspection, Seizure , Forfeiture
- 4) Declaration on pre-packaged Commodities
- 5) Probation , Manufacture , Repair or Sale of Wight or Measures Without License

Public Liability Insurance Act:

- 1) Definitions
- 2) Compulsory Insurance
- 3) Application for Claim for Relief
- 4) Establishment of Environmental Relief Fund

UNIT IV

The National Green Tribunal Act

- 1) Establishment of Tribunal
- 2) Composition of Tribunal
- 3) Jurisdiction
- 4) Power of Proceedings of Tribunal
- 5) Procedure and Power of Tribunal
- 6) Cases dealt by NGT

Books Recommended

1. Chandratre, KK (Dr) Handbook of Consumer Protection Act
2. Dhali Vinod Competition Law Today - Policies , Issues and Developments
3. Jain Rajiv, Guide to New Industrial Policy with Procedure
4. Lai's Commentaries on Water and Pollution Laws
5. Ramappa T. Competition Law in India- Policies, Issues and Developments
6. White Snow, Foreign Exchange Management Manual
7. Recent Statutes and Acts

LLM IVth Semester

Paper II CODE- LLM 404

International Trade Law

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UNIT I

Public international law relating to trade- GATT, WTO, WTO-Dispute Settlement Mechanism, GATS, Ministerial conference –Ongoing Negotiation

UNIT II

Contract for international sale- CIF and FOB contracts, Convention on international Contract for Carriage of goods by Air, Sea Road and Rail, Convention on International Sale of Goods

UNIT III

Private Law relating to international trade-agencies for promoting unification to trade laws-UNCITRAL- UNIDROIT- UNCTAD, ICC & IMO, Financing International Trade, International commercial Arbitration; Dispute Settlement-Mediation in Conciliation and Arbitration

UNIT IV

FT (D&R) Act 1996, FEMA 2000, Foreign Direct Investment and Transfer of Technology, International Taxation

Recommended Readings

- | | |
|------------------------|-------------------------------------|
| 1. Clive M Schmitthoff | International Trade, Law |
| 2. Charles D. | Sale of Goods carried by Sea |
| 3. AdemuniOdeke | Law of International Trade |
| 4. Bichawat R.S | Law of Arbitration and Conciliation |
| 5. Charley, Janetle | International Trade Law |
| 6. Ivamy, E.R. Hardy | Carriage of goods by sea |
| 7. David.M.Sarron | CIF- and FOB contra |

DISSERTATION

Code LLM 407

Maximum Marks -100

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VIVA VOCE

Code LLM 408

Maximum Marks -100

Answer

CRIMINAL LAW GROUP

LL.M. III rd Semester

Paper-I : Comparative Criminal Procedure

Code : LLM -309

Unit I : Organisation of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Nayaya Panchayats in India, Panchayats in tribal areas, Organisation of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

Unit II : Pre-Trial Procedure

Arrest and questioning of the accused, the rights of the accused, The evidentiary value of statements/articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation

Unit III : Trial Procedure

The accusatory system of trial and the inquisitorial system, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Plea bargaining.

Unit IV : Correction and Aftercare service

The role of the court in correctional programmes in India

Preventive Measures in India :

Provisions in the Criminal Procedure Code

Special enactments

Public Interest Litigation · Directions for criminal prosecution.

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LL.M. III rd Semester
Paper-II : Treatment of offenders and Victimology
Code : LLM -310

Unit I : Introductory : Definition of Penology

Theories of Punishment : Retribution, Utilitarian prevention : Deterrence; Utilitarian : Intimidation; Behavioural prevention : Incapacitation, Behavioural prevention : Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

Unit II : Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

Unit III : Imprisonment

The State of India's jails today, The disciplinary regime of Indian prisons, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis- development reforms

Unit IV : Victimology

Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India.

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LL.M. III rd Semester
Paper-III : Drug Addiction, Criminal Justice and Human Rights

Code : LLM -311

Unit : Introduction

Problem of drug addiction, Analysis of the background and different convention related to control of drug trafficking, Causes of drug addiction.

Unit II : India Regulatory System

Penal provisions under the IPC and Custom Act, Penal provisions under the Narcotics, Drugs and Psychotropic Substances Act, 1985, Procedure and punishment under NDPS Act.

Unit III : Analysis of the development made in NDPS Act for making in it more human right friendly

Amendments of the NDPS Act, 1985 and their effects, Human right protection, Judicial approaches to sentencing in Drug trafficking and Abuse, Analysis of the background, text and operation of the single convention on Narcotic Drugs, 1961, U.N. Convention against illicit trafficking in NDPS, 1998

Unit IV : Role of community in combating Drug Abuse

Role of educational system, Role of medical profession, Law reform initiatives.

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LL.M. III rd Semester**Paper-IV : Privileged Class Deviance****Code : LLM -312****Unit I : Introduction**

Conception of white color crimes, Indian approaches to Socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understand Indian development.

Unit II : Police Deviance

Police Atrocities: Encounter killing and the plea of superior's orders, Structure of legal restraint on police power in India, Unconstitutionality of 'Third Degree' method and use of fatal force by Police.

Unit III : Professional Deviance

Unethical practices by the Lawyers, Unethical practices by the Doctors, Unethical practices by the Media Persons.

Unit IV : Response of Indian Legal order to the Deviance of Privileged Classes

Prevention of Corruption Act, 1947, Vigilance Commission, Commission of Enquiry

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LL.M. IV th Semester

Paper-I : Juvenile Delinquency

Code : LLM -405

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.

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LL.M. IV th Semester

Paper-II : Collective Violence and Criminal Justice System

Code : LLM -406

Unit I

Notion of 'force', 'coercion', 'violence', Distinctions: Symbolic violence, Institutionalized violence structural violence, Speech as an incitement to violence, 'Collective political violence' and legal order.

Unit II

Religiously sanctioned structural violence caste and gender based, Ahimsma in Hindu, Jain, Buddish and Islamic traditions in India, Gandhijis approach to non-violence, Nature and scope of agrarian violence in the 18th, 19th century in India

Unit III : Violence against the Schedule Caste

Notion of Atrocities, Incident of Atrocities, Uses of Criminal Law to combat atrocities as certain aftermath of atrocities, Violence against women.

Unit IV :

Incidence and courses of communal violence, Findings of various commissions of inquiry, the Role of police and paramilitary systems in dealing with communal violence, operation of criminal justice system firing and in relation to, communal violence.

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DISSERTATION

Code LLM 407

Maximum Marks -100

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VIVA VOCE

Code LLM 408

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