



LL.M. SECOND SEMESTER SYLLABUS {2024 AND ONWARDS}

School of Law
University of Kashmir



Subject Title: Constitutional Law and Governance

Paper 1

Code: LLM24C202

Lecture: 3 credits

Practical: 1 credit

Course Objective • To acquaint the student with centre state relations in India

- To acquaint them with role of Niti Aayog and Finance Commission
- To understand the co-operative federalism

Unit- I Scheme of Distribution of Legislative,

Administrative and Fiscal Powers:

General Scheme of Distribution of Powers,

Restrictions and Factors responsible for according paramount to the Centre.

Distribution of Tax,

Revenue and Financial Equilibrium Freedom of Trade and Commerce

Unit-II

Niti Aayog and Finance Commission.

Constitution, Function, Role and Work of the Aayog & Commission.

Unit- III: Co-operative Federalism :

Development from Competitive to Co-operative Federalism

-Emerging Trends, Full Faith and Credit Clause, Inter-State Council, Zonal Councils, Inter-State Water Disputes, National Integration Council.

Recommended Books:

- 1) K.C. Wheare - Federal Government (4th Ed. 1963)
- 2) D.T. Lakadawala _ Union State Financial Relations (1967).
- 3) M.P. Jain - Indian Constitutional Law (1987)
- 4) H.M. Seervai - Constitutional law of India Vol.2,chap.-22.
- 5) Daniel J. Elazer- American Federalism Chap. 3&4. (1984) 5
- 6) Chandrapal, Centre - State Relations and Co-operative Federalism, Chap. 5 & 8 (1983)

Subject Title : Research Methodology in Law and Social Sciences

Paper 2

Lecture: 3 credits

Practical: 1 credit

The legal research course attempts to inculcate among learners the quality of critical legal researcher who is incisive, confident, responsible and ethical. The course is designed and proposed to be taught to cater the need of the 21st century legal research which is not purely doctrinal or library based but is also multi-disciplinary in its approach and orientation. However, major emphasis is also laid on legal research and language of law as learners basically from law background who may be aspiring to pursue career in law.

Objective of study

1. To foster among learners the craft to articulate and critically examine vital and controversial legal with comprehensive understanding of the science of law and legal language.
2. To familiarize learners with the intricacies of research in law from doctrinal as well as empirical research perspectives.
3. To augment learners to realize the importance and significance of research in dismantling ignorance and prejudice in the society with end goal of encouraging and training them to write research paper, articles, dissertation etc...

Course Learning Outcome

1. On completion of the offered course, learners would have been equipped to develop good, effective and efficient understanding and management of complex socio- legal issues.
2. The course is expected to enhance and harness learners research skills to easily distinguish intricate research problems in any branch of knowledge, particularly in the domain of legal knowledge.
3. The learners are expected to be able to draft meaningful and poignant research synopsis, and also undertake theoretical/ fundamental/ empirical research on complex as well as contemporary legal issues.

Unit-I Relation between Law and Research

I. Logic is a tool for legal reasoning, legal arguments and legal research.

II. Concepts of Research

Meaning of research; difference between research and common sense; legal reasoning difference between research and research methodology ; research in social sciences; research in the field of law; components of good research; purpose behind teaching the subjects of research methodology; types of research : doctrinal research; non - doctrinal research; comparative research; descriptive research; empirical research; evaluative research; experimental research; historical research; inter - disciplinary research; inductive and deductive research; the emergence of socio - legal research in India.

III. Introduction of Legal Research

- i. Nature and scope of legal research; definition of legal research.
- ii. Purpose of legal research: ascertaining the law; highlighting ambiguities and gaps; determining coherence, stability and consistency; social auditing of law; suggesting reforms.
- iii. Broad nature of legal research: quantitative legal research; qualitative research.
- iv. Kinds of legal research: descriptive and analytical research; applied and pure legal research; quantitative and qualitative research; doctrinal and non- doctrinal research; and comparative legal research.

Unit- II

1. Formulation of Research Problem

Conditions to be conducive to the formulation of a research problem; intellectual sufferings, identification of a research problem; role of a research supervisor; role of research funding agencies;

2. Hypothesis and Research Design:

- i. Concept, Formation and Utility of Hypothesis; Types of Hypothesis - Null Hypothesis, False and Barren Hypothesis; Significance of Hypothesis in Research,

Characteristics of a useful hypotheses.

- ii. Meaning, Definition and Significance of Research Design; Contents and Essentials of Research Design; Types of Research Design -Diagnostic, Explanatory, Exploratory and Experimental Research Design, phases in research designing, advantage of research designing.

Unit- III

1. The Process of Data Collection:

a. Questionnaire Method:

Meaning, Nature, Purpose of a Questionnaire; Format of a Questionnaire; Types of Questionnaire; Arranging of Sequence of Questions; Covering Letter on a Questionnaire; Advantages and Disadvantages of Questionnaire Method.

b. Observation Method:

Meaning, Features, Nature and Purpose of Observation Method; Types of Observation Method; Process or Steps in Observation Method; Advantages and Disadvantages of Observation Method.

c. Interview Method:

Meaning, Nature, Feature and purpose of Interview Method; Relevance of Schedule in Interview Technique; Functions of Interview Method ; Types of Interview Method; Merits/Limitations of Interview Method.

d. Case Study Method:

Meaning, Concept, Principles, Types and Sources of Case Study; Planning Involved in Case Study; Merits and De-Merits of Case Study Method.

e. Sampling Method:

Meaning, Nature, Features Principles and Purpose of Sampling Method; Types of Sampling Method - Probability Sampling - Random, Systematic, Stratified, Cluster and Multistage Sampling; Non Probability Sampling -Quota, Convenience, Incidental, Purposive Sampling.

f. Interpretation of Data and Content Analysis.

Unit-IV 1. Report Writing

Purpose of Report Writing; Pre-Requisites of a Good Report Writing; Types of Report Writing - Term Paper; Dissertation, Thesis; Book Review; Article and Research Paper; Techniques of Writing an Articles, Research Papers and Abstract, Essentials of Report Writing - The Preliminary Section, The Main Body, List of Table and Figures, Concluding Remark.

2. Methods of Citation

Procedure Involved in Tracing the Legal Periodicals: Periodical Index; Text Notes; Foot Notes; End Notes; References; Bibliography; Different Methods of Preparing of a Bibliography; Difference between a 'Foot Note' , a 'Text Note' , a 'Reference' , an 'End Note' and a 'Bibliographic Entry'.

Prescribed Readings/ suggested readings

C.R. Kothari, Research Methodology: Methods and Techniques, New Age International (P) Publishers, 2004.

Gerard Guthrie, Basic Research Methods: An Entry to Social Science Research, Sage Publications,
N. Delhi – 2010

James Arthur, Michael Waring, Robert Coe, Larry V hedges, Research Methods and Methodologies in Education, Sage publications ltd. 2012

Jill K. Jesson, Lydia Matheson and Fiona M. Lacey, Doing Your Literature Review : Traditional and Systematic Techniques, Sage Publications, N. Delhi

Kushal Vibhuti & Filipos Aynalem, Legal Research Methods, Published under the sponsorship of the Justice and Legal System Research Institute, 2009

Mona Purohit, Legal Education and research methodology, Second Edition, Central Law Publications, Allahabad, 2012.

P.S. Bhatnagar, Data Interpretation and Report Writing, S.K. Verma and M. Afzal Wani, Legal Research and Methodology, Legal Research and Methodology, ILI, pp. 418 – 431.

Ram Ahuja, Research Methods, Rawat Publications, N. Delhi, Reprint 2012

Rattan Singh, Legal research Methodology, Lexis Nexis, India, First edition

2013.

S.K. Verma and M. Afzal Wani, Legal Research and Methodology, Legal Research and Methodology, ILI, New Delhi.

William J. Goode and Paul K.Hatt, Methods in Social Research, First India Reprint, Surjeet Publications, 2006, Chapter – 11 Constructing a Questionnaire and Chapter 21 Preparing the Report, pp. 359 - 376.

William J. Goode and Paul K.Hatt, Methods in Social Research, First India Reprint, Surjeet Publications, 2006

Subject Title: Constitutional Law – II

Paper: 3

Subject Code: LLM24203DCE

Lectures: 2 credits

Tutorial:1 credit

Objectives of the Course:

India is a democracy and its Constitution embodies the main principles of the democratic government- how it comes into being, what are its powers, functions, responsibilities and obligations, and how power is limited and distributed Whatever might have been the original power base of the Constitution, today, it seems to have acquired legitimacy as a highest norm of public law.

Course Outcome: Students who complete the course successfully will acquire:

- A good understanding of the Constitution and the law, which has developed through constitutional amendments, judicial decisions, constitutional practice and conventions.
- Understand the genesis, nature and special features of the social, political and economic influence on the Constitution.
- It will help students to understand about Emergency Provisions and their impact on distribution of powers
- Understand the Constitution, Functions of Parliament and Interrelation of the Houses.
- Learn composition of Supreme Court and High Court and their jurisdiction and powers.

Unit-I Centre and State Executive

1.1 Meaning and Scope of Executive Power

1.2 Executive Power of the President and Vice President of India

1.2.1 Delegation of Executive Power by the Union to the States

1.2.2 Election of the President

1.2.3 Presidential privileges

1.2.3 Functions and Powers

1.3 Council of Ministers

1.3.1 Working of the Executive

1.3.1.1 President – A Titular Head

1.3.1.2 Prime Minister

1.3.1.3 Cabinet

1.3.1.4 Collective Responsibility

1.4 Executive Power of Governor

1.4.1 Significance of Governor's Office

1.4.2 Appointment of Governor

1.4.3 Governor's Discretionary Powers

1.4.4 Pardoning Power of the Governor

1.4.5 Ordinance Making Power

Unit-II Central and State Legislature

2.1 Constitution of Parliament and state Legislature

2.2 Functions of Parliament

2.2.1 Legislation

2.2.2 Control of Public Finance

2.2.3 Deliberation and Discussion

2.2.4 Parliamentary Committees

2.3 Inter-relation of the Houses

2.3.1 Legislative Process

2.3.2 Financial Legislation

2.3.3 Other areas

2.3.4 Assessment of the Role of Rajya Sabha

2.4 Parliamentary Privileges

2.4.1 Privileges expressly conferred by the Constitution

2.4.2 Other Privileges

2.4.3 Privileges and Fundamental Rights

2.4.4 Privileges and the Courts

2.4.5 Codification of Privileges

2.5 Legislative Privileges

2.5.1 Freedom of speech

2.5.2 Power to make rules

2.5.3 Internal Autonomy

2.5.4 Miscellaneous Provisions

2.6 Legislative relations and 7th schedule

Unit-III The Union and State Judiciary

3.1 Supreme Court

3.1.1 Composition of the Supreme Court

3.1.2 Jurisdiction and Powers

3.1.3 Appeal by Special Leave – Article 136

3.1.4 Appeals from Tribunals under Article – 136

3.1.5 Doctrine of Stare Decisis

3.2. Emergency Provisions and their Impact on Distribution of Powers

3.3. Emergency Proclaimed because of Threat to the Security of India

3.1.1 Mode of proclamation

3.1.2 Impact of proclamation

3.4 Financial Emergency

3.5. Failure of Constitutional Machinery

3.6 Suspension of enforcement of the rights conferred by Part III during emergency

3.7 Amendment of the Constitution

3.8 Procedural Limitation on the Amending Power

3.9 Substantive Limitations and Amending Power (I) : “Shankari Prasad” To “Golaknath”

3.10. Substantive Limitations and Amending Power (ii): “Basic Structure Doctrine”

3.11. Doctrine of Basic Structure

References:

1. M V Pylee, Constitutional Amendments in India (2017), Universal Law Publishing - An Imprint of Lexis Nexis.
2. N.K. Acharya, “Supreme Court on Constitution of India” Asia Law House.
3. Dr. J.N. Pandey, “Constitutional Law of India”, Central Law Agency.
4. Dr. Avtar Singh, “The Constitution of India” (2019), Central Law Publications.
5. Granville Austin, “The Indian constitution”, Oxford University Press
6. R. Sudarshan, Zoya Hasan, Eswaran Sridharan, “India's Living Constitution: Ideas, Practices, Controversies” Anthem South Asian Studies.
7. Bidyut Chakrabarty and Rajendra Kumar Pandey, “Indian Government and Politics, Sage Publication India Pvt Ltd
8. B.N. Kripal, “Supreme but Not Infallible: Essays in Honour of the Supreme Court of India”, Oxford University Press.

Subject Title: Family and Matrimonial Laws-I

Subject code: LLM24204DCE

Paper 4

Credits : 3

Family and Matrimonial relationship constitute an important component of any legal system. This course is aimed at providing an understating of the concept of marriage under different personal laws. The changing concept of rights and obligations of the spouses has a tremendous impact on the institution of marriage. This has led to the reform of various matrimonial laws. The course aims at understanding the impact of these reforms and how these measures have achieved the object of gender justice.

Unit I. Concept of Marriage

- 1.1 Marriage as a contract and sacrament
- 1.2 Concept of Hindu Marriage
- 1.3 Concept of Christian Marriage
- 1.4 Concept of Muslim Marriage
- 1.5 Concept of Parsi Marriage
- 1.6 Concept of Live-in relationships

Unit II. Marriage and Statutory Provisions

- 2.1 Hindu Marriage Act, 1955
- 2.2 Parsi Marriage and Divorce Act, 1935
- 2.3 Christian Marriage Act, 1872
- 2.4 Special Marriages Act, 1954.

Unit III. Matrimonial Reliefs

- 3.1 Divorce in Hindu Law
- 3.2 Divorce in Christian Law
- 3.3 Divorce in Parsi Law
- 3.4 Divorce in Muslim Law
- 3.5 Statutory Provisions relating to Muslim Divorce Law

Selected Bibliography:

- Hammudah Abd al Ali, The Family structure in Islam, Illinois: American Trust Publications (1977)
- Ameer Ali, The Spirit of Islam, New Delhi: Kitab Bhawan (1922)
- N.J.Coulson, A History of Islamic Law, Edinburgh: Edinburgh University Press (1964).
- Ahmad A, Galwah, The religion of Islam, Cairo: Al-Ehemad Press (1945)
- Ruben Levy, The Social Structure of Islam, Cambridge: Cambridge University Press (1957)
- Abu Amenah Bilal Phillips, The Evolution of Fiqh, Riyaadh, Tawheed Publications (1990).
- Paras Diwan, Hindu Law, Allahabad: Wadhwa and Company (1995).
- P.V.Kane, History of Dharmasastra, Bhandarkar Research Institute (1976)
- Duncan Derrett, A critiques of Modern Hindu Family Law, Bombay: N.M.Tripathi Pvt. Ltd. (1970)
- John D Mayne, Treatise on Hindu Law and Usage, New Delhi: Bhanot Law House (1991)

Subject Title: Family and Matrimonial Obligations

Subject code: LLM24205DCE

Paper: 5

Credits : 3

Family and Matrimonial relationship constitute an important component of any legal system. This course is aimed at providing an understating of the concept of marriage under different personal laws. The changing concept of rights and obligations of the spouses has a tremendous impact on the institution of marriage. This has led to the reform of various matrimonial laws. The course aims at understanding the impact of these reforms and how these measures have achieved the object of gender justice.

Unit I. Law relating to Maintenance

1.1 Concept of Maintenance

1.2 Maintenance of Wife, Children, and Parents under the Hindu Law.

1.3 Maintenance of Wife, Children, and Parents under the Muslim Law.

1.4 Maintenance of Wife, Children, and Parents under the Christian Law.

1.5 Maintenance of Wife, Children, and Parents under the Parsi Law.

Unit II. Maintenance under General law

2.1 Maintenance of Wife, Children, and Parents under the Bhartiya Nagarik Suraksha Sanhita, 2023

2.2 Maintenance of Divorced Women under the Bhartiya Nagarik Suraksha Sanhita, 2023

Unit III. Statutory laws Governing Maintenance of Divorced Muslim Women

3.1 Maintenance under the Muslim Women (Protection of Rights on Divorce) Act, 1986.

3.2 Judicial Response to the Act.

Selected Bibliography

Hammudah Abd al Ali, The Family structure in Islam, Illinois: American Trust Publications (1977)

Ameer Ali, The Spirit of Islam, New Delhi: Kitab Bhawan (1922)

N.J.Coulson, A History of Islamic Law, Edinburgh: Edinburgh University Press (1964).

Ahmad A, Galwah, The religion of Islam, Cairo: Al-Ehemad Press (1945)

Ruben Levy, The Social Structure of Islam, Cambridge: Cambridge University Press (1957)

Abu Amenah Bilal Phillips, The Evolution of Fiqh, Riyaadh, Tawheed Publications (1990).

Paras Diwan, Hindu Law, Allahabad: Wadhwa and Company (1995).

P.V.Kane, History of Dharmasastra, Bhandarkar Research Institute (1976)

Duncan Derrett, A critiques of Modern Hindu Family Law, Bombay: N.M.Tripathi Pvt. Ltd. (1970)

John D Mayne, Treatise on Hindu Law and Usage, New Delhi: Bhanot Law House (1991)

Subject Title : Collective Violence And Criminal Justice System

Subject Code: LLM24206DCE

Paper: 6

Lectures: 2 credits

Tutorial:1 credit

Objectives of the course

This is a crucial area of Indian development with which traditional, western, criminology is not overly preoccupied. Collective political violence (CPV) is the order of the day, whether it is agrarian (feudal) violence, or it is atrocities against untouchables, communal riots, electoral violence, police violence (encounters), political violence by militant and extremist groups, gender-based violence or violence involved in mercenary terrorism and its containment.

It is not very helpful in such contexts, to mouth the generalities such as "criminalization" or "lumpenization" of Indian politics. Closer scientific investigation of these phenomena is crucial, which should help us understand both the aetiology and the prognosis of CPV. Instead of political analysis the course should focus on a broader social understanding of the political economy of law in India. Each specific form of violence will be examined with a view to identifying the course of its evolution, the state-law response policies of management of sanctions, compensation and rehabilitation of victims of violence, social and political costs. The growth of police and paramilitary forces will also, in this context, be an object of study. Primary materials here will be governmental and citizen investigative reports. The emphasis of the course will be on fashioning overall democratic understanding and responses to meet this problem.

The paper shall be of the pattern as provided in the annexure.

Unit 1. Introductory, Agrarian Violence and Repression

- 1.1. Collective Violence: Meaning , Nature and Scope
- 1.2. Distinctions: "symbolic" violence, "institutionalized" violence, "structural violence"
- 1.3. Legal order as a coercive normative order
- 1.4. Force-monopoly of modern law

Unit 2 Violence against the Scheduled Castes

- 2.1. Notion of Atrocities
- 2.2. Incidence of Atrocities
- 2.3 Uses of Criminal Law to combat Atrocities or contain aftermath of Atrocities
- 2.4. Violence against Women belonging to Schedule Caste / Schedule Tribes Act

Unit 3 Communal Violence

- 3.1 Incidence and courses of "communal" violence
- 3.2 Findings of various commissions of enquiry
- 3.3 The role of police and para-military systems in dealing with communal violence

Selected Bibliography

- 1. U. Baxi, "Dissent, Development and Violence" in R. Meagher (ed.) Law and Social Change: Indo- American Reflections 92 (1988)
- 2. U. Baxi (ed.), Law and Poverty: Critical Essays, (1988)
- 3. A.R. Desai, (ed.) Peasant Struggles in India, (1979)
- 4. A.R. Desai, Agrarian Struggles in India: After Independence (1986) A.R. Desai, Violation of democratic Rights in India (1986)
- 5. D.A. Dhangare, Peasant Movement in India: 1920-1950 (1983)
- 6. Ranjit Guha, Element any Aspects of Peasant Insurgency in Colonial India (1983) Ranjit Guba, (ed,) Subaltern Studies Vol. 1-6 (1983-1988)
- 7. T. Honderich, Violence for Equality (1980)
- 8. Mark Juergensmeyer, "The Logic of Religious Violence: The Case of Punjab" 22 Contributions to Indian Sociology 65 (1988)
- 10. Rajni Kothari, State Against Democracy (1987)
- 11. G. Shah, Ethnic Minorities and Nation Building: Indian Experience (1984)
- 12. K.S. Shukla, "Sociology of Deviant Behaviour," in 3 ICSSR Survey of Sociology and Social Anthropology 1969-1979 (1986)

Subject Title : Socio-Economic offences

Subject Code: LLM24207DCE

Paper: 7

Lectures: 2 credits

Practical: 1 credit

The paper shall be of the pattern as provided in the annexure.

Unit 1

- 1.1 Evolution of the concept of Socio-Economic offences.
- 1.2 Emergence of Socio-Economic offences in India.
- 1.3 Comparison of Socio- Economic offences with 'white Collar' crimes.
- 1.4 Criminological explanation of Socio-Economic offences: Study of causes with special reference to social dis-organization and economic theories. Sutherland's differential association theory and its application to India.
- 1.5 Nature and extent of Socio-Economic offences in India, prominent patterns and incidences. Tax evasion and Tax avoidance.

Unit 2

- 2.1 Sutherland's concept of WCC. Its criticism. Causes of failure of enforcement of laws against White Collar Criminals.
- 2.2 New Criminal Jurisprudence under socio-Economic offences:
 - (a) Principles of liability: Strict, Vicarious and corporate.
 - (b) Burden of Proof.
- 2.3 Special enforcement procedure, sentencing policy and practices with respect to Socio Economic offences. Difficulties in enforcement of laws.

Unit 3 Study of selected legislation pertaining to Socio-Economic offences [Lectures: 14]

- 3.1 Prevention of Food Adulteration Act, 1954.
- 3.2 Essential Commodities act, 1955
- 3.3 Prevention of Corruption Act, 1988.
- 3.4 Dowry Prohibition Act, 1961.
- 3.5 The Foreign Exchange Management Act, 1999.

Selected Bibliography

1. Cambridge University Press, 2001, White Collar Crime Explosion: How to protect yourself and Your Company from prosecution.
2. Mishra, Girish, 1998, White-collar Crimes, Gyan Publishing House, New Delhi.
3. Rakesh, M, 1994, Computer Crimes: Concept, Control and Prevention, Goyal Sysmam Computers Pvt. Ltd Bombay.
4. Sachdeva, Updesh Singh, 1987, Frauds & bankers, UDH Publishing House.
5. Coleman, James W., 1985, Criminal Elite: The Sociology of White collar Crimes, St. Martin's Press Inc. New York.
6. Bologna, J ac, 1984, Corporate Fraud, Butterworth Publishers.
7. Clinard, Marshall b. 1983, Corporate Ethics & Crime, Sage Publications.
8. Clinard, B & Yeager (Peter, 1980, Corporate Crime. McMillan Publishing Co.
9. I. Sutherland, white collar crime, Holt & Rinechart M. Y. 1961.
10. Donald R. Coessey & A. Ward, Delinquency, Crime and Social Process, Harper & Row, N.Y. (1969).
11. Herman Mannheim, Criminal Justice and Social Reconstruction Keoan Paul (1946).
12. K.P. Chakravarty, Prevention of Corruption in Public Services, vora Prakashan (1978).
13. Mahesh Chandra, Socio-Economic Crimes, Tripathi (1979).
14. AP. Mathur, Commentaries on Prevention of Food Adulteration Act, Eastern Book (1982).
15. S.K. Clore, Economic Offences.
16. Aubert, v. 'White Collar Crime and Social Offences in Business, Politics and Professions (1962).
17. Geis, Gilbert et al. White collar Crime Offences in Business, Politics and professions (1977).
18. Siddique, Ahmed 'Criminology: problems & perspectives', Eastern book co. 3rd Ed (1993), Chapters I, III, XI, XII, XIII.
19. Pennisky, Herold E., from White-Collar Crime to Explanation redefinition of a field, 65 Journal of Criminal Law & Criminology 225 (1974).
20. Newman, Donal J. White Collar Crime, 23 Law & Contemporary Problems 735 (1955).
21. Kartz, Alan M, The Law Against Food Adulteration: A current Assessment and proposal for Enforcement Alternative, 19JILI 63 (1977).
22. Pande, B.B. 'Nature and Dimensions of Privileged class Deviance" in

Shukla, K.S. (Ed.,).

23. The Other side of Development 135 (1987) Sage Publication Pvt. Delhi, India.
24. Pati, P.C. 'Corruption in India: Measures for its prevention with reference to prevention of corruption Act, 1988', 45 Cri, L.J. 51 (2005).
25. Report of the law Commission of India (29th and 4th). Santhanam Committee Report on Prevention of Corruption in Central Government.

Subject: Law of Corporate Management & Governance

Paper: 8

Subject Code: LLM24208DCE

Lectures:3 credits

Objective of the course: The course is aimed at providing a comprehensive understanding of the Law of Corporate Management & Governance among students. The paper shall be of the pattern as provided in the annexure.

Unit –1 Corporate Incorporation & Management

- 1.1. Registration & Incorporation
- 1.2. Memorandum & Articles of Association
- 1.3 . Doctrine of Indoor Management
- 1.4. Prospectus
- 1.5. Promoters
- 1.6. Shares and Debentures
- 1.7. Directors: Appointment, Removal, Position, Powers, Duties

Unit –2

- 2.1. Prevention of Oppression & Mismanagement & Investigation
- 2.2. Protection to Minority Shareholders
- 2.3. Winding up of Companies

Unit-3 Corporate Governance & Social Responsibility

- 3.1 Importance of Corporate Governance
- 3.2 Types of Corporate Governance
- 3.3. Legal reforms of Corporate Governance in India
- 3.4. Corporate Social Responsibility

Selected Bibliography

1. Gower, Principles of Modern Company Law, 6th Edition (1997) Sweet & Maxwell
2. Palwer, Company Law, Stevens, W. Green & Son
3. S.K Verma & Sum Gupta, Corporate Governance & Corporate Law Reform in India (2005)
4. Smith & Keenam's Company Law (2002)
5. Avtar Singh, Company Law, Sixteenth Edition, 2015, Eastern Book Company, Lucknow

Subject Title: Consumer and the Law

Subject Code: LLM24209DCE

Paper:9

Lectures: 2 credits

Practical :1 credit

Objectives of the course

The consumer and the law is subject of paramount importance. This subject deals with the genesis and historical development of consumer laws in India and comparative study of other consumer laws of different countries. It also deals with the institutional framework for the protection of interests of the consumers. It helps the students, lawyers to understand the new dimensions of consumer law and their application in the relevant field.

Unit – 1 [Lecturers: 12]

- 1.1. Genesis, Evolution and Development of Law relating to consumer protection.
- 1.2. Common Law Principles and Consumer Justice
 - a. Standard form of contract
 - b. Caveat emptor
 - c. Privity of contract
- 1.4 Liability Standards: Civil, Criminal: An overview of various laws including Consumer Protection Act.
- 1.5 Consumer Protection Act, 2019
 - 1.5.1. Consumer rights and e-Commerce.
 - 1.5.2. Mediation
 - 1.5.3. Product Liability.
 - 1.5.4. Consumer of Goods and Consumer of services
 - 1.5.5. Complaint, Consumer Dispute, Complainant and locus standi of voluntary consumer organizations
 - 1.5.6. Restrictive trade practices and Unfair trade Practices

Unit – 2 Consumer Protection Act – Institutional frame work and Judicial Approach

- 2.1. Consumer Councils: Role & Functions.
- 2.2. Central Consumer Protection Authority.
- 2.3. District Commission : Constitution , Procedure, Powers and Jurisdiction
- 2.4. State Commission : Constitution , Procedure, Powers and Jurisdiction
- 2.5. National Commission: Constitution , Procedure, Powers and Jurisdiction

Unit 3. Specific Consumer Legislations and Consumer Justice

- 3.1 Food Safety and Standards Act 2006,
- 3.2 Essential Commodities Act
- 3.3 Legal Metrology Act.

Selected Bibliography

1. A.D.Neale and D.G.Goyder: The Anti Trust Laws of the USA (3rd Ed. 1980)
2. Areeda Philip: Anti Trust Analysis: problems text, Cases (3rd Ed. 1981)
3. Robert H.Bok: The Anti Trust Paradox: A Policy at war with itself (N.Y.Basic, 1978)
4. James, Cunningham: The competition Act (Sweet and Maxwell London)
5. Donald and Haydon: Trade Practices Law Vol.1(Law Book Company Sydney)1978
6. Wilberforce, Campbell: The law of restrictive trade practices and monopolies(sweet and Maxwell)1966
7. Atiyah P.S: The sale of Goods
8. Chalmer's : Sale of Goods
9. Williston: Williston on Sale
10. Graveson R.H: The uniform laws on International Sales
11. Hassan S.M: A socio Economic Re-evaluation of Tort Law of Liability for Personal Injuries
12. Prosser William L.: Law of Tort
13. Salmond: Torts, 14th Ed
14. Clark and Lindsell: Torts, 12th Ed.
15. Baven: Negligence 4th Ed.
16. Charles worth: Negligence 4th Ed.
17. Azmi S.S.H : Sale of Goods and Consumer Protection in India
18. Saraf D.N: Consumer Protection in India alongwith supplement
19. Farooq Ahmad: Consumer Protection Law in India
20. Farooq Ahmad & Mushtaq Ahmad : Law on Consumer Services
21. Areeda and Turner: Predatory Pricing and Related Practices under section 2 of the Sherman Act, 1974-75/88 HLR 697

Related Articles:

1. Saraf D.N: Monopolies and Restrictive Trade Practice commission in action, some reflections for consumer protection 31, JILI 1989
2. Saraf D.N: Some facets of consumer justice through consumer disputes redressal agencies JILI 34(1992)
3. Sexana I.C: Consumer Protection Act : A view point JILI Vol 30(1989)
4. Singh S.N.: Consumer Protection Legislation Critique JILI, Vol 2, 380

5. Farooq Ahmad: False and Misleading Advertisements: Legal Perspectives JILI(1996)
6. Verma D.P.S: Regulation of Resale Price Maintenance 21 JILI74 (1979)

Reports:

1. Reports of the monopolies inquiry commission, 1965
2. Reports of the high powered –expert commission on companies and MRTP Acts, 1978
3. Annual report of the commission and department of company affairs in the working of MRTPC
4. English) report of monopolies and mergers, commission on Discriminatory discounts and tying agreements (1982) 45 MCRP
5. (UK)Report of the monopolies and restrictive practices commission on collective discrimination (1955)

Statutes:

USA: Sherman Act 1890
Clayton Act 1914
Federal Trade Commission Act, 1914
English Restrictive Trade Practices Act, 1976
Resale Price Act, 1974
Competition Act, 2002
English Consumer Protection Act, 1987
(Indian Monopolies and Restrictive Trade Practices Act, 1969)
Monopolies and restrictive Trade Practices Commission Regulation, 1973
Consumer Protection Act, 1986

Subject Title: COMPARATIVE CONSTITUTIONAL LAW

Subject Code: LLM24210DCE

Paper:10

Lectures: 2 credits

Practical :1 credit

Objective: Constitutional Law and Administrative Law together make Public Law. Public Law was first defined by Romans as *res-publica* which means Public good. Public Law regulates the relation between individual and state. However, with changing role of the State, the ambit of Public Law needs to be revisited.

This course highlights the various aspects of Public Law which has become, significant due to the concept of "Welfare State-. It enlightens the students about the various systems of governance which have evolved worldwide. The course further provides a comparative approach which enables the students to make critical analysis of the various systems.

The paper shall be of the pattern as provided in the annexure.

Unit 1. Introduction

- 1.1 . Meaning of Public Law
 - 1.1.2. What is a Constitution
 - 1.1.3. Significance of Constitution
 - 1.1.4. Types of Constitution
 - 1..1.5 Forms of government
- 1.2 Overview of legal systems
 - 1.2.1. Major legal systems of the world
 - 1.2.2 Monarchical system
 - 1.2.3. French Legacy
 - 1.2.4 German Legacy
 - 1.2.5. Saudi Arabian Monarchy
 - 1.2.6 English Monarchy
 - 1.2.6.1. Defeat of Absolutism
 - 1.2.6.2 Parliamentary Sovereignty
- 1.3. Present Scenario-US, UK, India and Australia

Unit 2. Rule of Law and Separation of Powers

- 2.1. Origin and Evolution
- 2.2. Dicey's Rule of Law.
- 2. 3 Recent Developments
 - 2.1.1. Britain
 - 2.1.2. Australia
 - 2.1.3. New Zealand
 - 2.1.4. India

2.4. Separation of Powers

2.4.1 Montesquieu's Theory

2.4.2 The relations between organs of the State

2.4.3 Comparative Study

2.4.3.1. USA

2.4.3.2 UK

2.4.3.3 Australia

2.4.4. India

2.4.4.5. France-*Droit.Administratif*

Unit 3: Federalism

3.1` Origin of Federalism

3.2. Principles and Legal Features of Federalism

3.3. Unitary State, Confederation and a Federal State-Comparison

3.4. Distribution of Legislative, Administrative and financial power in a Federal State

3.5. Evolution of Co-operative Federalism

3.6. Comparative Study

3.6.1. U.S.A

3.6.2. Australia

3.6.3. Canada

3.6.4. India

Selected Bibliography

1. Chayes, Abram. "The role of the judge in public law litigation." *Harvard Law Review* (1976): 1281-1316.
2. Hart, Herbert Lionel Adolphus. "Positivism and the Separation of Law and Morals." *Harvard Law Review* (1958): 593-629.
3. Ackerman, Bruce. "The new separation of powers." *Harvard Law Review* (2000): 633-729.
4. Jennings, Ivor. *The law and the constitution*. London: University of London Press, 1963.
5. Zakaria, Fareed. "The rise of illiberal democracy." *Foreign affairs* (1997): 22-43.
6. Strauss, Peter L. "The place of agencies in government: Separation of powers and the fourth branch." *Columbia Law Review* (1984): 573-669.

7. Riker, William H. *Federalism: Origin, operation, significance*. Boston: Little, Brown, 1964.
8. Elazar, Daniel Judah, and David J. Elazar. *Exploring federalism*. Tuscaloosa: University of Alabama Press, 1987.
9. Wechsler, Herbert. "Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government, The." *Colum. L. Rev.* 54 (1954): 580.
10. Oates, Wallace E. "An essay on fiscal federalism." *Journal of economic literature* (1999): 1120-1149.
11. Benkler, Yochai. "Constitutional bounds of database protection: the role of judicial review in the creation and definition of private rights in information." *Berk. Tech. LJ* 15 (2000): 535.
12. Rogers, James R. "Information and judicial review: A signaling game of legislative-judicial interaction." *American Journal of Political Science* (2001): 84-99.
13. Cheh, Mary M. "Judicial Supervision of Executive Secrecy: Rethinking Freedom of Expression for Government Employees and the Public Right of Access to Government Information." *Cornell L. Rev.* 69 (1983): 690.
14. D.D. Basu, *Comparative Constitutional Law*, 2nd ed., Wadhwa Nagpur, 2008,
15. Mark Tushnet, *The Possibilities of Comparative Constitutional Law* (1999) 108 Yale.L.J. 1225. 3. M.P. Jain, *Indian Constitutional Law*, 5th Ed., Wadhwa, Nagpur, 2003.
16. V.N Shukla's *Constitutional Law*, (11th Ed.) Eastern Book Company.
17. Reimann, Mathias and Zimmermann, Reinard, *The Oxford Handbook of comparative Law*, OUP, Oxford, 2006
18. Michael Burgess, *Comparative Federalism, Theory and Practice*, Routledge, New York, 2006.
19. Vicki C. Jackson and Mark V. Tushnet, *Comparative Constitutional Law*, Foundation Press.
20. M.V. Pylee – *Constitutions of the world I,II*. Universal law Publication Co.
21. M.V. Pylee – *Selected constitutions of the world II Edition*. Universal Law Publication co.
22. Vishanu Bhagwan Vidiya Bhushan *Worlds Constitutions a comparative study IX*

edition Sterling Publisher PVT. Ltd.

23. K.C. Wheare – Modern Constitution – Oxford University Press(1964)
24. Barendt. E.M. An introduction to Constitutional Law; Oxford University Press
25. Cane, Peter; Administrative Law; Oxford University Press
26. Finer, S.E. Comparative Government; Penguin Books.
27. Loughlin, Martin; The Idea of Public Law; Oxford University Press
28. K.C. Wheare – Federal Government; Oxford University Press IInd Edition (1966)

Subject: Mass Media Law

Subject Code: LLM24211DCE

Paper:11

Lectures: 2 credits

Tutorial:1credit

Objectives of the course

In an age dominated by media, media law occupies a prominent place. Mass media such as press, radio, television, films and internet play a vital role in socialization, culturalisation and modernization of a society. The visual media are bound to have a much greater impact on human mind. But while these media have such a potential value as main educators, they are also capable of destructive and harmful effects of promoting criminal and anti-social tendencies. While their positive potential as mass educators has to be harnessed for developmental purposes, their negative and harmful potential has to be curbed in public interest. On one hand, the law has to protect the freedom of media and on the other hand, it has to regulate the media so as to avoid possible abuse. This paper will deal with such interaction between law and mass media.

Course Content:

Unit I – Media and its Impact

- 1.1. Introduction to Media Law, Mass Media, Print & Electronic Media
- 1.2. Role of Media (Social, Economic & Political)
- 1.3. Impact of Mass media on Society (Both visual and non-visual)
- 1.4. Democracy and Media; Feminism and Media; Globalization and Media

Unit II – Freedom of Press: Constitutional Perspectives

- 2.1. Media in the Constitutional framework
- 2.2. Freedom of Press under Article 19(1)(a) of the Constitution, Reasonable Restrictions
- 2.3. Laws of Defamation, Obscenity, Blasphemy and Sedition
- 2.4. Advertisement
- 2.5. Media Censorship
- 2.6. Parliamentary Privilege and Media

Unit III New Media and its Regulation

- 3.1. Evolution of Internet as new media
- 3.2. Information Technology and Law
- 3.3. Social Media and its Regulation
- 3.4. Trial by Media
- 3.5. Privacy and Media

3.6. Media Reporting and Hate Speech

Selected Bibliography:

1. D. D. Basu, The Law of the Press, 4th ed., (Nagpur: Wadhwa & Company, 2002).
2. Madhavi Gordia Divan, Facets of Media Law, 2nd Edn., (Lucknow, Eastern Book Company, 2013).
3. Rashmi Sharma, Electronic Media: Issues and Innovations, (New Delhi, Regal Publications, 2007).
4. Sara Hadwin & Duncan Bloy, Law and the Media, (London, Sweet and Maxwell, 2007).
5. Pooja Kataria, Women and the Media, (New Delhi, Regal Publications, 2007)
6. Umar Sama, Law of Electronic Media, (New Delhi, Deep and Deep Publications Pvt. Ltd, 2007).
7. Ram Jethmalani & Chopra D.S., Cases and Material on Media Law, First edition, (New Delhi, Thomson Reuters, 2012).
8. Peter Carey and Peter Coles, Nick Armstrong and Duncan Lamont, Media Law, 4th ed. (London, Sweet and Maxwell, 2007).
9. P. Eric Louw, The Media and Political Process, 2nd ed, (Los Angeles, Sage Publications, 2010).
10. Judith Ridgway, Handling the Media and Public Relations, First Edition, (Infinity Books, 2005).
11. Andrew Nicol QC, Gavin Millar QC and Andrew Sharland, Media Law and Human Rights, 2nd ed, (Oxford University Press, 2009).
12. Bruce Michael Boys, Film Censorship in India: A Reasonable Restriction on Freedom of Speech and Expression, 14 J.I.L.I. 501 (1972).
13. Rajeev Dhavan, On the Law of the Press in India, 26 J.I.L.I. 288 (1984).
14. Rajeev Dhavan, Legitimizing Government Rhetoric: Reflections on Some Aspects of the Second Press Commission, 26 J.I.L.I. 391 (1984).
15. Soli Sorabjee, Law of Press Censorship in India, (1976).
16. Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends, (1984).

Subject Title: Fundamentals of the Law of Crimes.

Subject Code: LLM24212GE

Paper: 12

Lecture: 2 credits

Note: The subject includes a comprehensive and upto date study of various aspects law of crimes.

The paper shall be of the pattern as provided in the annexure.

Unit 1

1.1. Introduction to Criminal Law:

- (a) Purpose and Scope of Criminal law
- (b) Nature and Concept of crime

1.2. Elements of Criminal liability

- (a) Actus Reus
- (b) Mens rea-Importance of mens rea and recent trends to fix liability without mens rea in certain socio-economic offences.

1.3. Group liability under section 34 and 149 of the IPC

Unit –2 Specific Offences Against Human Body & Property

i) Specific Offences Against Human Body

a) Culpable Homicide and Murder

ii) Offences against Property

- (a) Theft: Section 378 & 379
- (b) Extortion: Section 383 & 384
- (c) Robbery: Section 390 and 392
- (d) Dacoity: Section 391 & 395.

Select Bibliography

1. Gaur K.D: Cases and Materials on Criminal Law
2. Gaur H.S: Penal Law of India
3. Pillai, P.S : Criminal Law

4. S.N. Mishra; Indian Penal Code
5. Nigam R.C. Law of Crimes in India.
6. 47th Report Law Commission of India
7. 226th Report:Law Commission of India.
8. Glanville William: Criminal Law

Subject: Fundamentals of Business Law

Subject: LLM24213GE

Paper: 13

Lectures: 2 credits

The paper shall introduce the learner to the basic concepts of Business Law. It shall provide an updated and in-depth study of Business Law.

The paper shall be of the pattern as provided in the annexure.

Unit 1

1.1 Essentials of Contract: Offer, acceptance, consideration

1.2. Concept of free consent and minor's contract.

1.3 Partnership Act: Partnership: Essentials, Relationship of partners with one another

Unit 2

2.1. Sale of Goods Act: Essentials of Contract of Sale, Rule of Caveat Emptor

2.2. Company Law: Nature of Company, Winding up: Winding up by Tribunal.

Selected Bibliography

1. Avtar Singh Indian Company Law (1999).
2. L.C.B. Gower, Principles of Modern Company Law (1997)
3. Palmer, Palmers Company Law (1987)
4. A. Ramaiya, Guide to the Companies Act (1998)
5. S.M. Shah Lectures on Company Law

Subject: Industrial and Intellectual Property Rights-II (Patents, Trade Marks and Geographical Indications)

Subject Code: LLM24214DCE

Paper 14

Lectures: 3 credits

Tutorial: 1 credit

Objective: Intellectual Property laws safeguard intellectual property for two broad reasons: One is to give impetus to creativity, innovation, scientific development, and dissemination to encourage fair trading which would contribute to economic and social development. The second is to give statutory recognition to the moral and economic rights of creators and the rights of the public to access creations. The study of this discipline of law, therefore, becomes extremely important for progressing in all the domains of human activity in modern times.

UNIT – I: International Treaties and Conventions in the specified areas

- 1.1. Paris Convention for the Protection of Industrial Property, 1883;
- 1.2. Patent Cooperation Treaty;
- 1.3. Madrid Agreement;
- 1.4. TRIPS Agreement

UNIT-II: The Patents Act, 1970

- 2.1. Introduction to Patent System & Patentability, Justification for the Monopoly, Invention – process and product; Inventive step, Novelty, Industrial application; Patentable subject matter; Priority dates, Application for patent – True and first inventor, Particulars of application.
- 2.2. Specifications – provisional and complete, Disclosure of Invention in Application, Drafting of claims, Grounds for opposition. knowledge within local or indigenous community, Grant of Patents and Rights of Patentee; sealing of Patent; Rights of Patentee; Term of Patent.
- 2.3. Assignment, General principles applicable to working of patented inventions, Voluntary licenses and compulsory licenses
- 2.4. Infringement of patents and remedies thereof
- 2.5. Protection of Traditional Knowledge

UNIT – III: Trade Marks and Geographical Indications

3.1. Concepts of trade mark, Nature and functions of trade marks, well-known trade marks, Registration of Trade Marks (Sections- 2, 9-17, 28, 30, 33, 37-45), Absolute and Relative grounds for refusal of registration, Status of well-known marks and its determination, Concurrent registration of marks, Rights conferred by registration, Duration of trade mark rights

3.1.1. Assignment and licensing of trade marks

3.1.2. Trade Mark and Domain Names

3.1.3. Non-conventional trade marks

3.2. Geographical Indications

3.2.1. Meaning, Procedure for registration, Rights conferred by registration

3.2.2. Geographical Indications and TRIPS Agreement

Prescribed Readings:

1. WIPO, Background Reading Material on Intellectual Property (1995).
2. Ashwani Kumar Bansal, Law of Trade Marks in India with introduction to Intellectual Property, 2009.
3. P. Narayanan, Law of Trade Marks and Passing off (7th ed., 2006).
4. P. Narayanan, Patents Law (4th ed., 2006).
5. W.R. Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights latest edition.
6. Raman Mittal, Licensing of Intellectual Property: Law & Management, 2009.
7. Annual Survey of Indian law, Indian Law Institute.

Subject Title: Consumer Protection Law

Subject Code: LLM24215OE

Paper 15

Lecture: 1 credit

Practical: 1 credit

The paper shall provide knowledge of basic concepts of consumer protection law. It shall provide an updated analysis of the key features of the law.

Unit 1

- 1.1. Introduction: Historical background
- 1.2. Definitions and scope
 - 1.2.1. Consumer of Goods
- 1.3. Consumer of Services
 - 1. Deficiency – meaning
 - 2. Contract of Personal Service
 - 3. Professional services

Unit 2

- 2.1. Enforcement of Consumer Rights
- 2.2. Consumer Councils
- 2.3. Central Consumer Protection Authority
- 2.4. Consumer fora under CPA: jurisdiction, powers and function
- 2.5. Remedies

Leading Cases

- 1) Lucknow Development Authority V. M.K. Gupta 1994 SCC 243, 252,(1994) ICPR 469 (SC)
- 2) Consumer Unity and Trust Society V. State of Rajasthan (1990)1. Comp.L.J.314.
- 3) A.C.Modagi V. Cross Well Tailor. (1991) II CPR 432 NCDRC; 1991 II CPT 586 NCDRC.
- 4) P.B. Khait Mazdoor Sangh V. State of West Bengal 1996 SC 2426.
- 5) V.P. Shanta V. Indian Medical Association AIR 1995 SC.

Select Bibliography

- 1. Farooq Ahmad Consumer Protection Law in India (Problems & Prospects)
- 2. Avtar Singh Law of Consumer Protection (Principles and Practices)
- 3. Gurjeet Singh The Law of Consumer Protection in India (Justice within Reach)
- 4. Farooq Ahmad & Law on Consumer Services (2003) (Valley Publishers) Mushtaq Ahmad Dar.

Subject Title: Intellectual Property Rights [Law and Practice]

Subject Code: LLM24217OE

Paper 17

Lecture: 1 credit

Practical: 1 credit

The paper shall provide knowledge of basic concepts of Intellectual Property Law. It shall provide an updated analysis of the key features of the this law. It shall provide an updated analysis of the developments in IPR. The paper shall be of the pattern as provided in the annexure.

Unit - 1

1. Fundamentals of IPR – Meaning, Scope and Extent
2. Copyright Law – Copyrightable works, Infringement of copyright, enforcement of copyright claims , digital copyright
3. Patent law – patentable works, maintenance of patent claim, enforcement and remedies under patent law , Patent Cooperation Treaty(PCT), TRIPS

Unit 2

- 2.1. Trademarks and Domain names: Meaning, scope and enforcement
1. IPR and Technology : introduction, scope and domain.

Selected Bibliography

1. Deepa Goel : IPR Biosafety and Bioethics Paperback – Pearson Education; First edition (2013)
2. E. T. Lokganathan Intellectual Property Rights (IPRs): TRIPS Agreement & Indian Laws – 2012
3. A.K. Narasani, K.C. Kankanala , V. Radhakrishnan ; Indian Patent Law and Practice (Oxford India Paperbacks) Paperback – 2012
4. V.K. Ahuja : Law Relating to IPRS , 1st Ed (2010) Lexis Nexis
5. B.L.adhera : law Relating to Intellectual Property, 2012 (5th ed) Universal law publishing Delhi
6. Chris Reed : Computer Law,
7. Tutorials- survey of copyright enforcement in the state of J&K: survey of patents/trademarks in the state, visit to enforcement agencies/ authorities.