

# **BRANCH-II : LL.M. (CONSTITUTIONAL LAW)**

## **SEMESTER-I**

### **SYLLABUS**

#### **PAPER – I : SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW** **(Common Paper for All the Branches)**

**UNIT-I:** Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

**UNIT-II:** Meaning of Positivism-Analytical positivism of Bentham and Austin• Kelsen's Pure Theory of Law-Hart's Concept of Law- Dworkin's criticism-Hart-Fuller controversy-Hart-Devlin's debate- Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

**UNIT-III:** Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist- Contribution of Henry Maine; Economic theory of law- Views of Karl Marx and Friedrich Engle's; Sociological theories of law• Contribution of Ihering-Contribution of Ehrlich-Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests- American and Scandinavian Realism- Critical Legal Studies Movement.

**UNIT-IV:** Theories of Natural Law-Meaning of Natural Law-History of Natural law –Greek origins-Medieval period-View of St.ThomasAcquinas-Period of Renaissance/Reformation-Grotius and International Law• Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories-Stammmler and Natural Law with variable content-Fuller and the Morality of Law- Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

#### **Suggested Readings:**

1. G.W.Paton: A Text book of Jurisprudence, 4<sup>th</sup>Edition;Clarendon Press, Oxford,1972.
2. *R.W.M. Dias*, Jurisprudence. 5<sup>th</sup> Edition; Aditya BooksPrivate Ltd., New Delhi,1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, NewYork
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6<sup>th</sup>Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt. Ltd. Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals of Jurisprudence: The IndianApproach,
8. 2<sup>nd</sup> Edition, Central Law Agency, Allahabad, 1997.
9. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi,1996.
10. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow,1990.
11. 10 Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

## **PAPER –II : INDIAN CONSTITUTIONAL LAW-I**

**UNIT-I:** Meaning of Constitution and Constitutional Law-Growth of modern Constitutions Classification - Historical background - Constitution in India after 1857 - Government of India Acts, 1919 & 1935 – Indian Independence Act, 1947 -Framing of Indian Constitution.

**UNIT-II:** Indian Constitution - Nature, Salient features, Preamble - Union and its territories - Citizenship - Fundamental Rights - Enforceability against State- General principles.

**UNIT-III:** Enumerated Fundamental Rights- Right to Equality-Right to Freedoms- Right to life and Personal Liberty- Right against Exploitation-Right to Freedom of Religion.

**UNIT-IV:** Cultural and Educational rights-Right to Constitutional remedies-Saving Clauses (Art.31-A, B & C)-Directive Principles of State Policy-Object and Philosophy-Classification-Enforceability-Interrelation of Fundamental Rights and Directive Principles-Fundamental Duties-Importance and enforceability

### **Suggested Readings:**

1. H.M.Seervai, Constitutional Law of India (in 2 Volumes), Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone of a Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report), (in 5 Books and 12 Volumes), Lok Sabha Secretariat, New Delhi, 1999.
4. B.Shiva Rao, Framing of the Indian Constitution (in 5 Volumes), Indian Institute of Public Administration. New Delhi.
5. Mopani, Constitutional Law of India, 2005, Wadhwa and Co., Nagpur,
6. Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute. Indian Bar Review, All India Reporter and Supreme Court Cases & Landmark judgments of Indian Higher Judiciary on the given topics.

**PAPER –III : LAW AND SOCIAL TRANSFORMATION**  
**(Common Paper for All the Branches)**

**Unit I:** 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. 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, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

**Unit II:** 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

**Unit III:** 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women’s Commission e. Empowerment of women; Constitutional and other legal provisions

**Unit IV:** Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: LokAdalats g. Democratic decentralization and Local Self-government.

**BIBLIOGRAPHY:**

1. Marc Galanter (ed.): Law and Society in Modern India (1997), Oxford.
2. Robert Lingat: The Classical Law of India (1998), Oxford
3. U. Baxi: The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.): Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi: A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999),Oxford University Press,New Delhi
7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India(1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour(2000) AnmolKiranDesthaPublications,Delhi.
10. SavitriGunasekhare: Children, Law and Justice(1997), Sage
11. Indian Law Institute: Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani: Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India c13. M.P. Jain: Outlines of Indian Legal History (1993), Tripathi, Bombay.
13. Agnes, Flavia: Law and Gender Inequality: The Politics of Women’s Rights in India (1999), Oxford.

## **PAPER-IV : LEGAL RESEARCH METHODOLOGY**

**(Common Paper for All the Branches)**

**Unit-I:** Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

**Unit-II:** Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

**Unit-III:** Research tools and techniques for collection of data – Observation - Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

**Unit-IV:** Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

### **Suggested Readings:**

- Goode & Hatt: Methods in Social Research: McGraw-Hill Book Company, Singapore 1981
- C.R. Kothari: Research Methodology: Methods and Techniques, 2<sup>nd</sup> Edition, Wishwa Prakashan, New Delhi, 1995.
- Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, 9<sup>th</sup> Edition, Himalaya Publishing House, Bombay- Delhi-Nagpur 1994.
- Pauline V Young: Scientific Social Survey and research, 3<sup>rd</sup> Edition, Prentice Hall, New York, 1960.
- B.N. Ghosh, Scientific Method and Social Research; 4<sup>th</sup> Edition Sterling Publishers Private Limited New Delhi, 1987.
- S.K. Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4<sup>th</sup> Edition, Surjeet Publications, New Delhi, 1992

# **SEMESER-II**

## **PAPER-V : INDIAN CONSTITUTIONAL LAW -II**

### **UNIT-I**

Union Executive: President, Council of Ministers and Parliamentary Form of Government, Powers and Functions – Union Legislature: Composition, Election, Powers, Functions, Privileges and Immunities –State Executive: Governor and Council of Ministers, Powers and Functions – State Legislature: Composition, Election, Powers, Functions, Privileges and Immunities.

### **UNIT-II**

Higher Judiciary: Supreme Court and High Courts, their Composition, Jurisdiction - Appointment, Transfer and Removal of Judges – Independence of Judiciary – Judicial Creativity

### **UNIT-III**

Relations between Union and States - General Principles of Interpretation- Legislative, Administrative and Financial Relations – Cooperative and Competitive Federalism - Liability of State in Contracts and Torts - Right to Property.

### **UNIT-IV**

Freedom of Interstate Trade, Commerce and intercourse in India – Services under the Union and States – Administrative Tribunals – Election Commission - Emergency Provisions and Impact on Fundamental Rights - Amendment of Constitution and Basic Structure Theory

### **Suggested Readings:**

1. H.M.Seervai: Constitutional Law of India (in 2 volumes), Universal Book Traders, New Delhi.
2. Granville Austin: Working of a Democratic Constitution: The Indian Experience, OUP 1999.
3. B.Shiva Rao (ed): Framing of the Indian Constitution (in 5 Volumes) Indian Institute of Public Administration, New Delhi.
4. V.N.Shukla: Constitution of India, Eastern Book Co., Lucknow
5. M.P.Jain: Constitutional Law of India, Wadhwa and Co., Nagpur
6. D.D.Basu: Commentary on the Constitution of India, S.C.Sarkar & Co., Calcutta.
7. V.D.Mahajan: Constitutional Law of India, Eastern Book Company.

**PAPER-VI**  
**COMPARATIVE CONSTITUTIONAL LAW - I**  
(British, French and Swiss Constitutions)

**UNIT -I**

Modern Constitutions: Idea, Evolution, and Nature – Classification: Unitary, Federal and Confederal – Comparative Analysis - Theory of Separation of Powers: Theory and Practice.

**UNIT-II**

British Constitution - Salient Features - Rule of Law - Executive, Legislature and Judiciary under the Constitution –Supreme Court of England and House of Lords-Appointment of Judges- Conventions

-Parliamentary Sovereignty - Emergency Powers – Magna Carta and Bill of Rights.

**UNIT-III**

French Constitution, 1958 - Salient Features – Significance of Liberty, Equality and Fraternity – Executive, Legislature and Judiciary under the Constitution - Constitutional Council – Amending Procedure - Emergency Powers.

**UNIT-IV**

History of Swiss Constitutions (1848 and 1874) - Swiss Constitution, 1999 - Salient Features – Fundamental Rights, Citizenship and Social Goals – Executive, Legislature and Judiciary under the Constitution - Direct Democracy - Relations between the Confederation and the Cantons – Amending Procedure.

**Suggested Readings:**

1. D.D.Basu: Comparative Constitutional Law, PrenticeHall of India, New Delhi.
2. K.C.Wheare: Modern Constitutions, Oxford University Press, London.
3. A.C.Kapoor: Select World Constitutions, S.Chand & Company, New Delhi.
4. C.F.Strong: Modern Political Constitutions, ELB Society, London.
5. A. V.Dicey: An Introduction to the study of Law of the Constitution, Macmillan. Delhi.
6. O.Hood Phillips: Constitutional and Administrative Law, Sweet &Maxwell, London.
7. Martin Loughlin: The British Constitution: A Very Short Introduction, OUP 2013.
8. Herman Finer: Theory and Practice of Modern Government (2 Vol), Methuen & Co., London
9. Dorothy Pickles: French Republic, Methuen & Co. London.
10. John Bell: French Constitutional Law, Clarendon Press, 1995.
11. Sophie Boyron: The Constitution of France: A Contextual Analysis, Hart Publishing 2012.
12. M.Y.Pylee: Constitutions of the World. Universal Law Publishing Co .New Delhi.
13. WE.Rappard: The Government of Switzerland.
14. Patricia Egli: Introduction to Swiss Constitutional Law, Dike Verlag 2020
15. Alexander Misic, Nicole Töpperwien: Constitutional Law in Switzerland, 2<sup>nd</sup> edn, Kluwer Law International 2018.
16. András Sajó, Michel Rosenfeld (eds.), The Oxford Handbook of Comparative Constitutional Law, OUP.
17. J.W.F. Allison (ed.), A.V.Dicey’s Comparative Constitutionalism, OUP 2013.

## **PAPER –VII- LAW AND JUSTICE IN GLOBALIZATION**

### **UNIT– I -Introduction**

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
  - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self-governance, Trusteeship theory, Sarvodaya, Antyodaya
  - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
  - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

### **UNIT – II - Globalization - its Process**

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

### **UNIT – III - The Doctrine of Law and Precedent – An Indian Perspective**

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

### **UNIT - IV: International Organizations vis-a-vis Globalization**

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR
- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development

## References:

### Books:

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2<sup>nd</sup> Edn, 1998, New Delhi.
5. Bimal N. Patel, "*Responsibility of International Organizations*" Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1<sup>st</sup> Indian Reprint, 2005, New Delhi.
7. Chakrabarty, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambay & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, "*The Law and Politics of International Organizations*" Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).



**PAPER-VIII**  
**FEDERAL SYSTEM IN INDIA: CENTRE-STATE RELATIONS**

**UNIT-I: Nature of the Indian Polity**

1. Forms of constitution – Unitary, federal, confederation – merits and demerits
2. Historical evolution of federal features: Government of India Act of 1919, Government of India Act 1935
3. Nature of Indian polity
4. Judicial perspective over the nature of Indian polity

**UNIT II: Union –State Legislative Relations**

1. Scheme of distribution of legislative powers between Union and States;
2. General principles of interpretation relating to the various lists; Doctrine of pith and Substance; Doctrine of Colourable Legislation and Doctrine of Territorial Nexus.
3. Residuary powers, Doctrine of Occupied Field, Parliament's power to legislate on the State List
4. Legislative powers of the parliament during emergency

**UNIT III: Administration and Financial Relations**

1. Distribution of Executive and Financial Powers
2. Finance commission
3. All India Services
4. Centre's directive to state.

**UNIT IV: Emergency Provisions**

1. Emergency provisions; Article 352, 356 and 360
2. Cooperative federalism

**Suggested Readings**

- K.C. Wheare, Federal Government  
Jain M.P. Outlines of Indian Legal History.  
M.V. Pylee, Constitutional History of India.  
Rama Jois M, Legal and Constitutional History of India.  
Stetelvad M.C. Constitutional History of India  
Keith A.B. Constitutional History of India  
H.M. Seervai, Constitutional Law of India –Vol. I and II  
G.C..V. Subbarao, Legislative powers in India Constitutional law.  
V.D Sebastain, India federalism: the legislative conflict  
L.M Singhvi, Union State Relations in India  
K. Subba Rao, The Indian Federation.  
K.P Krishna Shetty, The Law OF Union State Relations and Indian Federalism.  
Ashok Chandra, Federalism in India.  
Subba Rao G C V Indian Constitutional Law  
Pande G S Constitutional Law of India  
Saharay HK Constitution of India  
Plyee M.V Our Constitution government & politics  
Tope T K Constitutional Law of India

# **SEMESTER-III**

## **PAPER-IX - COMPARATIVE CONSTITUTIONAL LAW-II (American, Australian and Canadian Constitutions)**

### **UNIT- I :**

Federal and Confederal Constitutions- Principles of Federalism - Constitutionalism - Different types of Federalism- Doctrine of Separation of Powers - Theory of Checks and Balances - Judicial Review in U.S.A. : Evolution, Scope and Limits.

### **UNIT-II:**

U.S. Constitution – Evolution and Making - Salient features – Composition, Powers and Functions of Federal Executive, Legislature and Judiciary – Amendment of Constitution - Distribution of Legislative Powers – Bill of Rights.

### **UNIT-III:**

Australian Constitution - Evolution - Salient features – Structure and powers of Commonwealth Legislature, Executive and Judiciary -Amendment of Constitution - Distribution of Legislative powers.

### **UNIT-IV:**

Canadian Constitution (1867 through 1982) - Evolution and Patriation of Constitution –Salient features - Structure and powers of Dominion Legislature, Executive and Judiciary - Distribution of Legislative Powers - Charter of Rights and Freedoms - Amendment of Constitution.

### **Suggested Readings:**

1. D.D.Basu: Comparative Constitutional Law, 2<sup>nd</sup> edn., Lexis Nexis 2014.
2. M.P.Singh: Comparative Constitutional Law, 2<sup>nd</sup> edn., EBC 2011.
3. K.C.Wheare: Federal Government, Oxford University Press,London.
4. S.E.Finer, Comparing Constitutions, Clarendon Press,Oxford.
5. Edward S.Corwin: Constitution and What it means today. Princeton UniversityPress;
6. C.Herman Pritchett, The American Constitution, MC.Graw-Hill Book Company, NewYork.
7. Mark Tushnet, Sanford Levinson, Mark A Graber (eds.), The Oxford Handbook of the U.S. Constitution, OUP 2015
8. P.H.Lane: Some Principles and Sources of Australian Constitutional Law, Law Book Company of Australia Ltd.,Sydney.
9. W.Anstey Wynes: Legislature, Executive and Judicial Powers in Australia, The Law Book Company of Australia Ltd.,Sydney.
10. Adrienne Stone, Cheryl Saunders (eds.), The Oxford Handbook of the Australian Constitution, OUP 2018.
11. TM.Cooley: The General Principles of Constitutional Law in the United States of America.
12. Laurence H. Tribe, American Constitutional Law, 3<sup>rd</sup> revised edn., Foundation Press 1999.
13. Bernard Schwartz, American Constitutional Law, Cambridge University Press, 2013.
14. Laskin: Canadian Constitutional Law, Carswell Co. Ltd.Toronto.
15. Nathalie Des Rosiers, Patrick Macklem, Peter Crawford Oliver (eds.), The Oxford Handbook of the Canadian Constitution, OUP 2017.

# PAPER-X-LEGAL PEDAGOGY AND ICT IN EDUCATION

## UNIT-I-Legal Pedagogy

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research- Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

## UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

## UNIT-III-ICT in Education

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from ‘Teaching’ to ‘Learning’-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

## UNIT-IV-ICT in Legal Education: Need and Importance of legal education

Design of Law Curriculum – Efforts to review Legal Education -Global &India-Traditional Content based Curriculum-Current Challenges- Globalization, Pandemic & Shift from Adversarial to Dispute Resolution Model- Transition to Capability frame work-Integrated Models with Transferable generic and legally specific skills for Legal Profession- Demand for Competitiveness in Information & Communication Technology – New Evaluation & Assessment Models– Role of Online teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy- Electronic books- E-Books-Electronic Journals- E-Journals- Electronic Legal databases- E-Library- Power point Presentations

## Suggested Readings

### BOOKS

1. Dasgupta, Lovely. “Reforming Indian Legal Education: Linking Research and Teaching.” *Journal of Legal Education* 59, no. 3 (2010): 432–49.<http://www.jstor.org/stable/42894129>.
2. Choudhary, T. “Legal Education and Pedagogy in Contemporary Era” (2020)
3. Muntjewerff, Antoinette, ICT in Legal Education (September 25, 2009). CLPE Research Paper No. 24/09, Available at SSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), *Legal Aid And Law Clinics In South Africa* (School of Law, Howard College, University of Natal, 1985).
5. Madhava Menon, *Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems* (BCI Trust, New Delhi 1983).
6. N. R. Madhava Menon (ed.) *Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education* (Eastern Book Co., 1998).
7. S. Agrawala, *Legal Education in India* (West Publishing Company, 1973).
8. S.P. Sathe, *Access to Legal Education and the Legal Profession in India*, (Rajeev Dhavan Ed., Butterworths, London, 1989).

9. S.K. Sharma, Legal Profession in India, Sociology of Law and Legal Profession: A Study of Relations between Lawyers and their Clients (Rawat Publications, Jaipur, 1984).
10. S.S. Sharma, Legal Aid to the Poor: The Law and Indian Legal System (Deep & Deep Publications, New Delhi, 1993).
11. Integrating Technology in the classroom shelly, Cashman, Gunter and Gunter publication.
12. Essential of Educational Technology, Madan Lal, Anmol Publication.
13. Online Teaching Tools and Methods, Mahesh Varma, Murari Lal & Sons.

## ARTICLES

1. A.S. Anand, Legal Education in India - Past, Present and Future, 3 S.C.C. (Jour.) 1(1998).
2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association (1968).
3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307(2000-2001).
4. D.A. Desai, "Role and Structure of Legal Profession", XXII IBR(1995).
5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 Journal of Bar Council of India,(1973).
6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 U. Det. Mercy L. Rev.(1994).
7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165(2006-2007).
8. Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L.(1990).
9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 J.I.L.I.(1986).
10. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L.REV. 1461 (1997- 1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour.(1995).
13. Krishna Iyer, "Professions for the People: A Third World Perspective", XXIII IBR(1995).
14. Madhava Menon N.R., "Bar Councils and Management of Legal Profession", XIII (3 & 4) IBR (1986).
15. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR(1995).
16. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal of the Five Year LL.B. Course", XII, Bar Council Review(1986)
17. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Book review) 19 J.I.L.I.(1977).
18. N. R. Madhava Menon, "Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961", 8 JB Council of India 105(1981).
19. Place of Skills in Legal Education, 43 Columbia Law Review 345(1945).
20. R.K. Gupta, "Legal Aid and Legal Education: Work Brain Teasers", 2 Delhi Law Review(1973)
21. Resolutions of the 12th All India Law Teachers Conference, 2 Delhi Law Review 291 (1973) (Resolution No.II).
22. Shuvro Prosun Sarker, "Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India", 19 International Journal of Clinical Legal Education(2013).
23. Steve Sheppard, "An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams", 65 UMKC Law Review 65
24. Steven I. Friedland, "How We Teach: A Survey of Teaching Techniques In American Law Schools" 20 Seattle Univ. L. R. 1.
25. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 Journal of the Bar Council of India (1975-76).
26. Upendra Baxi, "The Pathology of the Indian Legal Professions", XXII IBR,(1995)

# **PAPER-XI-JUDICIAL PROCESS AND CONSTITUTION**

## **UNIT-1:**

Nature and Concept of Judicial Process: 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- Role of judicial Concepts and judicial discretion in judicial reasoning- Judicial Contribution in bringing Social Change.

## **UNIT- II:**

Judicial Process and Application of the Law of Precedent – Doctrine of Precedent-Ratio Decidendi and Obiter Dictum-Methods of determining ratio- Stare decisis and its exceptions-Precedent in Common Law and Civil law Countries - Special Dimensions of Judicial Process in Constitutional Adjudication-Notions of Judicial Review- Judicial Review vis-a-vis Judicial Activism -Judicial Activism and Judicial Self Restraint- Problem of Accountability in judicial law-making.

## **UNIT-III:**

Judicial Process in India-Operation of precedent in India: search for the legislative intention-Judicial process in a statute free zone and judicial process on statutory materials-The Indian Debate on the role of the Judges and on the notion of Judicial review- Prospective overruling-The “Independence” of Judiciary and ‘Political’ nature of Judicial Process-Judicial Activism and Creativity of the Indian Supreme Court ; the new dimensions- 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-Constitutional Morality versus Public Morality - Comparative Analysis of Judicial Process- Judicial Process in UK, USA, Australia and Other Countries

## **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), Butterworths.
4. J.Stone. Legal System and Lawyer’s Reasoning (1999), Universal Law Publishing Co., New Delhi
5. Upendra Baxi, The Indian Supreme Court and Politics. (1980), Eastern Book Co., Lucknow.
6. Rajeev Dhavan. The Supreme Court of India – A Socio-Legal Critique of its Juristic Techniques (1977), Tripathi – Bombay.
7. Virendra Kumar, Basic Structure of the Indian Constitution: Doctrine of Constitutionally controlled Governance, 49 Journal of the Indian Law Institute, PP: 365-395, (2007).
8. A.S.Anand, Judicial Review – Judicial Activism–Need for Caution, 42 Journal of Indian Law Institute P. 149 (2000).
9. Upendra Baxi, On how not to Judge the Judges” 25Journal of the Indian Law Institute,P. 211 (1983).
10. Henry J. Abraham, The Judicial Process (1998), Oxford.
11. S.P.Sathe, Judicial Activism in India: Transgressing borders and Enforcing Limits, Oxford New Delhi. (2002)
12. G.B.Reddy, Judicial Activism in India, 2 nd Edition (2013), Gogia Law Agency, Hyderabad

# **SEMESTER – IV**

## **PAPER –XII –INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES (Common Paper for All the Branches)**

### **UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes Central-State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

### **UNIT-II**

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code-Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

### **UNIT-III**

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education-Right to Information-Right to wholesome environment- Doctrine of public trust

### **UNIT-IV**

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post-independence era -Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members- Judicial Activism and Judicial Accountability-Contempt of Courts- Political Morality and effect of Anti-defection Law

### **Suggested Readings:**

- H.M. Seervai, Constitutional Law of India (in 2-Volumes), Universal Book Traders, NewDelhi.
- Granville Austin, Indian Constitution-CornerstoneNation, Clarendon Press,Oxford.
- Constituent Assembly Debates (Official Report),(in 5 Books and 12 Volumes),Lok Sabha Secretariat, NewDelhi.
- B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes), Indian Institute of Public Administration, NewDelhi.
- M.P.Jain, Constitutional Law of India, Wadhwa and Co.,Nagpur.
- Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
- Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases &landmark judgments of Indian Higher Judiciary on the given topics.

## **PAPER-XIII-ADMINISTRATIVE LAW**

### **UNIT-I:**

Administrative Law-Definition, Scope, Causes for its growth- Difference between Administrative Law and Constitutional Law - Classification of Administrative action - Rule of Law – French Administrative System (Droit Administratiiff).

### **UNIT-II:**

Theory of Separation of powers - Delegated Legislation: Classification, Constitutionality and Controls - Limits of Delegated Legislation – Principles of Natural Justice, Origin, Evolution - Classification, Principles of Fair Hearing and Rule against Bias - Exception to the application of Principles of Natural Justice.

### **UNIT-III:**

Discretionary Powers of Administration - Doctrine of Legitimate Expectation - Doctrine of Proportionality - Judicial Control and Judicial Review of Administrative Action: Grounds and Means – Constitutional and Statutory remedies.

### **UNIT-IV:**

Public Corporations - Liabilities of State in Contracts and Torts - Promissory Estoppel- Administrative Tribunals - Ombudsman: Lokpal, Lokayukta and Central Vigilance Commission - Right to Information.

### **Suggested Readings:**

1. H.W.R. Wade Administrative Law, Clarendon Press, Oxford.
2. Garner: Administrative Law, Butterworths, London.
3. J.A.G. Griffith and H. Street : Principles of Administrative Law, Pitman Publishing, New York.
4. S.A. De Smith: Judicial Review of Administrative Action, Stevens and Sons, London.
5. M.P. Jain & S.N. Jain: Principles of Administrative Law, Wadhwa and Company, Nagpur.
6. S.P. Sathe: Administrative Law, Butterworths, New Delhi.
7. I.P. Massey: Administrative Law, EBC, Lucknow
8. K.C. Davis: Administrative Law & Government, West Publishing Co., St. Paul Minn.
9. David Foulkes: Administrative Law. Butterworths. London.
10. Dr. Abdul Rayees Khan: Administrative Law, K.K. Publications, Hyderabad.

## PAPER- XIV: DISSERTATION

Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her. Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, **once it is satisfactorily conducted**, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre-submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

**\* Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.**

1. Allotment of topic in III semester
2. Research design in III semester
3. Progress Seminar in IV semester
4. Pre-Submission Seminar in IV semester
5. TA/DA to the examiners to be paid by the respective colleges.

\*\*\*\*\* THE END \*\*\*\*\*



# **BRANCH-IV: LL.M. (CORPORATE AND SECURITIES LAWS) SEMESTER-I**

## **PAPER-I ; SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW (Common Paper for All the Branches)**

**UNIT-I:** Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

**UNIT-II:** Meaning of Positivism-Analytical positivism of Bentham and Austin• Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism- Hart-Fuller controversy-Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

**UNIT-III:** Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist- Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich Engles; Sociological theories of law• Contribution of Ihering-Contribution of Ehrlich-Duguit's theory of Social Solidarity- Roscoe Pound's Social Engineering and Classification of Interests- American and Scandinavian Realism-Critical Legal Studies Movement.

### **UNIT-IV**

Theories of Natural Law-Meaning of Natural Law-History of Natural law – Greek origins-Medieval period-View of St.ThomasAcquinas-Period of Renaissance/Reformation-Grotius and International Law• Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories-Stammmer and Natural Law with variable content-Fuller and the Morality of Law-Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

### **Suggested Readings:**

1. G.W.Paton: A Text book of Jurisprudence, 4<sup>th</sup>Edition; ClarendonPress, Oxford,1972.
2. *R. W.M. Dias*, Jurisprudence, 5<sup>th</sup>Edition; AdityaBooksPrivateLtd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5th Edition; Columbia University Press, NewYork
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6<sup>th</sup> Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated GeneralPublications Pvt.Ltd.Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals ofJurisprudence: The IndianApproach, 2<sup>nd</sup> Edition, Central Law Agency, Allahabad, 1997.
8. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
9. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
10. Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

## PAPER –II : LAW ON CORPORATE CONTRACTS

**Unit –I:** Meaning of Intellectual Property Rights - General framework of IPR Laws in India - Copyright Act, Trademarks Act and Designs Act etc. -Contracts relating to transfer of IPRs - Licensing, Assignment, Sale and Mortgage etc. - Application of general Principles of Contract to IPR contracts - Breach of IPR contracts and Remedies therefor.

**Unit – II:** Alternative Dispute Resolution - Meaning of ADR - Evolution of ADR Mechanism - Advantages of ADR - Arbitration, Conciliation and Mediation - Salient features of Arbitration and Conciliation Act -Appointment and Removal of Arbitrators and Conciliators - Passing of Award - Section 89 of CPC. 1908 and Sections 10 and 11 of Indian Contract Act vis-à-vis ADR.

**Unit – III:** International Commercial Arbitration - Meaning and Definition -Application of Indian Contract Act 1872 to International Commercial Contracts and Arbitration Agreements - General Principles of Private International Law relating to International Commercial Arbitration -UNCITRAL Model.

**Unit – IV:** E-Commerce - meaning and nature - Salient features of the Information Technology Act, 2000 - Impact of the IT Act 2000 on Law of Contracts, Law of Evidence, Law of Crimes - Application of Intellectual Property Laws to Cyber Contracts - Cyber Offences - Breach of Cyber Contracts - Remedies - Fora for Redressal of Cyber Disputes-Infrastructural contracts- *the International Federation of Consulting Engineers (FIDIC) approved contracts*

### Suggested Readings:

- Anson's Law of Contracts - Clarendon Press, Oxford, UK.
- TS Venkatesh Iyer - Law of Contracts, S Gogia and Company, Hyd.
- Avtar Singh - Law of Contracts, Eastern Book Company, Lucknow.
- P.Narayanan, Intellectual Property Law. Ed, Eastern Law House, Kolkata,
- W.R.Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London.
- Hillary E. Pearson & Miller CG, Commercial Exploitation of Intellectual Property, Universal Book Traders, New Delhi.
- David Bainbridge, Intellectual Property, Pearson Education Limited, London.
- B.L.Wadhwa, Law Relating to Patents, Trademarks, Copyright, Designs & Geographical Indications, Universal Law Publishing Co. Ltd., New Delhi.
- Prof. Willem Hoyng & Frank Eijssvogels, Global Patent Litigation, Wolters Kluwer, Bedfordshire, U.K.
- Eric M. Dobrusin, Esq., Katherine E. White. Intellectual Property Litigation: Pretrial Practice, Wolters Kluwer, Bedfordshire, U.K.
- GB.Reddy, Intellectual Property Rights and the Law, Gogia Law Agency, Hyderabad.
- Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - Eastern Book Company - Lucknow.
- Venu Gopal K.K - Justice Bachawat's Law of Arbitration and Conciliation Including commercial, international and ADR
- P.C.Rao & William - Alternative dispute resolution, Universal Law Sheffield Publishing Ltd.
- GK.Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration.

## **PAPER –III : LAW AND SOCIAL TRANSFORMATION**

### **(Common Paper for All the Branches)**

**Unit I:** 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. 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, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

**Unit II:** 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

**Unit III:** 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women’s Commission e. Empowerment of women; Constitutional and other legal provisions

**Unit IV:** Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: LokAdalats g. Democratic decentralization and Local Self-government.

### **BIBLIOGRAPHY:**

1. Marc Galanter (ed.) : Law and Society in Modern India (1997), Oxford.
2. Robert Lingat : The Classical Law of India (1998), Oxford
3. U. Baxi : The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.) : Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi : A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999), Oxford University Press, New Delhi
7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta: Law and Menace of Child Labour (2000) AnmolKiranDestha Publications, Delhi.
10. SavitriGunasekhare : Children, Law and Justice (1997), Sage
11. Indian Law Institute : Law and Social Change : Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani : Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India
13. M.P. Jain : Outlines of Indian Legal History (1993), Tripathi, Bombay.
14. Agnes, Flavia : Law and Gender Inequality: The Politics of Women’s Rights in India (1999), Oxford.

## **PAPER-IV : LEGAL RESEARCH METHODOLOGY**

### **(Common Paper for All the Branches)**

#### **Unit-I:**

Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

#### **Unit-II:**

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

#### **Unit-III:**

Research tools and techniques for collection of data-Observation. Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

#### **Unit-IV:**

Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

#### ***Suggested Readings:***

- ▯ Goode & Hatt: Methods in Social Research: McGraw-Hill Book Company, Singapore 1981
- ▯ C.R. Kothari: Research Methodology: Methods and Techniques, 2<sup>nd</sup> Edition, Wishwa Prakashan, New Delhi, 1995.
- ▯ Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, 9th Edition, Himalaya Publishing House, Bombay- Delhi-Nagpur 1994.
- ▯ Pauline V Young: Scientific Social Survey and research, 3<sup>rd</sup> Edition, Prentice Hall, New York, 1960.
- ▯ B.N. Ghosh, Scientific Method and Social Research; 4<sup>th</sup> Edition Sterling Publishers Private Limited, New Delhi, 1987.
- ▯ S.K. Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4th Edition, Surjeet Publications, New Delhi, 1992

# **SEMESTER - II**

## **PAPER-V : MODERN COMPANY LAW -I**

### **Unit I:**

History of Company law in England and India-Characteristics of Company, advantages and Disadvantages of Company, Definition, Formation, Registration and Incorporation of company: Nature and kinds of company.

### **Unit II**

Promoters: Position, duties and liabilities - Mode and consequences of incorporation, - Uses and abuses of the corporate form, lifting of corporate veil, - Memorandum of Association, alteration and the doctrine of ultra vires, -Articles of association, binding nature, alteration, relation with memorandum of association, doctrine of constructive notice and indoor management exceptions.

### **Unit III**

Capital Formation: Prospectus: Issues, contents, Kinds, liability form is statements, statement in lieu of prospectus- Allotment of Share Capital, Transfer and Transmission of Shares, The nature and classification of company securities- Preference Shares, Equity shares with differential rights, Rights issue, Bonus shares, Reduction of Share Capital, Buy-Back of securities.

### **Unit IV**

Acceptance of Deposits -Debentures, kinds, remedies of debenture holders. Charges creation, Modification and Satisfaction, Various kinds of Meetings, Annual General Meeting and Extra-ordinary General Meeting, Proxies, Postal Ballot etc.

### **Unit V**

Accounts, Auditors of the Company, Directors, Director Identification Number, powers and duties of directors, Corporate Social Responsibility, Appointment and Remuneration of Key Managerial Personnel, Inter-Corporate Loans, Meetings of Boards and its Committees, Virtual Meetings

### **Suggested Readings :**

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
3. Palmer - Company Law
4. Ramiaya: Guide to Companies Act
5. Gower: Principles of Modern Company Law
6. Indian Law Institute- Current Problems of Corporate Law
7. The Companies Act,2013 and Rules made there under Chandratre, Acharya, Israni, Sethuraman, Compendium onSEBI, Capital Issues and Listing

## **PAPER -VI : SECURITIES LAWS**

### **Unit I**

Securities Contracts (Regulation) Act, 1956 – Interpretation Clause - Meaning and Definition of Stock Exchange -Recognition of Stock Exchange - Contracts in Securities -Listing of securities - Securities Appellate Tribunal (SAT)- Constitution, Powers and Functions - Appeals from orders of SAT – Title to Dividends-Securities and Exchange Board of India Act, 1992 -Interpretation Clause-Establishment of the Securities and Exchange Board of India - Constitution, Powers and Functions -Registration of Stock Brokers , Sub-brokers ,& Share Transfer Agents – Prohibition of Manipulative and Deceptive practices- Inside Trading and Substantial Acquisition of Securities or Control-Adjudication of disputes- Appeals to Securities Appellate Tribunal, HCs & SC- Capital Market regulations.

### **Unit II**

Depositories Act, 1996 - Definition of Depository Board and Beneficial Owner -Certificate of Commencement of Business - Rights and obligations of Depositories, participants, issuers and beneficial Owners, Overview of SEBI (ICDR) Regulations.

### **Unit III**

SEBI (LODR) Regulations- Key Definitions, Applicability, Obligations of Listed entities, Composition of Board of Directors, Meetings of Board, Related Party Transactions, Compliances under Regulations, Case laws on SEBI ( LODR) Regulations.

### **Unit IV**

History of Insider Trading, Law on Insider in USA and UK, Insider Trading Regulations in India, Meaning of Insider and Insider Information, SEBI, NCLT, NCLAT and Supreme Court Judgements on Insider Trading Regulations in India.

### **Unit V**

Meaning of Takeover, Kinds of Take overs, Take over regulations in USA and UK, SEBI (Substantial Acquisition of Shares and Takeovers) Regulations, 2011, Judicial Pronouncements on Takeover.

### **Suggested Readings:**

1. Palmer - Company Law.
2. Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.
3. Avtar Singh: Company Law, Eastern Book Company
4. H.K.Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.
5. S.M.Shah: Lectures on Company Law, N.M. Tripathi Private Ltd Bombay.
6. Chalesworth& Cain: Company Law, Geoffrey Morse, Stevens and Sons, London.
7. L.C.B. Grover: The Principles of Modem Company Law, Stevens and Sons, London.
8. Pennigton: Company Law, Butterworths, London. Taxmann's Publications Journal on SEBI and Corporate Laws.
9. Pahwa : Law relating to on-Banking financial companies B.K.Pahwa.

## **PAPER –VII- LAW AND JUSTICE IN GLOBALIZATION**

### **UNIT– I -Introduction**

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
  - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self-governance, Trusteeship theory, Sarvodaya, Antyodaya
  - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
  - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

### **UNIT – II - Globalization - its Process**

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

### **UNIT– III - The Doctrine of Law and Precedent – An Indian Perspective**

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

### **UNIT - IV: International Organizations vis-a-vis Globalization**

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR
- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development

## References:

### Books:

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2<sup>nd</sup> Edn, 1998, New Delhi.
5. Bimal N. Patel, "*Responsibility of International Organizations*" Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1<sup>st</sup> Indian Reprint, 2005, New Delhi.
7. Chakrabarty, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambray & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, "*The Law and Politics of International Organizations*" Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).



## PAPER VIII : LAW OF INSURANCE AND CARRIAGE

### Unit - I

Nature of Insurance and types of insurance - definition of insurance -history -contract of insurance - classification of insurance contracts-Kinds of Insurance Policies - insurable Interest - Premium - Risk - Assignment.

### Unit II

Role of insurance in Economic Development - Redressal of Consumer grievance -Role of the "OMBUDSMAN"- IRDA Regulations 2000 - Disclosures – The Insurance Act 1938 as amended by the IRDA Act 1999 - Constitution of IRDA and its powers and functions –IRDA Regulations- Role of IRDA on Insurance Companies- , Redressal of Grievances by IRDAI

### Unit III

Special Doctrines relating to Insurance - Doctrine of Reinstatement -Doctrine of Subrogation - Doctrine of Contribution - Difference between contribution and subrogation - Proximity clause. Marine Insurance - Definition and nature of Insurance Contracts - Classification of Marine Insurance Policies - Marine claims - Voyage -Deviation - Perils of Sea - Warranties in Marine Insurance - Losses and abandonment- Relevant provisions of the Motor Vehicles Act.

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### Unit IV

**Agricultural Insurance:** Introduction to Indian Agriculture; Risk in Agriculture; History of Crop Insurance in India; Crop Insurance,

**Liability Insurance:** Introduction to Liability Insurance; Legal Background; Liability Underwriting; Statutory Liability; General Public Liability (Industrial/Non-industrial Risks); Products Liability Insurance

### Unit V

Carriage of goods by road - Multimodal Transportation of Goods Act 1993- Law of Carriage by Sea - The Carriers Act 1865, The Railways Act, 1899, The Air Act 1972, the Carriage by Sea Act, 1925.

### Suggested Readings :

1. K.S.N. Murthy and KVS Sarma: Modern Law of Insurance in India, N.M.Tripathipvt. Ltd. Bombay.
2. Ravi Pulirani and Iahesh Pulirani :Manual of Insurance Law, Bharat Law House Pvt. Ltd., New Delhi.
3. Brijnandan Singh: ew Insurance Law, University Book Company. Allahabad.
4. J. Nagar: The Hand Book of Insurance Regulatory and Development Authority,University Book Company, Allahabad.
5. B.C.Mitra: The Law relating to Marine Insurance, University Book Company, Allahabad.
6. E.R.HardyIvamy: General Principles of Insurance Law, Butterworths, London.
7. Michael Parkington: Insurance Law, Sweet and Maxwell, London.
8. Dr. Avtar Singh: Law of Carriage, Air, Land and Sea, EBC, Lucknow.
9. Journal of IRDA monthly since 2002.

# **SEMESTER-III**

## **PAPER-IX- LAW OF BANKING & NEGOTIABLE INSTRUMENTS**

### **UNIT-I**

Historical background of Banking system - Evolution of Banks - Classification - Banks and other Financial institutions - Functions of Banks - Recent trends in Banking system-e-Bankingsystem

### **UNIT-II**

Relationship between Banker and Customer - Definition - Rights and Duties - Special types of customers - Customer accounts – Overdrafts Bankers lien and combining of accounts - Appropriation of payments-Claytons Rule - Pass Book - Forgery, Negligence, Mistake, Wrongful endorsements - Legal protection to paying Banker and collecting Banker Lawful dishonour of Cheques - Effect of Wrongful dishonour of Cheques.

### **UNIT-III**

Kinds of negotiable instruments, Customary / Deemed Negotiable instruments - Essential features. Crossing of Cheques - Holder in due course and Holder for value - Liability of maker of Notes and acceptor of Bills Drawer of Cheques - Liability and discharge of Endorser -Consideration Effect of Endorsement - Accommodation Bills – Discharge from Liability of Notes, Bills and Cheques. Noting and protest - Presumptions as to negotiable instruments-dishonour of cheques

### **UNIT-IV**

Bank Guarantees - Kinds of Guarantees - Rights and Obligations of Bankers - Letters of Credit - Types of Letters of Credit – Advances secured by collateral securities - Advances against Goods and Documents of titles to Goods - Recommendations of committees in improving the Banking system RBI and its promotional role in relation to commercial Banks - Banking Regulation Act 1949 - The Securitisation and Reconstruction of Financial Assets and enforcement of security Interest Act, 2002- Salient features.

### **Suggested Readings:**

1. Sheldon: Practice and Law of Banking , Pitman Publ., Toronto.
2. Tannan: Banking Law and Practice in India , India Law House, New Delhi.
3. Lord Chorley and P.E.Smart: Leading Cases in the Law of Banking
4. Bashyam and Adiga , Bharat Law House, New Delhi.
5. Arora & Kalra: All India Banking Law Judgements in 4 Vols,Punjab Law Agency, Delhi.
6. L.C.Goyle: Law of Banking and Bankers, Eastern Law House, NewDelhi.

# **PAPER-X- LEGAL PEDAGOGY AND ICT IN EDUCATION**

## **UNIT-I-Legal Pedagogy**

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research- Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

## **UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education**

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

## **UNIT-III-ICT in Education**

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from ‘Teaching’ to ‘Learning’-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

## **UNIT-IV-ICT in Legal Education: Need and Importance of legal education**

Design of Law Curriculum – Efforts to review Legal Education -Global &India-TraditionalContentbasedCurriculum-CurrentChallenges-Globalization,Pandemic&ShiftfromAdversarialtoDisputeResolutionModel-TransitiontoCapabilityframework-IntegratedModelswithTransferable generic and legally specific skills for Legal Profession- Demandfor Competitiveness in Information & Communication Technology – NewEvaluation&Assessment Models– Role ofOnline teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy-Electronic books- E-Books-Electronic Journals- E-Journals-Electronic Legal databases- E-Library-Power point Presentations

### **Suggested Readings**

#### **BOOKS**

1. Dasgupta, Lovely. “Reforming Indian Legal Education: Linking Research and Teaching.” *Journal of Legal Education* 59, no. 3 (2010): 432–49.<http://www.jstor.org/stable/42894129>.
2. Choudhary, T. “Legal Education and Pedagogy in Contemporary Era” (2020)
3. Muntjewerff, Antoinette, ICT in Legal Education (September 25, 2009). CLPE Research Paper No. 24/09, Available at SSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), *Legal Aid And Law Clinics In South Africa* (School of Law, Howard College, University of Natal,1985).
5. Madhava Menon, *Legal Education for Professional Responsibility – An Appraisal of the New Pattern, Legal Education in India Status and Problems* (BCI Trust, New Delhi1983).
6. N. R. Madhava Menon (ed.) *Clinical Legal Education: Concept and Concerns, A Handbook on Clinical Legal Education* (Eastern Book Co.,1998).
7. S. Agrawala, *Legal Education in India* (West Publishing Company,1973).
8. S.P. Sathe, *Access to Legal Education and the Legal Profession in India*, (Rajeev DhavanEd., Butterworths, London,1989).
9. S.K. Sharma, *Legal Profession in India, Sociology of Law and Legal Profession: A Study of*

Relations between Lawyers and their Clients (Rawat Publications, Jaipur,1984).

10. S.S. Sharma, Legal Aid to the Poor: The Law and Indian Legal System (Deep & Deep Publications, New Delhi,1993).

11. Integrating Technology in the classroom shelly, Cashman, Gunter and Gunter publication.

12. Essential of Educational Technology, Madan Lal, Anmol Publication.

13. Online Teaching Tools and Methods, Mahesh Varma, Murari Lal & Sons.

## ARTICLES

1. A.S. Anand, Legal Education in India - Past, Present and Future, 3 S.C.C. (Jour.) 1(1998).

2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 Journal of the All India Law Teachers Association (1968).

3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 Clinical Law Review 307(2000-2001).

4. D.A. Desai, "Role and Structure of Legal Profession", XXII IBR(1995).

5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 Journal of Bar Council of India,(1973).

6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 U. Det. Mercy L. Rev.(1994).

7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 Clinical Law Review 165(2006-2007).

8. Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", Mic. J. Int'l. L.(1990).

9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 J.I.L.I.(1986).

10. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 Clinical Law Review 167 (1995).

11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 S.M.U. L.REV.1461 (1997-1998).

12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 SCC Jour.(1995).

13. Krishna Iyer, "Professions for the People: A Third World Perspective", XXIII BR(1995).

14. Madhava Menon N.R., "Bar Councils and Management of Legal Profession", XIII (3 & 4) IBR (1986).

15. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, IBR(1995).

16. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal of the Five Year LL.B. Course", XII, Bar Council Review(1986)

17. Mohammad Ghose, "Legal Education in India: Problems and Perspective", (Bookreview) 19 J.I.L.I.(1977).

18. N. R. Madhava Menon, "Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961", 8 JB Council of India 105(1981).

19. Place of Skills in Legal Education, 43 Columbia Law Review 345(1945).

20. R.K. Gupta, "Legal Aid and Legal Education: Work Brain Teasers", 2 Delhi Law Review(1973)

21. Resolutions of the 12th All India Law Teachers Conference, 2 Delhi Law Review 291 (1973) (Resolution No.II).

22. Shuvro Prosun Sarker, "Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India", 19 International Journal of Clinical Legal Education(2013).

23. Steve Sheppard, "An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams", 65 UMKC Law Review 65

24. Steven I. Friedland, "How We Teach: A Survey of Teaching Techniques In American Law Schools" 20 Seattle Univ. L. R.1.

25. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 Journal of the Bar Council of India (1975-76).

26. Upendra Baxi, "The Pathology of the Indian Legal Professions", XXII IBR,(1995)

## **PAPER XI-MODERN COMPANY LAW-II**

### **UNIT- I**

Majority control and minority protection, Prevention of oppression and Mismanagement, judicial pronouncements on Oppression and Mismanagement, powers of court and central government- legal liability of company - civil, criminal, tortious and environmental.

### **UNIT-II**

Types of Corporate Restructuring, : Key definitions, Compromises, Arrangements, Mergers & Amalgamations; Demergers & Slump Sale, Business Sale; Joint Venture, Strategic Alliance ,Reverse Merger Disinvestment; Financial Restructuring, Takeover of listed and unlisted companies, Fast Track Mergers, cross border mergers, Taxation issues & Stamp Act provisions relating to restructuring.

### **UNIT- III**

Registrar of Companies, Duties and powers of ROC, Appointment, powers and duties of Official Liquidator , Constitution of NCLT and NCLAT, Powers of NCLT and NCLAT, Special Courts under Companies Act.

### **Unit IV**

Historical Background of IBC, Petition for Corporate Insolvency Resolution process, Persons entitled to file petition under IBC, Liquidation on or after failing of resolution plan, Voluntary Liquidation: Procedure for Voluntary Liquidation; Powers and duties of the Liquidator; Completion of Liquidation, Winding-up by Tribunal under the Companies Act, 2013: Procedure of Winding-up by Tribunal; Powers and duties of the Company Liquidator; Fraudulent preferences.

### **Suggested Readings:**

1. Avtar Singh : Indian Company Law
2. Shah S. M : Lectures on Company Law
3. Palmer - Company Law
4. Ramiaya: Guide to Companies Act
5. Gower: Principles of Modern Company Law
6. Indian Law Institute- Current Problems of Corporate Law
7. The Companies Act, 2013 and Rules made there under
8. Chandratre, Acharya, Israni, Sethuraman, Compendium on SEBI, Capital Issues and Listing

# **SEMESTER-IV**

## **PAPER- XII: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES** (Common Paper for All the Branches)

### **UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes •Central- State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

### **UNIT-II**

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code- Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

### **UNIT-III**

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation- Compensatory Jurisprudence-Right to Education-Right to Information- Right to wholesome environment- Doctrine of publictrust

### **UNIT-IV**

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post independence era - Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members-Judicial Activism and Judicial Accountability-Contempt of Courts-Political Morality and effect of Anti- defection Law

### **Suggested Readings:**

1. H. M. Seervai, Constitutional Law of India (in 2- Volumes), Universal Book Traders, NewDelhi.
2. Granville Austin, Indian Constitution-CornerstoneNation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report),(in 5 Books and 12 Volumes), Lok Sabha Secretariat, NewDelhi.
4. B.Shivan Rao, Framing of the Indian Constitution (in 5- Volumes), Indian Institute of Public Administration, NewDelhi.
5. M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.
6. Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
7. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

## **PAPER-XIII- PAPER SECURITIES MARKETS AND INVESTMENT LAWS**

### **UNIT- I**

Primary Markets- Investment Institutions, Qualified Institutional Buyers, HNI, Venture Capital, Alternative Investment Funds etc. Capital Market Instruments- Equity, Preference, Debt Instruments, FCCB, IDR, GDR etc

### **UNIT-II**

Secondary Markets- History and Development of Stock Markets in India, Trading Mechanism, Suspension and Penalties, Impact of Various Policies on Stock Markets such as Credit Policy of RBI, Fed Policy etc.

### **UNIT- III**

Primary Market and Secondary Market Intermediaries, Role, Functions and Law relating to Merchant Bankers, Registrar and Transfer Agents, Bankers to an issue, underwriters, Portfolio Managers etc.

### **UNIT-IV**

Real Estate (Regulation and Development) Act, 2016 - Concept - Evolution – Registration Procedure – REIT Issues - Advantages – Kinds of REITs – Real Estate Regulatory Authority – Composition – Powers and Functions – Role of NCLT and NCLAT in RERA Cases. Start-ups in India – Definition - Characteristics – Types - Advantages and Disadvantages – Ideation - Exemptions – Provisions for raising Capital and modes – Legal Provisions.

### **Suggested Readings:**

1. Palmer - Company Law.
2. Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.
3. Avtar Singh: Company Law, Eastern Book Company
4. H.K.Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.
5. S.M.Shah: Lectures on Company Law, N.M. Tripathi Private Ltd Bombay.
6. Chalesworth & Cain: Company Law, Geoffrey Morse, Stevens and Sons, London.
7. L.C.B. Grover: The Principles of Modern Company Law, Stevens and Sons, London.
8. Pennigton: Company Law, Butterworths, London. Taxmann's Publications Journal on SEBI and Corporate Laws.
9. Pahwa : Law relating to on-Banking financial companies B.K.Pahwa.

## **PAPER- XIV: DISSERTATION**

**Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her.** Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, **once it is satisfactorily conducted**, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre-submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

**\* Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.**

1. Allotment of topic in III semester
2. Research design in III semester
3. Progress Seminar in IV semester
4. Pre-Submission Seminar in IV semester
5. TA/DA to the examiners to be paid by the respective colleges.

**\*\*\*\*\* THE END \*\*\*\*\***



**BRANCH-V**  
**LL.M. (LABOUR AND EMPLOYMENT LAWS)**  
**SEMESTER - I**  
**SYLLABUS**

**PAPER-I : SCHOOLS OF JURISPRUDENCE AND THEORIES OF LAW**  
**(Common Paper for All the Branches)**

**UNIT-I:** Nature and scope of Jurisprudence – Classification of Jurisprudence into Schools- Salient features of Analytical, Historical, Philosophical and Sociological Schools.

**UNIT-II:** Meaning of Positivism-Analytical positivism of Bentham and Austin• Kelsen's Pure Theory of Law-Hart's Concept of Law-Dworkin's criticism-Hart-Fuller controversy – Hart-Devlin's debate-Modern trends in Analytical and Normative Jurisprudence-Rawls and Distributive Justice-Nozick and the Minimal State.

**UNIT-III:** Historical and Ancient Indian Jurisprudence-Savigny's concept of Volksgeist-Contribution of Henry Maine; Economic theory of law-Views of Karl Marx and Friedrich Engles; Sociological theories of law• Contribution of Ihering- Contribution of Ehrlich-Duguit's theory of Social Solidarity-Roscoe Pound's Social Engineering and Classification of Interests-American and Scandinavian Realism-Critical Legal Studies Movement.

**UNIT-IV:** Theories of Natural Law-Meaning of Natural Law-History of Natural law–Greek origins-Medieval period-View of St.Thomas Aquinas-Period of Renaissance/Reformation-Grotius and International Law• Transcendental Idealism-View of Immanuel Kant":Natural Law and Social Contract theories- Stammler and Natural Law with variable content-Fuller and the Morality of Law-Hart on Natural Law-Finnis and Restatement of Natural law-Positivists and Naturalists debate.

**Suggested Readings:**

1. G.W.Paton: A Text book of Jurisprudence, 4<sup>th</sup> Edition; Clarendon Press, Oxford, 1972.
2. R.W.M.Dias, Jurisprudence. 5<sup>th</sup> Edition; Aditya Books Private Ltd., New Delhi, 1994.
3. W.Friedmann: Legal Theory, 5<sup>th</sup> Edition; Columbia University Press, New York
4. Dennis Lloyd: Lloyd's Introduction to Jurisprudence, 6<sup>th</sup> Edition, Sweet and Maxwell, London, 1994.
5. Julius Stone: The Province and Function of Law; Associated General Publications Pvt.Ltd.Sydney.
6. Howard Davies and David Holdcraft: Jurisprudence: Texts and Commentary; Butterworths, London, Dublin, Edinburgh, 1991.
7. S.N.Dhyani: Fundamentals of Jurisprudence: The Indian Approach, 2<sup>nd</sup> Edition, Central Law Agency, Allahabad, 1997.
8. Edgar Bodenheimer: Jurisprudence; The Philosophy and Method of the Law, Universal Book Traders, Delhi, 1996.
9. Rama Jois, Seeds of Modern Public Law in Ancient Jurisprudence, Eastern Book Company, Lucknow, 1990.
10. Rama Jois, Ancient Indian Law-Eternal Values in Manu Smriti, Universal Law Publishing Co., New Delhi, 2002.

## **PAPER –II : COLLECTIVE BARGAINING AND TRADE UNION LAW**

**UNIT-I:** Freedom of Organization of labour under Indian Constitution and International Labour Organisation - Collective Bargaining: Concept of Collective Bargaining - Types of Bargaining-Factors affecting on Collective Bargaining.

**UNIT-II:** The rise and growth of trade union Movement in India, USA and UK - Trade union movement in India before and after independence.

**UNIT-III:** Trade Union, Structure and Functions - Multiplicity of Trade Unions -Inter-Union and Intra-Union Rivalries - Union Security - Closed Shop, Union Shop and Open Shop Concepts - The Role of outsiders in Trade Unions.

**UNIT-IV:** The Industrial Relations Code, 2019- Definition of 'Trade Union' – Registration of Trade Unions-Certificate of Registration - Cancellation of registration- Rights and Liabilities of Registered Trade Unions - Recognition of Unions- Penalties for failure to submit returns - Cognizance of offences

### **Suggested Readings:**

1. Y.B.Karnik: The Indian Trade Union, 2nd Rev. Ed. Bombay; P.C.Manaktala & Sons, 1966.
2. Mallik: Trade Union Law, S.C. Sarkar & Sons, 1980, Calcutta.
3. Rideout, B.W.: Trade Unions and the Law, London, Sweet & Masowell, 1979
4. K.D. Srinivastava and R.K. Srivastava: The Law relating to Trade Unions in India; 2nd Edn., Lucknow; Eastern Book Company, 1982.
5. Ludwig Teller: Labour Disputes and Collective Bargaining.
6. Srinivastava K.D.: Trade Unions and Unfair Labour Practices, 3<sup>rd</sup> Edn., Lucknow, Eastern Book Company, 1999.
7. Sethi S.B.: Law of Trade Unions, Allahabad, Law Book Company, 1966 (Suppl.) 1973.
8. Rao S.B.: Law Relating to Strikes, Lockouts, Lay Off - Retrenchment, Labour Law Agency, Bombay, 1983.
9. Dr. T.N. Bhagoliwala : Economics of Labour and Social Welfare, 4th Edn., Sahitya Bhavan, 1976, Agra.
10. Labour Law and Labour Relations: India Law Institute, New Delhi; N.M. Tripathi Private Ltd., Bombay.
11. Gillian S. Morris and Timothy J. Archer, Collective Labour Law (2000), Oxford Publication, London.
12. International Labour Organisation on Collective Bargaining. Reports of the First and Second National Commissions on Labour.
13. Khan & Khan: Commentary on Labour and Industrial Laws, Asia Law House, Hyd.

**PAPER –III : LAW AND SOCIAL TRANSFORMATION**  
**(Common Paper for All the Branches)**

**Unit I:** 1. Law and Social Change: a. Relations between Law and Public Opinion b. Law as an instrument of social change c. 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, Sociological school and its applicability in India, Principles of Social Legislation.

2. Religion and the Law: a. Religion – its meaning and relationship with law b. Evaluation of Religion as a divisive factor c. Secularism as a solution to the problem d. Reform of the law on secular lines: Problems e. Freedom of religion and non-discrimination on the basis of religion f. religious minorities and the law

**Unit II:** 1. Language and the Law: a. Multi-linguistic culture and its impact on policy on nation b. Language as a divisive factor : formation of linguistic states c. Constitutional guarantee to linguistic minorities d. Language policy and the Constitution ; Official language; multi language system e. Non-discrimination on the ground of language 2. Community and the Law: a. Caste as a socio-cultural reality and role of caste as a divisive and integrative factor b. Non-discrimination on the ground of caste c. Acceptance of Caste as a factor to undo past injustices d. Protective discrimination; Scheduled Castes, tribes and backward classes e. Reservation: Statutory Commissions, statutory provisions.

**Unit III:** 1. Regionalism and the Law: a. Evaluation of Regionalism as a divisive and integrative factor b. Concept of India as one unit c. Right of Movement, Residence and Business; Impermissibility of State or Regional Barriers d. Equality in matters of employment; the slogan “Sons of the soil” and its practice e. Admission to Educational Institutions; Preference to Residents of a State. 2. Women and the Law: a. Position and the Role of women in Indian society b. Crimes against women – Codified laws c. Gender injustice and its various forms, causes and remedies d. Women’s Commission e. Empowerment of women; Constitutional and other legal provisions

**Unit IV:** Modernization and the Law: a. Modernization as a value: Constitutional perspectives reflected in the fundamental duties b. Modernization of social institutions through law c. Reform of family law d. Agrarian reform – Industrialization of Agriculture e. Criminal Law: Plea bargaining; compounding and payment of compensation of victims f. Civil Law (ADR) Confrontation v., consensus; mediation and conciliation: LokAdalats g. Democratic decentralization and Local Self-government.

**BIBLIOGRAPHY:**

1. Marc Galanter (ed.): Law and Society in Modern India (1997), Oxford.
2. Robert Lingat: The Classical Law of India (1998), Oxford
3. U. Baxi: The Crisis of the Indian Legal System (1982), Vikas, New Delhi
4. U. Baxi, (ed.): Law and Poverty Critical Essays (1988), Tripathy, Bombay
5. Manushi: A Journal about Women and Society.
6. Duncan Derret: The State, Religion and Law in India(1999), Oxford University Press, New Delhi
7. H. M. Seervai : Constitutional Law of India (1996)
8. D. D. Basu : Shorter Constitution of India (1996), Prentice Hall of India (P) Ltd., New Delhi
9. Sunil Deshta : Law and Menace of Child Labour (2000) AnmolKiranDestha Publications, Delhi.
10. SavitriGunasekhare: Children, Law and Justice (1997), Sage
11. Indian Law Institute: Law and Social Change: Indo-American Reflections Tripathi (1988)
12. J. B. Kriplani: Gandhi – His, Life and Thought (1970), Ministry of Information and Broadcasting, Government of India
13. M.P. Jain: Outlines of Indian Legal History (1993), Tripathi, Bombay.
14. Agnes, Flavia: Law and Gender Inequality: The Politics of Women’s Rights in India (1999), Oxford.

## **PAPER-IV : LEGAL RESEARCH METHODOLOGY**

**(Common Paper for All the Branches)**

### **Unit-I:**

Meaning of Research-Types of Research-Scientific Method-Social Science Research- Scope and importance of Legal Research-Concepts-Variables Definitions-Relevance of empirical research in law-Induction and Deduction-Case study.

### **Unit-II:**

Finding the Law-Sources of legal material including e-sources-Law reporting in India-Using a law library-Survey of available legal material-bibliographical search. Research Methods-Socio-legal research-doctrinal and non-doctrinal research.

### **Unit-III:**

Research tools and techniques for collection of data-Observation - Questionnaire-Schedule-Interview-Sampling techniques-Types of sampling. Formulation of Research Problem-Hypothesis-Research Design.

### **Unit-IV:**

Data processing and analysis-Use of Statistics in the analysis and interpretation of data-Use of computers in Legal Research-Report writing. Legal Research and Law Reforms-Types of Research needed for Law Reforms-Analytical Research, Historical Research.

### ***Suggested Readings:***

- ▯ Goode & Hatt: Methods in Social Research: McGraw-Hill Book Company, Singapore 1981
- ▯ C.R. Kothari: Research Methodology: Methods and Techniques, 2<sup>nd</sup> Edition, Wishwa Prakashan, New Delhi, 1995.
- ▯ Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, 9<sup>th</sup> Edition, Himalaya Publishing House, Bombay- Delhi-Nagpur 1994.
- ▯ Pauline V Young: Scientific Social Survey and research, 3<sup>rd</sup> Edition, Prentice Hall, New York, 1960.
- ▯ B.N. Ghosh, Scientific Method and Social Research; 4<sup>th</sup> Edition Sterling Publishers Private Limited, New Delhi, 1987.
- ▯ S.K. Verma & Afzalwani, Legal Research and Methodology; ILI Publication, New Delhi, Hans Raj, Theory and Practice in Social Research; 4<sup>th</sup> Edition, Surjeet Publications, New Delhi, 1992.

# **SEMESTER-II**

## **PAPER-V : RESOLUTION OF INDUSTRIAL DISPUTES**

### **UNIT-I**

Constitutional provisions relating to industry and labour - Reference - Direct access to adjudicatory authorities -post-natal control by government over adjudication – Historical development of Industrial Disputes legislation in India – I.D. Act 1947- Objects and reasons - Definition of industry, appropriate government, closure, industrial dispute, individual dispute, lay-off, lock-out, retrenchment - strike. workman and definitions of other important terms.

### **UNIT-II**

Works Committee - Conciliation Officer - Board of Conciliation – Court of inquiry - Labour Court- Tribunals - National Tribunal - Finality of orders - Constituting Boards etc. -Notice of change - Setting up of Grievance Settlement Authorities and reference of certain disputes to such authorities - Reference of disputes to Boards, Courts, Industrial Tribunal, National Tribunal- Voluntary reference of disputes to arbitration.

### **UNIT-III**

Law relating to Strikes and Lockouts - Layoff and retrenchment, special provisions relating to layoff, retrenchment and closure in certain establishments.

### **UNIT-IV**

Unfair Labour Practices - Penalties under the Act - offences by companies, conditions of service, to remain unchanged under certain circumstances - special provisions for adjudication, power to transfer proceedings, recovery of money due from an employer, cognizance of offences, protection of persons.

### **Suggested Readings:**

1. O.P. Malhotra: The Law of Industrial Disputes, 5th Ed., 1998, VoL I & Universal Law Publishing Co., Pvt. Ltd , New Delhi.
2. V.G. Goswamy : Labour and Industrial Laws,Central Law Agency, Allahabad.
3. S.N. Misra: Labour and Industrial Laws, Central Law Publications, Allahabad.
4. ILL.: Labour Law and Labour relations Cases and Materials, (Edited by Anand Prakash. S.C. Srivatsava, P. Kalpakam), N.M.Tripati Pvt. Ltd , Bombay.
5. D.O. Sethi J: Commentaries of Industrial Disputes Act, 1947. Vol., 1& 2, Law Publishing House, Allahabad. 6. K.D. Srivatsava : The Law of Industrial Disputes.
6. Reports of the First (1969) and Second (2002) National Commissions on Labour.
7. Chaturvedi. R.G.: Law and Procedure of Departmental Enquiries and Disciplinary Actions .
8. Khan & Khan: Commentary on Labour and Industrial Laws.ASIA law HOUSE,Hyd

**PAPER-VI**  
**LABOUR MANAGEMENT RELATIONS AND LAW**  
**RELATING TO CIVIL SERVANTS**

**UNIT-I**

Industrial Employment (Standing Orders) Act 1946 - Standing Orders - Submission of Draft Standing Orders - Conditions for certification of Standing Orders(SO) - Appeals - Duration and modification of SO – Penalties and procedure - Workers participation in Management.

**UNIT - II**

Code of Discipline - Disciplinary proceedings - procedure for disciplinary action - Misconduct - Charge sheet - service of charge sheet - power to suspend pending enquiry - procedure to conduct a Domestic Enquiry -Report of the enquiry officer - punishment.

**UNIT-III**

Wages and Bonus: Concept of Wages - Living Wage, Fair Wage and minimum wage - Fixation machinery - Payment of Wages Act, 1936 -Minimum Wages Act, 1948 - Dearness Allowance - Concept of Bonus -Full Bench Formula - Payment of Bonus Act, 1965.

**UNIT-IV**

Civil Servants and Fundamental Rights - Doctrine of Pleasure –Opportunity of being heard and its exceptions - Service Regulations - Kinds of leave and conditions of eligibility - Central and State Agencies for recruitment-Constitution of Public Service Commission. Judicial Review of Service matters - Jurisdiction of Supreme Court and High Courts.

**Suggested Readings:**

1. K.D. Srivastava: Industrial Employment (Standing Orders) Act, 1947. Eastern Book Company, Lucknow.
2. K.D. Srivastava: Payment of Bonus Act, 1965, 8th Ed., 1997, Eastern Book Company, Lucknow.
3. 3.I.L.I. : Labour Law and Labour Relations -Cases and Materials, (Edited by Anand Prakash, S.C.Srivastava P.Kalpakarn), N.M.Tripati Pvt., Ltd., Bombay.
4. 4.K.D. Srivastava: Commentaries on Payment of Wages Act, 1936, Eastern Book Company, Lucknow.
5. 5.S.N. Misra: Labour and Industrial Laws: Central Law Publications, Allahabad.
6. 6.Badruddin : Management, Workers participation and the Law, Deep and Deep. Publication, New Delhi.
7. 7.V..G. Goswamy: Labour and Industrial Laws, Central Law Agency, Allahabad.
8. 8.H.M. Seervai: Constitutional Law of india (in two Volumes)
9. ,Universal Book Traders, New Delhi.
10. 9.M.P. Jain: Constitutional law of India, 4th Edition, Wadhwa and Company, Nagpur.
11. J.N. Pandey: The Constitutional Law of India, Central Law Agency, Allahabad.
12. H.L. Kumar: Labour laws everybody should know, Universal Law Publishing Co., Delhi.
13. Khan & Khan: Commentary on Labour and Industrial Laws,Asia Law House,Hyderabad.

## **PAPER –VII- LAW AND JUSTICE IN GLOBALIZATION**

### **UNIT– I -Introduction**

- Concept of Law & Justice
- Law making power of different organs of the State
- Components of Judicial Process (Judges, Lawyers, Law Schools) commissions & committees
- Types of Justice i.e. compensatory justice, distributive justice, socio-economic justice, social justice etc.
- Perspective on Social Justice:
  - Mahatma Gandhi: Ideas on Social Justice, Caste, Untouchability, Village communities, Self-governance, Trusteeship theory, Sarvodaya, Antyodaya
  - Dr. B. R. Ambedkar: Caste System, Untouchability, Social Transformation, Destruction of Hinduism, Political Safeguards at State Socialisms.
  - Dr. Ram Manohar Lohia: Socialism, Marxism, Capitalism, Small Unit Machine

### **UNIT – II - Globalization - its Process**

- Globalization: The Historical and Social Context, Distinctive Characteristics and Dimensions: Economic, Technological, Social and Cultural.
- Modernization and Globalization, Neo-Liberalism and Global Capitalism and Globalization and Nation State Third World Perspectives.
- Globalization and Culture: The Ethos of Globalization (Individualism, Freedom, Consumerism) Cultural Homogenization, Hegemony and Dominance Impact of Globalization on Poor and Women

### **UNIT – III - The Doctrine of Law and Precedent – An Indian Perspective**

- The Rule of Law in Globalizing World
- Role of Precedent in the development of Law and Society
- Judicial Creativity, Judicial Activism and Judicial over - Activism
- Issues affecting Justice delivery system (Transfer, Court Packing, Judicial Accountability- Reasoned Decision, Legislative Reaction, Executive Reaction, Reaction of Public and Media, Judicial Ethics and Conduct)
- Role of dissent in the development of law and society

### **UNIT - IV: International Organizations vis-a-vis Globalization**

- Role of United Nations in the Globalization Process
- Role of Bretton Woods Institutions in the Globalization Process: with special reference to the WTO
- MNCs & CSR
- Impact of Globalization on Judicial Process and administration of Justice
- Impact of globalization on Human Rights with special reference to Gender Equality
- Feminism, Sexual Violence, UNO and Women Rights, CEDAW and Violence against Women Impact of globalization on free market and related notions
- Globalization vis-a-vis Environment and development

## References:

### Books:

1. Acharya N.K., Text Book on Intellectual Property Rights, Asia Law House, Hyderabad (2001).
2. Agarwala V.K., Law and Practice of Intellectual Property in India, Bharat Law House, New Delhi (1999)
3. Anaya James, Indigenous Peoples in International Law, Oxford University Press, New York (1996).
4. Bhatnagar J. P, Women and Their Rights, Ashoka Law House, 2<sup>nd</sup> Edn, 1998, New Delhi.
5. Bimal N. Patel, "*Responsibility of International Organizations*" Eastern book Company.
6. Bryan Horrigan, Adventures in Law and Justice, Universal Law Publishing Co. Pvt. Ltd, 1<sup>st</sup> Indian Reprint, 2005, New Delhi.
7. Chakrabarty, N.K., (Dr.) Gender Justice, V edition 2006, R. Cambray & Co. Private Ltd, Kolkata.
8. Christine Chorine, Women and the Law, Vol-2, Socio-Legal Information Centre, 1999, Bombay.
9. Das J.K., Human Rights and Indigenous Peoples, APH Publishing Corporation, New Delhi (2001).
10. Das J.K., Indigenous Peoples, Sustainable Development and Human Rights, Ganga Kaveri Publishing House, Varanasi (1997).
11. Dev. Raj (2003). Globalisation and Decentralized Economic Development, New Delhi; Raj at Publications.
12. Devinder Sharma (1994). GATT and India. The Politics of Agriculture, New Delhi: Konark Publishers Pvt. Ltd.
13. Dipankar Sengupta, Debashis Chakraborty and Pritain Benergee (ed) (2006). Beyond the Transition Phase of WTO: An Indian Perspective on Emerging Issues, New Delhi: Academic Foundation.
14. Falendra. K. Sudan (2005). Globalisation and Liberalization. Nature and Consequences, New Delhi: Serials Publications.
15. Kenneth W. Abbott, "*The Law and Politics of International Organizations*" Edward Elgar Publishing.
16. Rosalyn Higgins, Development of International Law through the Political Organs of
17. Sixty Years of the Multilateral Trading System: Achievements and Challenges, published by WTO Publications.
18. The Future of Trade: The Challenges of Convergence (Report of the Panel on Defining the Future of Trade convened by WTO Director-General Pascal Lamy), published by WTO Publications
19. the United Nations (1963)
20. Tom Campbell and Alejandra Mancilla, "Theories of Justice" ASHGATE.
21. Upendra Baxi, The Future of Human Rights, Oxford University Press, 2002.
22. William Twining, General Jurisprudence: Understanding Law from a Global Perspective (Cambridge University Press, 2009).
23. World Commission on Social Dimension of Globalization, A Fair Globalization: Creating Opportunities for All (2004).



## **PAPER-VIII**

### **LAW RELATING TO LABOUR WELFARE**

#### **UNIT-I**

Constitution and Labour Welfare - Right to Work – Bonded Labour child Labour – special provision for women and children – Law relating to protection of Women in work place international conventions.

#### **UNIT – II**

Minimum Wage –Types of Kinds of wage – wage determination –theories of wage-payment of wages- Bonus Dearness allowance – basic wage (HRA, CCA,MA,LTC, Leave encashment, overtime allowance, cash incentives, conveyance allowance) National wage policy – payment of wages Act – Denial of minimum wage as forced Labour.

#### **UNIT –III**

ILO standard for Labour International convention for Labour welfare: UDHR-ICCPR Labour and Human Rights Equality of opportunity in employment equal pay for Equal work equal Remuneration Act, shops and establishment.

#### **UNIT –IV**

Unorganised Sector and labour laws: Agricultural Labour (concept, exploitation, tribal labour in forest settlements. Plantation Labour Act, political movement, agrarian reforms)- Migrants – Sale promotions –small –scale industries – Beedi and Cigar – Construction labour – ship breaking – cracker industry – Employment Guarantee scheme.

#### **Suggested readings:-**

1. Mishra S N : Labour and Industrial Laws central Law Publication, Allahabad 20<sup>th</sup> Edition, 2004
2. Shrivastav K.D. : Law relating to Trade Unions and Unfair Trade Practices in India. Eastern Book Company Delhi, 3th Ed, 1993
3. Y B Singh: Industrial Labour in India (Part –I) 1960
4. Report on the National Commission on Labour 1969
5. Shrivastav S.C.: Social security and labour law Eastern Book Company, Lucknow, 1985
6. Pretal joshi – ILO and its impact in India.

# **SEMESTER-III**

## **SYLLABUS**

### **PAPER-IX- INTERNATIONAL LABOUR ORGANISATION**

#### **UNIT-I**

Origin and Historical Background of ILO - Factors responsible for establishment of ILO - Aims and Objectives of ILO - Structure and Functions of various agencies of the ILO - India and ILO.

#### **UNIT-II**

ILO Legislative Procedure - Conventions and Recommendations -Procedure for Adoption, Ratification and Application - Obligation of Members - Registration of Conventions with UNO – Supervisory Mechanism to ensure observance of ratified conventions Commissions of Enquiry - Role of ICJ

#### **UNIT-III**

ILO Conventions and Recommendations relating Basic Human Rights- Freedom of Association - Forced Labour - Abolition of forced labour-Equality of opportunity and Treatment - Empowerment of Women - Social Security - Children and Young Persons - Conditions of Employment-Industrial Relations - Wages, Salary, Health and Welfare - ILO Conventions ratified by India.

#### **UNIT-IV**

ILO - India Relationship - Position of India in the Governing Body- International Labour Office - Tripartism -Indian Procedure of ratification of Conventions - Constitutional Framework - Administrative Procedure-Tripartite consultations with Indian Labour Conference - Standing Labour Committee - Indian Response to ILO standards relating to Freedom of Association and Collective Bargaining – Elimination of Discrimination in Employment and Occupation - Indian response to unratified conventions - ILO projects in India.

#### **Suggested Readings:**

1. I.L.O. Office, Geneva: International Labour Conventions and Recommendations in 3volumes,Geneva.
2. Vaidyanathan N : I.L.O. Standards for Social Justice and development of labour, Deep and Deep Publications,Delhi.
3. Rawat B.D. : India and I.L.O. RBSA Publishers,Jaipur.
4. S.N.Dhyani : International Labour Organisation and India, Allahabad Law Agency, Allahabad.
5. David A.Morse: The Origin and Evolution of I.L.O. and the Role in the World Community.
6. P.F. Pillai : India and the ILO.
7. United Nations Encyclopedia of International Organisations.
8. Report of National Commission on Labour 1969(India).
9. Ahmedullah Khan: Commentary on ILO and Indian Response.
10. N.M.Swamy, Impact of ILO Standards On Indian Labour Law.

# **PAPER-X –LEGAL PEDAGOGY AND ICT IN EDUCATION**

## **UNIT-I-Legal Pedagogy**

Introduction- Legal Pedagogy: Meaning, Traditional Legal Pedagogy methods and its limitations, Socratic-style, doctrine-heavy pedagogy, Changing Dimensions of Legal Pedagogy- Need for Integrated Pedagogy, Experiential learning: Participative Method, Clinical or Simulated practice: Clinical legal education, Real life Problem solving Method, Group Discussion Method, Case Study and Case analysis Method, Simulation and Role Play Method, Collaborative and cooperative Learning Teaching Method, Research- Interdisciplinary approach: Basic Research, Applied Research and Integrated Research, Legal writing, Advocacy, Fact finding, Client counseling, Negotiation.

## **UNIT-II- Teaching, Learning, Evaluation and Supervision in Legal education**

Supervision, Research Papers and Research Projects, Inculcating Research Habits, Enhancing Research Skills, Inculcation of Good Practices- Research Ethics, Internships, Placements, Outcome Based Education, Curriculum Planning- Developing Teaching Plans, Developing Learning Outcomes (LOs) : Blooms Taxonomy: Six levels of learning,, Designing Programme Objectives (POs) and Course Objectives (COs), Aligning the Curriculum plan with COs and POs; COs and LOs

## **UNIT-III-ICT in Education**

Concept, Need and importance of ICT in Education, Paradigm Shift due to ICT from ‘Teaching’ to ‘Learning’-Curriculum, Methods of Teaching, Role of Teacher, Classroom Environment, Evaluation Procedure, Education Management, Challenges and Barrier to integration of ICT in Indian schools classrooms, ICT skilled teacher, ICT skills and Qualities of ICT teacher. Safe use of ICT, Virus management, Net safety, Netiquettes, Legal and ethical issues.

## **UNIT-IV-ICT in Legal Education: Need and Importance of legal education**

Design of Law Curriculum – Efforts to review Legal Education -Global & India-Traditional Content based Curriculum-Current Challenges- Globalization, Pandemic & Shift from Adversarial to Dispute Resolution Model- Transition to Capability frame work-Integrated Models with Transferable generic and legally specific skills for Legal Profession- Demand for Competitiveness in Information & Communication Technology – New Evaluation &Assessment Models– Role of Online teaching. ICT tools in Legal pedagogy: Role and Application- ICT tools in legal pedagogy-Electronic books- E-Books-Electronic Journals- E-Journals- Electronic Legal databases- E-Library-Power point Presentations

## **Suggested Readings: BOOKS**

1. Dasgupta, Lovely. “Reforming Indian Legal Education: Linking Research andTeaching.” Journal of Legal Education 59, no. 3 (2010): 432–49.<http://www.jstor.org/stable/42894129>.
2. Choudhary, T. “Legal Education and Pedagogy in Contemporary Era” (2020)
3. Muntjewerff, Antoinette, ICT in Legal Education (September 25, 2009). CLPE ResearchPaper No. 24/09, Available atSSRN: <https://ssrn.com/abstract=1478726> or <http://dx.doi.org/10.2139/ssrn.1478726>
4. David J. McQuoid-Mason (Ed.), Legal Aid And Law Clinics In South Africa (School ofLaw, Howard College, University of Natal,1985).
5. Madhava Menon, Legal Education for Professional Responsibility – An Appraisal of theNew Pattern, Legal Education in India Status and Problems (BCI Trust, New Delhi1983).
6. N. R. Madhava Menon (ed.) Clinical Legal Education: Concept and Concerns, AHandbook on Clinical Legal Education (Eastern Book Co.,1998).
7. S. Agrawala, Legal Education in India (West Publishing Company,1973).
8. S.P. Sathe, Access to Legal Education and the Legal Profession in India, (Rajeev DhavanEd., Butterworths, London,1989).
9. S.K. Sharma, Legal Profession in India, Sociology of Law and Legal Profession: A Studyof Relations between Lawyers and their Clients (Rawat Publications, Jaipur,1984).

10. S.S. Sharma, *Legal Aid to the Poor: The Law and Indian Legal System* (Deep & Publications, New Delhi, 1993).
11. *Integrating Technology in the classroom* Shelly, Cashman, Gunter and Gunter publication.
12. *Essential of Educational Technology*, Madan Lal, Anmol Publication.
13. *Online Teaching Tools and Methods*, Mahesh Varma, Murari Lal & Sons.

## ARTICLES

1. A.S. Anand, *Legal Education in India - Past, Present and Future*, 3 S.C.C. (Jour.) 1(1998).
2. A.T. Markose, "A Brief History of the Steps taken in India for Reform of Legal Education", 68 *Journal of the All India Law Teachers Association* (1968).
3. Antoinette Sedillo Lopez, "Learning Through Service In A Clinical Setting: The Effect Of Specialization On Social Justice And Skills Training", 7 *Clinical Law Review* 307(2000-2001).
4. D.A. Desai, "Role and Structure of Legal Profession", XXII *IBR*(1995).
5. D.C. Mukherjee, "Practical Side of Law Teaching", 2 *Journal of Bar Council of India*,(1973).
6. Frank J. Macchiarola, "Teaching in Law School: What are we doing and What More Has to be done?" 71 *U. Det. Mercy L. Rev.*(1994).
7. Frank S. Bloch and M. R. K. Prasad, "Institutionalizing A Social Justice Mission For Clinical Legal Education: Cross-National Currents From India And The United States", 13 *Clinical Law Review* 165(2006-2007).
8. Frank S. Bloch, Iqbal S. Ishar, "Legal Aid, Public Service and Clinical Legal Education: Future Directions from India and the United State", *Mic. J. Int'l. L.*(1990).
9. Jagat Narain, "Legal Aid – Litigational or Educational: An Indian Experiment", 28 *J.I.L.I.*(1986).
10. Jennifer Howard, Learning to "Think Like A Lawyer" Through Experience, 2 *Clinical Law Review* 167 (1995).
11. Jon C. Dubin, "Clinical design for Social Justice Imperatives", 51 *S.M.U. L.REV.* 1461 (1997- 1998).
12. Justice Ranganath Misra, "Supreme Court Legal Aid Committee, New Delhi: Its Aims, Activities and Achievements", 5 *SCC Jour.*(1995).
13. Krishna Iyer, "Professions for the People: A Third World Perspective", XXIII *IBR*(1995).
14. Madhava Menon N.R., "Bar Councils and Management of Legal Profession", XIII (3 & 4) *IBR* (1986).
15. Madhava Menon N.R., "Restructuring the Legal Profession for Strengthening Administration of Justice", XXII, *IBR*(1995).
16. Madhava Menon., "Legal Education for Professionals Responsibility – An Appraisal of the Five Year LL.B. Course", XII, *Bar Council Review*(1986)
17. Mohammad Ghouse, "Legal Education in India: Problems and Perspective", (Bookreview) 19 *J.I.L.I.*(1977).
18. N. R. Madhava Menon, "Lawyer in the Adjudicative Process: An Appraisal of Section 30 of Advocates Act, 1961", 8 *JB Council of India* 105(1981).
19. *Place of Skills in Legal Education*, 43 *Columbia Law Review* 345(1945).
20. R.K. Gupta, "Legal Aid and Legal Education: Work Brain Teasers", 2 *Delhi Law Review*(1973)
21. Resolutions of the 12th All India Law Teachers Conference, 2 *Delhi Law Review* 291 (1973) (Resolution No.II).
22. Shuvro Prosun Sarker, "Empowering the Underprivileged: The Social Justice Mission for Clinical Legal Education in India", 19 *International Journal of Clinical Legal Education*(2013).
23. Steve Sheppard, "An Informal History of How Law Schools Evaluate Students, with a Predictable Emphasis on Law School Final Exams", 65 *UMKC Law Review* 65
24. Steven I. Friedland, "How We Teach: A Survey of Teaching Techniques In American Law Schools" 20 *Seattle Univ. L. R.* 1.
25. Upendra Baxi, "Notes Towards Socially Relevant Legal Education: A Working Paper for the UGC Regional Workshop in Law", 51 *Journal of the Bar Council of India* (1975-76).
26. Upendra Baxi, "The Pathology of the Indian Legal Professions", XXII *IBR*,(1995)

# PAPER- XI : LAW RELATING TO UNORGANISED SECTOR

## UNIT-I: Informal Sector:

Concept – theoretical approaches – definition in different countries – concept of economic unit– meaning of informal economy– its relevance–open employment

**UNIT-II: Concerns:** Issues of gender equality–formalization of enterprises– employment policy framework– Areas of major concern– agriculture – domestic work– Dig workers.

## UNIT-III: Wages & Other benefits:

Informal wages – skilled - unskilled wage inequality – application of the concept of minimum wages – pension – other social security benefits – impact of economic liberalization

## UNIT-IV: Protection through schemes under Central and State Government

**machinery:** Aam Admi Bima Yojana–Rastriya Swastha Bima Yojana– Indira Gandhi National Old Age Pension Scheme – Pradhan Mantri Shram Yogi Maan-dhan etc. Agricultural workers–tree climbers– artisans and skilled workers– handloom workers– toddy and beedi workers, etc.

## References:

1. Sigamani Panneer, Sanghmitra S. Acharya, Nagarajan Sivakami, Health, Safety and Well-Being of Workers in the Informal Sector in India: Lessons for Emerging Economies, Springer, 2019.
2. Susan Marlow, Janine Swail & Colin C. Williams, Entrepreneurship in the Informal Sector: An Institutional Perspective, Routledge, 2018
3. A Handbook on Using The Mixed Survey For Measuring Informal Employment And The Informal Sector, Asian Development Bank, 2011.
4. Sarbajit Chaudhuri, Ujjaini Mukhopadhyay, Revisiting the Informal Sector: A General Equilibrium Approach, Springer, 2010.
5. Naila Kabeer, Gender and Social Protection Strategies in the Informal Sector, Routledge, 2010.
6. Utpal Chowdhury, Informal sector in a developing economy, Anmol Publications, 2006.
7. Madhu Singh, Meeting Basic Learning Needs in the Informal Sector: Integrating Education and Training for Decent Work, Empowerment and Citizenship, Springer, 2005.
8. Amitabh Kundu & Alakh N. Sharma (Eds.), Informal sector in India: Perspectives and policies, Institute for Human Development & Institute of Applied Manpower Research, 2001.

# **SEMESTER-IV**

## **PAPER-XII- INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES (Common to All Branches)**

### **UNIT-I**

Concept of Federalism-Allocation of resources-Inter State Disputes •Central- State Relations-Special status of certain States-Concept of Secularism and religious fanaticism-Definition of State-Need for widening the definition in the wake of recent developments.

### **UNIT-II**

Right to Equality-its new dimensions-Protective Discrimination in the wake of privatization –gender Justice-Rights of third gender-Uniform Civil Code- Freedom of Speech and Expression Right to broadcast and telecast-Right to Strike, Hartal and Bandh.

### **UNIT-III**

New regime of Constitutional Rights-Reading Directive Principles and Fundamental Duties in to Fundamental Rights-Theory of Emanation-Compensatory Jurisprudence-Right to Education- Right to Information- Right to wholesome environment- Doctrine of public trust

### **UNIT-IV**

Institutional Dynamics-An overview of functioning of three organs of State with special reference to the Indian experience of post-independence era - Separation of Powers, and theory of checks and Balances-Privileges and Immunities of Legislatures and their members-Judicial Activism and Judicial Accountability-Contempt of Courts-Political Morality and effect of Anti- defection Law

### **Suggested Readings:**

1. H. M. Seervai, Constitutional Law of India (in 2-Volumes), Universal Book Traders, New Delhi.
2. Granville Austin, Indian Constitution-Cornerstone Nation, Clarendon Press, Oxford.
3. Constituent Assembly Debates (Official Report),(in 5 Books and 12 Volumes), Lok Sabha Secretariat, New Delhi.
4. B.Shiva Rao, Framing of the Indian Constitution (in 5-Volumes), Indian Institute of Public Administration, New Delhi.
5. M.P.Jain, Constitutional Law of India, Wadhwa and Co., Nagpur.
6. Granville Austin, Working a Democratic Constitution: A History of the Indian Experience, OUP
7. Landmark and Recent Articles on relevant topics published in Standard Law Journals like Journal of Indian Law Institute, Indian Bar Review, All India Reporter and Supreme Court Cases & landmark judgments of Indian Higher Judiciary on the given topics.

## **PAPER-XIII - SOCIAL SECURITY LAW**

### **UNIT -I**

Concepts of Social Security - The Beveridge Report - Social Security in U.S.A., U.K. and India - Comparative Study - The ILO measures on Social Security.

**UNIT-II** Constitutional Perspectives-Fundamental Rights and Directive Principles of State Policy relating to Social Security and Labour Welfare- Distinction between Social Insurance and Social Assistance - Development of Social Security Legislation in India - Recommendations of Second National Commission on Labour in India pertaining to Social Security- Unemployment Insurance - Old Age Pension - Social Security to Unorganized sector - Concept of outsourcing vis-a-vis social security.

**UNIT-III** The Employees Compensation Act, 1923 - The Employees' State Insurance Act, 1948 - The Maternity Benefit Act, 1961 - Health, Safety and Welfare provisions under the Factories Act, 1948 - The Contract Labour (Abolition and Regulation) Act.

**UNIT-IV** The Child Labour (Prohibition & Regulation) Act, 1986 - The Children (Pledging of Labour) Act, 1933 - The Payment of Gratuity Act, 1972- The Employees' Provident Fund & Miscellaneous Provisions Act, 1952-the Inter-State Migrant Workmen(regulations of Conditions of Service) Act,1976

### **Suggested Readings:**

1. Srivastava S.C. : Treaties on Social Security and Labour Laws, Eastern Book Company, Lucknow.
2. Jiwitesh Kumar Singh: Labour Economics, Deep and Deep Publications, New Delhi.
3. Y.J. Rao : Factories Laws in A.P.,Asia Law House.,Hyderabad.
4. K.D.Srivastava : Workmen's Compensation Act, EBC,Lucknow.
5. Mishra S.N. : Labour and Industrial Laws, Central Law Publications, Allahabad.
6. Dr. Goswami Y.G. : Labour and Industrial Laws, Central Law Agency, Allahabad.
7. Report of the First (1969) and Second (2002) National Commissions on Labour, Govt. of India. Ministry of Labour, Employment and Rehabilitation, New Delhi.
8. William Beveridge: Report of Social Insurance and Allied Service.
9. Khan & Khan: Commentary on Labour and Industrial Laws,Asia Law House,Hyderabad. Labour and Employme

## PAPER- XIV: DISSERTATION

Introducing the component of conducting Research Design Seminar, in third semester after finalizing the topics for LL.M Students. In Fourth Semester Progress Seminar and Pre-Submission Seminar to be conducted for every candidate in respect of the topic allotted to him/her. Such Three seminars are to be conducted on the weekends during the III and IV semester, and the teaching workload for conducting such seminars during the LL.M IV semester will be two teaching periods per week. The seminars to be conducted as condition precedents i.e first Research Design seminar, **once it is satisfactorily conducted**, then followed by the progress seminar to appraise the progress of writing the thesis, and finally, the pre-submission seminar along with a plagiarism check report (with less than 25% Similarity). When the supervisor, the HOD and the Principal of the respective college sign on the dissertation, the same can be submitted to the University followed by the conduct of Viva-Voice as per the existing procedure. This change is recommended w.e.f the Academic Year 2024-2025 (even for those who will be submitting their dissertation during this year).

- **Note: All the three stages of the research to be satisfied one after the other, finally the candidate is allowed for viva voce.**

1. Allotment of topic in III semester
2. Research design in III semester
3. Progress Seminar in IV semester
4. Pre-Submission Seminar in IV semester
5. TA/DA to the examiners to be paid by the respective colleges.

\*\*\*\*\* **THE END** \*\*\*\*\*