

LL. M.
[SPECIALISATION: PUBLIC LAW]

SYLLABUS FOR SPECIALISATION BASED LL. M. UNDER CBCS MODE FOR DEPARTMENT OF LAW
w.e.f August 2019

OBJECTIVES OF LL. M. COURSE

Masters of Laws (LL.M.) is a 2-year post-graduate degree in Law. LL.M. degree allows a law graduate to specialize in one of many legal sub-streams. After completion of the course, an LL.M. graduate can find employment in any of the sectors which require legal expertise and work as Lawyers, Legal consultants, Indian Legal Services, Advisors, Solicitor, Legal Writer etc. the list is long. The course enables the students to be specialized in the field of law and legal affairs of the country. This course is designed to give an overview of public law and practice in India and in countries around the world. There will also be some attention given to various international treaties, conventions and agreements. Almost equal emphasis is given to other compulsory papers of contemporary subjects of importance. LL.M. course is generally of 2 years [Four Semesters] duration in which each year is comprised of two semesters with various subjects and field work, term papers, class room teaching as practical and Dissertation writing according to the curriculum of the university. Those students of LL.M. who do not wish to pursue a legal profession immediately after the completion of the course can always opt for further studies including M.Phil. program or Ph.D. program in the law which is offered by the university.

DETAILED SYLLABUS

SEMESTER- I

In 1st Semester there are four papers of four credits and 100 marks each (4x 4= 16 credits and 4x100= 400 marks) and 3 components of soft skill developments carrying two credits and 100 hundred marks (2x2=4 credits and 2x50= 100 marks). Thus the 1st Semester carries 500 marks and 20 credits. The Theory courses are compulsory courses and the rest is soft skill development courses at the end of Semester 1 the student outcome is expected to be sound knowledge in jurisprudence, corporate law and environment law. The subjects are very relevant in the contemporary legal scenario and will enable the student to achieve deeper knowledge of Law.

Sem – I	Total Credit & Marks	Nature of Course	Course Code	Course Title	Credit	Marks
	Credit – 20 Marks – 500	Compulsory Course	CC 1.1	Legal Theory	4	100
			CC 1.2	Legal Concepts	4	100
			CC 1.3	Environmental Law	4	100
			CC 1.4	Corporate Law	4	100
		Foundation Soft Skill	SS 1.1	Legal Research [Field Work Written Report & Viva Voce]	2	50
			SS 1.2	Academic Writing [Term Paper + Seminar]	2	50
Total					20	500

LL.M. CC 1.1: LEGAL THEORY

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- Legal Theory is a compulsory paper intended to equip the student with jurisprudential aspects of Law. It is a subject that will help a student to understand and interpret any legislation or any legal development both cultural and customary and help students to interpret the same in proper context. Jurisprudence is considered to be the foundation upon which the supra structure of the legal regime is constructed.

1. LAW AND JURISPRUDENCE- A study in inter-relationship

HART-FULLER DEBATE

2. NATURAL LAW: History, Characteristics, Classical Natural Law, Natural law during the medieval period, Decline and Revival of Natural Law

4. PURE THEORY OF LAW-

HANS KELSEN,

FINNIS

FULLER

5. SOCIOLOGICAL SCHOOL-

R. VON JHERING,

E. DURKHEIM,

3. POSITIVISM: Reasons for emergence of Positive thoughts.

ROSCOE POUND

BENTHAM

AUSTIN

H.L.A. HART

6. HISTORICAL SCHOOL-

FREDERICK KARL VON SAVIGNY,

HENRY SUMNER MAINE

10. CRITICAL LEGAL THOUGHT

7. REALIST SCHOOL-

American Realism-

HOLMES,

JEROME FRANK

Scandinavian Realism-

AXEL HAGERSTROM,

ROSS

8. MARXIST SCHOOL OF THOUGHT

9. FEMINIST JURISPRUDENCE

LL.M. CC 1.2: LEGAL CONCEPTS

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- Knowledge of rights, duties, privileges, obligations and liabilities are integral to the knowledge of law. Popularly known as legal concepts, they are integral part of jurisprudence. This course will enable a student to achieve a degree of legal advocacy as well as help a student to understand the basic concepts of law and law practice while litigating in a court of law. Student will learn to distinguish between the several variety of rights and interests based upon which human claims are made.

1. RIGHTS AND DUTIES

2. INTEREST

3. LIABILITY

4. LAW AND MORALS

- 5. PERSONALITY
- 6. PROPERTY
- 7. OWNERSHIP
- 8. POSSESSION
- 9. CONCEPT AND THEORY OF JUSTICE:
- 10. JOHN RAWLS,
- 11. RONALD DWORKIN

LL.M. CC 1.3: ENVIRONMENTAL LAW

4 CREDITS 100 MARKS

OBJECTIVE OF THE COURSE- one of the gravest concern relating to the survival of the human race is rooted into the basic concerns relating to environment. Any challenge to the living world is always traced back to the imbalance natural environmental world. This course will help a student to gain a deeper understanding of the environment and further help him/her to articulate on matters that are apparently conflicting with each other and yet necessary for the progress of the human world such as development and preservation of knowledge. This course is designed to help the student to work out a middle path a debate on the issues of balancing the two.

I. THEORETICAL PERSPECTIVES ON ENVIRONMENT AND DEVELOPMENT

- 1. Background and Key Concepts

- 2. Classical Theories and Marxist Perspectives
- 3. Radical Ecology and Feminist Perspectives

II. ENVIRONMENTAL DEBATES IN INDIA

1. Paradigms of Modern Development and Environment:
Water and Agriculture
2. Biodiversity and the Question of Inclusive
Development: Forests and Wildlife.
3. Technology and Environment: Climate Change,
Urban Ecology and Biotechnology.

III. CONTEMPORARY ENVIRONMENTAL MOVEMENTS

1. Origins of Environmentalism
2. Ideologies and Perspectives in Environmental
Movements
3. Nature and Forms of Environmental Action

IV. ENVIRONMENTAL POLICY AND CONSTITUTIONAL PROVISIONS

V. INTERNATIONAL INSTRUMENTS ON ENVIRONMENT

VI. DOCTRINES IN ENVIRONMENTAL LAW:

1. Polluter Pay Principle
2. Precautionary Principle
3. Public Trust Doctrine
4. Sustainable Development.

5. Doctrine of Eminent Domain

VII. ENVIRONMENTAL CONCERNS:

- Conservation of forest:
 - Forest Act, 1927
 - Forest Conservation Act 1980
 - Wild Life Protection Act 1972.
 - Forest Dwellers Act,
 - Prevention & Control of Trading in
Forest Produce
- Conservation of Water
 - Maintenance of standard and quality
 - Ground Water
 - Surface Water
 - Rain Water Harvesting
- Waste Disposal
 - Organic Waste
 - Inorganic Waste
 - Biomedical Waste
- Conservation of land
 - Soil Erosion
 - Siltation & Riverbed Elevation

- Landslides & Desertification
- Alluvium & Diluvium

- Noise Pollution Rules

VIII. PUBLIC LIABILITY INSURANCE ACT

IX. PROTECTION OF BIODIVERSITY

X. GLOBAL WARMING AND RESOURCE MANAGEMENT AND THE INDIAN LEGAL FRAMEWORK

LL.M. CC 1.4 - CORPORATE LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- In the 21st century of the globalised world perhaps the most important and essential economic activity is trade and business. Corporate law will help a student to understand not only matters relating to formation and growth of companies but also their control and regulation. This course will introduce to students into the exciting world of corporate finance and how the legal regime is designed to control and regulate investment and prevent financial irregularities.

I. CORPORATE PERSONALITY AND GENERAL PRINCIPLES OF CORPORATE LAW:

- i. Advantages and Disadvantages of Incorporation
- ii. Concept of lifting of Corporate Veil.
- iii. International Policies of Corporate Law
- iv. Comparative study of corporate structure in European, American, and Common law Countries and the benefits
- v. Convergence of Corporate Legal System in the Present Time – LLP as type of corporate vehicle

vi. Multinational Corporations, Regulation under FEMA and Indian Companies Act.

Doctrine of Ultra Vires: Doctrine of Indoor Management

II. CORPORATE GOVERNANCE

- i. Basic Principles and OECE principles of Corporate Governance
- ii. Components of Corporate Governance

iii. Role of Share Holders, Board of Directors, Different Committees in the Board and Institutional Investor in Corporate Governance.

III. CORPORATE FINANCE:

i. Laws regarding Company capital- Equity Finance, Debt Finance.

ii. Promoters

iii. Offer Document, Initial Public Offer Houses

iv. Under writing of Issue, ESSESSCROW Account

v. Corporate Loans,

IV. DEBENTURES AND BONDS: DEBENTURE TRUSTEE

vi. Venture Capital, Institutional Financing and due Diligence Process.

vii. Foreign Direct Investments

VI. CAPITAL MARKET AND SECURITY LAWS

i. Capital Market Regulator- Role, Power, Function Composition and Structure

ii. Different Models of Capital Market Regulator

iii. Capital Market Intermediary like merchant, Banker, Lead Manager, Registered to issue , Banker to issue., Brokers etc.

iv. Stock Exchange, Concept of De-mutualisation

v. Self Regulatory Organisation, Listing Agreement, Security, Appellate Tribunal

VII. COMPETITION LAW

i. Concept of Market inter relation and relevant market

ii. Issues of Monopoly and Competition, Anti-competitive Agreement, Combination, Abuse of Dominance

iii. Competition Commission-Structure and Regulatory Power.

iv. Regulatory structure of Different Countries. Like USA, UK, Canada, Australia

v. Capital Market and Security Law

vi. Indian Competition Law

VIII. MERGER AND ACQUISITION

i. Acquisition, Merger, Take Over, amalgamation

ii. Different types of Merger and Amalgamation

iii. Public Offer Document and Safe exit

iv. Issues of taxes in merger, merger control Regulation

IX. CORPORATE INSOLVENCY

i. Corporate Insolvency- Theories, Determination, across border insolvency issues

ii. **UNCITRAL INSOLVENCY MODEL**

iii. Compromise and arrangement

X. MAJORITY POWER AND MINORITY RIGHTS

i. Rule in Foss v. Harbottle and its exceptions

ii. Prevention of oppression and mismanagement

**XI. WINDING UP OF COMPANY- DIFFERENT
MODES, CONDUCT OF WINDING UP**

DETAILED SYLLABUS

SEMESTER II

There are three elective courses in Public Law and one compulsory course. Similar design of the 1st semester is followed. Such as four papers of four credits and 100 marks each (4x 4= 16 credits and 4x100= 400 marks) and 3 components of soft skill developments carrying two credits and 100 hundred marks (2x2=4 credits and 2x50= 100 marks). Thus the 2nd Semester carries 500 marks and 20 credits. The compulsory course is Criminal Law and the elective courses are courses related to Public Law. In this semester the student will be equipped with the knowledge of a subject which is relevant to the practice of law in any court and he/she will learn the importance of Constitutional Law and international relationships among the states leading to the comity of nations.

Sem – II	Total Credit & Marks	Nature of Course	Course Code	Course Title	Credit	Marks
	Credit – 20 Marks – 500	Compulsory Paper	CO 2.5	Criminal Law	4	100
		Elective Course	Elective 2.1	PUBLIC LAW PAPER I: Constitutional Law-I	4	100
			Elective 2.2	PUBLIC LAW PAPER II: Human Rights	4	100
			Elective 2.3	PUBLIC LAW PAPER III: Public International Law	4	100
		Foundation	SS 2.3	Legal Research [Field Work Written Report &	2	50

		Soft Skill	Viva Voce]			
			SS 2.4	Academic Writing [Term Paper + Seminar]	2	50
Total				20	500	

LL.M. CC 2.5 – CRIMINAL LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- Any student of Law broadly classifies the legal regime into civil and criminal. This paper concentrates on the Criminal law and includes a deeper understanding of the philosophy and jurisprudence of the criminal as well as the victim. This course will teach the student that the process of giving punishment which is not arbitrary but entails deep philosophical understanding of degree of the offence and corroborative and corresponding philosophy that helped to decide the degree of severity of punishment that is to be meted out so that justice is not only done but appears to have been done.

A. CRIME

1. Concept, Nature, Definition and Characteristics of Crime.
2. Development of Criminal Law and Criminal Justice System during British period and post independent period.

3. Theories of Crime

4. Sociology of Crimes.

B. CRIMINOLOGY

- a) Definition of Criminology - Social, Psychological and Legal approaches
- b) Nature and scope of Criminology

C. PRINCIPLES OF CRIMINAL JURISPRUDENCE

- a. Basic Principles of Evidence
- b. Basic Principles of Penal Codes & Procedural Laws
- c. Adversarial (Accusatorial) and Inquisitorial System
- d. Recommendations of Malimath Committee Report- Shift from Co-ordination in Criminal Justice system, from ‘ justice model’ to crime control model’.
- e. How the burden of proof shifts as per the nature of crime?

D. CRIME TRENDS AND CRIME PREVENTION SOCIAL CHANGE, DEVIANCE AND DISORGANIZATION

- a. Who is a Criminal?
- b. Crimes against the State
- c. Crimes against person
- d. Crimes against property
- e. Offences Relating to Marriage

- f. Crime, Social Control and Crime Prevention
- g. Community and Crime Prevention
- h. Crimes under Special Law and its jurisdictional aspect (Dowry Prohibition Act, Prevention of Atrocities Act, Electricity Act, 2003).

E. CRIMINAL LIABILITY: PRECEPTS AND PRINCIPLES

- a) Evolution of civil and criminal Liability from common liability for ‘Wrongs’
- b) Elements of Criminal Liability of the crime, contemplation, preparations, attempt and commission. c) Mensrea - (intention) recklessness, malice, negligence, inchoate offences.
- d) Mensrea under the IPC
- e) Exemptions from criminal liability
- f) Strict Liability & Absolute Liability
- g) Principles of Group or Joint Liability:
- h) Vicarious and Corporate Liability

F. SENTENCING POLICY AND PROCESS

- a. Basic Elements of the Code of Criminal Procedure

b. Other Laws

G. VICTIMOLOGY

- a) The concept of victimology
- b) Rights of Victims. Protection to Victims under Criminal Law
- c) Victim- offender Relationship
- d) Victim Perception
- e) Withdrawal of Prosecution Role of Victim Compensation

under various Laws:

- a. Section 357. CRPC
- b. Motor Vehicles Act

- c. Sexual harassment and assaults.
- d. Medical negligence
- e. State liability to pay compensation for police Atrocities
- f. Compensation and Restitution to the victim- Justice To Victims, (Principle of compensatory jurisprudence)

H. JUDICIARY, POLICE AND PRISON

ELECTIVE 2.1: PUBLIC LAW PAPER I: CONSTITUTIONAL LAW-I

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- Constitution is a living document and is always in the process of being made. With the changing and swiftly transforming society both nationally and globally this course gives the student to explore, analyse and discuss India's approach to fundamental rights, fundamental duties and the directive principles of State policy in the context of the contemporary social and economic challenges and to understand the means to achieve development within the framework of the basic structure of the Constitution.

1. **CONSTITUTIONALISM** Limited Government – concept – Limitations on government power, Separation of powers: Montesquieu, Rule of law: Concept and new horizons
2. **FEDERALISM:** Difference between confederation and Federation, Conditions requisite for federalism Patterns of federal government, New trends in federalism: co-operative federalism Dynamic of federalism.
3. **PLURALISM:** What is a pluralistic society ,Ethnic, linguistic, cultural, political pluralism Individual rights – right to dissent, Freedom of speech and expression, Freedom of religion, Freedom of association, Rights of the religious and linguistic minorities.
4. **CONSTITUTION:** Whether Law
5. **PREAMBLE: NATURE, SCOPE, CONTENT**
6. **PART I: UNION AND ITS TERRITORIES**
7. **PART II: CITIZENSHIP**
8. **PART III: FUNDAMENTAL RIGHTS**
9. **PART IV: DIRECTIVE PRINCIPLES OF STATE POLICY**
10. **PART IV A: FUNDAMENTAL DUTIES**

ELECTIVE 2.2- PUBLIC LAW PAPER II: HUMAN RIGHTS

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE-This course is designed to complement the course in Constitutional law specially the fundamental right segment. Fundamental right and Human right, the student will learn, is closely associated and complement each other. But this course will stretch the boundary at the international level encompassing a wider horizon and depths and realise at the end of the course that there are many subtle nuances to human rights and it encompasses a population of nationally and internationally displaced persons, deprived citizenry and emigrants seeking asylum for fear of persecution in their own

country. It is expected that course 1 and course 2 together will produce a far deeper understanding and knowledge of the right based discourse of law.

1. NATURE, CONCEPT, DEVELOPMENT, CLASSIFICATION

2. INTERNATIONAL INSTRUMENTS AND ITS IMPLEMENTATION IN INDIA

- Universal Declaration of human Rights, 1948
- Covenant on Civil and Political Rights, 1996 and Part-III of the Constitution of India
- Covenant on Economic, Social and Cultural Rights, 1966 and Part-IV of the Constitution of India

3. HUMAN RIGHTS AND VULNERABLE GROUPS

- Rights of the Child
- Rights of the Women
- Rights of the Workers
- Rights of the AIDS Victims
- Rights of Refugees & forced Migrants

4. HUMAN RIGHTS AND CRIMINAL JUSTICE

- Rights of the prisoners
- Rights of the victims of custodial violence
- Speedy Trials
- Legal Aid

5. CODE OF CONDUCT FOR LAW ENFORCEMENT OFFICIALS

- Enforcement of Human Rights in India
- Enforcement mechanism

6. **ROLE OF SUPREME COURT AND HIGH COURTS**

7. **PROTECTION OF HUMAN RIGHTS ACT, 1993.**

ELECTIVE 2.3-PUBLIC LAW PAPER III: PUBLIC INTERNATIONAL LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE The story of Public International Law is the story of historic and present-day efforts to address international issues of common concern “ conflict within and between states, climate change, human rights abuses, international crimes, global trade, and control over and use of the world trade marks and oceans, for example. In this module student will explore how international law works; how the world is “or, perhaps, is not” governed by international law. Course will consider what international law is, its history and future, the purposes it serves, its interpretation and application, and its relationship with domestic (Indian) law.

1. **GENERAL PRINCIPLES OF INTERNATIONAL LAW**
2. **SUBJECTS OF INTERNATIONAL LAW**
3. **RELATION BETWEEN INTERNATIONAL LAW AND STATE LAW**
4. **STATES AS SUBJECTS OF INTERNATIONAL LAW**
5. **RIGHTS AND DUTIES OF STATES**
6. **INTERNATIONAL TRANSACTIONS**
7. **DISPUTES AND THEIR SETTLEMENTS**
8. **INTERNATIONAL INSTITUTIONS**

DETAIL SYLLABUS

SEMESTER- III

There are three elective courses in Public Law and one compulsory course. Similar design of the 1st semester is followed. Such as four papers of four credits and 100 marks each (4x 4= 16 credits and 4x100= 400 marks) and 3 components of soft skill developments carrying two credits and 100 hundred marks (2x2=4 credits and 2x50= 100 marks). Thus the 3rd Semester carries 500 marks and 20 credits. The compulsory course is private international law which will help the students to understand the areas of conflicts in personal matters. The Elective paper i.e. the Public Law will help the student to climb higher in the understanding of the functioning of the wings of the administration. Each course compliments the other.

Sem – III	Total Credit & Marks	Nature of Course	Course Code	Course Title	Credit	Marks
	Credit – 20 Marks – 500	Compulsory Course	CC 3.6	Private International Law	4	100
		Elective Courses	Elective 3.4	PUBLIC LAW PAPER IV: Constitutional Law II	4	100
			Elective 3.5	PUBLIC LAW PAPER V: Advance Torts	4	100
			Elective 3.6	PUBLIC LAW PAPER VI: Administrative Law	4	100
		Foundation	SS 3.5	Legal Education – Practical – Taking of classes	2	50

		Soft Skill	SS 3.6	Field Work Written Submission	2	50
Total					20	500

LL.M. CC 3.6 PRIVATE INTERNATIONAL LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- This course will help the students to litigate a case where a foreign element is involved. It will also help the students to determine which law will govern the litigation at hand. Wider knowledge regarding the jurisdiction of court and execution of foreign judgment will enrich the student to handle any litigation from any part of the world.

1. PRELIMINARY MATTERS:

1. Nature & Scope,
2. Theories
3. Evolution
4. Jurisdiction
5. Characterisation,
6. Connecting factors,
7. Choice of Law
8. Renvoi,

9. Exclusion of Foreign Law,
10. Domicile and residence.
11. Foreign Judgments

2. SPECIFIC MATTERS

- a. Family Law
 - Marriage
 - Matrimonial Causes
- b. Law Of Property
 - Movable Property
 - Immovable Property

c. Law Of Contracts

- Forum & Choice of Law
- Forum & Choice of Law

d. Torts

ELECTIVE 3.4 PUBLIC LAW PAPER IV: CONSTITUTIONAL LAW II

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- This course deal with the separation of powers among the wings of the government and their constitution and functioning. The student will learn regarding the structure of Indian polity and principle procedure and practices that are followed in the Constitution of those bodies. They will also get an insight into how the House of the People (Lok Sabha) and the Council of States (Rajya Sabha) are elected and how they function.

PART V: The Executive, parliament, Legislative powers of the President, Union Judiciary, Comptroller and Auditor General of India

PART VI: The States, The Executive, State Legislature, Legislative Powers of the Governor, High Courts in States, Subordinate Courts

PART VII: States in Part B of the First Schedule

PART VIII: Union Terretories

PART IX: Panchayats

PART IXA Municipalities

PART IX B: Co-operative Societies

PART X: Scheduled and Tribal Areas

ELECTIVE 3.5 PUBLIC LAW PAPER V: ADVANCE TORTS

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- Torts is a law that is not very commonly used in India but can be a very important in securing speedy and immediate justice. Unlike India in other common law countries Torts is used very often to secure remedies against offences which are unconventional and unexpected. A student of law studies the law of Torts at the initial years of LL.B. and then it is forgotten. This course is designed in such a manner so that a student is able to get a deeper insight into the subject and appreciate its value in litigation and its capacity of compensatory remedy (justice).

1. Torts and persons/tort perspectives
2. Fundamental concepts in tort law
3. Theories of Tort
 - a. Corrective justice and rights-based theories
 - b. Instrumentalist theories
4. Specific Torts
5. Negligence
6. Nuisance
7. Deceit and Conspiracy
 1. Strict Liability
 2. Defamation I : Libel
 3. Defamation II: Slander

4. Defamation III : Innuendo
5. Torts to goods & Property
6. Developments in liability for psychiatric harm
7. Liability for infliction of mental distress
8. Privacy law reform
9. Changes to the concept of causation in tort
10. Loss of chance
11. Wrongful birth and wrongful life
12. Immunities
13. Torts and human rights.
14. Constitution & tort
15. Filing of Tort cases
16. International Torts

ELECTIVE 3.6 PUBLIC LAW PAPER IV: ADMINISTRATIVE LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- This course compliments the course no. 3.4. (Constitutional Law II) that deals with the formation of governing bodies of the country and the present course will deal with how administrative control and judicial control can be exercised on the function of those bodies. This course will introduce to students the concepts like rule of law, fair trial, reasoned decision etc. which are considered to be the most important ingredient of good governance.

1. SEPARATION OF POWER AND RULE OF LAW

- U.K
- USA
- INDIA

2. DELEGATED LEGISLATION AND ITS ADMINISTRATIVE AND JUDICIAL CONTROL

- Concept
- Growth and Need

- Restraints

3. JUDICIAL CONTROL OF DELEGATED LEGISLATION

4. LEGISLATIVE CONTROL OF DELEGATED LEGISLATION

5. ADMINISTRATIVE CONTROL OF DELEGATED LEGISLATION

6. SUB-DELEGATION

7. ADMINISTRATIVE ADJUDICATION

8. PRINCIPLES OF NATURAL JUSTICE

- Audi Alteram Partem
- Bias
- Reasoned Decision
- Procedure Established by Law

9. ADMINISTRATIVE DISCRETION

10. STATUTORY AND JUDICIAL REMEDIES

- Injunction
- Limitation
- Declaratory Action
- Specific Relief

11. ESTOPPEL AND WAIVER

12. CONSTITUTIONAL PRINCIPLE OF ADMINISTRATIVE LIABILITY

- In Contract
- In Torts

13. JUDICIAL REVIEW AND PUBLIC REMEDIE

DETAIL SYLLABUS

SEMESTER IV

In this semester there are two elective courses in Public Law and one compulsory course. The three papers are of four credits and 100 marks each (3x 4= 12 credits and 3x100= 300 marks) and a Dissertation of eight credits (4x2=8credits and 200 marks). Thus the 4th Semester carries 500 marks and 20 credits. The Compulsory paper intellectual property which is very important in the globalised world and the two electives are Public Law dealing with Constitutional law and comparative constitutional law. At the end of this semester the student will have a comprehensive knowledge of a law and its working and will be competent to participate in the formation of future laws for this country and its governance.

Sem – IV	Total Credit & Marks	Nature of Course	Course Code	Course Title	Credit	Marks
	Credit – 20 Marks – 500	Compulsory Course	CC 4.7	Intellectual Property Law	4	100
		Elective Courses	Elective 4.7	PUBLIC LAW PAPER VII: Constitutional Law III	4	100
			Elective 4.8	PUBLIC LAW PAPER VIII: Comparative Constitutional Law	4	100
		Foundation Soft Skill	SS 4.7	Dissertation & Viva Voce [D = 150+V = 50]	8	200
Total					20	500

CC 4.7 INTELLECTUAL PROPERTY LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- The importance of intellectual property in the modern world can not be emphasized enough. This is a law which helps the inventor and the creator to value their own creation commercially and also pave the way for further research in the areas that have been intellectually protected.

1. PATENTS

Definition---History- Growth---Patentable Invention--
-Procedure for obtaining Patent---Specifications---
Transfer---Revocation---Infringement---Patent agents-
--Rights conferred on--- Patentee---Remedies

2. COPY RIGHTS AND RELATED RIGHTS

Meaning---Characteristics- --Term---Author &
ownership---Registration---Rights conferred by---
Copy Right---Assignment---Infringement---
Remedies---Regulatory Authorities-performers rights

3. TRADE MARKS AND DESIGNS

Trade Mark- Trade Description-essentials- growth-
importance – Essentials---Statutory Authorities---

Principles and Procedures of registration---Rights

conferred on Registration---Infringement---Licensing

4. DESIGN---Subject matter--- Registrability---Designs
Act, 2000

5. GEOGRAPHICAL INDICATIONS AND

PROTECTION OF IPR OF THE INDEGENOUS

Meaning---Distinction between Geographical
Indications---Trade Mark and collective Mark---
prohibited GIs- --Homonymous GIs---Geographical
Indication of Goods (Registration and Protection) Act,
1999 & Rules, 2002---Registration---Rights
Conferred on Registration---Infringements---
Regulatory Authorities---Remedies

6. THE AGREEMENT ON TRADE RELATED ASPECTS OF INTELLECTUAL PROPERTY RIGHTS

- General Provisions and Basic Principles - Objectives and principles

7. PROTECTION OF SPECIFIC INTELLECTUAL PROPERTY RIGHTS UNDER TRIPS

a. Copyrights and related Rights' b. Trademarks c. Geographical indications, protection plant varieties d. Industrial designs e. Patents f. Layout Designs g. Undisclosed information h. Control of anti-competitive Practices in Contractual Licenses 7.

8. ENFORCEMENT OF INTELLECTUAL PROPERTY RIGHTS

a. Civil and Administrative procedures and Remedies b. Provisional Measures c. Special Requirements Related to Border measures d. Dispute Prevention and Settlement

9. INTERNATIONAL COPYRIGHT PROTECTION

a. Berne Convention for the Protection of Literacy and Artistic Works 1886 and its amendments b. Rome Convention for the Protection Procedures of Phonograms and Broadcasting

Organizations 1961 c. Geneva Convention for the Protection of producers of Phonograms against

Unauthorized Duplication of their Phonograms, 1971

d. Brussels Convention relating to the Distribution of Programme - carrying signals transmitted by Satellites, 1974

10. INTERNATIONAL PROTECTION OF INDUSTRIAL PROPERTY RIGHTS

- Paris Convention for the Protection of Industrial Property, 1883

11. INTERNATIONAL AGENCIES AND INTELLECTUAL PROPERTY

a. World Intellectual Property Organization (WIPO) b. United Nations Educational, Scientific and cultural organization c. United Nations Conference on Trade and Development

12. WIPO COPYRIGHT TREATY

(20 December 1996) WIPO Performances and Phonograms Treaty (20 December 1996) 5. Convention on Biological Diversity 6. European Patent Convention, 1973

ELECTIVE 3.7 PUBLIC LAW PAPER VII: CONSTITUTIONAL LAW III

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- This course is important for the students of law as they know that India is a federation and this module will help them to understand how business, trade and financial exchanges take place in a federal structure. They will gain a deeper knowledge into matters like elections, emergencies, amendments etc. that can leave a glowing tribute or a devastating scar on the body of the Constitution if not understood in proper perspective.

PART XI: RELATION BETWEEN THE UNION AND THE STATES

PART XII: FINANCE, PROPERTY, CONTRACTS AND SUITS

PART XIII: TRADE COMMERCE AND INTERCOURSE WITHIN THE TERRITORY OF INDIA

PART XIV: SERVICES UNDER THE UNION AND THE STATES

PART XIV A: TRIBUNALS

PART XV: ELECTIONS

PART XVI: SPECIAL PROVISION RELATING TO CERTAIN CLASSES

PART XVII: OFFICIAL LANGUAGE

PART XVIII: EMERGENCY PROVISIONS

PART XX: AMENDMENT OF THE CONSTITUTION

ELECTIVE 3.8 PUBLIC LAW PAPER VIII: COMPARATIVE CONSTITUTIONAL LAW

4 CREDITS

100 MARKS

OBJECTIVE OF THE COURSE- this course intends to provide a comparative analysis about the structure of the Government, legislative process and the role of the Judiciary that contribute to Constitutional balances across the world. Focus is on legal equality that can foster political balance and international friendship.

1. FUNDAMENTAL CONSTITUTIONAL CONCEPTS.

2. THE SYSTEM OF THE MAIN CONSTITUTIONAL BALANCES:

- i. State power (rather political elite and public bureaucracy) – human rights and the sovereignty of the people
- ii. Individual liberty – legal equality
- iii. The sovereignty of the people - human rights
- iv. Separation of powers (horizontal and vertical)
- v. Constitutionalism @ quasi-constitutionalism

3. LEGAL EQUALITY AS THE MEAN OF BALANCE OF DIFFERENT INDIVIDUAL INTERESTS AND RIGHTS.

4. MODERN CONCEPTS OF SOVEREIGNTY AS A BALANCE FOR HUMAN LIBERTY AS WELL AS POLITICAL ELITE AND BUREAUCRACY POWER.

5. GOVERNMENT AND OPPOSITION BALANCE AS THE POLITICAL BACKBONE OF THE REAL CONSTITUTIONALISM.

6. SEPARATION OF POWERS AS THE INSTITUTIONAL BASIS.

7. TERRITORIAL ORGANISATION OF THE STATE AS THE SYSTEM OF BALANCES.

8. QUASI – CONSTITUTIONALISM (NONEQUILIBRIUM) MODELS AND THEIR CHARACTERISTICS.

- i. Religious (Islamic) Model
- ii. Party (Socialist) Model
- iii. Inertial or bureaucratic (Post-socialist) Model
- iv. Military (Latin American) Model
- v. Tribal (African) Model
- vi. Superficial (Elite) Model
- vii. Unstable (Revolutionary) Model.
- viii. Peculiarities of constitutional regulation of human rights in the USA.
- ix. Peculiarities of constitutional regulation of human rights in the UK.
- x. Peculiarities of constitutional regulation of human rights in Germany.
- xi. Peculiarities of constitutional regulation of human rights in France.
- xii. Generations of human rights.
- xiii. Peculiarities of social rights.
- xiv. Human rights protection before birth (abortion problem).
- xv. Ombudsman Institute in the modern world (the UK, the US, France).
- xvi. The strongest movements for equal rights in the world.
- xvii. Positive discrimination and legal equality.
- xviii. Immunities and legal equality.
- xix.** Referendums in the modern world: goals and significance.
- xx.** Semi-presidential and super-presidential republics: similarities & peculiarities.

SOFT SKILL DEVELOPMENT COURSES

OBJECTIVE OF THE COURSE- A post- graduate student of law of law is expected to get an insight into the objectives of legal education. This can be achieved through organisation of seminars, doing field work, and writing Term papers. LL.M. course is designed to produce lawyers and teachers with better competence and expertise. These soft skill modules spread over four semesters will help the student to familiarize themselves with different systems of legal education and various techniques of teachings. The students are expected to follow methods like case method, problem method, discussion method, Socratic method, seminar method, or a combination of two or more methods. The soft skill courses will not only help the student to master these methods but will also train them in advocacy techniques.

LL.M. SS 1.1: SOFT SKILL

1. Legal Research [Field Work Written Report & Viva Voce Examination] [2 CREDITA & 50 MARKS]

Socio-legal research. 2. Doctrinal and non-doctrinal research. 3. Computerized research. 4. Relevance of empirical research.5 Legislative research material. 6. Decisional research material. 7. Ratio decidendi and obiter dicta. 8. Juristic writing.

LL.M. SS 1.2: SOFT SKILL

2. ACADEMIC WRITING & COMMUNICATION SKILL [TERM PAPER + SEMINAR] [2 CREDITA & 50 MARKS]

LL.M. SS 2.3: SOFT SKILL

1. Legal Research & Research in Humanities and Types of Research [2 CREDITA & 50 MARKS]

Formulation of research problem. 2. Tools and techniques of data collection. 3. Use of questionnaire and interview. 4. Use of case study. 5. Sampling procedure-design of sample, 6. Types of sample to be adopted. 7. Classification and tabulation of data. 8. Analysis of data. 9. Art of thesis writing

LL.M. SS 2.4: SOFT SKILL

3. Academic Writing & Communication Skill [Term Paper + Seminar] [2 CREDITA & 50 MARKS]

SS 3.5: LEGAL EDUCATION – PRACTICAL – TAKING OF CLASSES

2CREDITS

50 MARKS

A student shall be required to take ten [10] classes at the LL. B. classes. The subject to be taught will be assigned by teachers teaching LL. B. Each class so allotted shall carry five [05] marks and shall be evaluated by the teacher concerned. Sum total of marks allotted in each class shall be the marks obtained out of fifty [50].

SS 3.6: DEVELOPING A PROJECT / RESEARCH PROPOSAL

2CREDITS

50 MARKS

Presentation of Field work Report Formulation of the Research Problem, Devising tools and techniques for collection of data, Methodology, Methods for the collection of statutory and case materials and juristic literature, Use of historical and comparative research materials, use of observation studies, use of questionnaires/interview/Schedule, Use of case studies,

sampling procedure – design of sample, types of sampling to be adopted, Use of scaling techniques, Jurimetrics, Computerized Research –Programmes such as Lexis Nexis, West law Coding and Manupatra.

SS 4.7 DISSERTATION AND VIVA VOCE EXAMINATION [8 CREDITS & 200 MARKS]

OBJECTIVE OF THE COURSE- Research is a fundamental and integrated part of post-graduate studies in law. During the exposure into soft skill modules the students are taught research methodology and empirical methods of research. In Dissertation they have to put these skills into operation and produce a Dissertation of originality and research skill. At the end of 4th semester a viva voce will examine their depth of research and understanding thereof.

Dissertation	150 marks
Viva Voce Examination	50 marks

SUBJECT DISTIBUTION

NATURE OF COURSE	CREDITS	MARKS
COMPULSORY COURSES	28	700
SPECIALISATION ELECTIVE COURSE	32	800
SOFT SKILL COURSES	20	500
TOTAL	80	2000

LIST OF ELECTIVES

Discipline Elective:		General Elective	
1.	Evidence-Comparative Study	1.	Labour, Gender & Law
2.	Media & Law	2.	Law & Diplomacy
3.	Public Utility Law	3.	Process of State Action
4.	Centre – State Relation	4.	Foundation of sustainable Development
5.	Constitutional Tort	5.	Multilevel Governance
6.	Constitution & Right of the Vulnerable	6.	Local Self Government
7.	State Responsibility	7.	Personal Laws in India
8.	Public Law and Its Role in Governance	8.	Global Administrative Law
9.	Basic Principles of Organisation of Government and forms of Government	9.	Comparative Criminal Law: Common Law & Civil Law
10.	Public Health Law	10	
11	Service Laws in India		
12	Constitutional Foundation of Powers		
13	Comparative Administrative Law		

PROPOSED ALPHANUMERIC CODE FOR SUBJECTS IN LL.M.

Legal Theory-	L.M.S.1.C1
Legal Concepts-	L.M.S.1.C2
Environmental Law-	L.M.S.1.C3
Corporate Law-	L.M.S.1.C4
Criminal Law	L.M.S.2.C5
PUBLIC LAW PAPER I: Constitutional Law-I	L.M.S.2.E6
PUBLIC LAW PAPER II: Human Rights	L.M.S.2.E7
PUBLIC LAW PAPER III: Public International Law	L.M.S.2.E8
Private International Law	L.M.S.3.C9
PUBLIC LAW PAPER IV: Constitutional Law II	L.M.S.3.E10
PUBLIC LAW PAPER V: Advance Torts	L.M.S.3.E11
PUBLIC LAW PAPER VI: Administrative Law	L.M.S.3.E12
Intellectual Property Law	L.M.S.4.C13
PUBLIC LAW PAPER VII: Constitutional Law III	L.M.S.4.E14
PUBLIC LAW PAPER VIII: Comparative Constitutional Law	L.M.S.4.E15

Legal Research [Field Work Written Report & Viva Voce Examination]	L.M.S.1.SS16
ACADEMIC WRITING & COMMUNICATION SKILL [TERM PAPER + SEMINAR]	L.M.S.1.SS17
Legal Research & Research in Humanities and Types of Research	L.M.S.2.SS18
Academic Writing & Communication Skill [Term Paper + Seminar]	L.M.S.2.SS19
LEGAL EDUCATION – PRACTICAL – TAKING OF CLASSES	L.M.S.3.SS20
DEVELOPING A PROJECT / RESEARCH PROPOSAL	L.M.S.3.SS21
DISSERTATION AND VIVA VOCE EXAMINATION	L.M.S.4.SS22