



SHAHEED NANDKUMAR PATEL VISHWAVIDYALAYA RAIGARH (C.G.)

## Two Year Four Semester LL.M. Degree Course of Study

### LL.M. Syllabus

**First Semester: .....** **400 Marks**

Paper I :	Indian Constitutional Law	100 Marks
Paper II	Indian Legal and Constitutional History	100 Marks
Paper III	Administrative Law	100 Marks
Paper IV	Administrative process and Judicial Control	100 Marks

**Second Semester : .....** **400 Marks**

Paper I :	Judicial Process	100 Marks
Paper II	Criminology and Penology	100 Marks
Paper III	Criminal Law in India.	100 Marks
Paper IV	Cyber Crimes	100 Marks

**Third Semester: .....** **400 Marks**

Paper I :	Law and Social Transformation in India :	100 Marks
Paper II	Development of Law of Torts and Tort actions generally.	100 Marks
Paper III	Specific Torts -I	100 Marks
Paper IV	Specific Torts II	100 Marks

**Fourth Semester: .....** **400 Marks**

Paper I:	Legal Education and Research Methodology	100 Marks
Paper II	Human Rights and the Refugees	100 Marks
Paper III	Human Rights in India/Dissertation	100 Marks
Paper IV	Viva – Voce	100 Marks



**LL.M. First Semester Paper - I - Indian Constitutional law**

1. Indian Federalism: Conceptual position of Federalism. Indian Federalism: identification of federal features. Challenges before the Indian Federalism. Nature of the Indian Constitution.
2. Separation of power. Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: The rule of law:
3. Fundamental Rights : Equality before the law and equal protection of laws. Classification for differential treatment: Constitutional validity Gender justice. Justice to the weaker sections of society: scheduled castes, scheduled tribes and other backward classes  
Right to Freedoms. Speech and expression. Freedom of assembly . Freedom of association. Freedom of movement. Freedom to reside and settle. Freedom of profession/business.  
Right to Life and Personal Liberty. Rights of an accused – double jeopardy – self – incrimination.  
Secularism : Freedom of religion.  
Right to constitutional remedies. Writs
4. Fundamental rights and Directive principles : Inter-relationship – judicial balancing. Reading Directive principles into Fundamental Rights
5. Fundamental duties
6. Parliamentary Government : Westminster model–choice of parliamentary government at the Centre and States. President of India Election, qualifications, salary and impeachment powers : legislative, executive and discretionary powers Council of Ministers Governor and state government-constitutional relationship. Prime Minister-cabinet system- collective responsibility-individual responsibility. Coalition Government: Anti-defection Law.
7. The Judiciary: The Supreme Court of India. The High Courts. Jurisdiction and role as guardian of the Constitution. Judges : appointment, removal, transfer and condition of service : judicial Independence and Judicial review
8. Distribution of Legislative Powers : The Scheme of the distribution of legislative powers in India the judicial approach and the present position.
9. Services under the Constitution : Doctrine of pleasure (Art. 310). Protection against arbitrary dismissal, removal, or reduction in rank (Art.311).

10. Emergency : Meaning and scope . Types of Emergency.  
Proclamation. Of Emergency and suspension of fundamental rights
11. Constitutional Processes of Adaptation and Alteration: Methods of  
Constitutional Amendment, Limitations upon constituent power.  
Development of the basic Structure.

### Select bibliography :-

- Constituent Assembly Debates vol. 1 to 12 (1989)
- H M Seervai, constitution of India vol. 1-3, Tripathi, Bombay
- G. Austin, History of Democratic constitution, the Indian Expenditure (2000), Oxford.
- G. Austin, Indian constitution: cornerstone of a Nation (1972)
- M. Galanter, competing equalities – law and the backward classes in India (1984), Oxford.
- D.D. Basu, Shorted constitution of India, Prentice Hall of India, Delhi.
- M.P. Singh (ed.) V.N. Shukla, constitutional Law India (2000), Oxford.
- Basu D.D. Commentaries on Inian Constitution
- Jain M.P. Indian Constitution
- Sen D.K. Comparative Study of Indian Constitution
- Keith A.B. Constitutional History of India
- Dauglus W.O. Studies in Indian and American Constitutional Law
- Setalvad The Indian Constitution
- Subramaniam Case Law on Indian Constitution
- Basu D.D. Case Law on Indian Constitution
- Suba Rao The framing of India Constitution
- Wheare K.C. Modern Constitution
- Wheare K.C. Federalism



**LL.M. First Semester Paper II Indian Legal and Constitutional History**

1. Emergence of the East India Company: Charter of 1600. Grant of Diwani. The Adalat System.
2. Judicial Reforms : Judicial plan of 1772. Judicial plan of 1774. Judicial plan of 1780. Judicial reforms of Lord Cornwallis. Reforms of Lord William Bentick. Reforms of Sir John Shore. Reforms of Lord Wellesley. Reforms of Lord Minto.
3. The Regulating Act 1773. Merits. Demerits. Act of settlement 1781. Charter of 1774 and the Supreme Court of Calcutta. Some land mark cases.... Issue of Raja Nandkumar.The Patna Case. The Cossijurah case.
4. The Mayors Court : The Charter of 1726. The Recorder Court : The Charter of 1753.
5. The Indian High Courts Act 1861: Establishment of the High Courts.  
The Federal Court of India : Jurisdiction. Powers. Constitution.
6. The Privy Council : Jurisdiction. Powers. Constitution. Appeals from India.
7. The Supreme Court and High Court of India: Modern judiciary. Origin. Jurisdiction. Powers. Constitution. Doctrine of precedents.
8. Growth of Criminal Law in India.
9. Personal Law of Hindus and Muslims : Growth.
10. Prerogative writs in India : History and growth.
11. Racial discrimination
12. The Charter Act of 1833 : The Charter Act of 1853. Main Provisions and Constitutional significance.
13. The Transfer of Power : The Government of India Act, 1858. Main Provisions.
14. The Indian Councils Act, 1861, The Indian Councils Act, 1892.
15. Morley-Minto Reforms, 1909- Main Features and Critical Appreciation.
16. Montagu-Chelmsford Reforms : The Act of 1919, Main Provisions.
17. Dyarchy in Provinces. Critical appreciation of the Reforms.
18. The Simon Commission, Nehru Report, First and Second Round Table Conference
19. The Government of India Act, 1935. Main Features. The Federal System

20. The Cripps Mission, 1942. Wavell Plan and Simla Conference of 1945.

21. The Cabinet Mission. The Indian Independence Act, 1947. Shaping of the Indian Constitution. The Constituent Assembly of India.

### Select bibliography :-

- Jain M.P. Outlines of Indian Legal History
- Acharya B.K. Codification in British India
- Pylee M.V. Constitutional History of India
- Archibold W.A.J. Outlines of Indian Constitutional History
- Banerjee A.C. Indian Constitutional Document  
(Vols. I, II, III)
- Fawcett Charles First Century of British justice in India
- Cowell Herbert History and Constitution of the courts legislative authority in India
- Kaye J.W. The Administration of the East Indian Company
- Setalvad M.C. Constitutional History of India
- Stephens J.F. Minute on the Administration of Justice in British India
- Keith A.B. Constitutional History of India
- Rankin G.G. Background to Indian Law
- Punniiah K.V. Constitutional History of India
- Jayaswal Tagore Law Lectures (917)
- Stocks Anglo Indian Courts
- Singh G.N. History of the Constitutional Development and Nationalist Movement in India
- Rama Jois M. Legal and Constitutional History of India (1984),
- Kulshreshtha's V.D. Landmarks in Indian Legal History (1992), Eastern
- Courtney Ilbert, The Mechanics of Law Making (1914),



**LL.M. First Semester Paper III Administrative Law**

1. Evolution and significance of Administrative Law in various systems of governance-from ancient to modern.
  - a. England and USA
  - b. France. Droid Administrative.
  - c. Other systems
  - d. India
2. Definition Nature and Scope of Administrative Law. The concept of Welfare State
3. Sources of Administrative Law.
4. Fundamental Basic Concepts : Mainly Constitutional. Rule of Law Modern Concept. Changing dimensions, Regulation of administrative Process .Doctrine of Separation of Powers : Meaning Montesquieu Theory. Doctrine of Separation of Powers in Practice – U.S.A. , England , India. System of Checks and balances.
5. Delegated Legislation : Definition and meaning. Factors leading to the growth of Delegated Legislation. Classification of Delegated Legislation. Delegated Legislation in Britain U.S.A. and India, Control of Delegated Legislation – Judicial Control : Legislative Control : Procedural Control.
6. Natural Justice : Evolution and Significance of Natural Justice, Doctrine of fairness (Art.14, 19, 21 ) - The U.S. Due Process. Rule against Bias. Audi althea partum : Rule of hearing. Reasoned Decision- in England .U.S.A. India.
7. Access to information and Right to Information Act.

## **Select bibliography :-**

- H.W. Wade-Administrative Law.
- DeSmith-Judicial Review of Administrative Action.
- Garner – Administrative Law.
- D.D. Basu – Comparative Administrative Law.
- Wade & Philips – Constitutional Law.
- Dicey – Introduction to Law of the Constitution.
- O Hood Philips – Constitutional Law & Administrative Law.
- M. P. Jain, S. N. Jain – Principles of Administrative Law.
- M. P. Jain – The Evolving Indian Administrative Law.
- B. Schwartz – An Introduction to American Administrative Law.
- M. P. Jain – Cases and materials on Administrative Law.
- K. S. Shulka & S. S. Singh – Lokayukta – A Socio legal study.
- Ivor Jennings – Law and the Constitution.
- K. C. Davis – Discretionary Justice.
- Neville L. Brown & J. F. Garner French Administrative Law.
- Peter H. Schuck – Foundations of Administrative Law.
- P. P. Craig – Administrative Law.
- Alex Carol – Constitution & Administrative Law.
- Neil Hawke & Neil Papworth – Introduction to Administrative Law.
- Jaffe – Judicial Control of Administrative Law.



**LL.M. First Semester Paper- IV - Administrative process and Judicial Control -**

1. 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, Responsibility and accountability. Administrative deviance- corruption, nepotism, mal-administration.
2. Control of Administrative Action : Legislative or Parliamentary Control. Judicial Review- Special Leave Petition. Supervisory jurisdiction.
3. Judicial Review of Administrative Action : Historical development, power of Supreme Court, Powers of High Courts, Ground of Judicial Review: Doctrine of Ultra vires, Principles of exercise of Writ Jurisdiction.
4. Prerogative writs in particular- Habeas Corpus. Mandamus Certiorari Prohibition Qua- Warrantor, Locus stand and PIL, Laces, Resjudicata
5. Administrative Adjudication and Tribunal Definition meaning reasons for the growth of Administrative Tribunals procedure of Administrative Tribunals. Administrative Tribunals and Courts.
6. Liability of Government in Tort: Doctrine of Vicarious Liability— English Law, American Law and Indian Law, sovereign and non sovereign functions, Act of State, Liability of the Government in Contract—Constitutional Provisions.
7. Prevention of Administrative faults and redress of grievance as ; Ombudsman, meaning development, Ombudsman in England Australian Ombudsman, Ombudsman in India-the Local Lokayukta in States, Central vigilance Commission, Central Beauteous of Investigation.
8. Constitutional protection of civil servants: Terms and condition of service, tenure of office—the doctrine of pleasure.



## **Suggested Readings:**

- 1) H.W. Wade-Administrative Law.
- 2) DeSmith-Judicial Review of Administrative Action.
- 3) Garner – Administrative Law.
- 4) D.D. Basu – Comparative Administrative Law.
- 5) Wade & Philips – Constitutional Law.
- 6) Dicey – Introduction to Law of the Constitution.
- 7) O Hood Philips – Constitutional Law & Administrative Law.
- 8) M. P. Jain, S. N. Jain – Principles of Administrative Law.
- 9) M. P. Jain – The Evolving Indian Administrative Law.
- 10) B. Schwartz – An Introduction to American Administrative Law.
- 11) M. P. Jain – Cases and materials on Administrative Law.
- 12) K. S. Shulka & S. S. Singh – Lokayukta – A Socio legal study.
- 13) Ivor Jennings – Law and the Constitution.
- 14) K. C. Davis – Discretionary Justice.
- 15) Neville L. Brown & J. F. Garner French Administrative Law.
- 16) Peter H. Schuck – Foundations of Administrative Law.
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- 18) Alex Carol – Constitution & Administrative Law.
- 19) Neil Hawke & Neil Papworth – Introduction to Administrative Law.
- 20) Jaffe – Judicial Control of Administrative Law.



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## **LL.M. Second Semester Paper I:Judicial Process.**

### **Nature of judicial process:**

Judicial process as an instrument of social ordering, Judicial process and creativity in law

common law model-Legal Reasoning and growth of law-change and stability, The tools and techniques of judicial creativity and precedent, Legal development and creativity through legal reasoning under statutory and codified systems.

Special Dimensions of Judicial Process in Constitutional Adjudications: Notions of judicial review, Role in Constitutional adjudication-various theories of judicial role, Tools and techniques in policy-making and creativity in constitutional adjudication. Varieties of judicial and juristic activism, Problems of accountability and judicial law-making.

### **Judicial Process in India :**

Indian debate on the role of judges and on the notion of judicial review, The independence of judiciary and the political nature of judicial process, Judicial activism and creativity of the Supreme Court-The tools and techniques of creativity, Judicial process in pursuit of constitutional goals and values-New dimensions of judicial activism and structural challenges, Institutional liability of courts and judicial activism-Scope and limits.

### **The Concepts of Justice**

The concept of justice or Dharma in Indian thought, Dharma as the foundation of legal ordering in Indian thought, the concept and various theories of justice in the western thought, Various theoretical bases of justice-the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.

## **Relation between Law and Justice**

Equivalence Theories-Justice as nothing more than the positive law of the stronger class,

Dependency theories-For its realization justice depends on law, but justice is not the same as law, the independence of justice theories-means to end relationship of law and justice-the relationship in the context of the Indian Constitutional ordering, Analysis of selected cases of the Supreme Court where the judicial process can be seen as influenced by theories of justice.

## **Select Bibliography**

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



**LL.M. Second Semester Paper II- Criminology and Penology.**

**Objectives:**

The concept of crime is a changing dimension in any society or polity according to the changes in the social, political and economic and legal and cultural dimensions. Apart from this the development of science and technology also has a wider impact on the pattern of crimes that are committed by individuals depending upon socio-psychological factors. Hence it is important to impart the concepts and perspectives of crime and the remedial measures. This will equip the students with criminal etiology and sentencing policy in the given legal system.

**1. Dimensions of Crime**

- Definition of Crime
- Nature and extent of crime in India
- Concept and causes of crime
- Theories relating to crime
- Criminology as a part of criminal justice system
- Schools of criminology

**2. White collar crime**

- Types of white collar crime
- Causes and growth of white collar in India
- Susufferland's theory relating to white collar criminality.

**3. Punishment and its kinds**

- Definition of Penology
- Ancient and discarded modes of punishment
- Theories of Punishment
- Capital punishment
- The Problematic of Capital Punishment, Constitutionality of Capital Punishment, Judicial Attitudes Towards Capital Punishment in India
- An inquiry through the statute law and case law., Law Reform Proposals.
- Imprisonment
- Rehabilitation and Reformation as a correction method.

#### **4. Re-socialization processes**

- Alternatives to Imprisonment,
- Corrective labour
- Principles of parole
- Parole laws and procedure
- Concept and principles of probations
- Selection of offenders for parole and probation
- Judicial attitude towards Probation and parole
- Probation of offenders Act, 1958
- Evaluation of probation and parole

#### **5. Victim logy**

- Declaration of United Nation General Assembly in 1985.
- Nature and Development
- Types of Victims
- Victim and criminal justice system in India
- Police and judicial attitude towards victims
- Legislation relating to victims.

#### **6. Terrorism – Devastation of peace in the world**

- Definition of Terrorism
- Contributory factor for the growth of terrorism
- Conventions and legislations enacted on terrorism
- Terrorism and cyber crimes
- Measure required to combat terrorism .

#### **7. Imprisonment**

- The state of India's jails today
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoner and duties of custodial staff.
- Deviance by custodial staff
- Open prisons
- Judicial surveillance – basis – development reforms

## **Books Suggested :-**

1. Walker, N. Crime and criminology: A Critical introduction (1987)
2. S. Rao, Crime in Our Society, (1983)
3. A. Siddique, Criminology: Problem and perspectives (1997)
4. E. Sutherland, White Collar Crime (1949)
5. Mulla Committee Report (1983)
6. J.P.S.Sirohi, Criminology and Penology (2004)
7. H.L.A. Hart, Punishment and Responsibility (1968).
8. Alf Ross, On Guilt, Responsibility and punishment (1975),
9. A. Siddique, Criminology (1984) Eastern, Lucknow.
10. Law Commission of India, Forty-Second Report Ch. 3 (1971),
11. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey, of Sociology and Social Anthropology 1969-179 (1986)
12. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.
13. Vold G.B. Theoretical Criminology
14. Sutherland Criminology
15. Sen P.K. Penology Old and New
16. Gillian J.L. Criminology and Penology
17. Mennbein Comparative Criminology
18. Bhattacharya Prisons
19. Pallai S. Theories of Criminology
20. Cycil Burt Young Delinquents
21. Verma Pathology and Crime and Delinquency
22. Flexnor & Baldwin Juvenile Courts and Probation



## **LL.M. Second Semester Paper III: Criminal Law In India-**

### Objectives :

To study the general principles of criminal law and their development to acquaint the students with modern trends in criminal law in Indian and England. To explain the principles as applied in India and as elaborated through judicial pronouncement. The application of the general principles would be illustrated with reference to specific offences in extensor. The emphasis in the course would be on an understanding of the modern trends and developments in criminal law and the need for changes in Indian criminal law in the present socio-economic context.

### **Topics for study:**

#### **1. INTRODUCTION**

- (a) Nature and Scope of Criminal Law
- (b) Theoretical Perspectives of Criminal Law
- (c) Types of Crimes
- (d) Principles of criminal liability Common Intention & Object Stages  
o commission of crime of Criminal liability of corporation

#### **2. PRELIMINARY CRIMES**

Abetment  
Criminal conspiracy  
Attempt

#### **3. GENERAL EXCEPTIONS**

Introduction  
Mistake  
Necessity  
Insanity  
Intoxication  
Consent  
Duress  
Private Defence  
Right of private defence of body  
Right of private defence of property

#### **4.OFFENCES AGAINST HUMAN BODY**

Culpable Homicide and Murder  
Kidnapping and Abduction  
Grievous Hurt  
Assault ,Battery

#### **5. OFFENCES AGAINST WOMEN**

Rape  
Prevention of Immoral Traffic  
Prohibition of Indecent representation of women  
Dowry deaths  
Sexual Harassment

#### **6. ECONOMIC OFFENCES**

Tax Evasion  
Money Laundering  
Trade in Human Body parts  
Illicit Drug Trafficking  
Fraudulent Bankruptcy  
Corruption & Bribery of public servants  
Illegal Foreign Trade  
Terrorist Activities  
Computer crime/ Software piracy/Cyber crime  
Company frauds



## **Suggested Readings:**

- 1) Glanville Williams : Criminal Law (General Part)
- 2) J.W.C. Turner (ed) : Kenny's Outlines of Criminal Law.
- 3) J.W.C. Turner (ed) : Russel on Crime, Vol. I-II.
- 4) Nigam R.C.: Law of Crimes in India, Vol – I (Principles of Criminal Law)
- 5) Hari Singh Gour : Penal Law of India, Vol. I-IV.
- 6) K.D. Gaur: Criminal Law : Cases and Materials.
- 7) K.N.C. Pillai: General Principles of Criminal Law.
- 8) Sarkar : Sarkar on Evidence.
- 9) Chandrasekharan Pillai (ed) : Kellar's Outlines of Criminal Procedure.
- 10) Shumshul Huda : Principles of Law of Crimes.
- 11) J. Hall : General Principles of Criminal Law.
- 12) ILI : Essays on the I.P.C.
- 13) Law Commission of India : 14th , 42nd Reports.
- 14) Bhatt: Essays on Criminal Law.
- 15) Cross and Jones: Criminal Law.
- 16) Smith and Hogen: Criminal Law.
- 17) George Fletcher: Rethinking of Criminal Law.
- 18) Fitzgerald P.J.: Criminal Law and Punishment.
- 19) A. Ashworth: Principles of Criminal Law.
- 20) J. Dressler: Understanding Criminal Law
- 21) Kenney : Outlines of Criminal Law.
- 22) Cross and Jones : Cases on Criminal Law.
- 23) Hart : Morality of the Criminal.
- 24) Ratan Lal, Dhiraj Lal : Indian Penal Code



**1. LL.M. Second Semester Paper IV- Cyber Crimes-**

1. Cybercrimes : Meaning, Definition, Nature of Cyber Crimes, Scope and Characteristics of Cybercrimes .
2. Historical Genesis and Evolution of Cyber Crimes.
3. Statutory Laws pertaining to Cyber Crimes in India:
  - a) Indian Penal Code.
  - b) Indian Evidence Act.
  - c) Information Technology Act.
4. Cyber Crime Laws of USA, U.K. and Canada : A Comparative Study.
5. Specific Cyber crimes.
  - a) Hacking.
  - b) Viruses
  - c) Worms
  - d) Logic Bombs
  - e) Trojan Horse
  - f) Cyber Pornography/Child Pornography
  - g) Cyberstalking/Cyber harassment
  - h) E-mail relate crimes
  - i) Digital Signatures and Forgery
  - j) Cyber Gambling
  - k) Cyber Moneylaundering
  - l) Cyber Fraud and Cyber Chating
6. The Problem of Cyber Terrorism
7. Cyber Defamation, Cyber-Squatting, Spamming, Phishing,
8. Investigation and Jurisdiction over Cyber crimes.
9. Crimes: The Judicial Response- Judicial Response in India, International Judicial Responses.
10. Cyber Crimes: Emerging International Control Regimes.
11. Cyber Crimes: Emerging National Control Regimes.



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**LL.M. Third Semester Paper I : Law and Social Transformation in India -**

**Law and Social Change-**

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

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

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

**Constitution's Orientation and Social Transformation-**

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

## **Legal concepts in new social order –**

An enquiry through constitutional debates on the right to property. Indian Marxist critique of law and justice, Naxalists Movement-Causes and cure-Rise of Dalits and changing equations in social order in twenty first century.

### **Religion and Law-**

Religion as a divisive factor, secularism-Reform of the law on secular lines, Freedom of religion and nondiscrimination on the basis of religion, Religious minorities and the law.

### **Language and the Law-**

Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language. Language policy and the Constitution-Official Language, State Language, Court Language

### **Community and the Law-**

Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination-Scheduled castes, Tribes and Backward classes, Reservation: Statutory Commission, Statutory provisions.

### **Regionalism and the law-**

Regionalism as a divisive factor, concept of India as one unit, Right of Movement, residence and business, impermissibility of state or regional barriers, Equality in matters of employment-the slogan "sons of the soil" and its practice, Admission to educational institutions, preference to residents of a state.

### **Modernization and Law**

Modernization as a value-Constitutional perspectives reflected in the fundamental duties, Modernization of social institutions through law, Reform of family law, Agrarian reform-Industrialization of agriculture, Industrial reform-Free enterprise v. state regulation-Industrialization and environmental protection, Reform of court process-Criminal law-plea bargaining, compounding and payment of compensation to victim, Civil laws-(ADR) Confrontation v. Consensus, mediation and conciliation, Lok adulates, Prison reforms, Democratic decentralization and local self government

### **Select Bibliography:**

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
2. Robert Lingat, The Classical Law of India, 1998
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. Duncan Derret, The State, Religion and Law in India, 1999
5. H.M.Seervai, Constitutional Law of India, 1996
6. Indian Law Institute ; Law and Social Change
7. Ishwar Bhat: Land Social Transformation , 2009
8. University of Madras: Sarvodaya, 1972
9. Reports of the National Commission to Review the functioning of the Constitution Vol- II, Book - I 2002
10. Granville Austin: Working a Democratic Constitution: The Indian Experience,2000
11. Baxi (ed.) Law and Poverty Critical Essays (1988) Tripathi, Bombay.
12. Manushi, A Journal About Women and Society.
13. D.D. Basu, Shorter Constitution of India (21996), Prentice – Hall of India (P) Ltd., New Delhi.
14. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (200) Armol Publications,Delhi.
15. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
16. J.B. Kripalani, Gandhi: His Life and Thought, (1970)Ministry of Information and Broadcasting, Government of India
17. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
18. Agnes, Favia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford



**LL.M. Third Semester Paper II Development of Law of Torts and Tort actions Generally –**

1. Evolution of Law of Torts in England. Law of Torts in India  
Definition, nature, scope Objects and Constituents of Tort
2. Some General Elements in Torts.
3. Principles of liability in torts- Wrongful act Legal Damage .  
Injuria sine damno . Damnum sine injuria . Mental Element  
in Tort
4. Justification in Tort – General defences or exceptions to  
liability in Tort, Volenti non fit injuria, Plaintiff the  
Wrongdoer, Inevitable Accident , Act of God, Private  
Defence , Mistake, Necessity, Acts of State, Judicial acts,  
Executive acts, Administrative acts, Parental and quasi-  
parental authority, statutory authority, Acts causing slight  
harm,
5. Discharge of Torts : Waiver by election, Accord and  
satisfaction, Release, Acquiescence, Judgment recovered,  
Statutes of Limitation,
6. Vicarious liability/ Liability for wrongs Committed by others  
: Master and servant, Servant and independent contractor,  
Liability of Master, Course of employment, Implied authority,  
Doctrine of common employment, Employer and Independent  
Contractor, Principal and Agent, Company and Director, Firm  
and Partner, Guardian and Ward,
7. Vicarious Liability of the State : Position in England, Position  
in India, Acts of police Officials, Acts done in exercise of  
sovereign powers, Acts done in exercise of non sovereign  
powers, Vicarious liability of State, Doctrine of sovereignty  
and its relevance in India.
8. Legal Remedies : Remoteness, Foreseeability, “Eggshell  
skull” Cases, Intervening acts of events: Novus actus inter-  
Veniens, Measure of Damages, Contemptuous, Nominal,  
ordinary and Exemplary Damages, General and Special;  
Damages, Prospective and continuing Damages, Damages for  
mental suffering and psychiatric injury or nervous shock,  
Damages in an action for personal injuries, Damages for  
unwanted pregnancy resulting from medical negligence,  
Injury to property, Injunction, Specific restitution, Joint and  
several tort- feasons, Contribution between wrong-doers,  
Remedies under the constitution,

## Select bibliography :-

- Winfield Law of Torts
- Salmond On Torts
- Flemming Law of Torts
- Pollock Law of Torts
- Clark and Lindesdell Torts
- Ramaswamy Iyer Law of Torts
- James General Principles of Law of Torts
- Weir T. A Case Book on Torts
- Under Hill A Summery of Law of Torts
- Ratenlal Law of Torts
- Basu D. D. Law of Torts
- Schulman H. Law of Torts
- Marrison Law of Torts
- Bohlen Studies in the Law of Torts
- Fridman Modern Tort Cases



**LL.M. Third Semester Paper III Specific Torts – I**

1. Trespass to Person : Assault, battery, mayhem, False imprisonment
2. Defamation : Libel and Slander , Innuendo, Defences : Justification by truth, Fair and bona fide comment, Privilege, Consent, Apology, Amends, Remedies for defamation.
3. Malicious prosecution.
4. Tort to Immovable Property : Trespass to land - Trespass by Joint Owners, Trespass by animals, trespass to goods, Remedies, Defences, Trespass ab initio, Torts to Movable Property detinue, conversion :
5. Slander of title, Slander of Goods, Maintenance and Champerty.
6. Fraud and negligent Misstatement : Fraud of Deceit, Injurious falsehood, misstatements, passing off
7. Liability for animals, Death in relation to Tort.
8. Felonious Torts. Foreign Torts.

**Select bibliography :-**

- Winfield Law of Torts
- Salmond On Torts
- Flemming Law of Torts
- Pollock Law of Torts
- Clark and Lindesdell Torts
- Ramaswamy Iyer Law of Torts
- James General Principles of Law of Torts
- Weir T. A Case Book on Torts
- Under Hill A Summery of Law of Torts
- Ratenlal Law of Torts
- Basu D. D. Law of Torts
- Schulman H. Law of Torts
- Marrison Law of Torts
- Bohlen Studies in the Law of Torts
- Fridman Modern Tort Cases





**LL.M. Third Semester Paper IV Specific Torts – II**

1. Negligence :
  - a. concepts
  - b. Basic Theories of negligence
  - c. Standards of care, duty to take care carelessness, inadvertence
  - d. Doctrine of contributory negligence
  - e. Res Pisa locution and its importance in contemporary law
  - f. Liability due to negligence-different professional.
  - g. Liability of common causes for negligence.
  
2. Strict Liability/ Absolute Liability : Rule in Rylands v. Fletcher, Exceptions to the Rule in Ryland's v. Fletcher, Rule in M.C. Mehta v. Union of India,
  
3. Persons professing to Have Greater Skill : Directors of Companies, Carriers, Innkeepers and Hotelkeepers, Physicians and Surgeons, Solicitors, Counsel, Bankers, Manufacturers, Repairers and Builders, Dangerous goods, Contributory Negligence, Choice of Evils,
  
4. Nervous shock.
5. Nuisance: definition, essentials and types.
6. Acts which constitute nuisance-obstructions of highways, pollution of air, water, water, noise, and interference with light and air.
7. Liability due to negligence-different professions-under the Consumer Protection Act.
8. Liability of manufacturers and business houses for their products under the Consumer Protection Act.

## Select bibliography:-

- Winfield Law of Torts
- Salmond On Torts
- Flemming Law of Torts
- Pollock Law of Torts
- Clark and Lindesdell Torts
- Ramaswamy Iyer Law of Torts
- James General Principles of Law of Torts
- Weir T. A Case Book on Torts
- Under Hill A Summary of Law of Torts
- Ratanlal Law of Torts
- Basu D. D. Law of Torts
- Schulman H. Law of Torts
- Marrison Law of Torts
- Bohlen Studies in the Law of Torts
- Fridman Modern Tort Cases



**LL.M.Fourth Semester Paper I Legal Education and Research Methodology**

**Objectives**

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection and interpretation of primary and secondary data in socio-legal research. Emphasis would be laid on practical training in conducting research in this course.

**A. Legal Education.**

1. Objectives of Legal Education.
2. Lecture Method of Teaching – Merits and demerits
3. The Problem Method Discussion method and its suitability at postgraduate level teaching
4. The Seminar Method of teaching
1. Examination system and problems in evaluation – Organization of Seminars, publication of journal and assessment of teachers
2. Student participation in law school programmers – Organization of Seminars, publication of journal and assessment of teachers
- Clinical legal education – legal aid, legal literacy, legal survey and law reform

**B. Research methodology**

**I) Introduction**

- a) Significance of Research
- b) Meaning and concept of research

**II) Scientific Methods & Legal Research.**

- a) The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e. characteristics of scientific methodology)
- b) Socio-legal research and legal research models.
- c) Doctrinal and non-doctrinal research.
- d) What is a research problem? Formulation of research problem.

### **III) Research Design and its components :**

- a) Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources.
- b) Major steps of preparation of research design.

### **IV) Research tools:**

- a) Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)

### **V) Research Techniques:**

- a) Use of case studies and surveys.
- b) Sampling techniques:
  - i. Design of sample
  - ii. Its uses and advantages in research.
  - iii. Random sampling, simple random, stratified random, systematic random.
  - iv. Non-random sampling, haphazard, availability and purposive etc.
- c) Scaling Techniques – Types, utility, modus operandi (a) Elementary Statistics, design & stages in statistical investigation and interpretation and Preparing Diagrams & graphs.
- d) Content analysis.

### **VI) Data Processing:**

- a) Data Collection, Data processing and analysis and interpretation of data.
- b) Socio-metrics and Jurimetrics.
- c) Inductions and deductions.

### **VII) Computerized research:**

- a) A study of legal research programmes such as Lexis and west law coding
- b) Online & offline sources and techniques of e-legal research. 7

### **VIII) Report writing:**

- a) Research report & techniques of writing research work.
- b) Citation rules and modes of legal writing.

## **Suggested reading**

1. High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education: Active Learning in Your Law School, (1998) Blackstone Press Limited, London.
2. S.K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company.
4. M.O. Price, H. Bitner and Bysiewicz, Effective legal Research (1978)
5. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company, London.
6. H.M. Hyman, Interviewing in Social Research (1965)
7. Erwin C. Surrency, B.Fielf and J. Crea, A Guide to Legal Research (1959)
8. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.
9. Wilkinson – Bhandarkar – Research Methodology.
10. Young, Pauline V. – Scientific Social Survey and Research.
11. Berelson B : Content Analysis in Communication Research.
12. Jain S. N. : Legal Research and Methodology.
13. Earl Babi – Research Methodology.
14. Good & Halt : Research Methodology (*And relevant Websites*)



**LL.M. Fourth Semester Paper II Human Rights and the Refugees**

1. Introduction : Determination of Refugee Status under the Refugee Convention of 1951 and Protocol of 1967.
2. Human Rights of the Refugees
3. Solution to Refugee Problem:
  - a) Resettlement in Third Country
  - b) Local Integration
  - c) Voluntary or Forced Repatriation
  - d) Comprehensive Responses
4. Contemporary Developments in Refugee Law
  - a) International Burden Sharing
  - b) International Safe Countries Burden
  - c) Temporary Protection
  - d) Environmental refugees
  - e) Safety Zones
5. Internally Displaced Persons: UN Guiding principles on Internal Displacement 1998.
6. Refugee Law and Policy in India



**LL.M. Fourth Semester Paper III Human Rights in India/Dissertation**

1. Nature and Concept of Human Rights:
  - (a) Historical Perspective of Human Rights
  - (b) Important Declarations on Human Rights-Magna Carta-British Bill of Rights-French Declaration of Rights of Man and Citizen-American Bill of Rights-Indian Bill of Rights
  - (c) Impact of Human Rights on International Law
  - (d) Sources of Human Rights-International Law and Indian Perspective
  
2. Concept and Theories of Human Rights
  - (a) Meaning-nature and Scope
  - (b) Classification of Rights
  - (c) Theories of Rights and Duties-Natural Rights Theory-Liberal Theory-Marxist Theory- Sociological and Cultural Theories
  - (d) Classification of Rights under the Indian Constitution
  
3. History and Development of Human Right in Indian Constitution. Constitutional Philosophy. Preamble, Fundamental Rights – General.
4. Right to equality; Gender Justice and Empowerment of Women; Special provisions for Weaker Sections of society Reservation Policy under the Constitution.
5. Freedom of Speech and Expression. Freedom of Press. Limitations, Right to Information.
6. Right to Life and Personal Liberty. New Dimension.
7. Judicial approach.Right to Freedom of Religion. Secularism. Protection to Minorities under the Constitution.
8. Implementation and Enforcement Mechanism of Human Rights in India. In India. Remedies provided by the Judiciary and National Human Rights Commission.
  
9. Fundamental Duties. Article 51 – A of the Constitution concept and need of Fundamental Duties. Enforcement and Effectuation of Fundamental Duties.
10. Emerging regime of new human rights in India. Taking Guidance from Directive Principles of State Policy and Fundamental Duties. New Approach.

### **Suggested Readings :**

- V.T. Patil and T.S.N.Sastry: Studies in Human Rights, 2000
- T.S.N.Sastry: Human Rights in India, 2006
- O.P. Agrawal: Introduction to Human Rights 2007
- Sinha S.P.: Conflict and Tension in Tribal Society,1993
- Kouwsha Rachana: Women and Human Rights in India, 2000
- Blue Book Series of Oxford on Human Rights 2009
- Indian Journal of International Law
- American Journal of International Law
- Human Rights Quarterly
- F. Kazmi, Human Rights (1987)
- L.Levin, Human Rights (1982)
- W.P. Gromley, Human Rights and Environment (1976)
- H. Beddard, Human Rights and Europe (1980)
- Nagendra Singh, Human Rights and International Co. operation (1969)
- S.C. Khare, Human Rights and United Nations (1977)
- Moskowitz, Human Rights and World Order (1958)
- J.A. Andrews, Human Rights in international Law (1985)
- I. Menon (ed), Human Rights in international Law (1985)
- A.B. Robertson (ed), Human Rights in National and international law (1970)
- Constituent Assembly Debates vol. 1 to 12 (1989)
- H M Seervai, constitution of India vol. 1-3, Tripathi, Bombay
- G. Austin, Indian constitution: cornerstone of a Nation (1972)
- M. Galanter, competing equalities – law and the backward classes in India (1984), Oxford.
- D.D. Basu, Shorted constitution of India, Prentice Hall of India, Delhi.
- M.P. Singh (ed.) V.N. Shukla, constitutional Law India (2000), Oxford.
- Basu D.D. Commentaries on Inian Constitution
- Jain M.P. Indian Constitution
- Sen D.K. Comparative Study of Indian Constitution
- Setalvad The Indian Constitution
- Subramaniam Case Law on Indian Constitution
- Basu D.D. Case Law on Indian Constitution
- Suba Rao The framing of India Constitution
- Wheare K.C. Modern Constitution

### **LL.M. Fourth Semester Paper IV Viva-Voce**



