

OPJS UNIVERSITY, CHURU (RAJ.)
SYLLABUS OF LL.M (TWO YEAR)



OPJS UNIVERSITY, CHURU (RAJASTHAN)



**Course Structure for LL.M under Semester System to
come into force from Academic Session 2013-14.**

**LL.M (Two-Years)
(SEMESTER-WISE)**

LL.M SEMESTER & SYLLABUS STRUCTURE

FIRST SEMESTER	500 MARKS.
LLM-101-PAPER-I	Legal Theory-I
LLM-102-PAPER-II	Indian Constitution Law : New Challenges-I
LLM-103-PAPER-III	Legal Education & Research Methodology-I
LLM-104-PAPER-IV	LAW AND SOCIAL TRANSFORMATION IN INDIA
LLM-111-PAPER-V	Seminar / Viva – Voce

SECOND SEMESTER	500 MARKS.
LLM-201-PAPER-I	Legal Theory-II
LLM-202- PAPER-II	Indian Constitution Law : New Challenges-II
LLM-203- PAPER-III	Legal Education & Research Methodology-II
LLM-204- PAPER-IV	JUDICIAL PROCESS
LLM-211- PAPER-V	Seminar / Viva – Voce

THIRD SEMESTER	500 MARKS.
Specialization: (A)Tort & Crime	
TC-301-PAPER-I	General Principle of Torts
TC-302- PAPER-II	General Principle of Crime and Offences under the Indian Penal Code.
TC -303- PAPER-III	Comparative Criminal Procedure
TC -304- PAPER-IV	Law Relating to Rehabilitation and Treatment of Offenders-I
TC -305- PAPER-V	COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

THIRD SEMESTER	500 MARKS.
Specialization: (B) Personal Law	
PL-301-PAPER-I	Hindu Jurisprudence & Law Relating to Joint Family
PL -302- PAPER-II	Hindu Law Relating to Adoption and Maintenance
PL -303- PAPER-III	Muslim Jurisprudence and Matrimonial Laws
PL -304- PAPER-IV	Personal Laws Relating to Indian Christian & Parasi
PL -305- PAPER-V	Recent Legal Development in Personal law

THIRD SEMESTER	500 MARKS.
Specialization: (C) Business and Corporate Law	
CL-301-PAPER-I	FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS I
CL -302- PAPER-II	GLOBAL TRADE UNDER WORLD TRADE ORGANISATION
CL -303- PAPER-III	CORPORATE LAW I
CL -304- PAPER-IV	LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE I
CL -305- PAPER-V	LAW OF INSURANCE

THIRD SEMESTER	500 MARKS.
Specialization: (D) CONSTITUTIONAL AND ADMINISTRATIVE LAW	
CAL-301-PAPER-I	CONSTITUTIONALISM : PLURALISM AND FEDERALISM
CAL -302- PAPER-II	COMPARATIVE CONSTITUTIONAL LAW I
CAL -303- PAPER-III	NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW
CAL -304- PAPER-IV	ADMINISTRATIVE PROCESS : NATURE AND SCOPE I
CAL -305- PAPER-V	ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL I

THIRD SEMESTER	500 MARKS.
Specialization: (E) LAW OF INTELLECTUAL PROPERTY RIGHTS & Cyber Laws	
IPR-301-PAPER-I	Intellectual Property and International Organisations and Agreements
IPR -302- PAPER-II	Law of patents I
IPR -303- PAPER-III	Copyrights Law and other related rights I
IPR -304- PAPER-IV	Law of Trademarks I
IPR -305- PAPER-V	Law of Industrial Designs, Geographical Indication, Layout Designs Data Protection and Trade secrets I

THIRD SEMESTER	500 MARKS.
Specialization: (F) Labour Law	
LL-301-PAPER-I	LAW RELATING TO INDUSTRIAL RELATIONS I
LL -302- PAPER-II	Law relating to Labour Welfare I
LL -303- PAPER-III	Law relating to Industrial Injuries I
LL -304- PAPER-IV	Law relating to Service Regulation I
LL -305- PAPER-V	Law and Social Security

FOURTH SEMESTER	500 MARKS.
Specialization: (A) Tort & Crime	
TC-401-PAPER-I	Specific Wrong
TC -402- PAPER-II	Law Relating to Specific offences under the Indian Penal Code
TC -403- PAPER-III	Law Relating to Rehabilitation and Treatment of Offenders-II
TC -404- PAPER-IV	Law Relating to Special Penal Legislation Relating to Women
TC -405- PAPER-V	Dissertation

FOURTH SEMESTER	500 MARKS.
Specialization: (B) Personal Law	
PL-401-PAPER-I	Un-Codified & Codified Hindu Law relating to Marriage
PL -402- PAPER-II	Hindu Law relating to Minority, Guardianship & Succession

PL -403- PAPER-III	Muslim Law relating to Property
PL -404- PAPER-IV	Law Relating to Special Marriage Act,1954
PL -405- PAPER-V	Dissertation

FOURTH SEMESTER	500 MARKS.
Specialization: (C) Business and Corporate Law	
CL-401-PAPER-I	FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS II
CL -402- PAPER-II	BANKING LAWS
CL -403- PAPER-III	CORPORATE LAW II
CL -404- PAPER-IV	LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE II
CL -405- PAPER-V	Dissertation

FOURTH SEMESTER	500 MARKS.
Specialization: (D) CONSTITUTIONAL AND ADMINISTRATIVE LAW	
CAL-401-PAPER-I	COMPARATIVE CONSTITUTIONAL LAW II
CAL -402- PAPER-II	PUBLIC AUTHORITIES AND POWER HOLDERS : CONTROLS ON MAL ADMINISTRATION
CAL -403- PAPER-III	ADMINISTRATIVE PROCESS : NATURE AND SCOPE II
CAL -404- PAPER-IV	ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL II
CAL -405- PAPER-V	Dissertation

FOURTH SEMESTER	500 MARKS.
Specialization: (E) LAW OF INTELLECTUAL PROPERTY RIGHTS & Cyber Laws	
IPR-401-PAPER-I	Law of patents II
IPR -402- PAPER-II	Copyrights Law and other related rights II
IPR -403- PAPER-III	Law of Trademarks II
IPR -404- PAPER-IV	Cyber Laws
IPR -405- PAPER-V	Dissertation

FOURTH SEMESTER	500 MARKS.
Specialization: (F) Labour Law	
LL-401-PAPER-I	LAW RELATING TO INDUSTRIAL RELATIONS II
LL -402- PAPER-II	Law relating to Labour Welfare II
LL -403- PAPER-III	Law relating to Industrial Injuries II
LL -404- PAPER-IV	Law relating to Service Regulation II
LL -405- PAPER-V	Dissertation

-: LL.M. Course Detail Subject-wise:-

(Semester-I)

Note:

1. The all papers of LL.M. should be encouraging postgraduate student to comparative study, analyses, and articulate essential feature and principles (if any) of the subject.
2. New developments, amendments and latest case law in any concerned field shall be part of the syllabus.
3. Duration of each theory paper for exam: Three Hrs.
4. The Theory papers of each subject will be of 100 marks. The all Question Paper for theory exam contains eight questions. Student will be attempting any four questions. Each question carries twenty five marks.

Paper- I- Legal Theory- I

Definition, Scope, Importance and nature of Jurisprudence.

2. Purpose and value of Jurisprudence.
3. Various Schools of Jurisprudence, like:
 - i. Natural Law School,
 - ii. Imperative School,
 - iii. Sociological School,
 - iv. Historical School,
 - v. Realistic School, etc.
4. Sources of Law: Custom, Legislation, Judicial Precedents etc.

(Chief exponents of these schools, background, basic tenets, contribution and Indian context or relevance.)

Suggested Readings:

1. Austin : Lecture on Jurisprudence
2. Salmond: Jurisprudence
3. Julius Stone: The Province and Function of Law
4. Pound: An Introduction to the Philosophy of Law
5. HLA Hart: The Concept of Law
6. Freundmann: Legal Theory
7. Dias: Jurisprudence
8. S. N. Dhyani: Law, Morality and Justice Indian Development
9. Anirudha Prasad: Vidhi Sastra Ke Mool Shidhant (Hindi)
10. V.D. Mahajan: Jurisprudence
11. Dr. N.V. Paranjpe: Jurisprudence (Hindi/English)

Paper- II- Indian Constitution Law: New Challenges- I

1. Historical Background of Indian Constitution, its development and changing system established over decades ago.
2. Characteristics of Indian Constitution, Nature and salient feature of Indian Constitution with changing social order and its adaptability.
3. Preamble of Indian Constitution and its nature.
4. Fundamental Rights, its development and their Judicial Interpretations.
5. Directive Principles, its Judicial Interpretations and their relation with Fundamental Rights.
6. Fundamental Duties.

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain: Constitutional Law.
3. M.C.J. Kagzi: The Constitution of India.
4. VSN Sukla: Commentary on the Constitution of India.
5. D.D. Basu: Commentaries on the Constitution of India.(Hindi/English)
6. Ville Austin: Indian Constitution.
7. B.K. Sharma: An Introduction to the Constitution of India.
8. Dr.J.N.Panday: The Constitution of India.(Hindi/English)

PAPER-III- Legal Education & Research Methodology – I

1. Objective of Legal Education, Methods of teaching, (the problem method, discussion method and seminar methods).

2. Student participation in law school/college programmes, organization of seminars.
3. Clinical legal education- legal aid, legal literacy, legal survey and law reforms.
4. Various research methods.
5. Identification of problems, formulation of the research problem and techniques of sampling for research.
6. Collection of relevant historical & comparative materials.
7. Classification and tabulation of data and analysis of these data.
8. Preparation of the research design.
9. Jurimetrics.
10. Presentation.

Suggested Readings:

1. High Brayal, Nigam, Dunean, and Richard Crimes : Clinical Legal Education : Active Learning in your Law School (1998) Blackstine Press Limited, London.
2. S.K. Agrawal (Ed.): Legal Education in India (1973) Tripathi Pub., Bombay.
3. N.R. Madhava Menaon (Ed.) A Handbook of Clinical Legal Education (1998) Eastern Book Company, Lucknow.
4. M.O. Price: Elective Legal Research (1978)
5. C.R. Kothari: Research Methodology, Methods and Techniques.
6. Jaya Prakash: Research Methodology.
7. Pauling vs. Yong: Scientific Social Survey and Research.
8. Erwin C. Surrency: A Guide to Legal Research.
9. ILI Publication, Legal Research and Methodology.
10. R.M. Deepak Kumar: Social Research Methodology. Etc.

Paper-IV- LAW AND SOCIAL TRANSFORMATION IN INDIA

1. Law and Social Change
2. Religion and the Law
3. Language and the Law
4. Community and the law

5. Women and the Law
6. Children and the Law
7. Modernisation and the Law
8. Alternative approaches to law

(Semester-II)

Paper-I-Legal Theory-II

1. Administration of Justice: Civil & Criminal.
2. Legal Concept, State, Sovereignty, Law etc.
3. Legal Rights.
4. Legal Duties.
5. Possession.
6. Ownership;
7. Legal Person.
8. Liability.
9. Obligation.
10. Property

Suggested Readings:

1. Holmes: The Common Law
2. Austin: Lecture on Jurisprudence
3. Allen: Law in Making
4. Salmond: Jurisprudence
5. Paton: A Text Book of Jurisprudence
6. Julius Stone: The Province and Function of Law
7. Pound: An Introduction to the Philosophy of Law
8. HLA Hart: The Concept of Law
9. Freundmann: Legal Theory
10. Dias: Jurisprudence
11. S. N. Dhyani: Law, Morality and Justice Indian Development
12. Anirudha Prasad: Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls: Theory of Justice

Paper-II-Indian Constitution Law: New Challenges- II

1. Parliament and Government of Union and States. President of India and Governors in States; Legislative Process and Privileges.
2. Supreme Court of India and High Courts.
3. Center-State Relations.
4. Emergency and President Rule.
5. Amendment of Indian Constitution.
6. Contractual and Tortuous Liability.
7. Freedom of Trade and Commerce.
8. Services under Centre and State.
9. Special Provisions.

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain: Constitutional Law.
3. M.C.J. Kagzi: The Constitution of India.
4. V.N Sukla: Commentary on the Constitution of India.
5. D.D. Basu: Commentaries on the Constitution of India.
6. G Austin: Indian Constitution.
7. Various Relevant Articles, Cases and Law Journals.
8. B.K. Sharma: An Introduction to the Constitution of India.
9. J.N. Pandey: The constitution of India (English & Hindi)

Paper-III-Legal Education & Research Methodology – II**Part-I -Techniques of Data Collection**

- i. Types
- ii. Sources
- iii. Techniques of data collection observation, interview, questionnaire
- iv. Interview schedule
- v. Case study method
- vi. Content analysis
- vii. 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. ILI Publication, Legal research and methodology
4. R.M.Deepak Kumar, Social Research Methodology
5. Jaya Prakash, Research Methodology
- 6.H.N.Tiwari, Legal Research Methodology
7. C.R.Kothari, Research Methodology, Methods and Techniques

PAPER-IV- JUDICIAL PROCESS

1. Nature of judicial process
2. Special Dimensions of Judicial Process in Constitutional Adjudications.
3. Judicial Process in India
4. The Concept of Justice
5. Relation between Law and Justice

(Semester-III)

Specialization: (A) Tort & Crime

Paper-I-General Principle of Torts

1. Definition and nature; foundation of tortious liability
2. General conditions of liability in tort; mental elements in law of torts;
3. General exceptions to liability in tort; discharge of tort remedies for torts
4. Doctrine of remoteness of damages and nervous shock; joint tort feors and vicarious liability.

Suggested readings:

1. Street: Torts
2. Pollock: on torts
3. Salmond: The law of torts
4. Winfield: A text book of law of torts
5. Rattan Lal, Dhiraj Lal: Law of torts
6. Gandhi B.M: Torts
7. Dr.S.K.Kapoor: The law of torts

Paper-II-General Principle of Crime and Offences

Under the Indian Penal Code.

1. General Principles of Criminal Law.
2. The Indian Penal Code, 1860 : Territorial Jurisdiction, Stages of Crime : Doctrine of Mens era ; Inchoate crimes - Preparation, attempt, General Explanation ; Public Servant, Movable Property - Wrongful gain and wrongful loss ; Dishonesty, Fraudulently, Reason to believe, Counterfeit ; Valuable Security 'Act' and 'Omission', Voluntarily, Injury, Good faith, Illegal Injury, Offence, Document, Harbour, Judge.
3. General Exceptions: (A) Mistake of Facts and Mistake of Law, Judicial Act, Accident, Act done without criminal intention and to prevent other harm ; Act of person of unsound mind, Act of intoxicated person.
(B) Acts done with consent, Act done in good faith without consent, Community action made in good faith, acts one under compulsion. Act causing slight harm: Right of Private defence.
4. Joint Liability: Common intention, Common object, Abetment, Criminal Conspiracy, and Constructive Liability.
5. Offences Affecting the Human Body: Culpable homicide, murder, Criminal negligence and rashness, Attempt to commit murder and suicide miscarriage, hurt, Grievous hurt, Voluntary restraint and wrongful confinement force and criminal force, Assault, Kidnapping and abduction.

Suggested readings:

1. Ratan Lal Dhiraj Lal: The Indian Penal Code (St. Ed.)
2. Nigam, R.C.: Principles of Criminal Law (English & Hindi).
3. Shamsul Huda: Principles of Criminal Law.
4. Hari Singh Gaur: Penal Law of India.
5. T. Bhattacharya: Indian Penal Code (English & Hindi)
6. Amar Singh yadav: Indian Penal Code (Hindi).
7. Raja Ram Yadav: Indian Penal Code (Hindi)

Paper-III-Comparative Criminal Procedure

I. Organization of Courts and Prosecuting Agencies: Hierarchy of Criminal Court 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.

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

III. Pre-trial Procedures: Arrest and questioning of the accused. The right of 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 anddefense attorney in the trial.

IV. 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. Sankar: Law of Evidence
4. Dr.N.V.Pranjpe: Criminal Procedure-1973
5. Dr.B.L.Babel: Criminal Procedure-1973
6. Ratan Law, Dhiraj Lal: Criminal Procedure-1973

Paper-IV-Law Relating to Rehabilitation and Treatment of Offenders-I

Introductory Definitions of Penology

Theories of Punishment: Retribution,

Utilitarian Prevention : Deterrence

Utilitarian : Intimidation

Behavioural prevention : Incapacitation, Rehabilitation, Expiation, Classical Hindu and Islamic approaches to punishment, The Problematic of Capital punishment.

Paper-V- COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM

- 1.1 Notions of “force”, “coercion”, “violence”
2. Approaches to Violence in India
3. Agrarian Violence and Repression
4. Violence against the Weaker Sections.
5. Caste/Communal Violence

Specialization: (B) Personal Law

Paper-I-Hindu Jurisprudence & Law Relating to Joint Family

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

Suggested readings:

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. Sen, P.N.: Hindu Jurisprudence
7. Sharma B.K.: Law of Divorce
8. Kesri U.P.D.: Hindu Law
9. Morya R.R.: Hindu Law.

Paper-II-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 readings:

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. Sen, P.N.: Hindu Jurisprudence
7. Sharma B.K.: Law of Divorce
8. Kesri U.P.D.: Hindu Law
9. Morya R.R.: Hindu Law.

Paper-III-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 readings:

1. Tyabji: Mohammedan Law
2. Ameer Ali: Mohammedan Law
3. Abdur Rahim: The Principle of Mohammedan Jurisprudence
4. Akil Ahamad: Mohammedan Law
5. Sharma Bharu Sarkar: Mohammedan Law
6. Mulla: Mohammedan Law
7. Fyzee AAA: Outlines of Mohammedan Law
8. Tahir Mehmood: Muslim Law.

Paper-IV-Personal Laws Relating to Indian Christian & Parasi

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 readings:

1. Paras Diwan: Family Law, Vol.I and II
2. Dasai Kumud: Indian Law Marriage and Divorce
3. Beri B.P.: Law of Marriage and Divorce in India
4. Commentaries and cases of the Supreme Court & Court of India.

Paper- V - Recent Legal Development in Personal law

Specialization: (C) Business and Corporate Law

PAPER I— FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS I

Nature, Object and Multi-dimensional Scope.

Foundation Theories of Law of Contract

Individualism:

Freedom of Contract.

Sanctity of Contract.

Encroachment on Freedom of Contract:

Legislative Intervention.

Socio-economic Factors.

Limitations on Sanctity of Contract.

Conceptual Analysis: Contract

Essentials of Contract.

Specific Contracts.

Standard-form contract, Exemption Clauses, Protective Measures.

Quasi- Contract:

Doctrine of Unjust Enrichment, Law of Restitution.

Doctrine of Frustration: Grounds and Effects of Frustration.

Breach of Contract and Remedies.

U.N. Convention on Sales.

PAPER II—GLOBAL TRADE UNDER WORLD TRADE ORGANISATION

1. World Trade Organisation (WTO) Agreement.
2. Trade in Good
3. Trade in Services
4. Trade Related Aspects of Intellectual Property (TRIPS)
5. Dispute Settlement Process

PAPER III—CORPORATE LAW I

1. FORMATION OF COMPANY
2. ORGANISATION AND MANAGEMENT
3. CORPORATE FINANCE
4. AUDIT, ACCOUNTS AND DIVIDENDS
5. SECURITIES, BORROWING, DEBENTURES

PAPER IV—LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE

1. Custom of charging customs duties
2. Rules relating to interpretation of customs law
- 3 Prohibition on Importation and Exportation of Goods
- 4 Chargeability and Levy of Customs duty
- 5 Exemption from Customs duties
- 6 Refund of Customs duty
- 7 Clearance of Imported Goods and Export Goods
- 8 Warehousing of Goods
- 9 Powers of Customs Officers.
- 10 Adjudicatory Proceedings
- 11 Appeals
- 12 Criminal Prosecution

PAPER V —LAW OF INSURANCE

1. Introduction
2. General Principles of Law of Insurance.
- 3 Indian Insurance Law – General
4. Insurance pertaining to Life and Personal Accidents/Hospitalisation
5. Marine Insurance
6. Property Insurance
7. Insurance against Accidents arising under Tort, Contract and Statute
8. Insurance against Third Party Risks under Statute.

Specialization: (D) CONSTITUTIONAL AND ADMINISTRATIVE LAW

PAPER I—CONSTITUTIONALISM: PLURALISM AND FEDERALISM

1. Constitutionalism
2. Federalism
3. Pluralism
4. Uniform Civil Code
5. Equality in Plural Society
6. Pluralism and International Concerns

PAPER II—COMPARATIVE CONSTITUTIONAL LAW I

1. Constitutionalism, Classification of Constitutions
2. Conventions in Constitutional Law.
3. Parliamentary and Presidential Democracy.
4. Comparative Study of the fundamentals of the Constitutions of India, USA, UK, Switzerland, Ireland, Germany and Canada.
5. Comparative Study of Federalism in India, USA, Switzerland, Ireland, Germany,

Canada.

PAPER-III- NATIONAL SECURITY, PUBLIC ORDER, AND RULE OF LAW

1. National Security, Public Orders and Rule of Law
2. Preventive Detention and Indian Constitution
3. Exceptional Legislation
4. Civil Liberties and Emergency
5. Access to Courts and Emergency
6. Martial Law
7. Human Rights in India

PAPER IV— ADMINISTRATIVE PROCESS: NATURE AND SCOPE I

1. Administrative Process
2. Administrative Process: Regulation to De-regulation and Control to Decontrol- Globalization and Liberalization
3. Rule of Law
4. Separation of Powers: From Rigidity to Flexibility

PAPER V—ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL I

1. Concepts and Agencies
2. Judicial Review in India
3. Jurisdiction
4. Grounds of Review

Specialization: (E) LAW OF INTELLECTUAL PROPERTY RIGHTS & CYBER LAWS

Paper I-Intellectual Property and International Organisations and Agreements

1. Introduction to Intellectual Property Rights (IPRs)
2. International Organisation and
3. Trade Related Aspects of Intellectual Property Agreement (TRIPs)
4. Human Rights and Intellectual Property Rights (IPRs)

PAPER II -LAW OF PATENTS I

1. Introduction, definition, scope and objectives of Law of Patents
2. Subject Matter of Patents.
3. International Conventions and treaties regarding patents.
4. History of Indian Patent System

5. Procedure for Obtaining Patents.
6. Patentability and Patentable Subject – Matter
7. Process and Product Patent
8. Specification
9. Opposition to grant of Patents

Paper III - Copyrights Law and other related rights

- 1.1. Introduction to Copyrights
- 1.2. International Conventions relating to Copyrights
- 1.3. Indian Laws relating to Copyright
- 1.4. Nature of Copyrights
- 1.5. Subject Matter of Copyrights.
- 1.6. Term of Copyright

- 2.1. Authorship and Ownership.
- 2.2. Rights Conferred by Copyright
- 2.3. Rights of Broadcasting Organizations, Producers of Phonograms and Performers.
- 2.4. Assignment, Transmission and Relinquishment.
- 2.5. Registration of Copyrights

Paper –IV - Law of Trademarks

- 1.1 General Principles of Trademarks.
- 1.2 International and National Laws relating to trademarks
- 1.3 Property in Trademarks – how acquired?
- 1.4. Conditions and Procedure for Registration of Trademarks.

Opposition of Registration of Trademark.

- 2.1 Effect of Registration
- 2.3. Registerable and Non Register able Trademarks.
- 2.4. Similar, Nearly Resembling and Deceptively Similar Trademarks.
- 2.5. Trademark Registry and Register of Trademarks
- 2.6. Assignment, Transmission and Abandonment

Paper V - Law of Industrial Designs, Geographical Indication, Layout Designs Data Protection and Trade secrets

1.1. Laws Relating to Industrial Designs

- 1.2. Introduction, Novelty and Originality
- 1.3. Publication
1. 4. Registration of Designs
- 1.5. Rights conferred by registration
- 1.6. Infringement of Copyright in Design
- 1.7. Remedies.

2.1. Law Relating to Geographical Indication.

2.2 Definition, need scope of Geographical Indications.

2.3. Register and Conditions for registration of Geographical Indications.

2.4. Procedure for and Duration of Registration

2.5. Effect of Registration

2.6. Special Provisions related to Trademark and Prior use.

2.7 Rectification and Correction of Register

2.8. Offences / Penalties / Appeals

2.9. Remedies.

Specialization: (F) Labour Law

Paper -I: Law Relating To Industrial Relations I

1. History of Trade Union - Trade Union Act, 1926 - Recognition of Trade Union - Affiliation of Unions to political parties - Multi-unionism - Policies towards workers, participation in management - role of State - Workers participation in Management - Liberalization and Industrial relation in India.

2. Collective bargaining - Process of Collective bargaining - Perquisites for collective bargaining - strikes/lockouts [pen-down, tool down, go slow, work to rule, stay in, sit in, picketing] - Gherao - Law relating to collective bargaining.

3. Freedom of Association - Constitutional and legal aspects

Paper - II: Law Relating To Labour Welfare I

1. Constitution and Labour Welfare —Right to work- Bonded Labour child labour — special provision for women and children- Law relating to protection of Women in work place International conventions.

2. Minimum Wage- Types and kinds of wage determination theories of wage Payment of Wages —Bonus Dearness allowance —basic wage Other wage [HRA, CCA, MA, LTC, Leave encashment, Overtime allowances, cash incentives, conveyance allowance] National Wage Policy Payment of Wages Act Denial of minimum wage as Forced Labour

3. ILO standard for labour International Convention for Labour Welfare UDHR —ICCPR.

Paper - III: Law Relating To Industrial Injuries I

1. Workmen's Compensation from Compensation to Insurance Judicial Interpretation of the express arising out of and in the course of employment' Employee State Insurance Act 1948

2. Fatal Accidents Act, 1857 Motor Vehicle Compensation Law Employer Liability Act 1935

3. Industrial safety Factories Act Environmental destruction Bhopal —Shriram gas leak

Paper - IV: Law Relating to Service Regulation

1. Service Law- Recruitment Procedure- Rules Agencies —Employment Exchange

2. Conditions of Service terms Central Civil Service Rules State Civil Service Rules Pay Commission Fixation of pay and other allowances- Law Relating to Civil Servants/Rules 'Doctrine of pleasure'

3. Contractual Employment concept Security of tenure —Employment Act {UK}

Paper - IV: Law and Social Security

Social security

Meaning, Labour Welfare and Social Security, Modalities Social Assistance and Social Insurance

Constitutional perspectives

Fundamental Rights :Realisation of the rights through meaningful social security measures : Right to life, the wider dimensions, Directive Principles of State Policy : Right to adequate means of livelihood, Right to public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.

International norms for social security of labour: The ILO measures

Social security for unorganized and agricultural labour

Comprehensive and integrated social security scheme – as recommended by N.C.L., National Rural Employment Guarantee Act.

(Semester-IV)

Specialization: (A) Tort & Crime

Paper-I-Specific Wrong

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 & Movable Property
8. Tort of Injurious falsehood.

Suggested readings:

1. Street: Torts
2. Pollock: on torts
3. Salmond: The law of torts
4. Winfield: A text book of law of torts
5. Rattan Lal, Dhiraj Lal: Law of torts
6. Gandhi B.M.: Torts
7. Dr.S.K.Kapoor: The law of torts

Paper-II-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. Nigam, R.C.:
2. Bhattacharya T.:
3. Ratan Lal Dhiraj Lal: The Indian Penal Code (St. Ed.)
4. Nigam, R.C.: Principles of Criminal Law (English & Hindi).
5. Shamsul Huda: Principles of Criminal Law.
6. Hari Singh Gaur: Penal Law of India.
7. T. Bhattacharya: Indian Penal Code (English & Hindi)
8. Amar Singh yadav: Indian Penal Code (Hindi).
9. Raja Ram Yadav: Indian Penal Code (Hindi)

Paper-III-Law Relating to Rehabilitation and Treatment of Offenders-II

Punishment : Constitutionality of Capital Punishment
Judicial Attitudes through the statute 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 the Panel Code and Special laws, sentencing for white collar crime, Pre-sentence hearing, sentencing for habitual offender, summary punishment, plea bargaining.

Suggested readings:

1. Chabra: The Quantum of Punishment in Criminal (1970)
2. H.L.A.Hart: Punishment and Responsibility (1968)

3. A Siddique: Criminology (1984) Eastern, Lucknow.
4. K.S.Shukla: Sociology of Deviant Behaviour in 3 ICSSR Survey of Sociology and Social Anthropology 1969-179(1986)
5. Tapas Kumar Benerjee: Back-round to Indian Criminal Law (1990)

Paper-IV-Law Relating to Special Penal Legislation Relating to Women

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

Paper-V-Dissertation

Specialization: (B) Personal Law

Paper-I- Un-Codified & 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 readings:

1. Raghvachair: Hindu Law.
2. Saharary H.K.: Modern Hindu Law
3. Mitra: Principles of Hindu Law
4. Mulla: The Principles of Hindu Law
5. G.S.S. Sastri and Bhular: Hindu Law
6. Paras Diwan: Modern Hindu Law
7. UPD Kesri: Hindu Law.
8. Dr.R.R.Morya: Hindu Law
9. P.V. Kane: History of Dharmasastras

Paper-II-Hindu Law relating to Minority, Guardianship & Succession

Minority and Guardianship-Definition of Hindu Minor and Guardianship; Kinds and Power 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 readings:

1. Raghvachair: Hindu Law.
2. Saharary H.K. : Modern Hindu Law
3. Mitra: Principles of Hindu Law
4. Mulla: The Principles of Hindu Law
5. G.S.S. Sastri and Bhular: Hindu Law
6. Paras Diwan: Modern Hindu Law
7. UPD Kesri: Hindu Law.
8. Dr.R.R.Morya: Hindu Law
9. P.V. Kane: History of Dharmasastras
10. Dattak Mimansa & Dattak Chandrika.

Paper -III-Muslim Law relating to Property

Pre-Emption; Hiba; Will; Wakf and Principal of All and Raddh.

Suggested readings:

1. Tyabji: Mohammedan Law
2. Ameer Ali: Mohammedan Law
3. Abdur Rahim: The Principle of Mohammedan Jurisprudence
4. Akil Ahamad: Mohammedan Law
5. Sharma Bharu Sarkar: Mohammedan Law
6. Mulla: Mohammedan Law
7. Fyzee AAA: Outlines of Mohammedan Law

Paper-IV-Law Relating to Special Marriage Act,1954

Definitions, Marriage Officers, Conditions of special marriage, Objection to marriage, Powers of Marriage officers, Certificate of marriage, Registration of Marriage, Appeals, Consequences of Marriage under this Act., Restitutions of Conjugal Rights and Judicial Separation, Nullity and Divorce of Marriage, Punishment and Penalty Provisions.

Paper-V–Dissertation

Specialization: (C) Business and Corporate Law

PAPER I— FUNDAMENTAL PRINCIPLES OF LAW OF CONTRACT AND ALLIED LAWS II

1. Historical background of the Arbitration and Conciliation Act, 1996.
2. Distinction between the Arbitration Act, 1940, and the Arbitration and Conciliation Act, 1996.
3. Definition and Meaning of Arbitration
4. Arbitration Agreement and Arbitration Clause in Agreement
5. Alternative Disputes Resolution (ADR) Process
6. Composition of the Arbitral Tribunal
7. Number / Appointment of Arbitrators
8. Disqualification / Removal of Arbitrators
9. Termination of Authority of Arbitrator
10. Jurisdiction of Arbitral Tribunal
11. Conduct of Arbitral Proceedings
12. Making of Arbitral Award.
13. Finality and Enforcement of Arbitral Awards.
14. Recourse against Arbitral Award
15. Other Internationally Accepted modes of Alternative Disputes Resolution.-(ADR)
16. Commercial Arbitration
17. Conciliation.

PAPER II—BANKING LAWS

1. Introduction
2. Law Relating to Banking Companies in India
3. Social Control over Banking
4. The Central Bank
5. Relationship of Banker and Customer
6. Negotiable Instruments
7. Lending by Banks
8. Recent Trends of Banking System in India

PAPER III—CORPORATE LAW II

1. PROTECTION OF INVESTORS AND CREDITORS
2. ADMINISTRATIVE REGULATION ON CORPORATE FINANCE
3. Control by Company Law Tribunal
- 4 PREVENTION OF OPPRESSION AND MISMANAGEMENT
- 5 WINDING UP

PAPER IV—LAW RELATING TO CUSTOMS AND FOREIGN EXCHANGE II

Law Relating to Foreign Exchange

Historical background to Foreign Exchange Regulation Act (FERA) and

Foreign Exchange Management Act (FEMA).

Foreign exchange and currency

Foreign exchange management and noteworthy features of Foreign Exchange Management Act (FEMA).

New Concepts under Foreign Exchange Management Act (FEMA).

- Resident
- Capital Account Transactions
- Current Account Transactions
- Export
- Person
- Service
- Transfer

Export of Goods and Services

Adjudication, Appeals and Penalties

Foreign Direct Investment in India

Foreign Trade, Development & Regulation Act, 1992

Paper-V–Dissertation

Specialization: (D) CONSTITUTIONAL AND ADMINISTRATIVE LAW

PAPER I — COMPARATIVE CONSTITUTIONAL LAW II

1. Comparative Study of Amending Processes of the Constitutions in the USA, India and Switzerland.
2. Comparative Study of Judiciary in India, UK, USA and Switzerland.
3. Civil Liberties in India, UK, USA
4. Affirmative Actions in India and United States.

PAPER-II- NATIONAL PUBLIC AUTHORITIES AND POWER HOLDERS: CONTROLS ON MAL ADMINISTRATION

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

1. PAPER III— ADMINISTRATIVE PROCESS: NATURE AND SCOPE II

1. Delegated Legislation: Problems, Process and Control
2. Power and duty
3. Administrative Discretion
4. Comparative Administrative Law – India, U.S.A., U.K., France, Germany.

PAPER IV—ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL II

1. Procedural fairness
2. Remedies
3. Limits of judicial review
4. Judicial Review Delegated Legislation

PAPER V– DISSERTATION

SPECIALIZATION: (E) LAW OF INTELLECTUAL PROPERTY RIGHTS & CYBER LAWS

PAPER I - LAW OF PATENTS II

1. Register of Patents and Patent Office
2. Rights and Obligations of Patentee
3. Transfer of Patent Rights
4. Voluntary Licences, Compulsory Licences,
5. Licence of Right and Revocation for non working patents.
6. Assignment and Licensing of Patents.
7. Patenting of Traditional Knowledge. Issues related to Bio piracy and Bio Prospecting
8. Powers of Central Government to acquire and use patents for public purpose.
9. Revocation and Surrender of Patents.
10. Infringement of Patents. Threat of Infringement Proceedings
11. Offences and Penalties.
12. Appellate Tribunal Proceedings
13. Ever Greening of Patents.

PAPER II - COPYRIGHTS LAW AND OTHER RELATED RIGHTS II

1. Licences
2. Publication
3. Copyright Societies
4. Copyright office and Boards.

5. Infringement of Copyright
6. Emerging New Trends in copyrights.
7. International Copyrights.
8. Registration of Copyrights
9. Appeals.

PAPER -III - LAW OF TRADEMARKS II

1. Licensing of Trademarks and Registered Users
2. Collective Marks Service Marks and Textile Trademarks
3. Infringement and Passing Off.
4. Action for Infringement
5. Passing off Action.
6. Certification of Trademark
7. Offences and Penalties.
8. Threat of Legal Proceedings.
9. Appellate Tribunals
10. Emerging New Trends in Trademarks.

PAPER VI - CYBER LAWS

1. Introduction to Information Technology
2. UNCITRAL Model Law
3. An Overview of the Information Technology Act
4. Information Security
5. Application
7. Electronic Governance
8. Certifying authority
9. Software Protection
10. Comparative Study Relating to Cyber Laws
11. United nations, India, U.S.A, Europe and China.
12. Cyber Security
13. Jurisdictional Issues in Transnational Crimes.
14. Formation of E – Contracts. Validity and Enforcement
15. Emerging New Legal Issues.
16. Cyber Crimes, Penalties and Adjudication
17. Appellate Tribunal
18. Offences and Prosecution
19. Cyber Terrorism.
20. Social Media and Emerging Crimes.

PAPER V– DISSERTATION

SPECIALIZATION: (F) LABOUR LAW

PAPER - I: LAW RELATING TO INDUSTRIAL RELATIONS II

Industrial Disputes Act - Layoff - retrenchment - compulsory retirement - Voluntary retirement - superannuation

Industrial Dispute Resolutions - Methods - Conciliation Officer - Board of Conciliation – Legal status of Conciliation settlements - Voluntary Arbitration - Arbitration under the Industrial Disputes Act - Compulsory Adjudication - Power of reference - Reference by Government – Industrial Tribunals – National Tribunals – Status, powers, awards – Judicial review.

Suggested Reading

1. Indian Law Institute Labour Law and Labour Relations [1987]
2. Dr. V G Goswami- Labour and Industrial Laws [2004]
3. Ramaswami and Uma R Industry and Labour
4. Giri V V- Labour Problems in Indian Industry
5. Raman M P- Political Involvement of Indian Trade Union
6. O P Malhotra - The Law of Industrial Disputes, Vol I [1988]
7. Chetty Narayan Y- Dynamics of Trade Unionism in India – Anmol Publications Pvt. Ltd., New Delhi - [2004].

PAPER - II: LAW RELATING TO LABOUR WELFARE II

Labour and Human Rights Equality of Opportunity in employment Equal Pay for Equal Work Equal Remuneration Act Maternity Benefit Shops and Establishment

Unorganized Sector and labour laws Agricultural labourer [Concept, exploitation, tribal labour in forest settlements. Plantation Labour Act, political movement, agrarian reforms] - Migrants - Sale promotions - small- scale industries - Beedi and Cigar - Construction labour - Ship breaking - Cracker Industry - Employment Guarantee scheme.

Suggested Readings:

1. Mishra S N - Labour and Industrial laws Central law publication Allahabad 20th Edition 2004
2. Shrivastava .K. D - Law relating to Trade Unions and Unfair Trade Practices in India. Eastern Book Company Delhi, 3rd Ed, 1993.
3. Y B Singh - Industrial Labour in India [Part-I] 1960
4. Report on the National Commission on Labour 1969
5. Shrivastava S. C. - Social security and labour law Eastern Book Company Lucknow, 1985
6. Pretal Joshi- ILO and its impact in India

PAPER - III: LAW RELATING TO INDUSTRIAL INJURIES II

Occupational Health and Industrial Injuries Old age, sickness and disablement - Hazardous employment- Employers Liability - Medical Insurance - Public Liability Insurance Act 1991

Social Security Five year plan National Commission on Labour PF, Pension and Gratuity Mining worker Social Security for Unorganized Labour —Employee stock option — workers cooperatives.

Suggested Readings:

1. Shrivastava S. C. - Social security and labour law Eastern Book Company Lucknow, 1985
2. RN Choudhry - Commentary on the Workmen's Compensation Act 1923
3. H K Saharay - Industrial and Labour Laws of India 1987
4. R W Rideout - Principles of Labour Law 1988

PAPER - IV: LAW RELATING TO SERVICE REGULATION II

Misconduct and discipline of the employees major and minor misconduct File noting Confidentiality of Adverse remarks Internal appeal mechanism Inquiry procedure punishment Managerial prerogative transfer, long leave —Standing order

Judicial Review Central Administrative Tribunal State Administrative tribunal- Powers and Functions Appeal Provision —Writs

Suggested Readings

1. Mallick - Service Law
2. Ezo- Service Law in India
3. Chabra- Administrative Tribunal
4. G B Singh- Commentary on The CCS & CCA Rules
5. Central Social Service Rule
6. Administration Training Tribunals Act

PAPER V— DISSERTATION

DISSERTATION

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in-depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references. The dissertation will carry 100 marks and it should be submitted (Three copies) to Head of the Department one month before the Semester ends i.e. the Second Semester. The supervisor for dissertation shall be the teaching member of the Department of Law. The students will be assigned

the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the Head of the Department and/or internal examiner. The examiner will evaluate the dissertation taking into account the following points:

(a) Coverage of subject matter.

(b) Arrangement and presentation.

(c) Research Methodology

(d) Nature of references and materials used.

(e) Critical appreciation and original contribution of the candidate.

Note: The students have to write their dissertations as per the guidelines of Research Methodology given below.

:- GUIDELINES FOR DOCTRINAL RESEARCH. :-

A. Research scholars are required to follow the steps given below for preparation of

Doctrinal Research

Research Methodology:

1. Title of the Study
2. Problem of the study
3. Rationale of the study
4. Objectives of the study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the study
8. Research Design
 - (i) Nature/ Type of the study

- (ii) Method of Data Collection
- (iii) Sources of Data Collection
- 9. Limitations of Study
- 10. Time Schedule
- 11. Possible contribution of the study
- 12. Chapterisation

B. Doctrinal Research shall have the following structure:

- Cover
- Cover page
- Certificate
- Acknowledgement
- List of Case Laws.
- List of Tables
- Abbreviations
- Contents
- Introduction
- A. Theoretical Background
- B. Research Methodology (As given in A.)
- Chapter I
- Chapter II
- Chapter III
- Chapter IV
- Chapter V
- Major Findings, Conclusions and Suggestion.

Bibliography

Annexure:

Acts, Bills, Maps, etc

C. Step by step procedure to be followed for Doctrinal Research:

- (1) Approval of the title
- (2) Collection of material
- (3) Review of literature
- (4) Problem
- (5) Objectives
- (6) Rationale
- (7) Hypothesis
- (8) Chapterization
- (9) Collection of Data
- (10) Analysis and Interpretation of data
- (11) Report Writing
- (12) Preparation of Bibliography

(13) Preparation of List of cases