



University of Rajasthan
Jaipur

SYLLABUS

Faculty of Law

L.L.M. (General)

Semester Scheme

I & II Semester	2018-2019
III & IV Semester	2019-2020

(A)

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Master of Laws

Semester Scheme

2018-19 & 2019-20

Course Category :

CCC : Compulsory Core Course

ECC : Elective Core Course

Abbreviations :

L : Lecture

T : Tutorial

P : Practical & Other


EoSE : End of Semester Examination

C.A. : Continuous Assessment


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Program Administration

1. The medium of instruction and examinations is English & Hindi both.
2. There will be a component of continuous assessment (C.A.) as per University rules. this will be conducted by the Department under supervision of the Head. The SGPA for this continuous evaluation will be determined as per University rules and guidelines.
3. No candidate shall be considered to be eligible to pursue End of Semester Examinations (EoSE) unless he/she passes the Continuous Internal Assessment with 25% marks. Continuous Internal Assessment will consist of Written Test (weightage 70 marks) and Viva-Voce (weightage 30 marks).
4. The rules of passing, readmission and EoSE (end of semester examination) will be as per University rules and guidelines.
5. No candidate shall be considered to have pursued a regular course or study unless he/she is certified by the Head of the Department to have attended 75% of the total number of lectures, tutorials, seminars and case discussions in each year during the course of study.
6. Promotion from one semester to another will be as per University rules.
7. The CGPA (of EoSE) will be determined as per University rules and guidelines.
8. Each paper carries maximum 100 marks.
9. In I and II Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC).
10. In III and IV Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC) in every branch. Students will be allotted one branch from available branches in Semester III.
11. A candidate has to earn minimum 30 credits per semester course (i.e. 120 credits in four semesters), but he/she cannot earn more than 60% credits in Compulsory Core Courses (CCC) and has to secure rest of 40% credits from the Elective Core Courses (ECC) (i.e. minimum 72 credits from Compulsory Core Courses in four semesters and minimum 48 credits from Elective Core Courses in four semesters out of total 144 credits).


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Master of Laws

LL.M. (General)

SEMESTER - I (LL.M.)

S. No.	Sub. Code	Course Title	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	LLM1011	Legal Theory - I	CCC	6	6	2		3	
2.	LLM1012	Constitutional Law of India : New Challenges - I	CCC	6	6	2		3	
3.	LLM1013	Legal Research Methodology - I	CCC	6	6	2		3	
4*	LLM1014	Elective 1 - Law and social transformation in India - I	ECC	6	6	2		3	
5.	LLM1015	Elective 2 - Legislation Principle - I	ECC	6	6	2		3	
6	LLM1016	Elective 3 - Recent Legal Development and Cases - I (Viva-Voce Exam. & Project work)	ECC	6			6		4

* New Elective Paper Introduced

SEMESTER - II (LL.M.)

S. No	Sub. Code	Course Title	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	LLM2011	Legal Theory - II	CCC	6	6	2		3	
2.	LLM2012	Constitutional Law of India : New Challenges - II	CCC	6	6	2		3	
3.	LLM2013	Legal Research Methodology - II	CCC	6	6	2		3	
4*	I.J.M2014	Elective 1 - Law and social transformation in India - II	ECC	6	6	2		3	
5.	LLM2015	Elective 2 - Legislative Methods and Interpretation- II	ECC	6	6	2		3	
6.	LLM2016	Elective 3 - Recent Legal Development and Cases - II (Viva-Voce Exam. & Project work)	ECC	6			6		4

* New Elective Paper Introduced

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Syllabus

LL.M. (General) Semester -I

Paper I : LLM 1011-Legal Theory -I

I. Jurisprudence :

- (i) Definitions, Nature and Scope
- (ii) Importance of Jurisprudence
- (iii) Relation between Law and Morality
- (iv) Schools of Jurisprudence :
Positivism
 - Analytical School - John Austin, Kelsen - Pure Theory of Law, H.L. Hart
 - Historical School - Von Savigny, Henry Maine
 - Sociological school - Ihering, Ehrlich, Roscoe Pound - Social engineering
 - American Realism - Justice Cardozo, Justice Holmes
 - Natural School. - Theological school to revival of nature law.
 - Feminist Jurisprudence.

2. Nature of Law

- (i) Definitions : Austin, Salmond, Holland, Gray, Hart

3. Sources of Law and its Meaning

- (i) Custom, Kinds, Tests of particular legal custom ; importance of customs, theories of customary laws.
- (ii) Precedent, kinds, Ratio decidendi, Obiter dicta ; declaratory theory of precedent, judge-made law theory - Article 141- Constitution of India
- (iii) Legislation : kinds, comparison between legislation and other sources of law

Suggested Readings:

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in the Making
4. Holland : Jurisprudence
5. Salmond : Jurisprudence
6. Paton : A Text Book of Jurisprudence
7. Julius Stone : The Province & Function of Law
8. Pound : An Introduction to the Philosophy of Law
9. Goodhart : Modern Theories of Law
10. Vinegradoff : Common sense in Law
11. Jethre Brown : The Austinian Theory of Law
12. Goodhart : English Law and the Moral Law
13. Freundmann : Legal Theory
14. Jaipur Law Journal from Volume I to Latest-Articles concerning Jurisprudence
15. Henry Maine : Ancient Law
16. Dias : Jurisprudence
17. Dhyani, S.N. : Law, Morality and Justice Indian Development
18. Lon Fuller : Morality of Law
19. Hart HLA : The Concept of Law, 1961
20. Bodinheimer E Jurisprudence. 1962
21. Julious Stone : Human Law and Human Justice
22. Julious Stone : Social Dimensions of Law and Justice
23. Julious Stone : Legal System and Lawers Reasoning
24. Llyod : Introduction to Jurisprudence
25. John Rawls : Theory of Justice
26. Finch : Introduction to Legal Theory
27. Dworkin : Taking Rights seriously

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Paper II : LLM- 1012- Constitutional Law of India: New Challenges -I

The Constitution of India is an organic, developing and changing system established over five decades ago. Through the years it has been in force the constitutional law enacted through the Constitution has shown adaptability to the changing new social order and the institutions of national life. The processes of judicial interpretation precedents, amendment, conventions, political change have interacted to provide necessary catalysts for growth of the constitutional jurisprudence. The paper encourages the post graduate student to study, analyze and articulate the essential features and principles, rules of the basic frame work of the constitutional system.

I. Basic Framework : Essential features:

1. Kesavananda Bharati v. State of Kerala, A.I.R. 1973 S.C.146 : (1973) 4 S.C.S. 225
2. Indira Gandhi V. Raj Narain, A.I.R. 1975 S.C. 2299

II. Quasi Federalism :

1. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361
2. State of Karnataka v. Union of India A.I.R. 1978 S.C. 58
3. M. Karunanidhi v. Union of India, A.I.R. 1979 S.C. 898

III. Fundamental Rights, Duties and Directive Principles:

1. I.C. Goak Nath v. State of Punjab, A.I.R. 1967, S.C. 1643
2. Kesavanand Bharti v. State of Kerala, A.I.R. 1973, S.C. 1461
3. R.C. Cooper v. Union of India, A.I.R. 1970, S.C. 564

Equality

1. Indira Gandhi v. Raj Narain, A.I.R. 1975 S.C. 2299
2. In-re-Reference Special Bill, A.I.R., 1979, S.C. 585
3. R.K. Dalmia v. Justice Tendokkar, A I.R. 1958, S.C. 538
4. Budhan Chaudhary v. State of Bihar, A.I.R. 1955, S.C. 191
5. Lachmandas Kawlalaram v. State of Bombay, A.I.R. 1952 S.C. 235
6. D.N. Chanchala v. State of Mysore, A.I.R. 1971 S.C. 1762
7. M.R. Balaji v. State of Mysore, A.I.R. 1963 S.C. 649
8. M. Thomasa v. State of Kerala, A.I.R. 1976 S.C. 490

Freedom of Speech, Expression (Press)

1. Bennet Coleman v. Union of India A.I.R. 1973 S.C. 186
2. K.A. Abuse v. Union of India A.I.R., S.C. 481
3. E.M.S. Namboodripad v. T.N. Nembiar, A.I.R. 1971 S.C. 2115

Personal Liberty :

1. Maneka Gandhi v. Union of India A.I.R. 1978 S.C. 597
2. Bhut Nath v. W.B., A.I.R. 1974 S.C. 806
3. S.N. Sarkar v. W.B., A.I.R., 1973 S.C. 1425
4. Fagu Shah v. W.B., A.I.R. 1974 S.C. 613
5. Sunil Batra v. Delhi Administration, A I.R. 1978 S.C. 1675

Religious Freedom :

1. Commr. Of Hindu Religious Endowment D.L.T. Swamiar, A.I.R. S.C. 282
2. Durgah Committee v. Syed Hussain Al , A.I.R., 1961 S.C. 1402
3. Syodna Tahee Saifuddin v. State of Bombay. A.I.R. 1962, S.C. 853
4. Yulitha Myde v. State of Orissa, A.I.R. 1973 Orissa 116

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Minority Rights : Cultural & Educational

1. Bombay v. Bombay Education Society, A.I.R. 1954 S.C. 561
2. Pradeep Jain v. Union of India, A.I.R. 1984 S.C. 1420
3. Azeez Basha v. Union of India, A.I.R. 1968 S.C. 662
4. St. Xavier's College v. State of Gujarat, A.I.R., 1974, S.C. 1389

Property :

Article 300A

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India (2nd Edition 1975) N.M. Tripathi Ltd.
2. Jain M.P. : Constitutional Law, N.M. Tripathi Ltd.
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Jagzi, M.C.J. : Segregation and Untouchability Abolition, Metropolitan Book Co.
5. Shukla, V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book Co.
6. D.D. Basu : Commentaries on the Constitution of India
7. Kagzi M.C.J. Kesavananda's Case
8. Basu : Shorter Constitution of India
9. Ville Austin : Indian Constitution
10. Ville Austin : Cornerstone of a Nation
11. Anville Willams : Working a Democratic Constitution-The Indian Experience

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Paper III : LLM 1013-Legal Research Methodology- I

Part I General

- i. Nature and Scope of Legal Research
- ii. Formulation of research problem
- iii. Survey and legal research
- iv. Research design : Facts and hypothesis, problem of objective

II Methodology

- i. Methodological orientation and logic of enquiry
- ii. Dialectic materialism
- iii. Comparative Methods
- iv. Historical method
- v. Analytical method
- vi. Field work
- vii. Inductive and deductive methods
- viii. Other research methods.

Suggested Readings:

1. S.K. Agarwal, Legal Education in India (1973)
2. N.P. Madhava Menon, A hand book of clinical legal education
3. M.O. Price, Elective legal research
4. Pauline V.Y., Scientific social survey and research
5. Payne, The art of asking questions
6. Erwin C. Surrency, A guide to legal research
7. Morris L. Cohan., Legal research in nutshell
8. ILI Publication, Legal research and methodology
9. R.M. Deepak Kumar, Social Research Methodology
10. Jaya Prakash, Research Methodology
11. H.N. Tiwari, Legal Research methodology
12. C.R. Kothari Research Methodology, Methods and Techniques

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Paper IV : LLM 1014 Law and Social Transformation in India- I

1. **Law and Social Change**
 - (a) Law as an instrument of social change : A jurisprudential discussion
 - (b) Law as a mean of social change : A theoretical perspective
 - (c) Relation of Law with social change
 - (d) Impact of social movements on social changes
2. **Religion and the Law**
 - (a) Religion : Meaning and Relationship with Law
 - (b) Religion as an integrative or divisive factor
 - (c) Secularism : Meaning and its contribution in Indian Society
 - (d) Religious minorities and the Law
 - (e) Concept of National Integrity and brotherhood
3. **Language and the Law**
 - (a) Language as an integrative or divisive factor
 - (b) Formation of Linguistic States and its impact on policy in Governance
 - (c) Language policies and the Constitution
 - (d) Constitutional Protection to the Linguistic minorities
 - (e) Non-discrimination on the ground of language
4. **Community System and the Law**
 - (a) Caste system in Indian society
 - (b) Caste as an integrative or divisive factor
 - (c) Non-discrimination on the basis of Caste
 - (d) Reservation policy for Schedule Caste, Schedule Tribes and other backward classes as a protective discrimination

Suggested Readings :

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. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
7. P. Ishwar Bhat, Law and Social Transformation, EBC (2009)
8. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
9. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
11. Shyam S. Agarwal, Religion and Caste Politics, (1998)

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Paper V : LL.M 1015- Legislation Principles -I

I. Benthamite Approach

1. Principles of Legislation :
 - (a) The Principle of Utility
 - (b) The Different Kinds of Pleasure and Pain.
 - (c) Pain and Pleasures considered as Sanctions.
2. Principles of the Civil Code
 - (a) Rights and Obligations
 - (b) Ends of Civil Law.
3. Rights and Obligations attached to several private conditions
 - (a) Master and Servant
 - (b) Of Slavery
 - (c) Guardian and Ward
 - (d) Father and Child
 - (e) Of Marriage
4. Principles of the Penal Code
 - (a) Classification of Offences
 - (b) The Influence of Motives upon the Greatness of Alarm
 - (c) Ground of Justification
5. Of Punishment
 - (a) The Kinds of Punishments
 - (b) Justification of Variety in Punishment
 - (c) Of the Pardoning power
6. Indirect Means of Preventing Offences
 - (a) Indirect means of preventing the Wish to Commit Offences
 - (b) To Satisfy certain desires without injury or with the Least Possible Injury
 - (c) To Facilitated Knowledge of the Fact of an Offence
 - (d) To Prevent Offences by giving to many Persons an Interest to Prevent them.
 - (e) Employment of the Motive of Honour or the Popular Sanction
 - (f) Means of Diminishing the bad effects of Offences

II. Dickey on Legislation and Public Opinion

- (a) Relation between Law and Public Opinion
- (b) Democracy and Legislation
- (c) Three Main Currents of Public Opinion
- (d) The Period of Benthamism and Individualism
- (e) Counter-Currents and Cross-Currents of Legislative Opinion
- (f) Judicial Legislation

Suggested Readings:

1. Bentham : Theory of Legislation
2. Jethrow Brown : Underlying Principles of Modern legislation
3. Dickey : Law and Public Opinion in England
4. Illbert : Legislative methods and Forms
5. Illbert : Mechanism of Law making
6. Ginsberg : Law and Public Opinion in England in the 20th Century

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Paper VI : LL.M 1016- Recent Legal Development and Cases -I
(Viva-Voce Examination and Project Work)

Syllabus

LL.M. (General) Semester -II

Paper I : LLM 2011- Legal Theory - II

Concept of Law

1. Rights and Duties :

Rights and Duties : Nature of rights and duties, correlation of rights and duties, kinds of Rights and Duties,

2. Property

Property : definition and kinds

3. Negligence

Negligence : Criminal liability

4. Ownership and Possession

- (i) Meaning of Ownership, kinds, definitions ; Austin and Salmond
- (ii) Relation between Ownership and Possession
- (iii) Importance of Possession : Elements of Corporeal possession and problems.
- (iv) Theories of Possession : Salmond and Savigny

5. Person

- (i) Nature of Personality : Kinds, corporate personality and its kinds.
- (ii) Theories of Corporate personality
- (iii) Problems of legal persons and punishment.

6. Administration of Justice

Civil and Criminal justice system

Suggested Readings:

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in the Making
4. Holland : Jurisprudence
5. Salmond : Jurisprudence
6. Paton : A Text Book of Jurisprudence
7. Julius Stone : The Province & Function of Law
8. Pound : An Introduction to the Philosophy of Law
9. Goodhart : Modern Theories of Law
10. Vinegradoff : Common sense in Law
11. Jethre Brown : The Austinain Theory of Law
12. Goodhart : English Law and the Moral Law
13. Freundmann : Legal Theory
14. Jaipur Law Journal from Volume I to Latest-Articles concerning Jurisprudence
15. Henry Maine : Ancient Law
16. Dias : Jurisprudence
17. Dhyani, S.N. : law, Morality and Justice Indian Development
18. Lon Fuller : Morality of Law
19. Hart HLA : The Concept of Law, 1961
20. Bodinheimer E Jurisprudence, 1962
21. Julious Stone : Human Law and Human Justice
22. Julious Stone : Social Dimensions of Law and Justice
23. Julious Stone : Legal System and Lawers Reasoning
24. Llyod : Introduction to Jurisprudence
25. John Rawls : Theory of Justice
26. Finch : Introduction to Legal Theory
27. Dworkin : Taking Rights seriously

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Paper II : LLM 2012-Constitutional Law of India: New Challenges -II

I. Union/State Constitution

In re-The Gujarat Legislative Assembly, A.I.R. (1974) 2 S.C. 33

1. The President and the Council Minister :

- i. S.K. Singh v. V.V. Giri, A.I.R., 1970 S.C. 2097
- ii. U.N. Rao v. Indira Gandhi, A.I.R. 1971 S.C. 1002
- iii. Shamsher Singh v. State of Punjab, A.I.R. 1974 S.C. 2192
- iv. Mahabir Prasad v. P.C. Ghose A.I.R. 1969 Cal. 198

2. Parliament

- i. In re-Reference, (UP Assembly, Allahabad, H.C.) A.I.R. 1965 S.C. 745
- ii. M.S.M. Sharma v. Sri Krishan A.I.R. 1959 S.C. 1574
- iii. T.K. Jain v. S. Reedy etc. A.I.R. 1970 S.C. 1574
- iv. In re-Delhi Laws Act, A.I.R. 1951,332

3. The Judiciary, Supreme Court :

- i. Union of India v. Jyoti Prakash, A.I.R. 1971 S.C. 1093
- ii. ART 131 State of Bihar v. Union of India, A.I.R. 1970, S.C. 1446
- iii. ART 132-State of Kerala v. Union of India, A.I.R. 1978 S.C. 54
- iv. ART 134- Tarachand Pemu v. State of Maharashtra, A.I.R. 1962 S.C. 130
- v. 136- Dhakeshwari Cotton Mills Ltd. v. C.I.T. A.I.R. 1965 S.C. 65
- vi. Pritam Singh v. State of Punjab, A.I.R. 1960 S.C. 160
- vii. Mangal Das v. State of Maharaashtra, A.I.R. 1966 S.C. 2156
- viii. Reghubir Singh v. State of U.P. A.I.R., 1971, S.C. 2156

4. Inter-state Trade, Commerce :

- i. Automobile Transport Rajasthan Ltd. v. State of Rajasthan, A.I.R., 1962 S.C. 1406
- ii. Ariabari Tea Co. Ltd. v. State of Assam, A.I.R. S.C. 232

5. Emergency :

- i. Rao Birendraa Singh v. Union of India, A.I.R. 1958, P & H 441
- ii. State of Rajasihan v. Union of India, A.I.R. 1977 S.C. 1361
- iii. Makhan Singh v. State of Punjab, A.I.R. 1964 S.C. 381
- iv. A.D.M. Jabalpur v. State of M.P., A.I.R. 1975 S.C. 1207

6. Creation of New States, Democratic Process:

- i. Nexus of Politics with criminals and business
- ii. Electoral reforms
- iii. Coalition Government, Stability, Durability, Corrupt practices
- iv. Grass-root democracy

7. Constitutional Power : Amendments

Suggested-Readings:

1. H.M. Seervai : Constitutional Law of India (2nd Edition 1975) N.M. Tripathi Ltd.
2. Jain M.P. : Constitutinal Law, N.M. Tripathi Ltd.
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Shukla, V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book Co.
5. D.D. Basu : Commentaries on the Constitution of India
6. Kagzi M.C.J. Kesavananda's Case
7. Basu : Shorter Constitution of India
8. Ville Austin : Indian Constitution
9. Ville Austin : Cornerstone of a Nation
10. Anville Willams : Working a Democratic Constitution-The Indian Experience

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Paper III : LLM 2013-Legal Research Methodology-II

Part I Techniques of Data Collection

- i. Types
- ii. Sources
- iii. Techniques of data collection observation, interview, questionnaire interview schedule
- iv. Case study method
- v. Content analysis
- vi. Data analysis : Classification, tabulation, graphic representation

Part II

- i. Analysis of data-Processing of data-classification of data
- ii. Interpretation of data-Necessity of interpretation-Methods of interpretation
- iii. Research report-Legal thesis writing-Steps in thesis writing-Layout of thesis-chapter arrangement.

Suggested Readings:

1. S.K. Agarwal, Legal Education in India (1973)
2. N.P. Madhava Menon, A hand book of clinical legal education
3. M.O. Price, Elective legal research
4. Pauline V.Y., Scientific social survey and research
5. Payne, The art of asking questions
6. Erwin C. Surrency, A guide to legal research
7. Morris L. Cohan., Legal research in nutshell
8. ILI Publication, Legal research and methodology
9. R.M. Deepak Kumar, Social Research Methodology
10. Jaya Prakash, Research Methodology
11. H.N. Tiwari, Legal Research methodology
12. C.R. Kothari Research Methodology, Methods and Techniques

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Paper IV : LLM2014- Law and Social Transformation in India- II

1. **Nationalism, Regionalism and the Law**
 - (a) Concept of Nationalism and Regionalism and Nationality
 - (b) Regionalism as an integrative or divisive factor
 - (c) Concept of India as one unit
 - (d) Concept of Citizenship : Ways to gain and loss the citizenship
2. **Children, Women and the Law**
 - (a) Status of Children and Women in Indian Society
 - (b) Crime against Children and Women
 - (c) Gender Justice : Forms, causes and remedies
 - (d) Constitutional Provisions for Children and Women
 - (e) Sexual exploitation of Children and Women
3. **Modernization and the Law**
 - (a) Modernization of social institutions through Law
 - (b) Reforms of Family Law
 - (c) Environmental Protection through Modernization
 - (d) Reforms of Court Process
 - (i) Criminal Law : Plea bargaining, compounding and payment of compensation to the victim
 - (ii) Civil Law : (ADR) Confrontation v. Consensus, mediation and conciliation and Lok Adalat
4. **Alternative Approaches to Law**
 - (a) Modern Indian Approaches : Swami Vivekanand, M.K. Gandhi, Dr. B.R. Ambedkar and Jai Prakash Narain
 - (b) Indian Marxist critique of Law and Justice
 - (c) Nexalite movement : Causes and cure

Suggested Readings :

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. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
7. P. Ishwar Bhat, Law and Social Transformation, EBC (2009)
8. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
9. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
10. A.S. Anand, Justice for women concern and expression, (2002)
11. Shyam S. Agarwal, Religion and Caste Politics, (1998)

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Paper V : LLM -2015-Legislative Methods and interpretation-II

I. Legislative Methods :

II. Interpretation :

1. Law Making Roles of the Legislature and the Judiciary
 - Interpretation as Complementary Law Making.
 - Reconstructing and Constructing the Law
2. Relation between the Executive and the Legislature
3. Techniques, Tools and Rules of Interpretation
 - Presumptions
 - Rules of Interpretation
 - Internal Aids to Interpretation
 - Retrospective Operation of Statutes
 - Maxims Used to aid Interpretation
 - External Aids to Interpretation
4. The Contextual Dimension of Interpretation
 - General and Special Statutes
 - Interpretation of Fiscal Statutes
 - Interpretation of Penal Statutes
 - Interpretation of Constitution
5. Precedents and Interpretation

Suggested Readings

1. Maxwell : The interpretation of Statutes
2. Beal : Rules of Interpretation
3. Odges : Interpretation of Statutes
4. Narasimhan : Interpretation of States in British, India
5. Wigmore : Panorama of World Legal System
6. Eraskine May : Parliamentary Practice
7. Prof. T. Bhattacharya : Interpretation of Statutes
8. Kaul & Shakhdar : Practice and Procedure of Parliament
9. Subhash Kashyap : Parliamentary Procedure-Law, Privileges, Practice and Precedents
10. Caries : Statute Law
11. G.P. Singh : Principles of Statutory interpretation
12. Bindra, N.S. : Interpretation of Statutes
13. Swaroop Jagdish : Legislation and Interpretation

Paper VI : LLM 2016 - Recent Legal Development and Cases -II (Viva-Voce Examination and Project Work)

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Master of Laws

Semester Scheme
2018-19 & 2019-20

Course Category :

CCC : Compulsory Core Course

ECC : Elective Core Course

Abbreviations :

L : Lecture

T : Tutorial

P : Practical & Other

EoSE : End of Semester Examination

C.A. : Continuous Assessment

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Program Administration

1. The medium of instruction and examinations is English & Hindi both.
2. There will be a component of continuous assessment (C.A.) as per University rules. this will be conducted by the Department under supervision of the Head. The SGPA for this continuous evaluation will be determined as per University rules and guidelines.
3. No candidate shall be considered to be eligible to pursue End of Semester Examinations (EoSE) unless he/she passes the Continuous Internal Assessment with 25% marks. Continuous Internal Assessment will consist of Written Test (weightage 70 marks) and Viva-Voce (weightage 30 marks).
4. The rules of passing, readmission and EoSE (end of semester examination) will be as per University rules and guidelines.
5. No candidate shall be considered to have pursued a regular course or study unless he/she is certified by the Head of the Department to have attended 75% of the total number of lectures, tutorials seminars and case discussions in each year during the course of study.
6. Promotion from one semester to another will be as per University rules.
7. The CGPA (of EoSE) will be determined as per University rules and guidelines.
8. Each paper carries maximum 100 marks.
9. In III and IV Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC) in every branch. Students will be allotted one branch from available branches in Semester III.
10. A candidate has to earn minimum 30 credits per semester course (i.e. 120 credits in four semesters), but he/she cannot earn more than 60% credits in Compulsory Core Courses (CCC) and has to secure rest of 40% credits from the Elective Core Courses (ECC) (i.e. minimum 72 credits from Compulsory Core Courses in four semesters and minimum 48 credits from Elective Core Courses in four semesters out of total 144 credits).

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Specialization Clusters

- A. CONTRACT, BUSINESS & CORPORATE LAW (CBC)
- B. TORT & CRIME (TC)
- C. PERSONAL LAW (PL)
- D. CONSTITUTIONAL LAWS (CL)
- E. INTERNATIONAL LAW (IL)
- F. LABOUR LAW (LL)

Paper Code	Specialization	Paper Title	Course Category	Semester
LLM A 1001	CBC	General Principles of Contract-I	CCC	III
LLM A 1002	CBC	Special Contracts-I	CCC	III
LLM A 1003	CBC	Corporate Law-I	CCC	III
LLM A 1004	CBC	Law Relating to Negotiable Instrument Act	ECC	III
LLM A 1005	CBC	Commercial Arbitration	ECC	III
LLM A 1006	CBC	Recent Legal Development in Contract, Business & Corporate Law (Viva-Voce Exam. & Project work)	ECC	III
LLM A 1007	CBC	General Principle of Contract-II	CCC	IV
LLM A 1008	CBC	Corporate Law-II	CCC	IV
LLM A 1009	CBC	Dissertation	CCC	IV
LLM A 1010	CBC	Special Contract-II	ECC	IV
LLM A 1011	CBC	Law Relating to Bankruptcy	ECC	IV
LLM A 1012	CBC	Competition & Consumer Protection Laws	ECC	IV
LLM B 1001	TC	General Principles of Torts	CCC	III
LLM B 1002	TC	General Principles of Crimes and Offences relating to State and Public tranquillity, morality	CCC	III
LLM B 1003	TC	Contemporary forms of Crime	CCC	III
LLM B 1004	TC	Comparative Criminal Procedure	ECC	III
LLM B 1005	TC	Law Relating to Rehabilitation and Treatment of Offenders -I	ECC	III
LLM B 1006	TC	Recent Legal Development in Tort & Crime (Viva-Voce Exam. & Project work)	ECC	III
LLM B 1007	TC	Specific Wrongs	CCC	IV
LLM B 1008	TC	Law Relating to Specific offences under the Indian Penal Code	CCC	IV
LLM B 1009	TC	Dissertation	CCC	IV
LLM B 1010	TC	Law Relating to Rehabilitation and Treatment of Offenders -II	ECC	IV
LLM B 1011	TC	Law Relating to Special Penal Legislations Relating to Women	ECC	IV
LLM B 1012	TC	Recent Developments in Criminal Justice System	ECC	IV
LLM C 1001	PL	Hindu Jurisprudence and Law Relating to Joint Family	CCC	III
LLM C 1002	PL	Gender Justice Hindu Law Relating to Adoption and Maintenance	CCC	III
LLM C 1003	PL	Muslim Jurisprudence and Matrimonial Laws	CCC	III
LLM C 1004	PL	Personal Laws relating to Indian Christian, Parasi and Jews	ECC	III

LLM C 1005	PL	Contemporary Laws, Issues and Comparative Muslim Law-I	ECC	III
LLM C 1006	PL	Recent Legal Developments in Personal Law (Viva-Voce Exam. & Project work)	ECC	III
LLM C 1007	PL	Un-Codified and Codified Hindu Law relating to Marriage	CCC	IV
LLM C 1008	PL	Hindu Law relating to Minority, Guardianship and Succession	CCC	IV
LLM C 1009	PL	Dissertation	CCC	IV
LLM C 1010	PL	Muslim Law relating to Property	ECC	IV
LLM C 1011	PL	Laws relating to Civil Marriages, Foreign Marriages and Will	ECC	IV
LLM C 1012	PL	Contemporary Laws, Issues and Comparative Muslim Law-II	ECC	IV
LLM D 1001	CL	Constitution, Constitutionalism and Rule of Law : Principles and Applications-I	CCC	III
LLM D 1002	CL	Administrative Law : Basic Principles and Comparative Analysis	CCC	III
LLM D 1003	CL	Judicial Process	CCC	III
LLM D 1004	CL	Media and Law - I	ECC	III
LLM D 1005	CL	Constitutional Law of United States of America	ECC	III
LLM D 1006	CL	Recent Legal Development in Constitutional Law (Viva-Voce Exam. & Project work)	ECC	III
LLM D 1007	CL	Constitution, Constitutionalism and Rule of Law : Principles and Applications-II	CCC	IV
LLM D 1008	CL	Administrative Process and Judicial Control	CCC	IV
LLM D 1009	CL	Dissertation	CCC	IV
LLM D 1010	CL	Media and Law - II	ECC	IV
LLM D 1011	CL	British Constitutional law	ECC	IV
LLM D 1012	CL	Protection of Human Rights under Indian Constitution	ECC	IV
LLM E 1001	IL	Public International Law-I	CCC	III
LLM E 1002	IL	International Organization-I	CCC	III
LLM E 1003	IL	Law of Armed Conflict	CCC	III
LLM E 1004	IL	Human Rights Under International Law-I	ECC	III
LLM E 1005	IL	Private international Law I	ECC	III
LLM E 1006	IL	Recent Legal Developments in International Law (Viva-Voce Exam. & Project work)	ECC	III
LLM E 1007	IL	Public International Law-II	CCC	IV
LLM E 1008	IL	International Organization-II	CCC	IV
LLM E 1009	IL	Dissertation	CCC	IV
LLM E 1010	IL	Human Rights Under International Law-II	ECC	IV
LLM E 1011	IL	Private international Law II	ECC	IV
LLM E 1012	IL	International Criminal Law	ECC	IV
LLM F 1001	LL	Labour Law and Labour Management in India and Industrial Adjudication Part I	CCC	III
LLM F 1002	LL	Legislation and Practice Relating to Social Security, Labour Welfare and Wages-I	CCC	III
LLM F 1003	LL	International Labour Organization, Central Organization of Trade Unions : Indian Tripartite System-I	CCC	III
LLM F 1004	LL	Comparative Labour Law and Labour Management - I	ECC	III
LLM F 1005	LL	Labour Jurisprudence	ECC	III
LLM F 1006	LL	Recent Legal Developments in Labour Law (Viva-Voce Exam. & Project work)	ECC	III
LLM F 1007	LL	Labour Law & Labour Management in India and Industrial Adjudication Part II	CCC	IV

LLM F 1008	LL	Legislation and Practice Relating to Social Security, Labour Welfare and Wages II	CCC	IV
LLM F 1009	LL	Dissertation	CCC	IV
LLM F 1010	LL	Comparative Labour Law and Labour Management II	ECC	IV
LLM F 1011	LL	International Labour Organisation, Central Organisation of Trade Unions: Indian Tripartite System-II	ECC	IV
LLM F 1012	LL	Industrial Psychology	ECC	IV


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Credit Structure

Paper Code	Paper Title	Course Category	Credit	Contact Hrs. per Week			EoSE Duration Hrs.	
				L	T	P	Thy.	P
Br. I (C.B.C.) Semester III								
LLM A 1001	General Principles of Contract-I	CCC	6	6	2		3	
LLM A 1002	Special Contracts-I	CCC	6	6	2		3	
LLM A 1003	Corporate Law-I	CCC	6	6	2		3	
LLM A 1004	Law Relating to Negotiable Instrument Act	ECC	6	6	2		3	
LLM A 1005	Commercial Arbitration	ECC	6	6	2		3	
LLM A 1006	Recent Legal Development in Contract, Business & Corporate Law (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. I (C.B.C.) Semester IV								
LLM A 1007	General Principle of Contract-II	CCC	6	6	2		3	
LLM A 1008	Corporate Law-II	CCC	6	6	2		3	
LLM A 1009	Dissertation	CCC	6	6		2		3
LLM A 1010	Special Contract-II	ECC	6	6	2		3	
LLM A 1011	Law Relating to Bankruptcy	ECC	6	6	2		3	
LLM A 1012	Competition & Consumer Protection Laws	ECC	6	6	2		3	
Br. II (Tort & Crime) Semester III								
LLM B 1001	General Principles of Torts	CCC	6	6	2		3	
LLM B 1002	General Principles of Crimes and Offences relating to State and Public tranquillity, morality	CCC	6	6	2		3	
LLM B 1003	Contemporary forms of Crime	CCC	6	6	2		3	
LLM B 1004	Comparative Criminal Procedure	ECC	6	6	2		3	
LLM B 1005	Law Relating to Rehabilitation and Treatment of Offenders -I	ECC	6	6	2		3	
LLM B 1006	Recent Legal Development in Tort & Crime (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. II (Tort & Crime) Semester IV								
LLM B 1007	Specific Wrongs	CCC	6	6	2		3	
LLM B 1008	Law Relating to Specific offences under the Indian Penal Code	CCC	6	6	2		3	
LLM B 1009	Dissertation	CCC	6	6		2		3
LLM B 1010	Law Relating to Rehabilitation and Treatment of Offenders -II	ECC	6	6	2		3	
LLM B 1011	Law Relating to Special Penal Legislations Relating to Women	ECC	6	6	2		3	
LLM B 1012	Recent Developments in Criminal Justice System	ECC	6	6	2		3	
Br. III (Personal Law) Semester III								
LLM C 1001	Hindu Jurisprudence and Law Relating to Joint Family	CCC	6	6	2		3	
LLM C 1002	Gender Justice Hindu Law Relating to Adoption and Maintenance	CCC	6	6	2		3	
LLM C 1003	Muslim Jurisprudence and Matrimonial Laws	CCC	6	6	2		3	
LLM C 1004	Personal Laws relating to Indian Christian, Parasi and Jews	ECC	6	6	2		3	

LLM C 1005	Contemporary Laws, Issues and Comparative Muslim Law-I	ECC	6	6	2		3	
LLM C 1006	Recent Legal Developments in Personal Law (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. III (Personal Law) Semester IV								
LLM C 1007	Un-Codified and Codified Hindu Law relating to Marriage	CCC	6	6	2		3	
LLM C 1008	Hindu Law relating to Minority, Guardianship and Succession	CCC	6	6	2		3	
LLM C 1009	Dissertation	CCC	6	6		2		3
LLM C 1010	Muslim Law relating to Property	ECC	6	6	2		3	
LLM C 1011	Laws relating to Civil Marriages, Foreign Marriages and Will	ECC	6	6	2		3	
LLM C 1012	Contemporary Laws, Issues and Comparative Muslim Law-II	ECC	6	6	2		3	
Br. IV (Constitutional Law) Semester III								
LLM D 1001	Constitution, Constitutionalism and Rule of Law : Principles and Applications-I	CCC	6	6	2		3	
LLM D 1002	Administrative Law : Basic Principles and Comparative Analysis	CCC	6	6	2		3	
LLM D 1003	Judicial Process	CCC	6	6	2		3	
LLM D 1004	Media and Law - I	ECC	6	6	2		3	
LLM D 1005	Constitutional Law of United States of America	ECC	6	6	2		3	
LLM D 1006	Recent Legal Development in Constitutional Law (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. IV (Constitutional Law) Semester IV								
LLM D 1007	Constitution, Constitutionalism and Rule of Law : Principles and Applications-II	CCC	6	6	2		3	
LLM D 1008	Administrative Process and Judicial Control	CCC	6	6	2		3	
LLM D 1009	Dissertation	CCC	6	6		2		3
LLM D 1010	Media and Law - II	ECC	6	6	2		3	
LLM D 1011	British Constitutional law	ECC	6	6	2		3	
LLM D 1012	Protection of Human Rights under Indian Constitution	ECC	6	6	2		3	
Br. V (International Law) Semester III								
LLM E 1001	Public International Law-I	CCC	6	6	2		3	
LLM E 1002	International Organization-I	CCC	6	6	2		3	
LLM E 1003	Law of Armed Conflict	CCC	6	6	2		3	
LLM E 1004	Human Rights Under International Law-I	ECC	6	6	2		3	
LLM E 1005	Private international Law I	ECC	6	6	2		3	
LLM E 1006	Recent Legal Developments in International Law (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. V (International Law) Semester IV								
LLM E 1007	Public International Law-II	CCC	6	6	2		3	
LLM E 1008	International Organization-II	CCC	6	6	2		3	
LLM E 1009	Dissertation	CCC	6	6		2		3
LLM E 1010	Human Rights Under International Law-II	ECC	6	6	2		3	
LLM E 1011	Private international Law II	ECC	6	6	2		3	
LLM E 1012	International Criminal Law	ECC	6	6	2		3	

Br. VI (Labour Law) Semester III								
LLM F 1001	Labour Law and Labour Management in India and Industrial Adjudication Part I	CCC	6	6	2		3	
LLM F 1002	Legislation and Practice Relating to Social Security, Labour Welfare and Wages-I	CCC	6	6	2		3	
LLM F 1003	International Labour Organization, Central Organization of Trade Unions : Indian Tripartite System-I	CCC	6	6	2		3	
LLM F 1004	Comparative Labour Law and Labour Management - I	ECC	6	6	2		3	
LLM F 1005	Labour Jurisprudence	ECC	6	6	2		3	
LLM F 1006	Recent Legal Developments in Labour Law (Viva-Voce Exam. & Project work)	ECC	6			6		4
Br. VI (Labour Law) Semester IV								
LLM F 1007	Labour Law & Labour Management in India and Industrial Adjudication Part II	CCC	6	6	2		3	
LLM F 1008	Legislation and Practice Relating to Social Security, Labour Welfare and Wages II	CCC	6	6	2		3	
LLM F 1009	Dissertation	CCC	6	6		2		3
LLM F 1010	Comparative Labour Law and Labour Management II	ECC	6	6	2		3	
LLM F 1011	International Labour Organisation, Central Organisation of Trade Unions: Indian Tripartite System-II	ECC	6	6	2		3	
LLM F 1012	Industrial Psychology	ECC	6	6	2		3	


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Syllabus
LL.M. (General) Semester -III

Branch-I : Corporate, Business and Contractual Laws

Paper I - (LLM A1001) General Principles of Contract-I

Section 1 to 36 - Indian Contract Act, 1872

Suggested Readings:

1. Leak : Contract
2. Pollock: Indian Contract and Specific Relief Acts
3. Salmond : Principles of the Law and Contract
4. Anson : Law of Contract
5. Odgers : Introduction to the Law of Contract
6. Street : Introduction to the Law of Contract
7. Pollock & Mulla: Indian Contract and Specific Relief Acts
8. Treitel-Law of Contracts
9. Slesenchengar : Formation of Contract
10. Venkata Iyer – Law of Contract
11. Avtar Singh – Law of Contract

Paper II - (LLM A1002) Special Contracts-I

(a) Indian Contract Act, 1872 Section 124 to end

(b) Indian Partnership Act, 1932

Suggested Readings:

1. Benjamin : On Sale of Goods Act
2. Blackburn : On Sale
3. Beal : The Law of Bailments
4. Story : Bailments
5. Bowstead : A digest of the Law of Agency
6. Lindley : partnership
7. Pollok and Mulla : Sale of Goods and Partnership
8. Desai : Contracts Sale of Goods and partnership
9. Iyer : Sale of Goods
10. Dutt : Law of Contract
11. Goel : Law of Contract
12. Desai – Contracts Sale of Goods and Partnership

Paper III (LLM A1003) Corporate Law-I

Corporate Personality, Registration & Incorporation Memorandum of Association, Articles of Association, Prospectus, Promoters, Shares, Share Holders & Members, Share Capital Dividends, Accounts & Audit, Borrowing, Lending, Investments and Contracts, Debentures.

Suggested Readings:

1. K.M. Gosh : Indian Companies
2. Palmer on Company Law
3. Gower : Principles of Company Law
4. Dutt : Company law

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Paper IV (LLM A1004) Law Relating to Negotiable Instrument

Negotiable Instrument Act, 1881

Suggested Readings:

1. Byles : Bill of Exchange
2. Chalmers: Negotiable Instrument
3. Bhashyam and Adiga : The Negotiable Instrument Act
4. Legal and e-commerce Environment Today
5. Sen Gupta : Negotiable Instrument Act

Paper V - (LLM A1005) Commercial Arbitration

Objective: To provide the knowledge of procedure of commercial arbitration and arbitral award, and to train students in handling arbitration issues.

Historical Background of the Arbitration

Existing justice delivery system in India: effectiveness and weaknesses, Reform in the legal system for achieving effective and speedy resolution of disputes, Historical background of the arbitration and arbitration agreements.

Conduct of Arbitral Proceeding

Composition and jurisdiction of arbitral tribunal, Conduct of arbitral proceeding, Making of arbitral award and termination of proceedings.

Arbitral Award and Appealable Awards

Recourse against arbitral award, Finality and enforceability of arbitral award, Appealable orders and miscellaneous provisions.

Foreign Arbitral Awards

Provisions regarding foreign awards and their enforcement.

International Commercial Arbitration

Meaning and development

Types of Laws applicable in ICA

Autonomy of Arbitration Agreement

Recognition and enforcement

Act and Statute (As Amended)

1. The Arbitration and Conciliation Act, 1996
2. The Arbitration and Conciliation (Amendment) Act, 2015
3. UNCITRAL model law on International Commercial Arbitration

Reference Books

1. Saraf, B.P. and M. Jhunjhunwala; *Law of Arbitration and Conciliation*; Snow White Publication
2. Bansal, A.K.; *Law of International Commercial Arbitration*; Universal Publication
3. Malik, S.B; *Commentary on Arbitration and Conciliation Act*; Universal Publication
4. Mustill, Michael J.; *Commercial Arbitration*; LexisNexis
5. Acharya N.K; *Law Relating to Arbitration and ADR*; Asia Law House
6. William, Gerald R.; *The New Arbitration and Conciliation Law of India*; Indian Council of Arbitration
7. Markanda. P.C; *Law relation to Arbitration and Conciliation*; Wadhwa Publication
8. Paranjpe, Dr. N.V.; *Law Relating to Arbitration and Conciliation in India*; Central Law Agency
9. Sethi Harsh, Gupta Arpan Kumar; *International Commercial Arbitration and its Indian Perspectives*, Universal Law Publishing
10. सिंह अवतार ; माध्यस्थम, सुलह एवं अनुकल्पी विवाद निपटान विधि, ईस्टर्न बुक कम्पनी
11. लाहोटी, रमेश चन्द्र, न्यायमूर्ति ; माध्यस्थम एवं सुलह विधि, वाघवा प्रकाशन

Paper VI - (LLM A1006) Recent Legal Development in Contract, Business & Corporate Law

(Viva-Voce Examination and Project Work)

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LL.M. (General) Semester -IV

Paper I - (LLM A1007)- General Principles of Contract-II

Section 37 to 75 of Indian Contract Act, 1872.

Suggested Readings:

1. Leak : Contract
2. Pollock: Indian Contract and Specific Relief Acts
3. Salmond : Principles of the Law and Contract
4. Anson : Law of Contract
5. Odgers : Introduction to the Law of Contract
6. Street : Introduction to the Law of Contract
7. Pollock & Mulla: Indian Contract and Specific Relief Acts
8. Treitel-Law of Contracts
9. Slesenchengar : Formation of Contract
10. Venkata Iyer – Law of Contract
11. Avtar Singh – Law of Contract

Paper II- (LLM A1008) Corporate Law II

Directors, Meetings, Majority Powers & Minority Rights, Prevention of Oppression and Mismanagements, Investigation Company Law Board & Company Courts, Kinds of Company, Reconstruction & Amalgamation, Defunct Companies Winding up, Miscellaneous.

Suggested Readings:

1. K.M. Gosh : Indian Companies
2. Palmer on Company Law
3. Gower : Principles of Company Law
4. Dutt : Company law

Paper III - (LLM A1009) Dissertation

Paper IV - (LLM A1010) Special Contract II

- (a) Limited Liability Partnership Act, 2008
(b) Sale of Goods Act 1930

Suggested Readings:

1. Benjamin : On Sale of Goods Act
2. Blackburn : On Sale
3. Beal : The Law of Bailments
4. Story : Bailments
5. Bowstead : A digest of the Law of Agency
6. Lindley : partnership
7. Pollok and Mulla : Sale of Goods and Partnership
8. Desai : Contracts Sale of Goods and partnership
9. Lyer : Sale of Goods
10. Dutt : Law of Contract
11. Goel : Law of Contract
12. Desai – Contracts Sale of Goods and Partnership

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Paper V - (LLM A1011) Law Relating to Bankruptcy

Origin and History of Bankruptcy Law in India, Definitions; Basic Principles, Applications: Insolvency Resolution and Bankruptcy Process for Corporate Persons, Partnership Firm, Individuals; Insolvency and Bankruptcy Board of India, Regulation of Insolvency Professionals, Agencies and Information utilities.

Act : The Insolvency and Bankruptcy Code, 2016

Suggested Readings :

1. Khatavkar Pranav ; Commentary on the Insolvency and Bankruptcy Code, 2016 (CURRENT PUBLICATIONS).
2. Kothari Vinod & Bansal Sikha ; Law Relating to Insolvency & Bankruptcy Code 2016 (Taxman's).
3. Mulla ; The Law of Insolvency in India (Lexis Nexis).

Paper VI - (LLM A1012) Competition and Consumer Protection Laws

Objective: To impart the basic knowledge of competition law and anti-competitive practices adopted in the commercial world.

SYLLABUS

Basic Principles of Competition Law

Definition of Competition and Competition Law, Relevant provisions of Sherman's Act, Aims and objects of the Competition Act, 2002 and its relationship with the Monopolies and Restrictive Trade Practices Act, 1969, Raghavan Committee Report, Definition and meaning of acquisition, agreement, consumer, enterprise, person, and service, WTO Agreements and the Competition Act.

Anti-Competitive Agreements, Abuse of Dominant Position and Regulation of Combinations

Horizontal and Vertical Agreement, Dominant Position, Abuse of Dominant Position, Regulation of Combinations viz. Mergers and Acquisitions, Value of Assets and Turnover.

Competition Commission of India

Establishment, Composition, Powers, Duties and functions, Distribution of business amongst Commission and benches, Jurisdiction of benches and procedure for adjudication, Penalties for offences under the Competition Act, 2002.

Other Related Issues

Competition Advocacy, Advertisement and Competition law, IPRs and Competition, Educational initiative and other contemporary issues.

Consumer Protection Act, 1986 and its Applicability to Competition Law

Definition of Consumer,

Definition of Service,

Deficiency in Service,

Unfair Trade Practices,

Overlapping Areas

Acts and Statutes (As Amended)

1. The Sherman Antitrust Act, 1890
2. The Clayton Antitrust Act, 1914
3. The Monopolies and Restrictive Trade Practices Act, 1969
4. The Competition Act, 2002
5. The Reports of Competition Commission of India

Text Books

1. Aggarwal, V.K; *Consumer Protection: Law and Practice*; Bharat Law House

2. Dugar, S. M.; *Commentary on the MRTP Law, Competition Law and Consumer Protection Law*;

LexisNexis

Reference Books

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Syllabus
Branch-II : Tort and Crime
(Semester - III)

Paper I - (LLM B1001) General Principles of Torts

Definition and nature; foundation of tortious liability; general conditions of liability in tort; mental elements in law of torts; general exceptions to liability in tort; discharge of tort; remedies for torts; doctrine of remoteness of damages and nervous shock; joint tort feasons and vicarious liability.

Suggested readings:

1. Clerk and Lindsell: The Law of Torts.
2. Street : Torts
3. Pollock: on Torts
4. Salmond: The law of Torts
5. Winfield: A text book of Law of Torts
6. Winfield: Province of the Law of Torts
7. Restatement of the Law of Torts
8. Harper: The Law of Torts
9. Ramaswami Iyer: The Law of Torts
10. Rattan Lal & Dhiraj Lal: Law of Torts
11. Dias & Markensisis : Tort Law
12. Gandhi, B.M. : Torts
13. Row C.M. : Law of Damages and Compensation
14. Jagdish Singh: Medical Negligence and Compensation
15. Charlesworth: Negligence
16. Daret: Laaw of Nuisance

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Paper III - (LLM B1003) Contemporary forms of Crime

White Collar Crime

- (i) Definition, Nature and Scope
- (ii) Theories of White-Collar Crimes
- (iii) Causes of White-Collar Crimes
- (iv) Types of White-Collar Crime
- (v) Combative Measures

Organized Crime

- (i) Definition, Scope & Characteristics of Organized Crime
- (ii) Classification of Organized Crimes
 - International Perspective
 - Indian Perspective
- (iii) Legislative Provisions
 - Indian Laws
 - International Laws
- (iv) Prevention and control strategies

POCSO, 2012

- (i) Prevention of Children from Sexual Offences Act, 2102

Suggested Readings :

- C.K. Gandhirajan : Organised Crime
- P.M. Nair : Combating Organized Crime
- Girish Mishra : White-Collar Crimes
- Pratap S. Malik ; A Complete Guide to Prevention of Children from Sexual Offices Act.
- N.V. Paranjpe : Criminology

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Paper IV - (LLM B1004) Comparative Criminal Procedure

Organization of Courts and Prosecuting Agencies: Hierarchy of Criminal Courts and their Jurisdiction, Nyaya Panchayats in India. Panchayats in tribal areas, Organization of Prosecuting agencies for prosecuting criminal cases: prosecutors and the police, withdrawal of prosecution.

Preventive Measures in India: Provisions in the Criminal Procedure Code, Special enactments, Public Interest Litigation: Directions for Criminal Prosecution.

Pre-trial Procedures: Arrest and questioning of the accused. The rights of the accused. The evidentiary value of statements/articles and the judicial officer in the Police, Right to counsel. Roles of the prosecutor system of trial and the inquisitorial system, role of the judge, the judge, the prosecutor or and defense attorney in the trial. Admissibility and inadmissibility of evidence, expert evidence, Appeal of the Court awarding appropriate punishment, plea-bargaining.

Suggested Readings:

1. Ceylia Hampton: Criminal Procedure
2. Wikins and Cross : Outline of the Law of Evidence
3. Archbold, pleading; Evidence and Practice in Criminal cases (2000) Eastern, Lakhnowl
4. Sankar : Law of Evidence
5. K.N. Chandrasekhran Pillai (ed): R.V. Kelkar's : Outlines of Criminal Procedure
6. Patric Devlin : The Prosecution in England
7. American Series of foreign Panel Codes Criminal Procedure Code of People's Republic of China.
8. John N: Fedice: Criminal procedure (1996), West Sanders & Young : Criminal Justice (1994)
9. Christian Van den Syngart : Criminal Procedure Systems in European Community Joel Samaha
10. Criminal Procedure (1997), West Criminal Procedure Code 1973

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Paper - V (LLM B1005) Law Relating to Rehabilitation and Treatment of Offenders-I

Introductory Definitions of Penology, Theories of Punishment: Retribution, Utilitarian Prevention: Deterrence, Utilitarian: Intimidation, Behavioral prevention: Incapacitation, Rehabilitation, Expiation, Classical Hindu and Islamic approaches to punishment, The Problematic of Capital punishment.

Suggested Readings :

1. Chabra : The Quantum of Punishment in Criminal (1970)
2. H.L.A. Hart : Punishment and Responsibility (1968)
3. Harbert L. Packer : The Limits of Criminals Senction (1968) Alfross: On Guilt Responsibility and Punishment (1975)
4. A Siddique : Criminology (1984) Eastern, Lakhnow
5. Law Commission of India, Forty-Second Report, Ch. 3 (1971)
6. K.S. Shukla : Sociology of Deviant Behaviour in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179 (1986)
7. Tapas Kumar Benerjee : Back-round to Indian Criminal Law (1990), R Cmpajary & Co. Kolkata

Paper - VI (LLM B1006) Recent Legal Development in Tort & Crime (Viva-Voce Examination and Project Work)

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LL.M. (General) Semester - IV
Paper - I (LLM B1007) Specific Wrongs

1. Negligence, Contributory Negligence
2. Defamation
3. Strict and Absolute liability
4. Nuisance
5. Assault Battery False imprisonment
6. Tort of Malicious Abuse of Legal Process
7. Tort Relating to immovable
8. Tort Relating to Movable Property
9. Tort Affecting contractual and Business Relations
10. Tort of Injurious falsehood.

Suggested readings:

1. Clerk and Lindsell: The Law of Torts.
2. Street : Torts
3. Pollock: on Torts
4. Salmond: The law of Torts
5. Winfield: A text book of Law of Torts
6. Winfield: Province of the Law of Torts
7. Restatement of the Law of Torts
8. Harper: The Law of Torts
9. Ramaswami Iyer: The Law of Torts
10. Rattan Lal & Dhiraj Lal: Law of Torts
11. Dias & Markensisis : Tort Law
12. Gandhi, B.M. : Torts

**Paper - II (LLM B1008) Law Relating to Specific Offences under the
Indian Penal Code**

Offences against human body, offences against human property; offences against marriage: offences relating to defamation.

Suggested Readings:

1. Bhattacharya T.B. Indian penal Code
2. Harris : Principles & Practice of the criminal Law
3. Ratan Lal & Dhiraj Lal : Law of Crimes
4. Ejaz Ahmed : The Law of Crimes
5. Raghvan : Law of Crimes
6. Basu N.D. : Indian Penal Code
7. Gaur : Penal Law of India
8. Gaur K.D. : Criminal Law Cases and Material

Paper - III (LLM B1009) Dissertation

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Paper-IV (LLM B1010) Law Relating to Rehabilitations and Treatment of Offenders-II

Punishment : Constitutionality of Capital Punishment, Judicial Attitudes through the statue law and case law towards capital punishment in India-An inquiry, Law Reforms Proposals.

Approaches to Sentencing: Alternatives to Imprisonment Probation, Corrective Labour. Fines, Collective fines, Reparation of the offenders by the court.


Sentencing : Principle to sentencing, Main types of sentences in the Panel Code and Special laws, sentencing for white collar crime, Pre-sentence hearing, sentencing for habitual offender, summary punishment, plea bargaining.

Suggested Readings:

8. Chabra : The Quantum of Punishment in Criminal (1970)
9. H.L.A. Hart : Punishment and Responsibility (1968)
10. Harbert L. Packer : The Limits of Criminals Senction (1968) Alfross: On Guilt Responsibility and Punishment (1975)
11. A Siddique : Criminology (1984) Eastern, Lakhnow
12. Law Commission of India, Forty-Second Report, Ch. 3 (1971)
13. K.S. Shukla : Sociology of Deviant Behaviour in 3 ICSSR Survey of Sociology and Social Anthropolgy 1969-179 (1986)
14. Tapas Kumar Benerjee : Back-round to Indian Criminal Law (1990), R Cmpajary & Co. Kolkata

Paper-V (LLM B1011) Law Relating to Special Penal Legislations Relating to Women

- Dowry Prohibition Act,
- Protection of Women on Domestic Violence Act,
- Prevention of Commission of sati Act.


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Paper-VI (LLM B1012) Recent Developments in Criminal Justice System

Cyber Crime

- (i) Meaning, Definition, Nature of Cyber Crimes
- (ii) Classification of Cyber Crimes
- (iii) Statutory Laws pertaining to Cyber Crimes in India
- (iv) Cyber Crime Prevention measures and Data Safety.

Contemporary Investigative Techniques and Evidence

- (i) Deception Detection Tools
 - a. Narco-Analysis Test
 - b. Brain Mapping
 - c. Polygraph Test
- (ii) DNA Profiling
- (iii) Fingerprint Analysis
- (iv) Electronic Evidences
- (v) Evidentiary Value

Suggested Readings

- M. Rakesh : Computer Crimes : Concept, Control and Prevention
- Karnika Seth : Computers, Internet and New Technology Laws.
- Anirudh Rastogi : Cyber Law
- Garima Tiwari : Understanding Cyber Laws and Cyber Crimes
- R.K. Chaubey : Cyber Crime and Cyber Law
- B.R. Sharma : Forensic Science in Criminal Investigation and Trials.
- Modi & K. Kannan : A Textbook of Medical Jurisprudence and Toxicology


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Syllabus
Branch-III : Personal Law
(Semester - III)

Paper-I (LLM C1001) Hindu Jurisprudence and Law Relating to Joint Family

Sources, Schools and Application of Hindu Law; Coparcenery, Coparcenery Property, its Incidents, Management and Alienation – Karta and its Powers; Partition; and Religious and Charitable Endowments.

Suggested Reading:

1. Raghvachariar : Hindu Law
2. Sahary H.K. : Law of Marriage and Divorce
3. Paras Diwan : Modern Hindu Law
4. Mitra Principles of Hindu Law
5. Mulla : The Principles of Hindu Law
6. G.S.S. Sastri and Bhular : Hiindui Law
7. Manu's Institutes : Chapter i, III, VII, VIII and IX (Sacred Books of the East)
8. Yagnavalkya Smriti with Mitakshara, Book I, II, III
9. Vyavahara Majukha
10. Smriti Chandrika
11. The Dayabagha
12. P.V. Kane : History of Dharmasastras
13. Ganganath Jha : Hindu Law in its Sources
14. Maynes : Treatise on Hindu Law and Usage
15. West and Bhuler : Hindu Law
16. Sen, P.N. : Hinidu Jurisprudence
17. Sharma B.K. : Law of Divorce
18. Kesri U.P.D. : Hindu Law

Paper-II (LLM C1002) Gender Justice Hindu Law Relating to Adoption and Maintenance

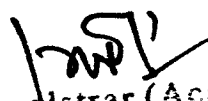
Adoption: Its meaning, nature and essential conditions and effects.

Maintenance : Various grounds for separate Residence and Maintenance of a Hindu Wife. Widowed Daughter-in-Law and Children in and Infirm or Aged parents.

Suggested Reading:

1. Paras Diwan : Modern Hindu Law
2. Mitra : Hindu Law
3. Mulla : The Principles of Hindu Law
4. Dattak Mimansa
5. Dattak Chandrika
6. G.S.S. Sastri and Bhular : Hindu Law
7. Ganganath Jha : Hindu Law in its sources
8. Mynes : Treatise on Hindu Law & Usage
9. West & Bhuller : Hindu Law
10. Derrett Duncan : Essay on classic and Modern Hindu Law
11. All Acts of the Indian Legislature
12. Tagore Law Lectures on Marriage, Adoption and Stridhana

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Paper-III (LLM C1003) Muslim Jurisprudence and Matrimonial Laws

Various phases and development of Muslim Law; sources, schools and application of Muslim Law; Marriage; Dower; Dissolution of marriage; Guardianship and Custody of minor children; Acknowledgement of paternity and Legitimacy of Children.

Suggested Reading:

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyzee AAA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law

Paper-IV (LLM C1004) Personal Laws relating to Indian Christian, Parasi and Jews

The Indian Christian Marriage Act, 1872; Indian Divorce Act, 1869; Parsi Marriage and Divorce Act, 1936. Customary Laws of the Jews relating to marriage and Matrimonial causes.

Suggested Reading:

1. Commentaries and cases of the Supreme Court and High Court of India
2. Diwan Paras : Family Law, Vol. I and II
3. Desai Kumud : Indian Law of Marriage and Divorce
4. Beri B.P. : Law of Marriage and Divorce in India
5. Relevant Legislative Enactments

Paper-V (LLM C1005) Contemporary Laws, Issues & Comparative Muslim Law - I

I. Contemporary Laws and their relevancy in Personal Law.

- (i) Anand Marriage Act, 1959
- (ii) Arya Marriage Validation Act, 1937
- (iii) The Prohibition of Child Marriage Act, 2006
- (iv) Dowery prohibition Act, 1961


II. Contemporary Issues and their relevancy in Personal Law.

- (i) Live-in-Relationship.
- (ii) Uniform Civil Code
- (iii) Marriage Offences in Foreign countries.

III. Comparative Muslim Law : South Asia (India, Pakistan, Bangladesh) and Britain.

- (i) Application of Muslim Law.
- Definition of Muslim and legal strategies in South Asia and Britain
- (ii) Muslim Marriage : Form and capacity

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- Muslim Marriage in South Asia
- Muslim Marriage in English Law

(iii) Polygamy

- Muslim Polygamy in South Asia
- Polygamy in Britain


(iv) Dissolution of Marriage

- Muslim divorce Law in South Asia
- Muslim and divorce in Britain

Suggested Reading:

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyzee AAA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law
10. David Pearl & Werner Menski : Muslim Family Law.
11. Prof. Kusum : Family Law Lectures
12. Prof. Poonam Pradhan : Family Law Lectures
13. Raj Bhala : Islamic Law
14. M.P. Jain : Constitutional Law of India.

Paper-VI (LLM C1006) Recent Legal Development in Personal Law
(Viva-Voce Examination and Project Work)


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LL.M. (General) Semester - IV

Paper-I (LLM C1007) Un-Codified and Codified Hindu Law relating to Marriage

Nature of Hindu Marriage; Essential Conditions and Solemnization of a valid Hindu Marriage; Nullity of Marriage Restitution of Conjugal Rights, Judicial Separation and Divorce- its various theories and grounds; Maintenance a pendent and Permanent Alimony.

Suggested Reading:

1. Raghvachair : Hindu Law
2. Saharary H.K. : Law of Marriage and Divorce
3. Paras Diwan : Modern Hindu Law
4. Mitra : Principles of Hindu Law
5. Mulla : The Principles of Hindu Law
6. G.S.S. Sastri and Bhular : Hindu Law
7. Manu's Institutes : Chapter I, III, VII, VIII and IX (Sacred Books of the East)
8. Yagnavalkya Smriti with Mitakohara; Book, I, II, III
9. Vyarahara Majukha
10. Smriti Chandrika
11. The Dayabhaga
12. P.V. Kane : History of Dharmasastras
13. Ganganth Jha : Hindu Law in its sources
14. Sankhla U.C. Fundamental of Divorce Law
15. Majnes : Treatise on Hindu Law and Usage
16. West & Bhullers: Hindu Law
17. Derrett Ducan : Essays on Classic and Modern Hindu law; and Death of a Marriage Law
18. All Acts of the Indian Legislature.
19. Tagore Law Lecture on Marriage, Adoption and Stridhara
20. Sen, P.N. : Hindu Jurisprudence
21. Jaipur Law Journal from Volume I latest articles concluding
22. Sharma B.K. : Law of Divorce
23. Kesri UPD : Hindu Law


Paper-II (LLM C1008) Hindu Law relating to Minority, Guardianship and Succession

Minority and Guardianship- Definition of Hindu Minor and Guardianship; Kinds and Powers of Guardians

Succession, Meaning of Succession, Devolution of Mitakshasa Coparcener Property. Succession in respect of the separate property of a Male Hindu during intestate- Heirs and Distribution of property among them. Hindu Women Property; Succession in respect of Female Hindu during intestate. Heir and Distribution of Property among them; General Rules relating to succession and Disqualification of heirs.

Suggested Reading:

1. Paras Diwan : Modern Hindu Law
2. Mitra : Hindu Law
3. Mulla : The Principles of Hindu Law


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4. Dattak Mimansa
5. Dattak Chandrika
6. G.S.S. Sastri and Bhular : Hindu Law
7. Ganganath Jha : Hindu Law in its sources
8. Majnes : Treatise on Hindu Law and Usage
9. West & Bhuller : Hindu Law
10. Derrett Duncan : Essays on classic and Modern Hindu Law
11. All Acts of the Indian Legislature
12. Tagore Law Lectures on Marriage Adoption and Stridhana

Paper-III (LLM C1009) Dissertation

Paper-IV (LLM C1010) Muslim Law relating to Property

Pre-Emption; Hiba; Will; Wakf; Inheritance

Suggested Reading :

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principles of Mohammedan Jurisprudence
4. Sharma Bharan Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyzee AAA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law

Paper-V (LLM C1011) Laws relating to Civil Marriages, Foreign Marriages and Will

Special Marriage Act, 1954;
The Foreign Marriage Act, 1969;
Indian Succession Act, 1925 relating to Will

Suggested Readings:

1. Commentary and cases of Supreme Court and High Court of India
2. Diwan paras : Family Law Vol. I & II
3. Desai Kumud : Indian Law of Marriage and Divorce
4. Ben B.P. : Law of Marriage and Divorce in India
5. Relevant legislative Enactments.

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Paper-VI (C1012) : Contemporary Laws, Issues & Comparative Muslim Law - II

I. Contemporary Laws and their relevancy in Personal Law.

- (i) The Shariat Act, 1937
- (ii) The Family Courts Act, 1984
- (iii) Guardian and wards Act, 1890
- (iv) The Protection of Women from Domestic Violence Act, 2005

II. Contemporary Issues and their relevancy in Personal Law.

- (i) Surrogacy
- (ii) Inter-Country Adoption
- (iii) Inter-Religious Adoption

III. Comparative Muslim Law : South Asia (India, Pakistan, Bangladesh) and Britain.

- (i) Legitimacy
- (ii) Adoption
- (iii) Custody of Children
- (iv) Guardianship
- (v) Maintenance
- (vi) Law of inheritance
 - Compulsory succession
 - South Asian Muslim law of inheritance
 - Muslim Law of Succession in Britain

Suggested Reading:

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyzee AAA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law
10. David Pearl & Werner Menski : Muslim Family Law.
11. Prof. Kusum : Family Law Lectures
12. Prof. Poonam Pradhan : Family Law Lectures
13. Raj Bhala : Islamic Law
14. M.P. Jain : Constitutional Law of India.
15. Laxmi Jambholkar : Private International Law.
16. Dr. Aneesh V. Pillai : Surrogate Motherhood & the Law.
17. Anil Malhotra, Ranjit Malhotra : Surrogacy in India.
18. Anil Malhotra, Ranjit Malhotra : India, Inter country Parental Child Removal and the Law.

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Branch-IV : Constitutional Law
(Semester - III)

**Paper-I (LLM D1001) : Constitution, Constitutionalism and Rule of Law :
Principles and Applications-I**

The Concept of Constitutionalism

Essential Principles of Constitutionalism, Constitutionalism and Rule of Law, Functions of Rule of Law and Constitutionalism, Constitutionalism in the Indian Legal Order.

Federalism as an aspect of Constitutionalism

The Federal principle: Classical and Modern: An overview of the Canadian and American Position, Main features of Indian federalism Federalism and Constitutionalism.

New challenges to Constitutionalism: some social issues

Equality and Affirmative actions (Dalits, and Backward Class and Minorities –Religious and Linguistic), Human Rights of the Marginalized Groups, An Evaluation of Role of Courts, Principle of Judicial Review.

Justice Delivery System in India

PIL movement : Promises and Perils.

Independence of Judiciary.

Judicial Reforms.

Suggested Readings :

1. C. H. Mell Wain, Constitutionalism: Ancient and Modern . (1947).
2. A. V. Dicey, Introduction to the Study of Law of the Constitution. (1982) Edition.
3. Lary Alexander (ed). Constitutionalism: Philosophical Foundations . Cambridge. (1998)
4. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.4545
5. K. C. Wheare. Federal Government. Ch. 1 & 2, 4th Edition 1963.
6. V.N. Shukla Constitutional Law of India
7. M. P. Singh. Federalism, Democracy and Human Rights.

**Paper-II (LLM D1002) : Administrative Law : Basic Principles and
Comparative Analysis**

Evolution and significance of Administrative Law in various systems of governance- from ancient to modern.

- a) England and USA
- b) France
- c) Other systems

Rule of Law: Changing dimensions, Regulation of administrative process.

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

Processual Fairness: Evolution and Significance of Natural Justice, England: Judicial Process.

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Doctrine of fairness and doctrine of legitimate expectation. U.S.: Due process and judicial decision, India -Doctrine of Fairness (Art.14, 19, 21) Doctrine of Legitimate Expectation, doctrine of proportionality, Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

Suggested Readings :

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

Paper-III (LLM D1003) : Judicial Process

Objectives:

A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LL.M. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change.

I. NATURE OF JUDICIAL PROCESS

- Judicial Process as an Instrument of Social Ordering.
- Judicial process and creativity in law with special reference to the common law model.
- The tools and techniques of judicial creativity and precedent.
- The authority of precedents

II. JUDICIAL PROCESS IN INDIA

- The notion of Judicial review.
- The "Political" nature of Judicial process.
- Accountability in Judicial Law making.
- Constitutional goals and values - New Dimensions of Judicial activism and structural challenges.
- *Ratio decidendi* - Method of determining the *ratio decidendi*.

III. THE CONCEPTS OF JUSTICE

- Dharma in Indian thought - A regulator of Justice.
- The Theories of Justice and its relevance in the administration of Justice
- Judicial Activism and the Supreme Court of India.

IV. JUDICIAL PRONOUNCEMENT AND THEIR IMPACT.

Suggested Readings :

1. Abrham, Henry. J., The judicial Process (Oxford, 1988)

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2. Baxi, Upendra., The Indian Supreme Court and Politics (Lucknow, Eastern Book Company 1980)
3. Cardozo, Benjamin., The Nature of the Judicial Process (Delhi, Universal Publishing House. 2002)
4. Cooper C.J., "Stare decisis: Precedent and Principle in Constitutional Adjudication". 73 Cornell Law Review (1988)
5. Levi. Edward H., An Introduction to Legal Reasoning (Chicago University press. 1970)
6. Lord Reid., The Judge as Law Maker (1972)
7. Malcolm. M. Freely and Edward L. Rubin., Judicial Policy Making and the Modern State (Cambridge : university press 1998)
8. Lord Devlin., The Judge (Oxford, University Press, 1979)
9. Holmes. O. W., the common law (Boston, Little brown & co 1981)
10. Rama Jois, Concept of Dharma (Delhi, Universal Law Publishing)
11. Rajeev Dhavan., The Supreme Court of India - A Socio Legal Critique of its Juristic Techniques (Bombay : M.M Tripathy, 1977)
12. John Rawls., A Theory of Justice (Delhi Universal Publishing House, 2000)
13. Ronald Dworkin., "Hard Cases" 88 Harvard Law Review
14. Stone Julius. The Province and Functions of Law, part 2 (New Delhi, Universal Publishing House 2000)
15. Stone Julis., Legal system and Lawyers Reasoning (New Delhi, Universal Publishing House. 1999)
16. Thomas E. W., The Judicial Process (Cambridge University Press, 2008)
17. Timothy A.O. Endicott., Vagueness in Law. (Oxford, University Press, 2000)

Paper-IV (LLM D1004) : Media And Law- I

Objectives :

Mass communication from the days of printing press has played a very important role on the formation of the public opinion. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, the experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide basic understating of the evolution of mass and media and its regulation.

FREEDOM OF SPEECH AND EXPRESSION

- Freedom of speech as a human right – Philosophical justification for the protection of Free speech right – Constitutional guarantee for Free Press – reasonable restrictions on Free speech
- Media Freedom – boundaries of a free press - Mass media –press, films, radio, television – ownership patterns – legal issues; Freedom of Information v Free Speech
- Origins of broadcasting – regulation of press and broadcasting – censorship of broadcasting media and press – leading cases – Evolution of television as a visual media
- Impact of films as visual media – censorship of films – judicial view on film censorship – standards of censorship
- Role of media in law making process.

PROTECTION OF REPUTATION

- Defamation – overview – general framework for defamation law- role of malice provisions – remedies and damages

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- Decent speech – indecent speech – hate speech – racial speech – obscenity on mass media – regulation and control
- Libel in press – regulation and control – Slander through Broadcasting audio-video defamation
- Internet as a platform of free speech – regulation of content on Internet self-regulation v Government regulation
- Libel and slander in cyberspace – cross border libel/slander – jurisdictional problems – Gutnick v John Doe.
- Media - Judiciary and Legislature.

Suggested Readings :

1. D D Basu, Law of the Press (Delhi, LexisNexis)
2. Madhavi Diwan, Facets of Media Law (Lucknow, EBC)
3. Ram Jethmalani, Media Law (Thomson Reuters)
4. Ursula Smartt, Media and Entertainment Law (Routledge)
5. Perry Keller, European and International Media Law (Oxford)
6. Frank Leishmann, Policing and the Media (Lawman)
7. Roger L Sadler, Electronic Media Law (Sage)

Paper-V (LLM D1005) Constitutional Law of United States of America

Salient features, Amendment Process. Separation of Power. Check and balance. Bill of Rights. Federalism. President and cabinet. President and his power. Elections. Congress. Supreme Court and judicial review. Party system. Freedom of Speech. Freedom of Religion and Establishment. Police power. New deal and Commerce Clause. Federal system. Judicial review. Procedure of due, substantive and new process. Separation of Power.

Suggested Readings :

1. Dicey A.V. : Law of the Constitution.
2. Wade and Phillips : Constitutional law
3. Hood and Phillips : Constitutional Law
4. Keir and Lawson : Cases on Constitutional Law
5. Jenning and Young : Constitutional Law of the Common Wealth.
6. Jenning : Law and Constitution
7. D.D. Basu : World Constitution.
8. Antieau : Commentaries on Constitution of USA.
9. Shapin : American Constitutional law.
10. Enight : Constitutional Law.
11. Kelley & Harbinson : American Constitution.
12. Raiph A. : American Constitutional Law.
13. B.M. Gandhi : World Constitution.

Paper-VI (LLM D1006) Recent Legal Development in Constitutional Law
(Viva-Voce Examination and Project Work)

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LL.M. (General) Semester - IV

Paper-I (LLM D1007) : Constitution, Constitutionalism and Rule of Law : Principles and Applications-II

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.

The Statehood In Indian Constitution 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.

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

Suggested Readings :

1. H.M. Seervai: The Constitutional law of India
2. A. V. Dicey, Introduction to the Study of Law of the Constitution. (1982) Edition.
3. Lary Alexander (ed). Constitutionalism: Philosophical Foundations . Cambridge. (1998)
4. M. P. Singh 'Constitution of India. 11th Ed. 2008, Eastern Book Co.4949
5. K. C. Wheare. Federal Government. Ch. 1 & 2, 4th Edition 1963.
6. M. P. Singh. Federalism, Democracy and Human Rights. 47 J.I.L.I. 47 (2005).

Paper-II (LLM D1008) : Administrative Process and Judicial Control

Administrative process: Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, taxing power. Responsibility and accountability

Judicial Review of Administrative action in India: Historical development, power of Supreme Court. Powers of High Courts, Role of Subordinate Courts. Jurisdiction


Ground of Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: discretion and Justifiability, violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting under dictation, Malafides and Bias, Lack of rationality and proportionality, oppressing decision.

Limits of Judicial Review: Locus standi and PIL, Laches, Resjudicata, alternative remedies, Remedies Writs, injunction and declaration

Suggested Readings :

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

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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

Paper-III (LLM D1009) Dissertation

Paper-IV (LLM D1010) : Media And Law- II

MEDIA AND PRIVACY

- Obscenity and pornography – historical background - Hicklin Test – contemporary standards in Miller v California - Child pornography
- Blasphemy – historical overview- censorship of stage productions – violence - legal regulation of blasphemy
- Privacy – historical development of private and confidential information – media practices and human rights – photo journalism in public places – child right to privacy
- Information privacy and reputation - personal data protection – abuse of personal information – marketing of personal information- internet privacy
- Press and Public access to the judicial processes , records, places and meetings – Right to information Act.

MEDIA, ETHICS AND ADJUDICATION

- Copyright issues in mass media – protection for copyrighted work – plagiarism – pirated music - remedies for infringement
- Media and Courts - Report of legal proceedings – trial by media – sensitive court reporting and human rights contempt of court – procedure and punishment
- Corporate and commercial speech – development of commercial speech doctrine – commercial speech for professionals and corporations – Art.19(1)(a) protection for unsolicited mail advertising – regulation of commercial speech
- Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism's ethical issues- Reporters privileges and protection of media sources
- Extra- judicial regulation of media content – press complaints and editors' code of practice –Broadcasting standards commission – codes for advertisement standards – Film censorship board - Internet Corporation for Assigned Names, and Numbers (ICANN)

Suggested Readings :

1. D D Basu, Law of the Press (Delhi, LexisNexis)
2. Madhavi Diwan, Facets of Media Law (Lucknow, EBC)
3. Ram Jethmalani, Media Law (Thomson Reuters)
4. Ursula Smartt, Media and Entertainment Law (Routledge)
5. Perry Keller, European and International Media Law (Oxford)
6. Frank Leishmann, Policing and the Media (Lawman)
7. Roger L Sadler, Electronic Media Law (Sage)

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Paper-V (LLM D1011) : British Constitutional Law

- Nature and Features of British Constitution. Conventions of the British Constitution. Sanctions behind conventions. Importance of Conventions. Habeas Corpus. Racial Discrimination.
- Role and Functions of Monarchy. Origin of Monarchy. Difference between king and crown. Parliamentary Supremacy. Position and powers of the Monarch. Appointment. Powers, Functions and Position of Prime Minister of England. Fundamental rights. Martial Law and Military Tribunal. Emergency Power in Peace and War.
- British Cabinet System, Origin and Development. Meaning and organization of the cabinet, committee of the cabinet. Salient features of the British Cabinet System. House of Lords, Composition, Privileges, Powers, Functions and weaknesses. Lord-Chancellor.
- House of Commons : Composition, Method of Election, Tenure, Privileges of the members, Speaker of the House, Powers and Functions of the House of Commons. British Judicial System, Salient Features, organization of Courts, Position of Rule of Law,
- Privy Council : Its Composition and functions, Liberty of discussion. Minister and Civil Servant. Delegated Legislation. Party System.
- Supreme Court : Composition and Jurisdiction.

Suggested Readings :

1. Wade & Philips : Constitutional Law.
2. Philips & Hood : Constitutional & Administrative Law.
3. Dicey : Introduction of the Study of the Constitution.
4. Jennings : The British Constitution.
5. Jennings : The Law and the Constitution.
6. Vishnoo Bhagwan & Vidya Bhushan : World Constitution.

Paper-VI (LLM D1012) : Protection Of Human Rights Under Indian Constitution

Objectives:

The purpose of the study of this course is to expose the students to the regime of human rights in a comprehensive way. It is the endeavour of this course to appraise both theoretical and practical study. The course comprises of the following four Modules

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA

- Introduction-Human rights in ancient India- History and the development of human rights under the Indian Constitution- Constitutional philosophy of human rights- Obligation of State to comply with international human rights norms- Articles 51 and 253 of the Constitution requiring to conform to international obligations- Constitutional status of the Preamble, the Fundamental Rights, the Directive Principles of State Policy and the Fundamental Duties.

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- Constitutional provisions for protecting human rights- Article 13 invalidating laws inconsistent with Part III of the Constitution- Article 37 imposing duty to implement Part IV of the Constitution- Legislative measures to protect human rights.
- Human rights and their enforcement under the Indian Constitution and the role of the Supreme Court, high courts and civil and criminal courts- Role of the institution of public interest litigation in protecting human rights- Right to legal aid as human right.
- National Human Rights Commission and the States Human Rights Commissions and their role in protecting human rights.

HUMAN RIGHTS PROTECTION FOR VULNERABLE AND DISADVANTAGED GROUPS:

- Concept of human rights of vulnerable and disadvantaged groups and the philosophy of human rights of vulnerable and disadvantaged groups- Development of jurisprudence to accord special protection to vulnerable and disadvantaged groups.
- Issues and challenges concerning protection to vulnerable and disadvantaged groups- Women's rights- Rights of Children- Rights of indigenous people, SCs and STs,
- Enforcement of human rights of vulnerable and disadvantaged groups- Future perspectives of the human rights of the disadvantaged groups.

Suggested Readings :

1. D. D. Basu, Human Rights in Constitutional Law (Delhi, LexisNexis)
2. Nihal Jayawickrama, THE JUDICIAL APPLICATION OF HUMAN RIGHTS LAW (2002).
3. Phillip Alston and James Crawford, THE FUTURE OF U.N. HUMAN RIGHTS TREATY MONITORING (2000).
4. Arjun Sengupta, On the Theory and practice of the Right to Development: Agenda for the Robert McCorquodale, Self Determination: A Human Rights Approach 43 (4) INTERNATIONAL AND COMPARATIVE LAW QUARTERLY, 857-885 (1994).
5. T.S.N. Sastry, INDIA AND HUMAN RIGHTS: REFLECTIONS (ed.), (Concept Publishing Company, 2005).
6. Mahendra P.Singh, V.N. SHUKLA'S CONSTITUTION OF INDIA, (2008).
7. Ashish Kumar Das and Prasant Kumar Mohanty, HUMAN RIGHTS IN INDIA (2007)
8. HUMAN RIGHTS IN INDIA: ISSUES AND PERSPECTIVES (Dr.S. Mehartaj Begum ed.. 2000).
9. CHANGING CONCEPTS OF RIGHTS AND JUSTICE IN SOUTH ASIA (Michael R.Anderson and Sumit Guha eds., India: Oxford University Press, 1998).
10. Upendra Baxi, THE FUTURE OF HUMAN RIGHTS, (Oxford University Press. New Delhi, 2002)
11. Paras Diwan and Peeyushi Diwan, HUMAN RIGHTS AND THE LAW: UNIVERSAL AND INDIAN (1998).

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Branch-V : International Law

(Semester - III)

Paper-I (LLM E1001) Public International Law-I

Definition, Nature and History of International Law
Sources of International Law, Subjects of International Law
The Relation between International Law and Municipal Law
Recognition of States and Governments
Territory of States,
Jurisdiction of States,
The Law of the Sea,
The Law of Air and Space
International Environmental Law,
The Law of Treatise.

Suggested Readings:

- Brownlie, Principles of Public International Law (Oxford University Press)
- Malcolm Shaw, International Law (Cambridge University Press)
- S. K. Verma, Public International Law (Satyam International)
- Harris, Cases and Materials on International Law (Sweet and Maxwell)
- Oppenheim, International Law, Vol. 1 & 2 (Oxford University Press)
- K. C. Joshi, Public International Law and Human Rights (Eastern Book Company)
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)

Leading Cases:

- North Sea Continental Shelf Cases, 1969, ICJ Rep.
- Reparation for Injuries Suffered in the Services of the UN, 1949, ICJ Rep.
- Reservations to the Genocide Convention, 1951, ICJ Rep.
- France v. Turkey, 1927, PCIJ
- Attorney General OF the Govt. of Israel v. Eichmann, 1961
- Congo v. Belgium, 2002, ICJ Rep.
- Fisheries Jurisdiction Cases, 1974, ICJ Rep.

Paper-II (LLM E1002)-International Organization-I

Origin and Development of International Organisations,
Classification of International Organisation, Legal Personality,
Law-making by International Organization,
The League of Nations
The United Nations : Origin, The preamble, Purpose and Principles, Doctrine of
Sovereign Equality, The Obligations of Non-Members,
Principles of Domestic Jurisdiction, Membership of the U.N., Organs of the U.N., The
General Assembly, The Security Council, The Economic and Social Council, The
International Court of Justice, The Secretariat.

Suggested Readings:

- Bowett, Law of International Institutions (Sweet and Maxwell)
- Malcolm Shaw, International Law (Cambridge University Press)
- Harris, Cases and Materials on International Law (Sweet and Maxwell)
- H. O. Agarwal, Public International Law and Human Rights (Central Law Agency)
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)
- Website of the organisation.

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Paper-III (LLM E1003) Law Of Armed Conflict

I. INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW (IHL):

Meaning, IHL in world religions, historical development of IHL, interplay among IHL, International Human Rights Law, International Criminal Law and Public International Law; Scope of IHL in international armed conflict, non-international armed conflict and internal conflict; principle of military necessity, principle of reciprocity, principle of proportionality and principle of distinction, *jus ad bellum*, *jus in bello* and sources of IHL.

II. COMBATANTS AND NON-COMBATANTS:

Meaning, status and law applicable to member of armed forces, persons accompanying armed forces, militias, guerrilla fighters, "*Levee En Masse*", spies, mercenaries, terrorists, private military contractors and "unlawful combatants".

III. MEANS AND METHODS OF WARFARE:

Law relating to prohibited and restricted weapons- Dum-dum bullets, mines, booby-traps, blinding laser, chemical, gaseous, biological, nuclear and bacteriological weapons. Prohibited and emerging methods of war- Order of "No Quarter", perfidy, siege warfare, pillage, cyber warfare, targeted killings and drone warfare.

IV. Protection of civilians during armed conflict and belligerent occupation, status and treatment of prisoners of war, and treatment of wounded, sick and shipwrecked soldiers.

V. Protection of Cultural Property and environment during armed conflict, and ecocide.

VI. IHL and Non-International Armed Conflict: Common Article 3, Additional Protocol II and the *Tadic* judgment.

Suggested Readings:

- Dieter Fleck, *International Humanitarian Law* (Oxford University Press)
- Gary D. Solis, *The Law of Armed Conflict* (Cambridge University Press)
- Beck, Azizur Rahman, *et. al.*, *International Humanitarian Law* (LexisNexis)
- V. S. Mani, *Handbook of International Humanitarian Law in South Asia* (Oxford University Press)
- U. C. Jha, *International Humanitarian Law*, (Vij Books)
- Crawford and Pert, *International Humanitarian Law* (Cambridge University Press)
- Krieger, *Inducing Compliance with International Humanitarian Law* (Oxford University Press)

Leading cases:

- Military Prosecutor v. Omar Mahmud Kassem and Others, 1969 Isr. MC
- Prosecutory. Delalic, 1998 ICTY
- US v. Wilhelm List, 1948 US
- Prosecutor v. Galic, 2003 ICTY
- Prosecutor v. Kunarac, 2001 ICTY
- Yamashita v. Styer, 1946 US

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Paper-IV (LLM E1004) Human Rights Under International Law - I

I. HUMAN RIGHTS:

Meaning, concept, classification, historical evolution and theories

II. HUMAN RIGHTS OF FIRST GENERATION:

Meaning, scope, relevant provisions in Universal Declaration of Human Rights, 1948, International Covenant on Civil and Political Rights, 1966 and its Optional Protocol, Convention on the Prevention and Punishment of Genocide, 1948, Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984 and ILO Convention concerning the Abolition of Forced Labour, 1957; enforcement and challenges.

III. HUMAN RIGHTS OF SECOND GENERATION:

Meaning, scope, relevant provisions in Universal Declaration of Human Rights, 1948, International Covenant on Economic, Social and Cultural Rights, 1966 and ILO Convention No. 87, 98, 100 and 102; role of UNESCO, enforcement and challenges

IV. HUMAN RIGHTS OF THIRD GENERATION:

Concept of collective rights and solidarity rights, relevant provisions in Stockholm Declaration, 1972, Rio Declaration, 1992, Declaration on the Right to Development, 1986 and Millennium Development Goals; UNEP, UNDP, enforcement and challenges

V. HUMAN RIGHTS AND THE UNO:

Provisions in the UN Charter and role of UN Organs and bodies.

Suggested Readings:

- Robertson and Merrills, Human Rights in the World (Universal Law Publishing Co., Indian Reprint)
- JanuszSymonides, Human Rights, International Protection, Monitoring and Enforcing (UNESCO and Rawat Publication)
- S. K. Verma, An Introduction to International Law (Satyam International Publication)
- UpendraBaxi, Human Rights in a Posthuman World (Oxford University Press)
- H. O. Agarwal, Human Rights (Central Law Publications)
- Kapoor, ManavAdhikar (Central Law Agency)
- Manoj Kumar Sinha, Implementation of Basic Human Rights (LexisNexis)

Leading cases:

- Bosnia and Herzegovina v. Serbia and Montenegro, 2007
- Casanovas v. France, HRC 441/1990
- Lovelacev. Canada, HRC 1977-1981
- Agizav.Sweden, 2005 IHRR
- Filartigav. Pena Irala, 1980 US Circuit Court of Appeals

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Paper-V (LLM E1005) Private International Law-I

Definitions, Nature and scope of Private International Law,
Historical Development and current theories,
Classification, the Incidental questions,
Renvoi.
Application and Exclusion of Foreign Law
Domicile, Nationality and Residence,
Jurisdiction of Courts,
Enforcement of Judgement

Suggested Readings:

- Atul M. Setalvad, Conflict of Laws (LexisNexis)
- Cheshire, North & Fawcett, Private International Law (Oxford University Press)
- Lakshmi Jambholkar, Private International Law (Universal Law Publishing)
- Morris, The Conflict of Laws (Sweet and Maxwell)
- Govindraj, The Conflict of Laws (Oxford University Press)
- Paras Divan, Private International Law (Deep and Deep Publications)

Leading Cases:

- Ogden v. Ogden, 1908
- Cohn v. Cohn, 1945
- Bahrein Petroleum Co. Ltd. v. P. J. Pappu, AIR 1966 SC
- Satya v. Teja Singh, AIR 1975
- Vishvanathan v. Syed Abdul Wajid, AIR 1963

Paper-VI (LLM E1006) Recent Legal Development in International Law (Viva-Voce Examination and Project Work)

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LL.M. (General) Semester - IV

Paper-I (LLM E1007) Public International Law - II

I. STATE SUCCESSION

Meaning, kinds, theories, consequences of succession, rights & liabilities arising out of succession, related cases.

II. INTERVENTION

Meaning, kinds, grounds of intervention, doctrines relating to intervention, related cases.

III. EXTRADITION

Meaning, purpose, essentials, exceptions, related cases.

IV. ASYLUM

Meaning, kinds, principle of Non-Refoulment, related cases.

V. NATIONALITY

Meaning, essentials or determination of Nationality, modes of acquiring nationality. Difference among nationality, citizenship and domicile, loss of nationality, double nationality, statelessness, aliens, related cases.

VI. SETTLEMENT OF DISPUTES BY PEACEFUL MEANS

Diplomatic methods, Negotiation, Good Offices, Mediation, Inquiry, Conciliation. related cases.

VII. LAW OF RESPONSIBILITY

Meaning, nature, essentials of state responsibility, determinants of state responsibility (theories), Kinds of state responsibility, Defences for breach of state responsibility.

VIII. Diplomatic and Consular Relations and International Economic and Trade Law

Suggested Readings:

- Brownlie, Principles of Public International Law (Oxford University Press)
- Malcolm Shaw, International Law (Cambridge University Press)
- S. K. Verma, Public International Law (Satyam International)
- Harris, Cases and Materials on International Law (Sweet and Maxwell)
- Oppenheim, International Law, Vol. 1 & 2 (Oxford University Press)
- K. C. Joshi, Public International Law and Human Rights (Eastern Book Company)
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)

Leading Cases:

- Liechtenstein v. Guatemala, 1955, ICJ Rep.
- Mubaraq Ali Ahmad v. State of Bombay, AIR 1957
- Columbia v. Peru, 1950, ICJ Rep.
- Alabama Claims Arbitration, 1872
- Nicaragua v. US, 1986, ICJ Rep.
- UK v. Albania, 1949, ICJ Rep.

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Paper-II (LLM E1008) International Organization - II

I. WORLD TRADE ORGANIZATION (WTO)

- Background, establishment, structure, GATT, membership, bodies, ministerial conferences so far.
- Dispute Settlement Mechanism under Dispute Settlement Understanding, Dispute Settlement body, *Ad Hoc* Panels and Appellate Body: Composition, Jurisdiction, Procedure and Rules of Conduct
- Most Favoured Nation Clause and National Treatment Clause
- Trade Related Aspects of Intellectual Property Rights (TRIPS) [General Aspects]
- India and the World Trade Organization

II. SPECIALIZED AGENCIES OF THE UNITED NATIONS

- (i) International Labour Organization (ILO)
Background, establishment, objectives, declaration of Philadelphia, Tripartite System, Various Organs and their Functions, Standard Setting Procedure, ILO and India.
- (ii) International Monetary Fund (IMF) -
Background, formation, functions and organs
- (iii) World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) -
Establishment, objectives, functions and composition
- (iv) World Intellectual Property Organization (WIPO) -
Background, structure, functions, about Intellectual Property (in general), recent developments in Intellectual Property

Suggested Readings:

- Bowett, Law of International Institutions (Sweet and Maxwell)
- Matoo and Stern, India and WTO (Asia Law House)
- Myneni, WTO (Asia Law House)
- S. N. Dhyani, India in ILO (Metropolitan)
- B. D. Rawat, Indian in ILO (RBSA)
- H. O. Agarwal, Public International Law and Human Rights (Central Law Agency)
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)
- Websites of the organisations

Paper-III (LLM E1009) Dissertation

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Paper-IV (LLM E1010) Human Rights Under International Law - II

I. REGIONAL PROTECTION OF HUMAN RIGHTS:

- (1) European Convention on Human Rights, 1950- Rights and implementation mechanism under European Court of Human Rights.
- (2) Inter-American Convention on Human Rights, 1969- Rights and implementation mechanism under Inter-American Commission of Human Rights and Inter American Court of Human Rights.

II. HUMAN RIGHTS OF DISADVANTAGED GROUPS:

- (1) Women: CEDAW, 1979- Rights of woman, obligation of states and the Committee on Elimination of Discrimination against Women.
- (2) Children: Convention on the Rights of the Child, 1989- Rights of the child. obligation of states and the Committee on the Rights of the Child.
- (3) Refugees: Statute of the Office of the UN High Commissioner for Refugees, 1950- Scope (Article 6A) and role of UNHCR; Convention on the Status of Refugees, 1951- Definition of refugee and obligation of the states; definition of refugees under the Protocol Relating to the Status of Refugees, 1967; principle of non-refoulement: climate refugees and internally displaced persons.
- (4) Indigenous People: ILO Convention No. 107 and 169, and Recommendation No. 104 and United Nations Declaration on the Rights of Indigenous Peoples, 2007.

Suggested readings:

- B. Krishnamurthy, European Convention on Human Rights (New Century Publications)
- Philip Leach, Taking a Case to the European Court of Human Rights (Oxford University Press)
- Robertson and Merrills, Human Rights in the World (Universal Law Publishing Co., Indian Reprint)
- K. C. Joshi, International Law and Human Rights (Eastern Book Company)
- S. K. Kapoor, International Law and Human Rights (Central Law Agency)
- Guy S. Goodwin-Gill, The Refugee in International Law (Oxford University Press)
- Tripathi, ManavAdhikar (Allahabad Law Agency)

Leading cases:

- Brogan v. UK, 1988 HECHR
- Lingens v. Austria, 1986 ECHR
- Velasquez-Rodriguez v. Honduras, 1988 IACHR
- INS v. Stevic, 1984 US
- Chan v. Ministry for Immigration & Ethnic Affairs, 1989 Aus.

Paper-V (LLM E1011) Private International Law-II

Family Law: Marriage, Matrimonial Causes, Legitimacy and Legitimation, Adoption, Guardianship and Custody of Children.

Law of Property: The Distinction between movables and immovable Property, the Transfer of Tangible and Movables, the Assignment of Intangible Movables, Insolvency, Succession.

Law of Obligation: Contract, Torts, Negotiable Instruments, Restitution.

Law of Person: Corporation.

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Suggested Readings:

- Atul M. Setalvad, Conflict of Laws (LexisNexis)
- Cheshire, North & Fawcett, Private International Law (Oxford University Press)
- Lakshmi Jambholkar, Private International Law (Universal Law Publishing)
- Morris, The Conflict of Laws (Sweet and Maxwell)
- Govindraj, The Conflict of Laws (Oxford University Press)
- Paras Divan, Private International Law (Deep and Deep Publications)

Leading Cases:

- Re Claim By Helbert Wagg & Co. Ltd. 1956
- Brook v. Brook, 1861
- Christopher Neelkantam v. Annie Neelkantam, AIR 1959 Raj.
- Indyka v. Indyka, 1969
- Ogden v. Ogden, 1908

Paper-VI (LLM E1012) International Criminal Law

I. INTERNATIONAL CRIMINAL LAW

- (i) Sources of International Criminal Law- Treaties, customary law, general principles of law and precedents of ICC.
- (ii) Principles of jurisdiction and challenges- Territoriality principle, nationality principle, protective principle and principle of universal jurisdiction.
- (iii) International Crimes- Genocide, crimes against humanity, war crimes, aggression, transnational crimes, terrorism and torture (definition and analysis of elements).
- (iv) International prosecutions: Nuremberg International Military Tribunal, Tokyo International Military Tribunal, International Criminal Tribunals for Yugoslavia and Rwanda, special adjudicating arrangements in Sierra Leone, Cambodia, Lebanon, Kosovo, East Timor, Bosnia and Herzegovina, Iraq, Serbia and Lockerbie, and International Criminal Court (ICC).
- (v) International Criminal Court- Background, composition, jurisdiction, law applied by the court, grounds of admissibility and inadmissibility of a case including complementarity, national proceedings, unwillingness or inability of the state, voluntary relinquishment by the state, amnesties, truth and reconciliation commissions, *ne bis in idem* and case not of sufficient gravity; initiation of proceedings by state parties, Security Council and prosecutor.

Suggested Readings:

- Crawford and Pert, International Humanitarian Law (Cambridge University Press)
- Cryer, Friman, *et. al.*, An introduction to International Criminal Law and Procedure (Cambridge University Press, South Asian edition)
- Theodor Meron, The Making of International Criminal Justice (Oxford University Press)
- Douglas Guilfoyle, International Criminal Law (Oxford University Press)
- Cassese's International Criminal Law (Oxford University Press)
- Ilias Bantekas and Susan Nash, International Criminal Law (Hart Publishing)
- Michael Bryant, A World History of War Crimes (Bloomsbury)
- Kapoor, International Law and Human Rights (Central Law Agency)

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Leading cases:

- Prosecutory. Jokic, 2004 ICTY
- Prosecutor v. Tadic, 1995 ICTY
- Bosnia and Herzegovina v. Serbia and Montenegro, 2007 ICJ
- Nicaragua v. US, 1986 ICJ
- ICJ Advisory opinion on Legality of the Threat or Use of Nuclear Weapons, 1996 ICJ
- Attorney General for the Govt. of Israel v. Eichmann, 1968 Isr. SC
- Prosecutor v. Kupreskic, 2001 ICTY

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Branch-VI : Labour Law

(Semester - III)

Paper-I (LLM F1001) Labour Law and Labour Management in India and Industrial Adjudication-Part I

- Concept and aspects of Industrial Relations
- Definition of Industrial Relations – Aspects, Content and Objectives of I.R. – Historical View of I.R. – Indian outlook
- Concepts – Importance – IR problems in public sector-growth of trade unions codes of conduct.
- Participants in IR – Change in the Role – Management organizations, worker's Union and the Government – Requirements of Successful IR – Nature of employment organizations – The Hawthorne Studies.
- The Industrial disputes Act 1947 – Object of the Act – Authorities under the Act- Conciliation machinery – Procedures, powers and duties of authorities – Strikes and Lock Outs – Lay off, Retrenchment, Transfer Unfair Labour practise.
- Disputes-Impact-Causes-Strikes-Prevention-industrial peace-Government machinery- Conciliation-Arbitration-Adjudication.

Suggested Readings :

1. A.N.Charles : Industrial Relations in India.
2. H.L.Kumar: Practical guide to labour management.
3. Indian Law Institute: Law and Labour Management relations in India.
4. Labour Law and Labour relations published by Indian Law Institute.
5. Mamoria: Personnel Management and industrial relations.
6. O.P.Malhotra: The law of Industrial Disputes VOI. I and II.
7. Roger W. Ridout : Principles of Labour Law (Sweet and Maxwell).
8. S.K.Malik's: Commentary on Industrial Disputes Act,1947.
9. S.L.Aggarwal: Labour relations in India.
10. V.B.Singh: Climate for Industrial Relations.
11. V.V.Giri : Labour problems in Indian Industry

Paper-II (LLM F1002) Legislation and Practice Relating to Social Security, Labour Welfare and Wages-I

- Concept – Objectives – Scope – Need- Voluntary welfare measures – Statutory welfare measures – Labour – Welfare funds.
- Causes of accidents – Prevention – Safety provisions – industrial Health and Hygiene-Importance-Problems-Occupational Hazards-Diseases-Counselling-Statutory provisions.
- Special Group of Labour: Child Labour – Female Labour – Contract Labour- Construction Labour – Agricultural Labour – Disabled – Social Security – Implications.
- The Factories Act, 1948: Factory – Definitions – Health, Safety and Welfare Measures – Holidays – Employment of young persons. Women – Annual leave with wages – Penalties and Procedures.

Suggested Readings :

1. A.J. Fonseca : Wages Issues in a developing Economy.
2. A.M. Sharma: Aspects of labour welfare and social security.

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3. Avatar Singh : Introduction to Labour and industrial law welfare and wages
4. Dr. Vivek Bhattacharya : Social Security Measures in India.
5. Dr. Goswami: Labour and industrial laws
6. G.M. Kothari: A study of industrial laws
7. G.P. Sinha : Industrial relations and labour legislation.
8. K.D. Srivastava: Factories Act, 1948
9. K.D. Srivastava: Workmen's Compensation Act, 1923
10. K.N. Subramanian: Wages in India.
11. Larson: Workmen's Compensation Law.
12. Madhavan Pillai : Labour and Industrial Laws.
13. S.N. Chaturvedi: Labour and industrial laws.
14. S.N. Mishra: Labour and Industrial laws
15. Saxena: Labour problems welfare and security.
16. Sinha and Sinha: Industrial relations and labour legislations
17. Smith: Labour Law, Cases and materials

Paper-III (LLM F1003) International Labour Organisation, Central Organisation of Trade Unions: Indian Tripartite System-I

- I.L.O. aim and objection, I.L.O. standard setting process, I.L.O. on human Rights. Labour Welfare, Social Security, Forced Labour, working conditions etc. and impact on Indian Labour Legislation.

Suggested Readings :

1. Dr. N. Maheshwara Swamy: Impact of I.L.O standards on Indian labour law.
2. G.A. Johnstan: The I.L.O.
3. G.K. Johri : Indian Tripartite System.
4. Harry Welton: The Trade Unions the employers and the state.
5. ILO: International Labour Codes Volume I and II.
6. N. Vaiyanathan : International Labour Standards.
7. Prof. Ahmedullah Khan's : Commentary on the International Labour Organisation and the Indian response.
8. Prof. S.N. Dhyani: Trade Unions and the right to strike.

Paper-IV (LLM F1004) Comparative Labour Law and Labour Management-I

- Relations of the United States, U.K. Australia and India with special reference to Public Policy and practice relating to the Trade Unions, Strikes, Collective Bargaining. Voluntary Arbitration Dispute resolution machinery.

Suggested Readings :

1. Alvin L. Goldman, Roberto L. Corrada: Labour Law in the U.S.A. (Kluwer law international)
2. Arturo S. Bronstein : Industrial and comparative Labour Law: Current challenge
3. Benjamin A. Aaron and Katherine V. W. Stone : Rethinking comparative labour: Bridging the past and the future (Vandepas Publishing)
4. Frederic Jesup Stimpson : Handbook to the Labour Law in the United States.
5. Ludwin Teller: Collective Bargaining and Industrial Disputes.

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6. Mathew W.Finkin, Gai Mundlak : Comparative labour law (Edward Elgar Publishing, Cheltenham, U.K)
7. Matthew W.Finkin and Guy Mundlak: Comparative Labour law
8. Paul R.Hays: Labour Arbitration: A Dissenting View
9. Professor Pittard; Richard Naughton : Australian Labour and employment Law (Lexis Nexis Butterwords)
10. Roger Blanpain :Comparative Labour law and industrial relations in industrialized market economies (Kluwer Law International)
11. S.N. Dhyani : Trade Unions and Right to Strike.
12. Simon Deakin and Gillian S. Morris: Labour Law(Hart publication).

Paper-V (LLM F1005) Labour Jurisprudence

- I. Concept and growth of Labour Jurisprudence
 - Historical Background
 - Industrial Revolution
 - Modern Socialism
- II. Evolution of industrial jurisprudence in India
 - Concept of Employment, contract labour system
 - Social security legislations
- III. Theories of Labour Jurisprudence
 - Theory of value
 - Conflict theory
- IV. Concept of Social-Economic Justice, Natural Justice and the Labour
 - Constitutional provisions relating to labour law and social justice
- V. Legislative and Judicial Perspective
 - Industrial Adjudication and judicial trends
- VI. Labour and Judicial Process and Public Interest legislation
 - Constitutional Validity of Labour Legislation
 - PIL for vindication of rights of labour

Suggested Reading :

1. David Miller : Social Justice
2. N. D. Sharma: Labour and Industrial Jurisprudence
3. E. M. Rao: Industrial Jurisprudence- a critical commentary
4. Govt. of India Report of National commission on Labour
5. H. H. Marshall: Natural Justice
6. Mahesh Chandra: Industrial Jurisprudence
7. R. G. Chaturvedi: Natural and Social Justice
8. S. N. Johri: Industrial Jurisprudence
9. S. R. Samant: Industrial Jurisprudence
10. Sharath Babu & Rashmi Shetty: Social Justice and Labour Jurisprudence: Justice V.R. Krishna Iyer's Contributions.
11. Gulab Gupta : Our industrial Jurisprudence
12. डॉ. एन.डी. शर्मा : औद्योगिक एवं श्रम विधिशास्त्र

Leading Cases:

1. Som Prakash v. Union of India, A.I.R.1981 S.C. 212.
2. Bandhua Mukti Morcha v. Union of India, A.I.R. 1984 S.C. 802
3. People Union for Democratic Rights & Others v. Union of India, 1982 II L.L.J. 454 (S.C.)

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4. National Textiles Workers Union v. Ram Krishna, A.I.R. 1983 S.C. 759.
5. Gujarat Steel Co. v. Gujarat Steel Tube Co. Majdoor Sabha, 1980 I LLJ 137 (SC)*
6. Excel Wear v. Union of India, 1978 L.L.J. 527 (SC)
7. The Delhi Cloth & general Mills Ltd. V. Sambhunath Mukerjee, 1935 I.L.J. 36 (S.C.)
8. Aluminium Works v. Their Workmen, 1967 II LLJ 53 (SC)
9. Randhir Singh v. Union of India, AIR 1982 SC 879

**Paper-VI (LLM F1006) Recent Legal Development in Labour Law
(Viva-Voce Examination and Project Work)**

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LL.M. (General) Semester - IV

Paper-I (LLM F1007) Labour Law and Labour Management in India and Industrial Adjudication Part II

- Definition - Principles, Significance, objective and functions of Trade Unions. History of Trade Union in Indian Context.
- Introduction – Characteristic features, significance and Objectives – prerequisites for successful Collective Bargaining – practices and procedures of collective Bargaining.
- Meaning of worker's participation in Mgt- Forms of participation – Objectives of worker's participation – worker's participation in Mgt. In India
- Employee Grievances – causes & its effects – Handling Grievances – steps – Do's and Don'ts in Grievance Handling.

Suggested Readings :

1. H.L.Kumar: Practical Guide to Labour Management.
2. Mamoria: Personnel Management and industrial relations.
3. O.P.Malhotra: The law of Industrial Disputes.
4. S.K.Malik's: Commentary on Industrial Disputes Act,1947.

Paper-II (LLM F1008) Legislation and Practice Relating to Social Security, Labour Welfare and Wages-II

- The Payment of Wage Act, 1936 : Applications of the Act-Definitions-Rules for payment of wages-Deduction from Wages-penalty for offences
- The Minimum Wages Act, 1948: Object of the Act-Definitions-Fixation and Revision of wages-Advisors board-Safeguards in payment of minimum wages-Offences and penalties.
- The Payment of Bonus Act, 1965: Meaning of bonus-Object of the Act-Estabilising for bonus-Disqualification for bonus—Determination of bonus.
- The Workmen Compensation Act, 1923: Scope and coverage of the Act-Rules regarding the workmen's compensation-Amount of compensation-Distribution of compensation.
- The Payment of Gratuity Act, 1972-Meaning of Gratuity-Payment of Gratuity-forfeiture of Gratuity-Determination of Gratuity-Recovery-Penalties and offences.
- The Employees Provident Fund & Misc. Act, 1952- Application of the Act-PF Schemes-Determination of Money due from Employers-Inspectors-Powers.

Suggested Readings :

1. A.M. Sharma: Aspects of labour welfare and social security.
2. Avtar Singh : Introduction to Labour and industrial law welfare and wages
3. Dr. Goswami: Labour and industrial laws
4. G.M. Kothari: A study of industrial laws
5. G.P. Sinha : Industrial relations and labour legislation.
6. K.D. Srivastava: Factories Act,1948
7. K.D. Srivastava: Workmen's Compensation Act,1923
8. S.N. Chaturvedi: Labour and industrial laws.
9. S.N. Mishra: Labour and Industrial laws
10. Saxena: Labour problems welfare and security.
11. Sinha and Sinha: Industrial relations and labour legislations
12. Smith: Labour Law, Cases and materials

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Paper-III (LLM F1009) Dissertation

Paper-IV (LLM F1010) Comparative Labour Law and Labour Management-II

I.L.O. Convention and Recommendation relating to Labour-Management relations in India and Relations of the United States, U.K. Australia and India with Special Reference to Public Policy and practice relating to the Trade Unions, Strikes, Collective Bargaining, Voluntary Arbitration Dispute resolution machinery.

Suggested Readings :

1. Dr. N. Maheshwara Swamy: Impact of I.L.O standards on Indian labour law.
2. Harry Welton: The Trade Unions the employers and the state
3. Prof. Ahmedullah Khan's : Commentary on the International Labour Organisation and the Indian response.
4. Prof. S.N.Dhyani: Trade Unions and the right to strike.

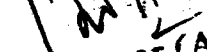
Paper-V (LLM F1011)-International Labour Organisation, Central organisation of Trade Unions: India Tripartite System-II

Central Trade Union's Organisation: Aims and Objectives, Philosophies and their role in Trade Union Movement in India : Role of ILO Industrial Democracy, Indian Tripartite Systems, Human Rights, Environmental protection etc.

Suggested Readings :

1. Alvin L. Goldman, Roberto L. Corrada: Labour Law in the USA (Kluwer law international)
2. Arturo S. Bronstein : Industrial and comparative Labour Law: Current challenge
3. Benjamin A. Aaron and Katherine V.W. Stone : Rethinking comparative labor: Bridging the past and the future (Vandeplas Publishing)
4. Frederic Jesup Stimpson : Handbook to the Labour Law in the United States.
5. Mathew W. Finkin; Gai Mundlak : Comparative labour law (Edward Elgar Publishing, Cheltenham, U.K)
6. Matthew W. Finkin and Guy Mundlak: Comparative Labour law
7. Paul R. Hays: Labor Arbitration: A dissenting view
8. Professor Pittard; Richard Naughton : Australia: Labour and employment Law (Lexis Nexis Butterwords)
9. Roger Blanpain : Comparative Labour law and industrial relations in industrialized market economies (Kluwer Law International)
10. Russel A. Smith, et al. " Collective Bargaining and Labour Arbitration", (1970) Part-II
11. Simon Deakin and Gillian S. Morris: Labour Law(Hart publication).

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Paper-VI (LLM F1012) Industrial Psychology

Introduction

Nature and Meaning of Industrial Psychology, Definitions & Scope, Role of Industrial Psychology, Organizational Attitude

Major influences on Industrial Psychology

Scientific Management and Human relations -Hawthorne Experiments, Implications of Industrial Psychology on Modern Industries

Organizational Design & Structure

Key organizational design process, Structural differentiations, Forces reshaping organizations

Individual in Workplace

Motivation and Job satisfaction, Stress management, Organizational culture, Leadership and Group dynamics

Work Environment & Engineering Psychology

Fatigue-Monotony-Boredom, Accidents and Safety, Job Analysis, Recruitment, Selection and Interview- Reliability & Validity of recruitment tests.

Suggested Readings :

1. Arcnana Deshpande: Industrial Psychology, New Delhi: Tata McGraw Hill
2. Bisen Vikram & Priya: Industrial Psychology (third edition), New Age International Publishers, New Delhi,(2008).
3. Blum & Naylor: Industrial Psychology, Its Theoretical & Social Foundations. CBS Publication (1982)
4. J.B. Miner: Industrial/Organizational Psychology, N Y: McGraw Hill (1992)
5. K. Aswathappa: Human Resource Management, New Delhi: Tata McGraw Hill, (2008)
6. M. G. Aamodt: Industrial/Organizational Psychology : An Applied Approach, Wadsworth/Thompson: Belmont, C.A., (2007)
7. S. K. Shriastava: Industrial Psychology
8. S. N. Dhyani: Industrial Relations
9. Udai Pareek: Understanding Organizational Behaviour, Oxford University Press.

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