

**ORDINANCE AND REVISED CURRICULUM FOR
LL.M. TWO YEAR
(FOUR SEMESTERS) DEGREE COURSE**

(Effective from 2024-25)



**Prof. Rajesh Kumar Singh
(Convenor)**

**Yashwant Singh
(Member BoS)**

**Dr. Satytendra Kumar
(Member BoS)**

**Dr. Sudhir Kumar Singh
(Member Drafting)**

**Ramesh Chandra Yadav
(Member Drafting)**

**Dr. Shailendra Yadav
(Member Drafting)**

**Dr. Sanjiv Kumar Singh
(Member Drafting)**

**V.B.S. PURVANCHAL UNIVERSITY
JAUNPUR**

SYLLABUS

LL.M. TWO YEAR (FOUR SEMESTER) COURSE

Semester-I

PAPER – I

Compulsory- Constitutional Law of India - I

(I) Indian Federalism

- 1- Salient features of Indian Constitution ,Constitutionalism
- 2- Conceptual position of federalism
- 3- Nature of the Indian Constitution
- 4- Preamble of Indian Constitution including Constitutional Values with special reference to social, economic and political Justice.
- 5- Cooperative federalism
- 6- Direction by center to state under Art 356 & Art 365.
- 7- Relationship of trust and faith between Centre and State.
- 8- Challenges Before the Indian federalism
- 9- The interstate dispute on Resources of State
- 10- State need for widening the definition in the wake of liberalization

(II) Distribution of Legislative Power

- 1- Plan Under constitution
- 2- The scheme of the distribution of legislative power in India-the Judicial Approach
- 3- The present position
- 4- Recommendation of Sarkaria and Venkatchaliah Commission

(III) Executive

- 1- The president power and Real position
- 2- Prime minister and cabinet- Is the Real Head?
- 3- Governor power and position

(IV) The Judiciary

- 1- The Supreme court of India
- 2- Jurisdiction and powers
- 3- Independence of judiciary
- 4- It's Role as Guardian of the Constitution
- 5- Judicial Activism & Judicial Restraint
- 6- Judicial Accountability

(V) Constitutional Amendment

- 1- Basic structure theory
- 2- Judicial Review

(V I) Emergency Provisions

- 1- Effect of Emergency Provisions on the Federal Structure
- 2- Judicial Approach

(VII) Freedom of Trade, commerce and intercourse

- 1- Scope of Art 301
- 2- Restrictions

PAPER-II

Compulsory - Jurisprudence –I

(I) Introduction

- 1- Definition, Nature, Importance and Scope of Jurisprudence
- 2- Legal Theory and Legal Concepts
- 3- Relation between Law and other Social Sciences for critical and interdisciplinary thinking, Effect of socio-economic and cultural realities on Law
- 4- Development of Legal Theory in India

(II) School of Jurisprudence

(A) Natural Law School

- 1- Characteristic of Natural Law
- 2- Classical Natural Law
- 3- Dark Age
- 4- Theory of Social Contract
- 5- Decline of Natural Law
- 6- Revival of Natural Law Natural Law in 20th century
- 7- Philosophical School-Kant, Hegel
- 8- Natural Law application in India

B- Analytical School

- 1- Analytical Positivism-Characteristic
- 2- Command Theory-Bentham, John Austin
- 3- Neo Austinion
- 4- Pure theory-Hans Kelsen, Grundnorm in India
- 5- Rule of Recognition-H.L.A Hart, Primary and Secondary Rule in Indian Constitution
- 6- Positivist Theory-Impact in India

(C) Historical School

- 1- Friedrich Karl Von Savigny –Volksgeist
- 2- Sir Henry Maine
- 3- Development of law in Modern Society

(D) Economic School

- 1- Karl Marx
- 2- Evaluation –USSR –China
- 3- Future in India

4- Naxalite Movement- Causes and Cure

(E) Sociological School

1- Sociological Jurisprudence and Sociology of Law

2- Comte, Weber, Durkheim

3- Ihering, Duguit, Ehrlich

4- Dean Roscoe Pound – Social Engineering

5- Social Engineering in India

(F) The Realist School

1- American Realist School

2- Scandinavian School

PAPER-III

Environmental Law and Human Rights

(I) Concept of Environment and Pollution

1- Environment –Meaning and Contents

2- Pollution-Meaning, kinds, Effect of Pollution

3- International Development of Environment

4- Bio- Ethics

(II) Natural Resources and the Law in India

1- Bio-Diversity-Legal Control, Control of Eco Unfriendly Experimentation on Animals, Plants and Organism.

2- Comparative study of Water Act 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986 with special reference to Authorities Mechanism and Sanctions

3- Efficacy of remedies under-sec 133 Cr.P.C.-1973 Public Liability Insurance Act, 1991 National Environmental Tribunal Act, 1995 National Environment

Appellate Authority Act, 1997 Citizens Suit Provisions remedies under C.P.C. 1908.

4- Constitutional Mandate and Environment with special reference to Article 32 and 226.

5- Protection of Wild Life with special reference to Authorities, Sanction and Remedies under Wild Life Protection Act, 1972.

(III) Human Rights

1- Concept, Origin, Development, Importance and Classification.

2- International Bill of Rights.

3- Groups Rights –Women, Children, Person with Disabilities, Elder Persons, Minorities and Weaker Sections.

5- Protection and Enforcement of Human Rights in India - National Human Rights Commission, National Commission of Minorities, National Commission for Women, National Commission for SC,ST and Backward Classes.

OR

Public International Law-

1-International law – Definition, Nature and Basis

2-Sources of International Law

3-Recognition of States and Governments

4-Nationality, Immigrants Refugees and Internally Displaced Persons

5-Extradition and Asylum

6-United Nations and its Organs

7-Settlement of International Disputes

8-International Humanitarian Law-Conventions and Protocols

9-Implementation of International Humanitarian Law-Challenges.

OR

Regulation of Labour Management Relations

- 1-Meaning, Nature and Philosophy of Labour Management Relations
- 2-An Historical and Constitutional Perspective of Labour Management Relations
- 3-State Regulatory Process of Labour Management Relations in India
- 4-Labour Management Regulatory Processes in U.K. and U.S.A.- its impact on India
- 5-Labour Management Relation and Collective Bargaining
- 6-The New Economic Policy and its impact on Labour Management Relations in India
- 7-Some recent trends to Regulate the Labour Management Relations

PAPER- IV

Law of Torts

- 1- Evaluation of Law of Torts
- 2- Definition ,Nature, Scope and Objects
- 3- Principles of Liability in Torts
- 4- Justification in Tort
- 5- Extinguishment of Liability in Certain Situations
- 6- Vicarious Liability
- 7- Doctrine of Sovereignty and its Relevance in India
- 8- Strict Liability and Absolute Liability
- 9- General Defences
- 10- Legal Remedies

Specific Torts

- 1- Assault, Battery
- 2- False Imprisonment
- 3- Defamation
- 4- Malicious Prosecution
- 5- Trespass
- 6- Injurious Falsehood, Misstatements, Passing off
- 7- Negligence & Nervous shock
- 8- Nuisance-Definition, Essentials and Types
- 9- Liabilities under Consumer Protection act and its Mechanism.

OR

Legal Regulation of Economic Enterprises

- 1-The Rationale of Government Regulation
- 2-Development and Regulation of Industries.
- 3-Take-over of Management and Control of Industrial Units.
- 4-Licensing Policy and Legal Process-Growing Trends of Liberalization
- 5-Deregulation of Essential Commodities- Development Sign or a Social Mishap?
- 6-Financial Services- Changing Techniques of Regulation
- 7-Problems of Control and Accountability Regulation of Hazardous Activity
- 8-Legal Regulation of Multinational Corporation

OR

Criminology and Penology

- 1- Criminology-Definition ,Nature ,Scope and Utility

- 2- Methods of Criminological Studies
- 3- Schools of Criminology: Classical, Biological Cartographic, Sociological and Socialist.
- 4- Theorising Criminal Aetiology; Lombroso and Neo-Lombrosian ,Psycho -analysis, Differential Association, Anomie tradition; Critical Criminology with reference to Labelling, Interactionism and Conflict Theory
- 5- A brief discussion on modern Trends in Criminology- Phenomenology, Postmodernism and Feminism Crime and Feminism.
- 6- Punishment- Concept and Theories
- 7- Death Sentence
- 8- Treatment of offenders - Prison , Probation and Parole
- 9- Victimology

VEER BHADUR SINGH PURVANCHAL UNIVERSITY, JAUNPUR

SYLLABUS

LL.M. TWO YEAR (FOUR SEMESTER) COURSE

Semester-II

PAPER – I

Compulsory- Constitutional Law of India-II

(I) Fundamental Rights Generally

(II) Right to Equality

1- Scope of Right to Equality

2- New Approach of Art 14

3- Equality of Opportunity in matters of Public Employment and in Admission to Education Institutions.

4- Right to Equality- Privatization and its Impact on Affirmative Action.

(III) Emerging Regime of New Fundamental Rights

1- The Changing Dimension of Right to Life and Personal Liberty

2- Impact of Maneka Gandhi on Criminal Justice & Environmental Laws

3- Regarding Directive Principles and Fundamental Duties in respect of Fundamental Rights

4- Empowerment of Women

(IV) Right to Freedom of Religion

1- The Scope of the Freedom and the State Control

2- Secularism and Religious Fanaticism

(V) Rights of Minorities

1- Establishment and Administration of Educational Institutions

2- State Control

(VI) Constitutional Remedies

- 1- Features, Writ Jurisdiction
- 2- Comparison between Art 32 and Art 226 and P.I.L.

(VII) Working of the Constitution

- 1- Achievements and Failures
- 2- Areas of Concern and Challenges before the Constitution
- 3- The Perception of National Commission to Review the Working of the Constitution

PAPER-II

Compulsory - Jurisprudence-II

(I) Sources of Law

- 1- Custom
- 2- Precedent
- 3- Legislation

(II) Concept of Law

- 1- Rights and Duties
- 2- Person
- 3- Possession
- 4- Ownership
- 5- Property
- 6- Liability
- 7- Obligation

(III) Miscellaneous

- 1- Alternative Approaches to Law
 - (a) Mahatma Gandhi (Civil Disobedience Theory)

- (b) Vinoba Bhave (Sarvodya Theory)
- (c) Jaya Prakash Narayan (Surrender of Dacoits)
- (d) Deendayal Upadhyaya- Antyodaya
- (e) Environment Jurisprudence in general

2- Judicial Process in India

- (a) Instrument of Social ordering
- (b) Judicial Legislation and Discretion
- (c) Judicial Accountability
- (d) Judicial Activism and Creativity of Supreme Court

3- Concept of Justice, Morality and Law

- (a) Hart – Fuller Controversy
- (b) Hart – Dworkin Controversy
- (c) Public and Private Morality
- (d) Enforcement of Morality by Law in India
- (e) Comparison between Justice, Morality and Law

PAPER-III

Law Relating to Intellectual Property Rights and Information Technology

- (I) Concept and Meaning of Intellectual Property
- (II) Theories of Intellectual Property
- (III) International Conventions Pertaining of Intellectual Properties
- (IV) Law of Patent-Patentability, Procedure for Grant of Patent Limitations and Exceptions, Infringement and Remedies
- (V) Law of Trademark Registration, Kinds, Infringement and Passing off, Remedies, Concept of Design
- (VI) Protection of Geographical Indications.
- (VII) Law of Copy Right-subject matters ,limitations and exceptions, infringement and Remedies
- (VIII) Bio- Diversity and traditional knowledge

- (IX) Information Technology Law-Digital Signature and Electronic Signature
Electronic Governance , Electronic Records and Duties of Subscribers.
- (X) Cyber Crimes, Penalties, Adjudication and Cyber Security

OR

Crimes Against Social & Economic Security and Problems of their Control

- (I) The Concept of Social and Economic Offences.
- (II) The Distinction between Traditional Offences and the Socio- Economic Offences.
 - 1- Principles of Traditional Criminal Jurisprudence
 - 2- Special Features of Socio-Economic.
 - 3- Offences, Socio- Economic Offences and White Collar Crimes
- (III) Prevention of Socio- Economic Crimes and Major Constraints in the Implementation of Law Relating to Socio- Economic Offences
- (IV) Dowry as a Social Evil
 - 1- Origin and Social Causes of Dowry in Indian Subcontinent.
 - 2- Post Independence Phenomenon, Expansion and Growth of Dowry System in India.
 - 3- Criminal off shoots of Dowry-Dowry Crimes.
- (V) The Dowry Prohibition Act, 1961
 - 1- Definition of Dowry
 - 2- Offence of Giving and Taking Dowry
 - 3- Offence of Demanding Dowry
 - 4- Offence of Non-transfer of Dowry
 - 5- Dowry Agreements
 - 6- Nature of Dowry Offences under the Act
- (VI) Dowry Prohibition (Gift to Bride & Bride groom) Rules 1985
- (VII) Problems of Control of Dowry System in India
 - (1) Socio- Economic Factors
 - (2) Failure of Legislative Enactments.

OR

Law, Technology, Biotechnology and Medicine

(I) Interface of Science and Technology with Law, Frontiers of New Technologies

(II) Science, Technology and Human Rights

(III) Legal Aspects of Medicine and Medical Technology

- 1- Organ Transplantation
- 2- Medical Termination of Pregnancy
- 3- Surrogate motherhood
- 4- Euthanasia
- 5- Sex-determination Techniques

(IV) Law and Biotechnology

Bio-technology and Human Health

- 1- Genetic Markers- Diagnostic Biotechnology
- 2- Conquest of Disease
- 3- Genetic Screening- Prevention of Genetic Disease and Mental Retardation
- 4- Genetics Screening- Uses and Abuses of Amniocentesis
- 5- Obsolescence and Resilience of Law
- 6- Cloning of Human Beings
- 7- Legal Regulation of Biotechnology
 - a- Regulation of Government Sponsored Research
 - b- Regulation of Private R & D
 - c- Regulation of Deliberate Release of Genetically Mutated Micro-organisms
 - d- Regulation of Accidental Release of Genetically Mutated Micro-organisms
 - e- Comparative Perspective

(V) Law and Medicine

PAPER-IV

FAMILY LAW-

- (I) Sources and Schools
- (II) Marriage and Dissolution of Marriage
- (III) Matrimonial Remedies
- (IV) Maintenance, Dower and Stridhan
- (V) Succession and Inheritance
- (VI) Adoption Guardianship and Acknowledgement in General
- (VII) Uniform Civil Code

OR

Administration of Justice: History of Court System in India

- (I) Administration of Justice in Madras, Bombay and Calcutta up to 1726
- (II) Mayor's Court, 1726
- (III) Adalat System and its Re-organization
- (IV) Supreme Court created under the Regulating Act, 1773
- (V) High Courts created under the Indian High Courts Act, 1861
- (VI) Privy Council
- (VII) Federal Court under the Govt. of India Act, 1935
- (VIII) High Court and Supreme Court under the Constitution of India
- (IX) Sub-ordinate Civil Judicature and Criminal Judicature
- (X) Village Panchayat Courts
- (XI) Revenue Courts

(XII) New Dispute Redressal Machinery- Lok Adalats, Family Courts and Tribunals

e.g. CAT

OR

Law Relating to Relief

1. Constitutional Relief- Writs-Habeas Corpus, Mandamus, Certiorari Prohibition and Quo-Warranto.
2. Recovery of Possession-Movable and Immovable Property.
3. Specific Performance of Contract
4. Rescission of Contract
5. Declaration Decree
6. Rectification & Cancellation of Instruments
7. Preventive Relief – Injunctions
8. Damages- Types, Remoteness and Measure of Damages
9. Bar on Relief- General Law relating to Limitation

SYLLABUS

LL.M. TWO YEAR (FOUR SEMESTER) COURSE

Semester-III

PAPER – I

Compulsory- Legal Education and Research Methodology

(I) Legal Education

- (1) Objective of Legal Education
- (2) Methods of Teaching
 - (a) Lecture Method-Merits and Demerits
 - (b) Problem Method- Merits and Demerits
 - (c) Discussion Method- Merits and Demerits
 - (d) Seminar Method- Merits and Demerits
 - (e) Clinical Method- Merits and Demerits
- (3) Examination system and Problems in Evaluation-External and Internal Assessment
- (4) Student participation in Law School Programme, Organization of Seminars, Publication of Journal and Assessment of Teachers.
- (5) Clinical Legal Education – Legal aid, Legal Literacy, Legal Survey and Law Reform.

Research Methodology

(II) Research Methods

- 1- Meaning and Objectives of Research
- 2- Legal Research, Socio-Legal Research
- 3- Doctrinal and Non-Doctrinal Research
- 4- Relevance of Empirical Research
- 5- Induction and Deduction

(III) Identification of Problem of Research

- 1- Research Problem
- 2- Formation of Research Problem
- 3- Survey of available Literature and Bibliographical Research
- 4- Legislative, Materials including Subordinate Legislation, Notification and Policy Statements
- 5- Decisional Materials including Foreign Decisions
- 6- A Survey of Juristic Literature Relevant to select Problems in India and Foreign Periodicals.
- 7- Compilation of list Reports of special studies conducted relevant to the Problem.

(IV) Research Design and Tools.

- 1- Steps in preparation of Research
- 2- Devising tools and techniques for collection of Data Methodology.
- 3- Methods for the collection of Statutory and Case Materials and Juristic Literature.
- 4- Use of Observation Studies.
- 5- Use of Historical and Comparative Research Materials.
- 6- Use of Questionnaires/Interview
- 7- Use of Case Studies
- 8- Use of Scaling Techniques
- 9- Jurimetrics

(V) Classification and Tabulation of Data

- 1- Rules of Tabulation
- 2- Explanation of Tabulated Data
- 3- Analysis of Data, Report Writing and Interpretation
- 4- Plagiarism and Research Ethics, Copyright Violation, Fair use, Citations and Bibliography

(VI) Computerized Research

- 1- Use of Computer, Mobiles and Camera in Data Collection
- 2- Legal Research and Computer.

- 3- Use of Software for Legal Research
- 4- Use of Power Point Presentation and Explanation.

CRIMINAL LAW : GROUP-A

PAPER-II

General Principles of Criminal Law in India

- (I) Introduction – Objectives, concept of crime, Distinction between crime and other wrongs, Applicability and salient features of Bharatiya Nyaya Sanhita 2023
- (II) Elements of Crime, Stages of Crime, External and Internal Intention, Recklessness, Negligence, Relevance of Motive, Strict Liability and Vicarious Liability
- (III) Joint and Constructive Liability
- (IV) Preliminary Offences- Attempt, Criminal Conspiracy Abetment
- (V) Defenses:
 - 1- Mistake
 - 2- Accident
 - 3- Necessity
 - 4- Unsoundness of Mind
 - 5- Intoxication
 - 6- Consent
 - 7- Compulsion by Threat
 - 8- Private Defence

PAPER-III

Procedural Law – I

- (I) Bharatiya Nagarik Suraksha Sanhita, 2023 – Objectives, Constitutional Values implication.

- (II) Preliminary – Definitions.
- (III) Constitution and Powers of Criminal Courts.
- (IV) Arrest.
- (V) Processes of appearance in Court.
- (VI) Search and Seizure.
- (VII) Security for peace and Good Behaviour.
- (VIII) Maintenance – Wives, Children and Parents.
- (IX) Maintenance of Public order and Tranquillity.
- (X) Sakshya.

1- Objectives, Nature and Functions of Bharatiya Sakshya Adhiniyam - 2023

2- Relevancy of Facts and Admissibility

OR

BUSINESS ADMINISTRATION: GROUP -B

PAPER-II

Business Organization

- (I) Introduction- History of Company Legislation, Characteristic Features of a Company and Lifting the Corporate Veil.
- (II) Kinds of Companies
- (III) Promoter- Definition and his Legal Position and effects of Pre-incorporation Contracts.
- (IV) Memorandum of Association- Contents and Relation with Articles of Association, Alteration of Memorandum.
- (V) Prospectus- Meaning and Consequences of Misstatements in Prospectus.

(VI) Shares- Meaning, Kinds and General Principles and Statutory Provisions regarding Allotment of Shares. Effect of Irregular Allotment.

(VII) Membership of Company.

PAPER-III

Business Management (Company Management & Administration)

(I) Qualifications, Appointment and Removal of Directors, Managing Directors and Managers.

(II) Remuneration of Directors, Managing Directors and Managers.

(III) Legal Position of Directors and Criminal Liability of the Officers of the Company.

(IV) Meetings of the Company- Statutory Meeting, Annual General Meeting and Extra-Ordinary Meeting.

(V) Division of Powers between Company-in-General Meeting and Board of Directors. Remedies in cases of Operation and Mismanagement.

(VI) Investigations into the Affairs of the Company.

(VII) Company Secretary- Appointments and his Legal Position

(VIII) National Company Law Tribunal and Appellate Tribunal

OR

CONSTITUTIONAL LAW : GROUP- C

PAPER-II

Constitutionalism and Constitutional Development in India and England.

(I) What is a Constitution? Constitution, Constitutional Law and Constitutionalism.

Concept of Limited Government and Limitations on Government Power. Conventions of Constitutionalism –Law and Conventions. Historical Evolution of Constitutional Government in India and England

- (II) Rule of Law. Concept and new horizons; Separation of Powers. Concept and its Applicability in India and England.
- (III) Sovereignty of British Parliament, Powers and Functions, Privileges of the Parliament and Courts-Indian and British Position.
- (IV) The King of England. Prerogatives of the Crown. Position of the King in England. Cabinet System of Government in India and England.
- (V) The Judicial System in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

PAPER-III

Comparative and Cooperative Federalism

- (I) Concept of Federalism. Requisite Conditions of Federalism Patterns of Federal Government of U.S.A. and Australia. Federal Control v. State Autonomy.
- (II) Indian Federal Constitution and its Present Shape.
- (III) The Changing Dimension of Modern Federal Constitutions. New Trends in Federalism. National Supremacy. Cooperative Federalism.
- (IV) The Scheme of the Distribution of Legislative Powers in India and a Comparative Study of the Scheme of U.S.A. and Australia .The Specific Legislative Powers: Defence & External Affairs.
- (V) Emergency Provisions. Effect of Emergency on the Federal Structure. Judicial Approach of Indian & American Experiences.
- (VI) Judicial Review for Federal Umpiring. Scope of Judicial Review in the Federal Constitution. The Approach of Indian & American Supreme Court.
- (VI) Scope of Constituent Power. Amending Process and Process in Action. Judicial Response. The direction of the Indian Constituent Power.

TAXATION : GROUP-D

PAPER-II

Constitutional and Administrative Law Problems Relating to Taxation

- (I) Distinction between Tax and Fee
- (II) Power to Levy Taxes on Income
- (III) Power to Levy Excise Duties
- (IV) Taxes on Sale or Purchase of Goods
- (V) Residuary Power of Taxation Under Entry 97 of the Union List
- (VI) Role of Taxation in achieving the Objectives of Directive Principles
- (VII) Taxation and Right to Equality
- (VIII) Taxation and Freedom of Trade, Commerce and Intercourse
- (IX) Distribution of Tax Revenues
- (X) Inter-Governmental Tax Immunities
- (XI) Delegation of Taxing Powers
- (XII) Judicial Review of the Orders of Tax Authorities.

PAPER-III

Tax on Business and Industry

- (I) Residence of Firms
- (II) Residence of Company
- (III) Business Connection
- (IV) Profits and Gains from Business or Profession
- (V) Depreciation Allowance
- (VI) Business Expenditure Capital Gains
- (VII) Income-Tax Authorities & their Powers with special reference to Search & Seizure
- (VIII) Procedure for Assessment
- (IX) Appeal & Revision.

PAPER-IV

COMPULSORY- Practical Training- The Course divided in three parts

(I) Research Methodology-

1- Doctrinal Research (25 Marks)

Each students shall be assigned in advance a separate topic and asked to collect materials. A period of 5-7 days can be set apart for carrying out this assignment in the Library. The materials indicated or collected during the assignment shall be evaluated by group Faculty Members.

2- Non-Doctrinal Research (25 Marks)

Here the students shall be asked to go out of the Classroom and Library and make an empirical study of a problem which has Social, Economic, Moral or Political dimensions. Field data shall be collected through any modal of data collection. The results are to be assessed by a team of Faculty Members.

(II) Clinical Work (25 Marks)

The modalities can be evolved by the Law School. One Method is that Legal Aid Clinic of the Law School can involve itself with other Legal Programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with Court Proceeding, working of a Business Organization inviting Labour Disputes, Drafting of Business or other deeds and with Public Interest Litigation. The initiative and potential of the Students and the actual work done by him shall be assessed by the Faculty.

(III) Law Teaching (25 Marks)

A topic shall be assigned to the students in advance. He is required to handle a class for 40 to 45 minutes, where LL.B. Programme co-exists with LL.M. Programme, the students may be asked to teach the LL.B. students. They can select any of the methods of teaching. In Law teaching practical, the LL.M. students shall be evaluated internally.

SYLLABUS

LL.M. TWO YEAR (FOUR SEMESTER) COURSE

Semester-IV

PAPER – I

COMPULSORY- Interpretation of Statutes and Principles of Legislation

(I) Introductory Meaning , Purpose and Scope of Interpretation of Statutes, Nature of statutes and their Classifications and Nature of Judicial Process-Judges as Law Makers .

(II) Principles of Itatutory Interpretation, Rules of Law and Rule of Interpretation.

(III) Rule of Statutory Interpretation: Primary Rule- Literal Rule, Golden Rule, Mischief Rule, Subsidiary Rule.

(IV) Intention of Legislature

(V) Aids to Interpretation.

(VI)Construction of Penal Statutes

(VII) Construction of Taxing Statutes

(VIII) Interpretation of Constitution

CRIMINAL LAW : GROUP-A

PAPER-II

Specific Crimes Under Bharatiya Nyaya Sanhita - 2023

(I) Offences Against Women and Child

(II) Offences Affecting Human Body

- 1- Culpable Homicide and Murder
- 2- Organised crime, petty organized crime
- 3- Terrorist act
- 4- Hurt and Grievous Hurt
- 5- Wrongful Confinement and Wrongful Restraint
- 6- Criminal Force and Assault
- 7- Kidnapping and Abduction

(III) Offences Against Property

- 1- Theft
- 2- Snatching

- 3- Extortion
- 4- Robbery
- 5- Dacoity
- 6- Criminal Misappropriation and Criminal Breach of Trust.
- 7- Cheating
- 8- Mischief
- 9- Criminal Trespass

PAPER-III

Procedural Law –II

- (I) General Principles Relating to Fair Trial
- (II) Local Jurisdiction of Courts and Cognizance
- (III) Charge, Trial and Judgement.
- (IV) Appeal, Reference and Revision.
- (V) Execution, Suspension, Remission and Commutation of Sentences.
- (VI) Bail.
- (VII) Transfer of Criminal Cases.
- (VIII) Sakshya
 - 1- Proof, Burden of Proof
 - 2- Production and Effect of Evidence

OR

BUSINESS ADMINISTRATION : GROUP-B

PAPER-II

Law Relating to Multinational Corporation

- (I) Meaning and Definition of Multinational Corporation: Problem of Definitions and Criteria of Determination.
- (II) Historical Perspectives of M.N.C. in India
- (III) The Concept of Doctrine of Ultra-Vires
 - 1- In India
 - 2- In England and
 - 3- U.S.A.- Consequences of Doctrine of Ultra-Vires
- (IV) U.N. Commission on Transactional Corporation – 1975.
- (V) National Regulation of M.N.C. in India

- 1- Regulation Through Company Law
- 2- Regulation Through Taxation Law
- 3- Regulation Through F.E.M.A. – 1999

PAPER-III

Banking Law

- (I) Introduction- Nature and Development of Banking. History of Banking in India and elsewhere-indigenous Banking-evolution of Banking in India-different kinds of Banks and their Functions, Multi-functional Banks-growth and Legal issues
- (II) Law Relating to Banking Companies in India- Controls by Government and its Agencies. On Management, On Accounts and Audit, Lending ,Credit Policy, Reconstruction and Reorganization, Suspension and Winding up, Contract between Banker and Customer; their Rights and Duties
- (III) Relationship of Banker and Customer- Legal Character, Contract between Banker and Customer Banker's Lien, Protection of Bankers, Customers, Nature and Type of Accounts, Special classes of Customers-Lunatics, Minor, Partnership ,Corporation, Local Authorities Banking Duty to Customers Consumers, Protection- Banking as Service.
- (IV) Negotiable Instruments- Meaning and Kinds Transfer and Negotiations, Holder and Holder in due course, Presentment and Payment, Liabilities of Parties.
- (V) Recent Trends of Banking System in India- New Technology, Information Technology Automation and Legal Aspects, Automatics Teller Machine and use of Internet, Smart Card, Use of Expert System, Credit Cards.
- (VI) Social Control over Banking, Deposit Insurance, The Central Bank, Lending by Banks
- (VII) Reforms in Indian Banking Law- Recommendations of Committees- A Review

OR

CONSTITUTIONAL LAW : GROUP-C

PAPER-II

Civil and Political Rights- Comparative Study of Select Constitution (India, United State of America and United Kingdom)

- (I) Constitutional Basis for Protection of Individual Rights. Balance between Individual Liberty and Social Needs. To whom and Against whom Rights are available. Suspension of Rights.
- (II) Right to Equality. General Principles. Protective Discrimination with special references to emerging Judicial Response to the problems of Group Inequalities. Comparative study of the Decisions of the Indian and American Courts.
- (III) Freedom of Speech and Expression- Special attention will be paid to the Liberty of Press as Interpreted by the Indian Supreme Court and to the Interpretation of the Freedom Guaranteed by the First Amendment of the American Constitution.
- (IV) Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by Law” and the American expressions “liberty” and “due process”. Radical changes in judicial thinking in this area.
- (V) Freedom of Religion Judicial interpretation of the freedom under the Constitution of India and of the United States.
- (VI) Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society. Power and Procedure for amendments of these rights under the American and Indian constitution.
- (VII) Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial Supervision of Elections.

PAPER-III

Local Self Government Law

- (I) Historical Perspectives- Early period, Gram Swaraj- the Gandhian concept
- (II) Constitutional Scheme- Directive Principles, Structure and Powers of Local Bodies.
- (III) Legislative Powers- Direct Democracy and Grass Root Planning, Municipalities and Corporation, Gram Sabha
- (IV) Quasi-Legislative Powers- Rule making Power of the State Government, Regulations and Bye-Laws
- (V) Financial Powers- Levying Taxes, Licensing Powers, Financial Resource and Powers
- (VI) Judicial and Quasi-Judicial Powers of the Local Bodies
- (VII) Election to Local Bodies

(VIII) Conduct of Meaning- Corporation, Municipal Council, Panchayat Committee and Gram Sabha

(IX) Institutional and Judicial Control

OR

TAXATION : GROUP-D

PAPER-II

Current Tax Problems

(I) Assessment of Charitable Trusts

(II) Service Tax

(III) Tax on Agricultural Income

(IV) Canons of Taxation & Characteristics of a Good Tax System.

(V) Tax Evasion & Black Money – Causes & Effect of Tax Evasion, Tax Evasion distinguished with Tax Avoidance and Tax Planning.

(VI) Problem of Double Taxation

(VI) Sales Tax- its Effect & Desirability – Goods and Service Tax Act

PAPER-III

Direct Tax and G.S.T. in India

(I) **General Prospective-** History of Tax Law in India, Fundamental Principles relating Tax Laws, Tax Structure and its Role in National Economy, Nature and Characteristics of Taxes, Distinction between Tax and Fee, Scope of Taxing Power of Parliament.

(II) **Income Tax Act, 1961**– Definition, Heads of Income, Deductions, Exemptions and Reliefs, Income Tax Authorities and Penalties.

(III) Central Goods and Services Act, 2017- Constitutional Framework of G.S.T., Major Defects in Structure of Indirect Taxes Prior to G.S.T., Rational for G.S.T., Importance, Definitions Under GST Law, Structure of G.S.T.(S.G.S.T., C.G.S.T., U.T.G.S.T. and I.G.S.T.), G.S.T. Council and its Functions and State Compensation Mechanism and Penal Provisions.

PAPER-IV

COMPULSORY: DISSEERTATION

PAPER-V

COMPULSORY: VIVA-VOCE