

SYLLABUS

MASTER OF LAWS

LL.M. (CBCS) I Semesters 2020-21

Examination for Due/Back Papers



JAI NARAIN VYAS UNIVERSITY
JODHPUR

IMPORTANT

With a view to bring about greater reliability, validity and objectivity in the examination system and also for closer integration of teaching, learning and evaluation.

- (i) The syllabus has been divided into units. Questions will be set from each unit with provision for internal choice.
- (ii) In order to ensure that students do not leave out important portion of the syllabus, examiners shall be free to repeat the questions set in the previous examinations.

[Ref. Resolution No. 21 (c) of Academic Council dated 9-2-84]

The examinees be permitted to use their personal transistorised pocket battery operated calculators in the examinations. The calculator to be used by the candidates in the examinations should not have more than 12 digits, 6 functions and 2 memories and should be noiseless and cordless. A calculator belonging to one candidate shall not be allowed to be used by another candidate. The Superintendent of the centre will have complete discretion to disallow the use of a calculator which does not conform to the above specification.

[Ref. Res. No. 6/90 of Academic Council dated 20th July, 1990]

In Engineering and any other examinations where the use of calculators is already permitted, it shall remain undisturbed.

NOTIFICATION

In compliance of decision of the Hon'ble High Court all students are required to fulfil 75% attendance rule in each subject and there must be 75% attendance of the student before he/she could be permitted to appear in the examination.

REGISTRAR
(Academic)

**FACULTY OF LAW
LIST OF TEACHING STAFF**

S.No.	Name	Designation	Qualification
1.	Prof. (Miss) Chandan Bala	Professor, Head & Dean	LL.M., Ph.D.
2.	Dr. Sunil Asopa	Professor	LL.M., Ph.D.
3.	Dr. V.K. Bagoria	Assistant Professor	LL.M., Ph.D.
4.	Dr. S.P. Meena	Assistant Professor	LL.M., DCLL, Ph.D.
5.	Dr. Nidhi Sandal	Assistant Professor	LL.M., Ph.D.
6.	Dr. Dalpat Singh	Assistant Professor	LL.M., DCLL, Ph.D.
7.	Dr. P.K. Musha	Assistant Professor	LL.M., Ph.D.
8.	Dr. Kuchata Ram	Assistant Professor	LL.M., Ph.D.
9.	Dr. Vinod Kumar Meena	Assistant Professor	LL.M., Ph.D.

Helpstudentpoint.com

A. LL.M. (Master of Law)

For the purpose of admissions in LL.M. Programme of Faculty of Law, Jai Narain Vyas University will conduct **Law Entrance Tests** (hereinafter referred to as LET). Admissions will be made according to merit of the LET, eligibility requirements for entrance test and availability of seats are as under:

1. LL.M. (Two Year Scheme) also known as regular course

Duration of the Course: Two years

No. of Seats: 60 (Regular)
60 (Self Finance)

Minimum eligibility criteria

3-Year LL.B. after Graduation under *at least* 10+2+3 pattern or five years LL.B. Integrated Course under 10+2+5 or LL.M. Three Year Course pattern recognized by the Bar Council of India securing a minimum of 55% marks (admission may be made at 50% marks of LL.B. in self financing Section) and 60% for the candidate who got the degree of LL.B. from the University other than the Universities of Rajasthan.

I) Candidates appearing in the Final Year of the Qualifying Examination may also apply and appear in the Test. However, the candidate will be required to produce the original mark sheet of the qualifying examination at the time of counseling for getting admission.

II) If the applicant has passed the qualifying Exam where grades are awarded and:

A) where the Grade Sheet does not mention the equivalent percentage of marks from grade points, the candidate should submit such a Certificate of conversion from the concerned Institution mentioning either the converted percentage, or the formula for the actual conversion of grade point average to percentage of marks;

B) where the Grade Sheet itself mentions the equivalent percentage of marks from grade points, or the formula for such conversion, the candidate should get both sides of the Degree/Grade Sheet photocopied showing the equivalent percentage of marks/conversion formula.

“**Aggregate** percentage of marks” will **also** include grace marks awarded to a candidate. **However, it will not** include the marks of those subjects where only pass marks are required such as compulsory language, compulsory environmental studies etc. and which do not contribute to the

total in the final (degree) mark sheet. Similarly marks of additional subject (if any) for improvement of aggregate percentage/division will not be considered for calculating the aggregate percentage for admission in the University. Decision of the University in regards to such calculation shall be final.”

No rounding off of percentage of marks will be permitted.

Reservation and Relaxation Rules

Reservation and Relaxation in Minimum Eligibility for SC/ST/OBC/SOBC/Physically Challenged (PC) Candidates/University Wards etc. will be provided as per University Rules for Government Approved (Regular) Seats only. No relaxation in minimum eligibility that is 50% in LL.B. will be provided for admission on SFS Seats to SC/ST/OBC/SOBC /Physically Challenged (PC) Candidates/University Wards etc.

Entrance Test Structure : *There will be separate Test Paper for the admission in the Programme. Admission to the programme will be made on the basis of merit of LET.*

LL.M.

There shall be one paper of 120 minutes duration carrying 300 marks containing 100 multiple-choice questions on Jurisprudence, Constitutional Law, Law of Contract, Company Law, Transfer of Property, Law of Torts, Law of Crimes, Environmental Law, Public International Law, Indian Evidence Act, Hindu Law and Muslim Law and laws related to IPR, Human Rights and Labour Laws.

Entrance test Centre: Jodhpur Only.

Evaluation & Result:

Three marks shall be awarded for each correct answer while one mark shall be deducted for each incorrect answer. Unattempted question will be awarded zero mark. Candidate shall be selected in order of merit on the basis of aggregate marks secured in the Entrance Test (LET) provided he/she fulfils the minimum eligibility criteria i.e. at least 55% marks for GAS and at least 50% marks for SFS. Merit list of the candidates selected/waitlisted for admission, will be notified on the official notice board of the department and university website by the Head of the Department. The University will try to announce the result as soon as possible which will be notified on JNVU Website: www.jnvu.edu.in.

Entrance Test Fee:

Entrance Test Fee for SC and ST is Rs. 1500/- and for others it is Rs. 2000/- Fee will be non refundable on non appearance in LET.

Note : In matters not covered above the University rules will be followed.

IMPORTANT INFORMATION

On 31.7.2019, the question paper and its key will be uploaded on the University website after validation by appropriate committee.

Grievances may be submitted from the candidates through online upto 03.8.2019 till 5:00 p.m.

Note :- Students may file their objection within 03 days from the date of examination with Rs. 50/- Fee. They must mention Question No. and supply supporting evidence to Dean Faculty of Law. If any objection is received by the University, their grievances will be considered by appropriate committee.

The students may down load their admission card from 21st July, 2019 at 10:00 a.m. onwards.

Helpstudentpoint.com

The two year degree programme of LL.M. will consist of Four Semesters. One academic session of one year will be divided into two semesters. Candidate shall be admitted to LL.M. First Semester only and thereafter required to qualify all four semesters. In first semester and second semester, five core courses and one skill course will be taught in the academic session 2019-20.

In the third and fourth semester, the subject of specialization i.e. Human Rights and Business Law for the academic session 2020-21 will be taught. The candidate will have to choose one out of the two groups i.e. Business Law and Human Rights for his/her specialization. In semester III & IV, seven core courses and one skill course will be taught.

Details of CBCS system for LL.M. Two Years Programme to be effective from session 2019-20:

GUIDELINES FOR CHOICE BASED CREDIT SYSTEM:

Definitions of Key Words:

1. **Academic Year:** Two consecutive (one odd + one even) semesters constitute one academic year.
2. **Choice Based Credit System (CBCS):** The CBCS provides choice for students to select from the prescribed elective and skill courses. A student need to select **two elective papers** offered by the Department in which he/she is doing core course this shall be part of core programme during third and fourth semester. Each student has to complete **four skill courses:** two within the Department and two from other Department within JNV University or the Universities approved by JNV University
3. **Course:** Usually referred to, as 'papers' is a component of a programme. All courses need not carry the same weight. The courses should define learning objectives and learning outcomes. A course may be designed to comprise lectures/ tutorials/laboratory work/ field work/ project work/ self-study etc. or a combination of some of these.
4. **Credit Based Semester System (CBSS):** Under the CBSS, the requirement for awarding a degree is prescribed in terms of number of credits to be completed by the students.
5. **Credit Point:** It is the product of grade point and number of credits for a course.
6. **Credit:** A unit by which the course work is measured. It determines the number of hours of instructions required per week. One credit is equivalent to one period of teaching (lecture or tutorial) or two periods of practical work/field work per week.
7. **Cumulative Grade Point Average (CGPA):** It is a measure of overall cumulative performance of a student over all semesters. The CGPA is the ratio of total credit points secured by a student in various courses in all semesters and the sum of the total credits of all courses in all the semesters. It is expressed up to two decimal places.
8. **Grade Point:** It is a numerical weight allotted to each letter grade on a 10-point scale.
9. **Letter Grade:** It is an index of the performance of students in a said course. Grades are denoted by letters O, A+, A, B+, B, C, P and F.
10. **Programme:** An educational programme leading to award of the Postgraduate Degree in the Core subject in which he/she is admitted.
11. **Semester Grade Point Average (SGPA):** It is a measure of performance of work done in a semester. It is ratio of total credit points secured by a student in various courses registered in a semester and the total course credits taken during that semester. It shall be expressed up to two decimal places.
12. **Semester:** Each semester will consist of 15-18 weeks of academic work equivalent to 90 actual teaching days. The odd semester may be scheduled from July to November/ December and even semester from December/January to May.

Odd semester University examination shall be during second/third week of December and even semester University examination shall be during second/third week of May.

13. **Transcript or Grade Card or Certificate:** Based on the grades earned, a statement of grades obtained shall be issued to all the registered students after every semester. This statement will display the course details (code, title, number of credits, grade secured) along with SGPA of that semester and CGPA earned till that semester

Fairness in Assessment

Assessment is an integral part of system of education as it is instrumental in identifying and certifying the academic standards accomplished by a student and projecting them far and wide as an objective and impartial indicator of a student's performance. Accordingly, the Faculty of Science resolves the following:

- a. All internal assessments shall be open assessment system only and that are based on Viva voce, term test, seminar, paper writing, paper presentation and for core courses of Dissertation/Thesis (Doctrinal) and Dissertation/Thesis (Non-Doctrinal), they will comprise of material collection and its interpretation.
- b. Attendance shall carry the prescribed marks in all papers and Practical examination CCA
- c. In each semester at least 40 percent of theoretical component University examination shall be undertaken by external examiners from outside the university conducting examination, who may be appointed by the competent authority

Grievances and Redressal Mechanism

- a) The students will have the right to make an appeal against any component of evaluation. Such appeal has to be made to the Head/Principal of the College or the Chairperson of the University Department concerned as the case may be clearly stating in writing the reason(s) for the complaint / appeal.
- b) The appeal will be assessed by the Chairman and he/she shall place before the **Grievance Redressal Committee (GRC)**, Chaired by the Dean, Faculty of Law and two other teachers of the Faculty and if need be Course Teacher(s) be called for suitable explanation; GRC shall meet at least once in a semester and prior to CCA finalization.
- c) The Committee will consider the case and may give a personal hearing to the appellant before deciding the case. The decision of the Committee will be final.
- d) Each component marks will be added without rounding and the total thus obtained is ratio by a factor of six. This value shall be rounded.

Table 1: Grades and Grade Points

S.No.	Letter Grade	Meaning	Grade Point
1	'O'	Outstanding	10
2	'A+'	Excellent	9
3	'A'	Very Good	8
4	'B+'	Good	7
5	'B'	Above Average	6
6	'C'	Average	5
7	'P'	Pass	4.5
8	'F'	Fail	0
9	'Ab'	Absent	0

- i. A student obtaining Grade F in a paper shall be considered failed and will be required to reappear in the University End Semester examination.
- ii. For noncredit courses (Skill Courses) 'Satisfactory' or "Unsatisfactory" shall be indicated instead of the letter grade and this will not be counted for the computation of SGPA/CGPA

Grade Point assignment

- = and > 95 % marks Grade Point 10.0
- 90 to less than 95 % marks Grade Point 9.5
- 85 to less than 90 % marks Grade Point 9.0
- 80 to less than 85 % marks Grade Point 8.5
- 75 to less than 80 % marks Grade Point 8.0
- 70 to less than 75 % marks Grade Point 7.5
- 65 to less than 70 % marks Grade Point 7.0
- 60 to less than 65 % marks Grade Point 6.5
- 55 to less than 60 % marks Grade Point 6.0
- 50 to less than 55 % marks Grade Point 5.5
- 45 to less than 50 % marks Grade Point 5.0
- 40 to less than 45 % marks Grade Point 4.5

Computation of SGPA and CGPA:

- i. The SGPA is the ratio of sum of the product of the number of credits with the grade points scored by a student in all the courses taken by a student and the sum of the number of credits of all the courses undergone by a student,
i.e.

$$\text{SGPA (Si)} = \frac{\sum (C_i \times G_i)}{\sum C_i}$$

Where C_i is the number of credits of the i th course and G_i is the grade point scored by the student in the i th course.

- ii. The CGPA is also calculated in the same manner taking into account all the courses undergone by a student over all the semesters of a programme,
i.e.

$$\text{CGPA} = \frac{\sum (C_i \times S_i)}{\sum C_i}$$

where S_i is the SGPA of the i th semester and C_i is the total number of credits in that semester.

- iii. The SGPA and CGPA shall be rounded off to 2 decimal points and reported in the transcripts.

Illustration for SGPA

S.No.	Course	Credit	Grade letter	Grade point	Credit Point (Credit x Grade)
1	Course 1	4	B	6	4 x 6 = 24
2	Course 2	4	B+	7	4 X 7 = 28
3	Course 3	4	B	6	4X 6 = 24
4	Course 4	4	O	10	4 X 10 = 40
5	Course 5- Practical I	4	C	5	4 X 5 = 20
6	Course 6 – Practical II	4	B	6	4 X 6 = 24
	Total	24			24+28+24+40+20+24 =160

Thus, $\text{SGPA} = 160/24 = 6.67$

Illustration for CGPA

	Semester- I	Semester-II	Semester-III	Semester-IV
Credit	24	24	24	24
SGPA	6.67	7.25	7	6.25

$$\text{CGPA} = \frac{(24 \times 6.67 + 24 \times 7.25 + 24 \times 7 + 24 \times 6.25)}{96}$$
$$652.08/96 = 6.79$$

Semesterwise theory papers /practical/ skill components

Semester-wise Theory Papers/Practical / Skill component

Semester-I

Type of course	Course code	Title of the Course	Lecture-Tutorial-Practical/Week	No. of credits	Continuous Comprehensive Assessment (CCA)	End-Semester Examination (ESE) [University Examination]	Total
Core course 1	LL.M. 101	Law and Social Transformation in India-I	6	6	30	70	100
Core course 2	LL.M. 102	Indian Constitutional Law: The New Challenges-I	6	6	30	70	100
Core course 3	LL.M. 103	Judicial Process-I	6	6	30	70	100
Core course 4	LL.M. 104	Legal Education and Research Methodology-I	6	6	30	70	100
Core course 5	LL.M. 105	Law Development and Decentralization-I	6	6	30	70	100
*Skill Course I		Interpretation of Statutes	2				
Total			32	30	150	350	500

The Department of Law shall offer one skill course per semester. They are as follows:

1. Skill Course-I- Interpretation of Statutes
2. Skill Course -II– Legal Aid, Para Legal Services and Public Interest Litigation
3. Skill Course- III– Administrative Law
4. Skill Course -IV– Criminology, Penology & Victimology

For Semester-I & II, there will be 6 lectures for core courses and 2 lectures for skill courses.

For Semester III & IV, for courses, 1-6 -there will be 6 lectures per week and for skill courses 2 lectures will be per week and for preparation for Dissertation/Thesis (Doctrinal) in the III semester and Dissertation/Thesis (Non-Doctrinal) in the IV semester – 6 periods per week will be allotted.

The duration of period will be 55 minutes.

All courses involve an evaluation system of students that has been the following two components:

1. Continuous Comprehensive Assessment (CCA) – Accounting for 30% of the final grade that a student gets in a course and practical i.e. Dissertation/Thesis (Doctrinal) and Dissertation/Thesis (Non-Doctrinal).
2. End Semester Examination (ESE) – Accounting for remaining 70% of the final grade that a student gets in a course.

Continuous comprehensive assessment will have the following components :

1. Term Test : One term test shall be arranged for each course prior to end semester examination. Examination duration shall be 3 hours.

Continuous comprehensive assessment for I & II Semester would have the following components:

A. Term Test	–	70 marks (Duration 3 hours)
B. Paper preparation	–	35 marks
C. Paper presentation	–	30 marks
D. Viva voce	–	30 marks
E. Attendance	-	15 marks

Total = 180 marks – Reduced to 30

Term test shall be arranged for each paper prior to end semester examination. Examination duration shall be 3 hours. Continuous Comprehensive Assessment shall be completed prior to term test for all papers. All students will have to attend a minimum of 75% lectures. Each student will have to attend a minimum of 75% lectures. A student having less than 75% attendance will not be allowed to appear in semester examination. The attendance marks will be awarded by following the system proposed below:

75% - 80%	-	3
80% - 85%	-	6
85% - 90%	-	9
90% - 95%	-	12
95% - 100%	-	15

Each student's cumulative attendance shall be displayed in the Department Notice Board every month with a copy to the Dean, Faculty of Law.

Condonation of Shortage of attendance shall be governed in accordance with the provisions in the Act and Statute of the University vide Ordinance 78 to Ordinance 80 as amended from time to time.

Skill course evaluation: Based on the performance of the candidate, the department shall declare the result as satisfactory or non-satisfactory. Each student need to get a minimum 3 (satisfactory) declaration for the course completion.

For the Term test and end semester examination – there will be two parts in the question paper. In the first part i.e. A Part, 10 questions will be asked selecting at least 2 questions from each unit. All the 10 questions will be

compulsory and each question will carry 1 mark the word limit for answers will be 50 words each and in Part-B, 2 questions will be asked from each unit with internal choice and each question will carry 15 marks. The word limit for answer will be 500 words each.

Note: Students will appear in odd skill course in the Department of Law and in even skill course in other department of the University.

Qualifying for Next semester

- 1. A student acquiring minimum of 40% in total of the CCA is eligible to join next semester.**
2. A student who does not pass the examination (CCA+ESE) in any course(s) (or due to some reason as he/she not able to appear in the ESE, other conditions being fulfilled, and so is considered as 'Fail'), shall be permitted to appear in such failed course(s) in the subsequent ESE to be held for the same semester.
3. A student who fails in one or more papers in a semester shall get three more chances to complete the same; if he/she fails to complete the same within the prescribed time, i.e. three additional chances for each paper; the student is ineligible for the Postgraduate degree in the Subject in which he/she is admitted. For additional chances examination fee shall be on additive basis.

A student, who does not pass the examination i.e. CCA + ESE in any course (S) or due to some reason as he/she is not able to appear in ESE other condition being fulfilled, and so is considered as "Fail" shall be permitted to appear in such failed courses or viva voce for III & IV semester in the subsequent ESE to be held. Every student shall have the opportunity to improve credit through university examination only.

Improvement Option:

Every student shall have the opportunity to improve Credit thorough University Examination only. Improvement opportunity for each paper is only with two additional chances; improvement examination fee shall be on additive basis; the Credit obtained in improvement examination shall be final.

Result Declaration:

The ESE (End Semester Examination/University Examination) results shall be declared as soon as possible. The Classes of even semesters shall begin from the next

day of ESE; whereas odd semester classes shall commence after summer vacation. **A student will be declared passed only when he secures 40% marks in individual course including CCA and theory examination and 50% in aggregate in all the courses in each semester.**

Students Failed in CCA:

Any student declared “Not Eligible” by the Department based on CCA in Semester I, II, III or IV and accordingly did not appear in ESE; can be readmitted as an additional student in that Semester in the **following year only**. Such student need to deposit the annual university fee as prescribed for that academic year.

The Dissertation/Thesis (Doctrinal) in the III Semester and Dissertation/Thesis (Non-Doctrinal) in the IV Semester shall be submitted to the Registrar of the University through the Head of the Department positively 15 days before the commencement of the theory examination. The Vice-Chancellor on the recommendation of the Head of the Department shall appoint two examiners, one of whom shall be the Head of Department or any other teacher of the Department nominated by him and there will be one external examiner. The Examiners shall report to the Registrar their award on the Dissertation/Thesis (Doctrinal) and Dissertation/Thesis (Non-Doctrinal) within the time prescribed in that behalf. If there is difference of 20% in marking, the matter will be referred to third examiner.

The Head of the Department shall have power regarding interpretation of rules in case of any confusion.

SEMESTER FIRST

PAPER I

LL.M. 101LAW AND SOCIAL TRANSFORMATION IN INDIA-I

Objectives of the Course

This course is designed to offer the teacher and the taught with (i) awareness of Indian approaches social and economic problems in the context of law as a means of social control and change; and (ii) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role of the law has played and has to play in the contemporary Indian society.

- Unit 1: Concept of Social Change and Social Transformation
Relation between Law and Public Opinion
Law as an instrument of social change
Law tradition and culture. Impact of common law on Indian Tradition & Culture.
Sociological school and its applicability in India.
Principles of social legislation
- Unit 2: Religion and the Law :
Religion-its meaning and relationship with law
Evaluation of Religion as an integrative and divisive factor
Concept of Secularism in Indian Perspective
Religious minorities and the law
Principles of social legislation
- Unit 3 : Language and the Law :
Multi-linguistic culture and its impact on policy in governance
Role of Language in society
Formation of linguistic states-critical evaluation
Constitutional guarantee to linguistic minorities
Language policy and the Constitution; Official language
- Unit 4: Community and the Law :
Caste as a socio-cultural reality and role of caste as a divisive and integrative factor
Non-discrimination on the ground of caste
Acceptance of caste as a factor to undo past injustices-An objective analysis
Protective discrimination; Scheduled Castes, tribes and backward classes
Reservation Policy, Statutory Commissions and Problems of National Integration

SELECT BIBLIOGRAPHY

- Marc Galanter (ed.) : Law and Society in Modern India (1997), Oxford
Robert Lingat : The Classical Law of India (1998), Oxford
U. Baxi : The Crisis of the Indian Legal System (1982). Vikas, New Delhi

U. Bax; (ed.): Law and Poverty Critical Essav (1988)
Tripathy, Bombay
Manushi : A Journal About Women and Society
Duncan Derret : The State, Religion and Law in India (1999) OxfordUniversity Press, New Delhi
H.M. Seervai : Constitutional Law in India (1999) Tripathi
D.D. Basu: Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
Sunil Deshta and Kiran Deshta : Law and Menace of ChiedLabour; (2000) Anmol Publications, Delhi
Savitri Gurasekirare : Children, Law and Justice (1997), Sage
Indian Law Institute : Law and Social Change : Indo-American Reflection; (1988). Tripathi, Mumbai.
J. B. Kriplani : Gandhi-His Life and Thought 1970, Ministry of Information and Broadcasting,
Government of India
M.P. Jain : Outlines of Indian Legal History (1993), Tripathi, Bombay
Aguas, Flavia : Law and Gender Inequality : The Politics of Women's Rights in India (1999), Oxford

Helpstudentpoint.com

PAPER II

LL.M. 102 INDIAN CONSTITUTIONAL LAW :

THE NEW CHALLENGES-I

Objectives of the Course

The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves, a technique of adapting the law to meet changing social mores. Constitution being the fundamental law an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post-graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law specialisation. Obviously, topics under this paper require modification and updating from time to time.

Unit 1 : Federalism :

- Creation of new states
- Allocation and share of resources
- The inter-state disputes on resources
- Rehabilitation of internally displaced persons and Centre's responsibility
- Freedom of Trade, Commerce and Intercourse

Unit 2 : Services under Union

- Emergency Provisions
- Federal Comity
- Special status of certain States, Tribal Areas, Scheduled Areas

Unit 3 : "State" Meaning and Scope in Modern Perspective

- Right to equality : Privatization and its impact on affirmative action
- Freedom of Press and challenges of new scientific development
- Freedom of speech
- Right to strike, hartal and bandh
- Emerging regime of new right and remedies-Right to Education;

Unit 4: Right to Information and Right to Privacy, Right to Health

- Reading Directive Principles and Fundamental Duties into Fundamental Rights
- Compensatory jurisprudence
- Right to life and liberty and Criminal Jurisprudence
- Commercialisation of education and its impact

SELECT BIBLIOGRAPHY

No specific bibliography is suggested for this course since the course materials depends upon the latest developments. These developments in the areas specialized in course can be gathered from the recent material such as 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.

PAPER III

LL.M. 103 JUDICIAL PROCESS-I

Objectives of the Course

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

Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarise the students with various theories different aspects and alternative ways of attaining justice.

Unit 1: Nature of Judicial Process :

Judicial process as an instrument of social change
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 precedent

Unit 2: Legal development and creativity through legal reasoning

Legal development and creativity through statutory and codified systems
Notions of judicial review
Role of judiciary in constitutional adjudication-various theories of judicial role
Judicial Behaviour and constitutional adjudication

Unit 3 : Judicial Process in India :

Judicial accountability-Problems and Prospects
Indian debate on the role of judges and on the notion of judicial review
The "independence" of judiciary
"Political" nature of judicial process
Development of Human Rights jurisprudence by judiciary

Unit 4 : 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
Judicial activism and structural challenges
Institutional liability of courts scope and limits

SELECT BIBLIOGRAPHY

Julius Stone : The Province and Function of Law, Part II, Chs. 1-8-16 (2000), Universal, New Delhi

Cardozo : The Nature of Judicial Process (1995), Universal, New Delhi

Henry J. Abraham : The Judicial Process (1998), Oxford
J. Stone : Precedent and the Law : Dynamics of Common Law Growth (1985), Butterworths
W. Friedmann : Legal Theory (1960), Stevens, London
Bodenheimer : Jurisprudence - The Philosophy and Method of the Law (1997), Universal, Delhi
J. Stone : Legal System and Lawyer's Reasoning (1999), Universal, Delhi
U. Baxi : The Indian Supreme Court and Politics (1980), Eastern, Lucknow
Rajeev Dhavan : The Supreme Court of India - A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi, Bombay
John Rawls : A Theory of Justice (2000), Universal, Delhi
Edward, H. Levi : An Introduction to Legal Reasoning (1970), University of Chicago

Helpstudentpoint.com

PAPER IV
LL.M. 104 LEGAL EDUCATION AND RESEARCH
METHODOLOGY-I

Objectives of the Course

A Post-graduate student of Law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of Law Journals and holding of legal aid clinics

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself along with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods.

The student has to be exposed to those methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is also designed to develop skills in research and writing in a systematic manner.

- Unit 1 : Objectives of Legal Education
Lecture Method of Teaching-Merits and demerits
The problem method
Discussion method and its suitability at postgraduate level teaching
- Unit 2 : The seminar method of teaching
Examination system and problems in evaluation -external and internal assessment
Student participation in, law school programmes, Organization of seminars, publication of journal and assessment of teachers
Clinical legal education-legal aid, legal literacy, legal survey and law reform
- Unit 3 : Research Method :
Socio Legal Research
Doctrinal and non-doctrinal
Relevance of empirical research
Induction and deduction
- Unit 4: Identification of problem of research what is a research problem
Survey of available literature and preparation of bibliography
Legislative materials including subordinate legislation,
Notification and policy statements

SELECT BIBLIOGRAPHY

High Brayai, NegelDunean and Richard Crimes : Clinical Legal Education : Active Learning in, your LawSchool (1998), Blackstone Press Ltd., London
S.K. Agarwal (ed.) : Legal Education in India (1993), Tripathi, Bombay
N.P. Madhava Menun (ed.) : A Handbook of Clinical Legal Education (1998). Eastern Book Company. Lucknow

M.O. Price, H. Bitner and Bysicqicz : Effective Legal Research (1978)
Pauline V. Young : Scientific Social Survey and Research (1962)
William, J. Grade and Paul, K. Hatt : Methods in Social Research, McGraw Hill Book Company, London
H.M. Hymae : Interviewing in Social Research (1965)
Payne : The Art of Asking Questions (1965)
Erwin, C., Surrency, B. Field, J. Crea : A Guide to Legal Research
Morris, L. Cohan : Legal Research in Nutshell (1996), West Publishing Company
Harvard Law Review Association : Uniform System of Citations
1L1 Publication : Legal Research and Methodology

Helpstudentpoint.com

PAPER V

LL.M. 105LAW, DEVELOPMENT AND DECENTRALIZATION-I

Objectives: The students of Law at post-graduate level should study and understand the inter-relationship of law, development and democratic decentralization of power upto grass root level. The instrumentality of law is a key driver for promoting socio-economic growth in orderly manner of the nation. Students need to be sensitized and their understanding of legal dynamics should be enriched. The benefits of development can best be percolated through the process of decentralization. The people of country must have effective role in the governance. Therefore, this paper will provide the students of LL.M. Part-I an opportunity to study and learn the legal skills, tools and techniques for the around development of nation. This will help in fostering research also.

The subject is divided into four units:

- Unit1: Constitutional mandate for Development and Democratic decentralization.
International Trends of Legal processes ensuring development and distribution of power.
Survey of major legislative efforts made towards promotion of developmental jurisprudence.
- Unit 2: Role of Education-Primary, Secondary & Higher Education in promoting developmental goals.
Policy decisions & legitimate expectations.
- Unit 3: Institutional Infrastructure and Development
Revitalizing Growth and Competitiveness
Study of Human Development Issues
Public Private Partnership Model
- Unit4: Environment and Development
Development and Environmental Issues
Development and issues of dislocation, displacement and other Human Rights
Sustainable Development and Environment

Suggested Readings:

1. Re-emerging India, N.Jadhav, Rajiv Ranjan and SujanHajra The ICFAI Uni. Press. 2005
2. Agricultural and Economic Reform: Growth & welfare
3. Indian Urbanization and Economic Growth Becker Charles, M. Jeffery Baltimore, Jhon. Hop. Uni. Press.
4. Law and Social Transformation, P. IswarBhatt EBC 2009.

Journals :

1. Indian Journal of Legal Studies
2. GNLU Journal of Law, Development & Politics GNLU
3. Indian Journal of International Economic Law NLUSI
4. Socio Legal Review NLUSI
5. Journal of Indian Law Institute ILI

Act, Statute/Reports

- Constitution of Indian
- Law Relating to Intellectual Property Rights
- Corporate Laws Companies Act
- Labour Laws/Environment Laws/Forest Act, Planning Commission Report/UN MDG.

Skill Course-I - Interpretation of Statutes

Unit-I	Meaning of interpretation, its distinction from constructions, kinds of interpretation-Grammatical and logical, intention of legislation
Unit-II	Cardinal principles of interpretation; Plain meaning rule; Golden rule and mischief rule
Unit-III	Maxims of interpretation : Ejusdem Generis, Noscitur a Sociis, Utresmagis valeat qavampereat, Construction of Fiscal Statutes
Unit-IV	Interpretation of Penal Statutes, Interpretation of Constitution, colourable legislation, Doctrine of pith and substance and Doctrine of eclipse.

BOOKS RECOMMENDED

Singh, GP. : Principles of Statutory Interpretation

Maxwell: The Interpretation of Statutes

Craisne : Statute Law

Swarup : Interpretation of Statutes

Bindra : Interpretation of Statutes

Bhattacharya, T. : Interpretation of Statutes

Hkêkpk;Z] Vh- % dkuwu dk fuoZpu

GalnvileWilliams : Learning the Law, Law Lexicon & Legal Maxims GangaShaharaya

Sharma: Fundamentals of Legal Writing

Helpstudentpoint.com