

Nehru Gram Bharati

(Deemed to be University),

MASTER OF LAWS

(LL.M.)

(Revised Syllabus for the Academic Year 2019-20)



Nehru Gram Bharati

(Deemed to be University),

Prayagraj, U.P. India, 221505

(2 year LL.M. Course effective for Session 2019 – 2020.)

Distribution of Courses:
Optional / Specialization :
Group A – Corporate Law
Group B – Constitutional and
Administrative Law
SEMESTER-I

COURSE CODE	COURSE TITLE	CREDIT	MARKS
101	Jurisprudence	4	100
102	Indian Constitutional Law : The New Challenges	4	100
103E(Gr.A)	Principles of Corporate Law	4	100
104E(Gr.A)	Banking Law	4	100
103E(Gr.B)	Constitutional Principles and Structure	4	100
104E(Gr.B)	General Principles of Administrative Law	4	100
	Total		400

SEMESTER-II

COURSE CODE	COURSE TITLE	CREDITS	MARKS
201	Law and Social Transformation in India	4	100
202	Research Methodology	4	100
203E(Gr-A)	Consumer Law	4	100
204E(Gr-A)	Competition Law	4	100
203E(Gr-B)	Judicial Review of Administrative Action	4	100
204E(Gr-B)	Legislative and Quasi Judicial Powers of Administration	4	100
	Total		400

SEMESTER III

COURSE CODE	COURSE TITLE	CREDITS	MARKS		
					TOTAL
301	Judicial Process	4			100
302	Interpretation Of Statute And Judicial Process	4			100
303E(GR-A)	Insurance Law	4			100
304E(GR-A)	Corporate Governance	4			100
303E(GR-B)	Electoral Process And Law	4			100
304E(GR-B)	Environmental Governance	4			100
	TOTAL				400

SEMESTER IV

COURSE CODE	COURSE TITLE	CREDIT	TOTAL
401	Legal Pedagogy And Research	4	100
402	Legal Research Methodology And Writing	4	100
403	Dissertation.	4	100
404	Presentation & Viva-Voce	4	100

SEMESTER I
COURSE CODE : 101
COURSE TITLE : JURISPRUDENCE
CREDIT : 4, MARKS : 100

UNIT I : Nature of Jurisprudence Meaning of Jurisprudence, Relevance of Jurisprudence Concept of 'Legal Theory' and 'Jurisprudence'. Concept and Philosophy of Law: The Definition of Law The Evolution of Law : Primitive Law, Middle Law, Classical Law, Post-Classical Law.

UNIT II : Natural Law and its Re-emergence Philosophical Idealism of Ancient Era : Meaning and Origin-Greeks and Romans Philosophy Medieval Era : Renaissance, And Reformation, Grotius and International Law, Philosophy of Social Contract. Natural Law in Nineteenth and Twentieth Centuries Modern Value Philosophies and Revival of Natural Law Theories Indian Perspective of Natural Law School.

UNIT III : Analytical Positivism: Bentham's English Positivism: Utilitarian Approach of Law, Pleasure and Pain Principle in Legislation, Bentham on Codification and Law Reforms. Austin's Theory of Law The Pure Theory of Law Modern Trends in Analytical Jurisprudence: Hart's Concept of Law Indian Perspective of Analytical School

UNIT IV : Historical School of Thought: The Romantic Reaction: Herder and Hegel Savigny and Historical School in Germany Law and Anthropology Historical School in England, United States and India. Sociological Jurisprudence and Sociology of Law: Comte and Sociology, Laissez Faire and Herbert Spencer, Jhering, Max Weber, Emile Durkheim, Eugen Ehrlich, Roscoe Pound. Sociological Jurisprudence since Pound and Towards Sociology of Law Indian Constitution and Sociological Jurisprudence American and Scandinavian Jurisprudence Concept of Morality and its Relationship with Law: Hart Fuller Controvers.

Suggested readings :

1. Lloyd's Introduction to Jurisprudence
2. R.W.N. Dass : Jurisprudence 5th ed. Aditya Books Private Ltd. New Delhi, 1994
3. G.W. Paton : A Text Book of Jurisprudence
4. Karl N Liewellyn : Jurisprudence Realism in Theory and Practice
5. W. Friedman : Legal Theory 5th ed. London Stevens & Sons 1967

SEMESTER I
COURSE CODE : 102
COURSE TITLE : INDIAN CONSTITUTIONAL LAW : THE
NEW CHALLENGES
CREDIT : 4, MARKS : 100

UNIT-I: Federalism

Creation of new states, The inter-state disputes on resources, Center's responsibility and internal disturbance within States, Federal comity: Relationship of trust and faith between Centre and State, Special status of certain States, Areas, Scheduled Areas:

UNIT-II: State : Right to equality

Definition of state, Need for Widening the definition in the wake of Liberalization, privatization and its impact on affirmative Action Relating to quality.

UNIT III : Emerging regime of new rights and remedies

Reading Directive Principles and Fundamental Duties into Fundamental Rights, Compensation jurisprudence, Right to education, Commercialization of Education and its impact, Brain drain by foreign education market, Right of minorities to establish and administer educational institutions and state control.

UNIT IV : Separation of Powers: stresses and strain

Judicial activism and judicial restraint, PIL ,Judicial Independence, Appointment, transfer and removal of judges, accountability : executive and judiciary, Tribunals.

Democratic Process:

Nexus of politics with criminals and the business, Election process, Election commission: Status, Electoral reforms, Coalition government, 'stability, durability, corrupt practice, Grass root democracy,

Suggested Readings :

No specific bibliography is suggested for this course since the materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as all standing Constitutional law Text books, case law, changes and amendments of laws, critical comments, studies and reports, articles and research papers and lastly contemporary emerging ethos impacting on constitutional values.

SEMESTER I
COURSE CODE : 6E (Gr - A)
COURSE TITLE : PRINCIPLES OF CORPORATE LAW
CREDIT : 4, MARKS : 100

UNIT I : Introduction Origin and Development of Corporate Law Essential ingredients in establishment of Corporation Shares and share capital Concept of shares, share capital Kinds of share Debentures, Issue , Allotment , transfer and forfeiture of shares

UNIT II : Legal Aspects governing corporate management Meetings, Majority Rule and minority protection Prevention of oppression, mismanagement Role of central government, Company Registrar, Company Law Board/ Tribunal,

UNIT III : Amalgamation, Reconstruction, Mergers, take-over of Companies Meaning of the terms Statutory provisions Powers of court/ tribunal Reconstruction/ amalgamation by sale of shares/sale of undertakings Procedures of Winding up a Company

UNIT IV : Corporate Governance Concept, Significance, Dimensions, Legal framework Impact of globalization

Corporate Social Responsibility Evolution of the concept, Dimensions of CSR Legislations and CSR

Suggested Readings :

1. J.M. Thomson-Palmer's Company Law
2. Gower-Principles of Modern Company Law
3. Ramaiya -Guide to Companies Act
4. Indian Law Institute-Current problems of Corporate Law
5. Datta -Company Directors

SEMESTER I
COURSE CODE : 104E (Gr - A)
COURSE TITLE : BANKING LAW
CREDIT : 4, MARKS : 100

UNIT I : Introduction

- a. Nature and development of banking.
- b. History of banking in India and elsewhere –indigenous banking –evolution of banking in India –different kinds of banks and their functions.
- c. Multi-functional banks –growth and legal issues.

Law Relating to Banking Companies in India. Controls by government and its agencies.

- a. On management.
- b. On accounts and audit.
- c. Lending.
- d. Credit policy.
- e. Reconstruction and reorganization.
- f. Suspension and winding up. Contract between banker and customer : their rights and duties.

UNIT II : Social Control over Banking

- a. Nationalization.
- b. Evaluation : private ownership, nationalization and disinvestment.
- c. Protection of depositors.
- d. Priority lending.
- e. Promotion of underprivileged classes.

Deposit Insurance

- a. The Deposit Insurance Corporation Act 1961 : objects and reasons.
- b. Establishment of Capital of DIC.
- c. Registration of banking companies insured banks, liability of DIC to depositors.
- d. Relations between insured banks, DIC and Reserve Bank of India.

UNIT III : The Central Bank

- a. Evolution of Central Bank.
 - b. Characteristics and functions.
 - c. Economic and social objectives.
 - d. The Central Bank and the State –as bankers" bank.
 - e. The Reserve Bank of India : Organisational Structure, Functions Relationship of Banker and Customer
- a. Legal character.
 - b. Contract between banker and customer.
 - c. Bankers" s lien.
 - d. Protection of bankers. e. Customers.

UNIT IV : Negotiable Instruments

- a. Meaning and kinds.

- b. Transfer and negotiations.
- c. Holder and holder in due course.
- d. Presentment and payment.
- e. Liabilities of parties.

Lending by Banks

- a. Good lending principles - Lending to poor masses.
- b. Securities for advances - Kinds and their merits and demerits.
- c. Repayment of loans : rate of interest, protection against penalty.
- d. Default and recovery - Debt recovery tribunal.

Recent trends of Banking System in India

- a. New technology
- b. Information technology
- c. Automation and legal aspects
- d. Automatic teller machine and use of internet
- e. Use of expert system
- f. Smart Card g. Credit cards

Suggested Readings :

1. M.L. Tannan, Tannan"s Banking Law and Practice in India., India Law House, New Delhi, Latest Edition.
2. L.C. Goyal , The Law of Banking and Bankers, Latest Edition, Eastern

SEMESTER I
COURSE CODE : 103E (Gr - B)

COURSE TITLE: CONSTITUTIONAL PRINCIPLES AND STRUCTURE

CREDIT : 4, MARKS : 100

UNIT I : Sovereignty–Austin–Laski’s Pluralism–criticisms–Parliamentary Sovereignty in Britain–Sovereignty in India–Impact of Globalization on Sovereignty.

UNIT II : Constitution–Meaning–Necessity–Requirements of an Ideal Constitution–Framing of Indian Constitution–Features of Indian Constitution–Fundamentals of Constitution– Constraints.

UNIT III: Constitution–Form–Type of Government–Federalism–Features of Indian Federalism– Globalization and Indian Federalism– Constitution and response to social change.

UNIT IV: Constitutionalism: Meaning, Significance and Ingredients– Rule of Law–Challenges–Separation of Powers–Due Process–Eminent Domain–Taxing power–Judicial Review.

Executive, Legislature and Judiciary–Interrelationship between the three organs of Government–Executive, Legislative and Judicial accountability.

Suggested Readings :

1. Granville Austin, The Constitution of India: Cornerstone of a Nation (1966)
2. Dicey, Law of the Constitution (9th ed.,)
3. K.C.Wheare, Federal Government
4. C.F.Strong, Political Constitutions (1966)
5. M.P.Singh, Comparative Constitutional Law (1989) 6. M.P.Singh & Rekha Saxena, Indian Judiciary and Politics: The Changing Landscape(2007)
7. H.M.Seervai , Constitutional Law of India
8. B.N.Kirpal et.al, Supreme But Not Infallible (2000)
9. Jennings, Some Characteristics of the Indian Constitution
10. S.P.Sathe, Judicial Activism in India (2003)
11. Hood and Phillips, Constitutional Law

SEMESTER I
COURSE CODE : 104E (Gr - B)

COURSE TITLE : GENERAL PRINCIPLES OF ADMINISTRATIVE LAW

CREDIT : 4, MARKS : 100

UNIT I : Scope and Development of Administrative Law Administrative Law Definition, Nature, Scope and Functions Growth of Administrative Law in India Basic Constitutional Principles: Indian Perspectives Rule of Law Separation of Powers Natural Justice

UNIT II : Administrative Functions and Discretion Classification of Administrative Functions Administrative Discretion Principles of Natural Justice Rule against Bias Fair Hearing

UNIT III : Growth and Development of Delegated Legislation Delegated Legislation Importance, Need and Constitutionality of Delegated Legislation Conditional Legislation Controls on Delegated Legislation Parliamentary Control Judicial Control

UNIT IV : Transparency and Accountability Lokpal and Lokayukt Right to Information Vigilance Commission Comptroller and Auditor -General of India Commissions of Inquiry.

Judicial Review of Administrative action Scope and limitation of Administrative action Judicial control over Administrative action-remedies for Administrative wrongs, Writs Limits of Judicial review- Locus standi and PIL- Laches-Resjudicata Doctrine of exhaustion of alternative remedies Statutory Remedies – General and Specific statutory remedies for administrative action. Scope and significance of Administrative Tribunals

Suggested Readings :

1. M. P. Jain & S. N. Jain - Principles of Administrative Law, 6th Edition 2001, Publication-Lexis Nexis Butterworth's Wadawa Nagpur .
2. P. Massey - Administrative Law, 7th Edition 2008. Publication-Eastern Book Company, Lucknow.
3. H.W.R. Wade and C.F. Forsyth -Administrative Law, 10th Edition 2009, Publication-Oxford University Press, New york.
4. Garner's – Administrative Law, 8th Edition 1996, Oxford University Press
5. De Smith - Judicial Review of Administrative Action, 6th Revised Edition 2006, Sweet and Maxwell Publication.

SEMESTER II
COURSE CODE : 201
COURSE TITLE : LAW AND SOCIAL
TRANSFORMATION IN INDIA
CREDIT : 4, MARKS : 100

UNIT I : Law and Social Change Law as an instrument of social change, Law as the product of traditions and Culture, Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

UNIT II : Community, Religion 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, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

UNIT III : Women, Children and the law Crimes against women, Gender injustice and its various forms Women's commission, Empowerment of women: Constitutional and other legal provisions, child labour, Adoption and related problems, Children and education.

UNIT IV : Modernization and the law Modernization as a value: Constitutional perspectives reflected in the fundamental duties, Democratic decentralization and local self government, Modernization of social institutions through law Alternative approaches to law The jurisprudence of Sarvodaya – Gandhiji, Vinoba Bhave ; Jayaprakash Narayan, Grama nyayalayas

Suggested Readings :

1. H.M.Seervai , Constitutional Law of India (1996), Tripathi
2. D.D.Basu, Shorter Constitution of India (1996), Prentice-Hall of India (P) Ltd.,New Delhi
3. Sunil Deshta and Kiran Deshta, Law and Menace of child Labour (2000) Armol Publications, Delhi.
4. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
5. Indian Law Institute, Law and Social Change: Indo-American Reflections,Tripathi (1988)

SEMESTER II
COURSE CODE : 202
COURSE TITLE : RESEARCH METHODOLOGY
CREDIT : 4, MARKS : 100

UNIT I : Introduction Significance of Research Meaning and concept of research Scientific Methods & Legal Research. The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e. characteristics of scientific methodology) Socio-legal research and legal research models. Doctrinal and non-doctrinal research. What is research problem? Formulation of research problem.

UNIT II : Research Design and its components Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources. Major steps of preparation of research design. Research tools Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)

UNIT III : Research Techniques Use of case studies and surveys.

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.

Scaling Techniques –Types, utility, modus operandi - Elementary Statistics, design & stages in statistical investigation and interpretation and Preparing Diagrams & graphs. Content analysis.

UNIT IV : Data Processing Data Collection, Data processing and analysis and Computerized research A study of legal research programmes such as Lexis and west law coding Online & offline sources and techniques of e-legal research. Report writing Research report & techniques of writing research work. Citation rules and modes of legal writing.

Suggested readings :

1. Wilkinson – Bhandarkar –Research Methodology.
2. Young, Pauline V. –Scientific Social Survey and Research.
3. Berelson B : Content Analysis in Communication Research.
4. Jain S. N. : Legal Research and Methodology.
5. Earl Babi – Research Methodology.
6. Good & Halt : Research Methodology (And relevant Websites)

SEMESTER II
COURSE CODE : 203E (Gr-A)
COURSE TITLE : CONSUMER LAW
CREDIT : 4, MARKS : 100

UNIT I : Introduction Historical perspective of consumer protection in India
United Nations & consumer Protection Laws dealing with consumer
complaints Caveat Emptor

UNIT II : Consumer Protection Act Aims & Objects of the Act Consumers
Consumer Dispute Defect in Goods and Services Unfair Trade
Practices.

UNIT III : Deficiency in Services Meaning & Instances Negligence Deficiency in
service in various professions: Insurance services, Banking and
Financial services, Housing etc.

UNIT IV : Procedural Provisions District Forum National Commission State
Commission.
Consumer Protection Act & conflict with other enactments Consumer
Protection Councils

Suggested readings:

1. Saraf, D.N., Law of Consumer Protection in India.
2. Avtar Singh, The Law of Consumer Protection: Principles and Practice.
3. J.N.Barowalia, Commentary on Consumer Protection Act 1986.
4. P.K.Majundar, The Law of Consumer Protection In India

SEMESTER II
COURSE CODE : 204E (Gr - A)
COURSE TITLE : COMPETITION LAW
CREDIT : 4, MARKS : 100

UNIT I : MRTP Act metamorphoses into the Competition Act Introduction to Competition and concept of Perfect competition Theories on IP and Competition and the Concept of Open-Market System. Competition Policy & Regulation of Competition MRTP Act: Formation & Features Anti-Competitive Practices and its Regulation under MRTP Act

UNIT II : Competition Act, 2002 Drawbacks under the MRTP Regime and Need for Competition Act Regulatory Authorities under the Competition Act Competition Law & Policy: Conceptual Study of Relevant Supreme Court Decisions Regulation of Unfair Competition Competition Policy and Consumer Protection

UNIT III : Competition Policy and IPR Intellectual Property Rights: Introduction to various IP Assets Patent Policy and its Regulation under the Indian Laws. Abuse of IPR and Regulation of Combinations Conflict of Competition Policy and Patent Policy TRIPS and its impact on Competition and Patent-Monopoly

UNIT IV : Competition Policy under the EU and USA Regulation of Unfair Competition in UK Anti-trust Policy and Unfair Competition in USA Doctrine of Exhaustion: under the legal regime of EU, USA and India Competition Policy: Conceptual Study on the Decisions under US Anti-Trust Laws and the U.K

WTO and its impact on Competition Laws with reference to UNCTAD International Dimensions of Competition Law Globalization and competition law Competition rules of WTO International enforcement and Judicial assistance Emerging principles of international competition law.

Suggested Readings :

1. Avtar Singh; Competition Law; Eastern Law House, 2012-
2. Competition Law in India ; Srinivasan Parthsarthy ; Wolter Kluwer, 2012
3. Gurbax Singh, Law of Consumer Protection.
4. Indian Competition Law: An International Perspective; Suzanne Rab ; CCH -A Wolters Kluwer Business, 2012
5. Taxmann's Guide to Competition Act.

SEMESTER II
COURSE CODE : 203E (Gr - B)
COURSE TITLE : JUDICIAL REVIEW OF ADMINISTRATIVE ACTION
CREDIT : 4, MARKS : 100

UNIT I : General principles of judicial review - courts as the final authority to determine the legality of administrative action - problems and perspectives.

UNIT II : Grounds of judicial review - scope of judicial review - jurisdictional error - error of law- violation of the principles of natural justice - violation of public policy.

UNIT III : Methods of judicial review - public and private law remedies - exhaustion of alternative remedies - res judicata.

UNIT IV : Concept of locus standi - public interest - judicial activism - latest trends in PIL litigation - merit and demerits of PIL.

Judicial Review by the Supreme Court and High Courts under Articles 226, 227, 32 and 136.

Suggested Readings :

1. M. P. Jain & S. N. Jain -Principles of Administrative Law, 6th Edition 2001, Publication - Lexis Nexis Butterworth's Wadawa Nagpur .
2. P. Massey - Administrative Law, 7th Edition 2008. Publication - Eastern Book Company, Lucknow.
3. H.W.R. Wade and C.F. Forsyth - Administrative Law, 10th Edition 2009, Publication-Oxford University Press, New York.
4. Dr. CD Jha's Judicial Review of Legislative Acts Second Edition, 2009
5. Garner's -Administrative Law, 8th Edition 1996, Oxford University Press

SEMESTER II
COURSE CODE : 204E (Gr - B)
COURSE TITLE : LEGISLATIVE AND QUASI JUDICIAL POWERS
OF ADMINISTRATION
CREDIT : 4, MARKS : 100

UNIT I : Delegated Legislation - general principles Reasons for growth of Delegated Legislation USA and India - different forms of delegation Control and Safeguards of Delegated Legislation.

UNIT II : Quasi-Judicial functions of administration Distinguish between judicial and quasi-judicial functions Reasons for the growth of administrative adjudication

UNIT III : Modes of administrative adjudication Administrative Tribunals - Functioning of the Administrative Tribunals Distinguish between Administrative Tribunals and Courts Article 277 - Power of High Courts to supervise Tribunals Special Leave to appeal- Article 136

UNIT IV : Principles of Natural Justice - Rule against Bias Ingredients of fair hearing Rules of procedure and evidence.

Expanding horizons of natural justice Fairness in Administrative Action Reasoned Decisions Legitimate Expectations

Suggested Readings :

1. Ivor Jennings, Law and the Constitution
2. M.P. Jain, Constitutional Law of India
3. S. A. de Smith, Constitutional and Administrative Law
4. H. M. Seervai, Constitutional Law of India
5. D.D. Basu, Commentaries on the Constitution of India
6. V.N. Sukla's Constitution Law of India
7. Radhakumud Mookerji, Local Government in Ancient India (1985), Daya Publishing Delhi.
8. K.C.Davis-Administrative Law



SEMESTER III
COURSE CODE : 301
COURSE TITLE : JUDICIAL PROCESS
CREDIT : 4, MARKS : 100

UNIT I : Nature of Judicial process and its role in constitutional adjudication
Judicial process as an instrument of social ordering
Judicial process and creativity in law—common law model—legal reasoning and the growth of law—change and stability
The tools and techniques of judicial review and judicial creativity
Analysis of the doctrine of Stare Decisis in India

UNIT II : Special Dimensions of Judicial Process in Constitutional adjudication.
Notions of Judicial Review
Is Judicial Review the same as Judicial Activism?
Judicial Activism and Judicial Self Restraint
Problem of Accountability in judicial law-making

UNIT III : Judicial Process in India
The Indian Debate on the role of the Judges and on the notion of Judicial review
The “Independence” of Judiciary and ‘Political’ nature of Judicial Process
Judicial Activism and Creativity of the Indian Supreme Court ; the new dimension
Institutional liability of Courts and Judicial activism—Scope and Limits

UNIT IV : Judicial Process and Constitutional Amendments
Evolution of the Concept of Basic Structure
Philosophy of the doctrine of Basic Structure
The Recent Developments: The “essence of rights” test and “rights test” to determine Basic structure
Basic Structure and Constitutionalism

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.

Suggested Readings :

1. Cordozo ‘The Nature of Judicial Process (1995). Universal Law Publishing Co., New Delhi
2. Julius Stone. The Province and Function of Law Ch.1, PP 8-16, (2000) Universal Law Publishing Co., New Delhi
3. J.Stone , Precedent and the Law: Dynamics of Common Law Growth(1985).

SEMESTER III
COURSE CODE : 302
COURSE TITLE : Interpretation of Statute and judicial process
CREDIT :4 , MARKS : 100

Unit– I

Interpretation, meaning, Purpose, Main Rules of Interpretation,
Subsidiary rules of interpretation.
External and internal rules of interpretation.
Interpretation of the Constitution and Penal Statutes.

Unit – II

Delegatus non protest deliegare.
Expression unious exclusio alterius.
Genrelia specialibus non derogant.
In Pari delecto potior est condition possidentis
Utres valet potior quam paeat,
Expressum facite cessare tacitum.
In Bonam Partem.

Unit – III

The concept of justice and relation between law and justice.
The concept of dharma, in Indian thought, ‘Dharma as a foundation of legal ordering.’
Various theories of justice in western thought.
Judicial process in India,
Indian debates on role of Judges and the on the Notion of the Judicial review.
Dangerous signals and new challenges before Indian judiciary.

Unit – IV

Independency of judiciary and the nature of judicial process.
Judicial process under the Indian Constitution.
Confrontation with the legislature and excutive.
Appointment and transfer of the Judges and its effect on independency of judiciary.
Judicial Activism and Constitutional obligation of the Courts.
Defense of judicial activism & evolution.
Constitution of India and Judicial Activism,
Role played by the Supreme Court of India.
Need for care and caution with judicial accountability.

Books:

Law and public opinion	Dicey, A.V.
Theories of Legislation:	Bentham
Nature of Judicial Process:	Cardozo
Judicial Process:	Henry J. Abraham
Interpretation :	Maxwell
Statute of Law:	Craise, W.F.
Interpretation:	J. Swaroop
Principles of Statutory Interpretation:	G.P. Singh
The interpretation of Statutes:	Maxwell
Interpretation of Statutes:	V. Sarathi.

COURSE CODE : 303E (Gr - A)
COURSE TITLE : INSURANCE LAW CREDIT :4
MARKS : 100

UNIT I : Introduction Origin and Development of the Concept of Insurance
Theoretical Perspectives of Insurance Types of Insurance—Parties to Insurance
Rights and liabilities of Insurer and Insured Insurance policy-law of contract and
law of torts Need and importance of insurance

UNIT II : General Principles of Law of Insurance Contract of insurance-
definition, nature of contract The Insurable interest Premium The risk-
commencement, attachment, duration Assignment and alteration Warranties and
disclosures Insurance intermediaries

UNIT III : Life Insurance Nature and scope Event insured against in Life
Insurance Circumstances affecting the risk Amount recoverable under life policy
Persons entitled to payment Settlement of claim and payment of money

UNIT IV : Marine Insurance Nature and scope Classification of marine policies
Insurable interest, insurable value Voyage-deviation Perils at sea Warranties in
marine insurance Loss. Insurance against Third Party Risk Motor Vehicle Act
1988 Nature and scope Effect of insolvency or death on claims Claims Tribunal
constitution, functions, application for compensation, procedure, powers and
award

Suggested Readings :

1. M. N. Sreenivasan - Law and the Life Insurance Contract
2. JCB Gilmar and Mustill, Arnold - Law of Marine Insurance
3. Birds-Modern Insurance Law
4. Colinvaux's Law of Insurance
5. KSN Murthy and Dr. KVS Sarma - Modern Law of Insurance
6. Avtar Singh - Law of Insurance
7. Mitra B.C.- Law relating to Marine Insurance

SEMESTER III
COURSE CODE : 304E (Gr - A) COURSE
TITLE : CORPORATE GOVERNANCE
CREDIT : 4, MARKS : 100

UNIT I : Introduction to Corporate Governance Corporate governance = meaning and structure Corporate governance v Public Governance History of corporate governance Concept of corporate governance and stakeholders Principles of corporate Governance –OECD principles

UNIT II : Corporate Governance mechanism Issues related to corporate governance Decision system Corporate capital and property rights Ownership, Capital, and Creditor structure Performance and remuneration system

UNIT III : Board of Directors Directors under Companies Act SEBI regulation Corporate Fraud and crimes Succession and Risk management Whistle blower Clause 49 of Listing Agreement International Corporate Governance

UNIT IV : Corporate Social Responsibility CSR and investment climate Corruption Code of Ethics Human Rights Wages Environment

Suggested Readings :

1. Sami Pathasarathy, Corporate Governance, Principles, Mechanisms and Practice
2. Dimple Grover, Amulya Khurana, Ravi Shankar, The Regulatory Norms of Corporate Governance in India.
3. Sadhalaxmi Vivek Rao, Legal Framework and corporate Governance: An Analysis of Indian Governance System
4. Ministry of Corporate Affairs, Voluntary Guidelines on Corporate Governance, 2009
5. Sanjay Anand, Essentials of Corporate Governance
6. Kevin Keasey, Steve Thompson, Michael Wright, Corporate Governance, Accountability, Enterprise and International Comparisons
7. The Institute of Directors, Handbook of International Corporate Governance
8. Christine Mallin, International Corporate Governance-A case Study approach
9. Frederick Lipman & Keith Lipman, Corporate Governance Best Practices, Strategies for Public, Private and NGO

SEMESTER III
COURSE CODE : 303E (Gr – B)
COURSE TITLE : ELECTORAL PROCESS AND LAW
CREDIT : 4, MARKS : 100

UNIT I : Role of Elections in democratic process Different systems of representation of people Electoral system under the Constitution

UNIT II : Powers and functions of Election Commission Role of political parties in Indian electoral system Anti-Defection law

UNIT III: Measures to reduce the influence of money power
Reservation of seats to minorities, backward classes and women

UNIT IV : Prevention of the communalization and criminalization. Role of law in preventing bribery and undue influence. Prevention of misuse of Governmental powers.

Suggested Readings :

1. L.P Singh: Electoral Reforms
2. Chawla : Electoral Law and Practice
3. Robert Blackburn : Electoral System in Britain
4. Subhash Kashyap : Anti-Defection Law and Parliamentary Privileges
5. Veerender Grover : Electors, Electoral mechanism and Behavior in India
6. K.C Sunny: Corrupt Practices in Elections

COURSE CODE : 304E (Gr - B)
COURSE TITLE : ENVIRONMENTAL GOVERNANCE
CREDIT :4 , MARKS : 100

UNIT I : Basic Feature of International Environmental Law – Evolution, Development and Current position including important Summits and Conventions to curb environmental pollution, climate change

UNIT II : Environmental Liability and Right to development

UNIT III : The Human Right to Water - Managing Surface Water Resources - Principle of Riparian's - Groundwater Management - Kerala Ground Water (Control and Regulation), Act, 2002.

UNIT IV : Sustainable Development and Governance, Indian Constitutional Mechanism, Statutory Mandates and protection of Environment- Role of Green Tribunal

Suggested Readings :

1. Macrory (2010) *Regulation, Enforcement and Governance in Environmental Law* (Hart Publishing Paperback)
2. Holder and Lee, *Environmental Protection, Law and Policy* (Cambridge University Press, 2007)
3. *Ball and Bell on Environmental Law* (OUP 7th ed.)
4. Birnie Patricia , Boyle Alan and Redgwell Catherine , *International Law and the Environment* , 3rd edition , Oxford University Press.
5. Stranks Jeremy, *The A-z of the Environment*, Viva Books Publication
6. Elliott David , *Nuclear or not ? Does Nuclear Power have a place in a Sustainable Energy Future?* Publisher , -Palgrave macmillan.
7. Ramaswamy R Iyer, *Water and the Laws in India* (Centre for Policy Research, New Delhi, Sage Publications 2009).
8. Chhatrapati Singh, *Water Law in India* (Indian Law Institute)
9. Alice Jacob, *Law Relating to Irrigation in India* (Indian Law Institute).
14. Shyam Diwan, Armin Rosencranz, *Environmental Law and Policy in India*, Oxford.

SEMESTER IV
COURSE CODE : 401
COURSE TITLE : LEGAL PEDAGOGY AND RESEARCH
CREDIT : 4, MARKS :100

UNIT-I Methods of Teaching, Evaluation and Supervision

Legal Education in India: Trends

Role of a Law Teacher

Teaching Methods in Law :Lecture Method, Case Method, Problem Method, Discussion Method, Simulation and Role Play, Collaborative Teaching ,Seminar Method, Other methods

UNIT-II: Learning Objectives and Curriculum Planning: Curriculum Planning, Developing Teaching Plans

Teaching Professional Values and Skills :Identifying Professional Values and Skills, Employing Clinical Methods in Law Teaching ,Practical Training Courses and Skills Training, Client Counseling, Negotiation and Mediation.

UNIT-III: Evaluation of Student's Performance: Examination System, Problems in Evaluation, Methods of Evaluation – Continuous Evaluation and End – term Exams and Assessment.

Supervision: Research Supervision and Inculcation of Good Practices ,Extension Services – Legal Aid and Legal Awareness, Internships, Placements.

UNIT-IV: Legal Profession and Social Justice: Legal Profession and Ethics – Bar, Bench and Academia, Relationship between Legal Education and Legal profession, Legal Profession in India: Issues, Challenges and Recent trends ,Social Justice, Necessity, Origin and Relevance, Constitutional Philosophy of Social Justice, Obstacles and Impediments in Realization of Social Justice ,Contribution of Legal Profession in Enlivening Social Justice, Access to justice and Legal Aid – Role of Law School Legal-Aid Clinics, Pro bono Lawyering. Legal Services Authorities, Continuing Legal Education. Ideas of Justice ,Libertarianism, Utilitarianism, Egalitarianism and Distributive Justice ,Capabilities Approach to Justice, Relationship between Law and Justice ,Justice Education, Legal Education in India: Focus and Emphasis, Need for a Shift from Legal Education to Justice Education, Clinical Legal Education ,Rationale in Introducing the Clinical Curricula, Justice Oriented Approach in Clinical Methods, Issues in Implementing the Clinical Curricula

Suggested Readings

BOOKS

1. David J. McQuoid-Mason (Ed.), Legal Aid And Law Clinics In South Africa (School of Law, Howard College, University of Natal, 1985).
2. Louise G. Trubek (Edt.), Educating for Justice Around the World: Legal Education, Legal Practice and the Community, (Ashgate Publishing Company,

SEMESTER IV
COURSE CODE : 402

COURSE TITLE : LEGAL RESEARCH METHODOLOGY AND WRITING

CREDIT : 4, MARKS :100

UNIT-I: Introduction: Legal Research – Evolution, Changing Emphasis and Contemporary Trends in general and specific to India

Different Kinds of Legal Research: Doctrinal, Non-Doctrinal/Empirical/Socio-Legal ,Inter/Multidisciplinary, Historical.

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

Formulating Research Problem: Literature Review, Hypothesis, Research Design

UNIT-III: Sampling Procedures: Probability and Non-Probability Sampling

Methods of Data Collection: Observation, Interview, Questionnaire, Schedules, Case Study

UNIT-IV: Organisation, Interpretation and Analysis of Data

Report Writing: Use of Citations, Foot Notes, Reference, Bibliography, Indexes, Appendixes

Tools of Legal Research: Library, Books, Law Reports, Law Commission Reports, Legislative and Constitutional Assembly Reports, Computer/Internet

Legal Research and Law Reforms: Role of Judges and Jurists, Recommendations of Commissions and Committees etc.

Plagiarism and Copyright Infringement

How to write a Dissertation/ Thesis.

SUGGESTED READINGS

1. Bruce L. Berg, Qualitative Research Methods For The Social Sciences (London: Allyn and Bacon, 2001).
2. C.R. Kothari, Research Methodology: Methods and Techniques (New Delhi: Wiley Eastern Ltd., 1985).
3. Dennis P. Force and Stephen Richer (ed.), Stages of Social Research – Contemporary Perspectives (New Jersey, Prentice Hall Inc., Englewood Cliffs, 1970).

SEMESTER IV
COURSE CODE : 403
COURSE TITLE : Dissertation
CREDIT : 4, MARKS :100

Dissertation (Submission of Research Paper) :

Dissertation of each student should be on topics from the area of specialization chosen, and approved by the Departmental Committee. 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, articles and books relevant to the topic in the form of footnotes and bibliographical references. Typed and bound dissertations shall be of uniform pattern. Font size 12, New Times Roman, single space, margin 1”, A4 paper, minimum 100 pages. 4 copies of the Dissertation shall be submitted to the University prior to submitting the form of Semester IV Examination of LL.M Course.

LL.M students are required to follow the steps given below for preparation of Dissertation :

- i. Title of the study
- ii. Problem of the study
- iii. Objectives of the study
- iv. Hypothesis
- v. Review of Literature
- vi. Operational concepts and variables of the study
- vii. Research Design : a) Nature/ Type of the study b) Method of data collection c) Sources of data collection
- viii. Limitations of the study
- ix. Possible contribution of the study
- x. Chapterisation

LL.M students are required to follow the following structure :

Cover

Cover Page Certificate Acknowledgement List of Case Laws List of Tables

Abbreviations Contents

Chapter I : Introduction (Theoretical Background and Research Methodology)

Chapter II to Chapter V

Chapter VI : Conclusions (Major Findings and Suggestion)

Bibliography :(Books, Journals, News papers, Websites, Research Reports, Magazines etc. Annexures (Interview Schedules, Questionnaires, Master Charts, Acts, Bills, Maps etc.)

Important Note:

(i) Dissertation:

(a) Candidate shall be required to submit the Dissertation at least two weeks before the commencement of Fourth Semester Examination.

(b) The candidate shall be required to secure at least 50% marks in the Dissertation to pass the Examination.

(c) The Examiner shall either –

(i) Award at least 50% marks, or

(ii) Return the Dissertation for revision, or

(iii) Reject the Dissertation.

(d) The candidate whose Dissertation is returned for revision may revise the dissertation and re-submit it within a period of two months. Failure to submit in time shall result in a declaration that the candidate has failed at the relevant LL.M. Examination.

(e) A Dissertation can be revised only once. If the candidate fails to secure pass marks in the revised Dissertation he shall be declared failed in the LL.M. Examination.

(f) The candidate whose Dissertation is rejected, may with the approval of the Faculty of Law write a Dissertation on another topic and submit it within a period of six months. And if he fails to secure pass marks in respect of this Dissertation also, he shall be declared failed at LL.M. Degree Examination.

The students shall submit the title with synopsis for dissertation for approval in the month of January. The proposal shall be approved and notified within a reasonable time after completion of exams. The student shall be entitled to submit the dissertation on 30 April and upto 30th June with the permission of Dean Faculty of Law, as a regular student.

The dissertation must have the PLAGIARISM CHECK CERTIFICATE duly signed by the Librarian of the Faculty of Law and the Supervisor.

(g) If the marks awarded by two examiners vary by 20 marks or more the Dissertation shall be examined by third examiner, whose decision shall be final.

(h) If one of the examiners return the Dissertation for revision or rejects the Dissertation, his decision shall prevail provided that if one of the examiners has rejected the Dissertation and another examiner has returned it for revision, the Dissertation shall be deemed to be rejected.

SEMESTER IV
COURSE CODE : 404 C

COURSE TITLE : Presentation & Viva-Voce (Dissertation)

CREDIT : 4, MARKS :100

Viva Voce Examination:

- (a) The Viva Voce Examination shall be conducted by a Board of Examiners.
- (b) The Board shall consist of two members; at least one of them shall be an external member.
- (c) The Viva-Voce Examination shall be carry 100 marks.
- (d) The candidate shall be required to obtain a minimum of 50 marks to pass the Viva Voce Examination.
- (e) Presentation of dissertation held on power point.