

Detailed Syllabus of the LLM Programme Session 2015-2016

1ST SEMESTER

Course Code **LLM-1**

Title of the Course: **INDIAN CONSTITUTIONAL LAW**

Marks: 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	<p>Indian Federalism: Conceptual position of Federalism; Nature of the Indian Constitution; Cooperative Federalism, Relationship of trust and faith between centre and states; Challenges before the Indian Federalism.</p> <p>Separation of Powers: Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL: Implementation, Judicial autonomy and independence, accountability of Executive, Legislature and Judiciary.</p>	15	15
II	<p>Distribution of Legislative Powers: The Scheme of the distribution of legislative powers in India, the judicial approach and the present position; Recommendation of Sarkaria Commission & Venkatachaliah Commission.</p> <p>The Judiciary: The Supreme Court of India-Jurisdiction and Powers; Its role as guardian of the Constitution.</p>	15	15
III	<p>Right to Equality: Scope of the right to Equality; New approach of Article 14; Equality of opportunity in matters of public employment and in admission to educational institutions.</p> <p>Freedom of Speech and Expression: The area of freedom and its limitation; Freedom of Press and challenges of new scientific development.</p> <p>Emerging regime of new Fundamental Rights: The changing dimension of Right to Life and Personal Liberty; Reading Directive Principles and Fundamental Duties into Fundamental Rights.</p>	15	15
IV	<p>Right to Freedom of Religion: The scope of the freedom and the State Control; Secularism and religious fanaticism.</p>	10	15

	Constitutional remedies – writs: mandamus, certiorari, prohibition quo warranto, habeas corpus		
V	Democratic process: Nexus of politics with criminals and the business; Election- Election commission's status, Electoral Reforms. Working of the Constitution: Achievements and failures; Areas of concern and challenges before the Constitution; The perception of National Commission to Review the Working of the Constitution.	15	15

Suggested Readings

1. M P Jain Indian Constitutional Law
2. H M Seervai Constitutional Law of India
3. P K Tripathi Some Insight into Fundamental Rights
4. S P Sathé Fundamental Rights and Amendment to the Constitution
5. P B Gajendragadkar Law, Liberty and Social Justice
6. Granville Austin The Constitution of India, Oxford
7. Basu Constitutional Law of India, Prentice Hall of India

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code : LLMA-1
Title of the Course : CONSTITUTIONAL LAW-I
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	Concepts of Constitution, special features, Constitutional Law and Constitutionalism, Formation of Constituent Assembly, Preamble - Importance, amenability and Judicial approach, Rule of law, Separation of power.	15	15
II	Fundamental Rights - Concept - Nature - Necessity and justification – origin of fundamental rights – Magna Carta and Bill of Rights, Fundamental Rights under Indian Constitution, Enforceability of Fundamental Rights - Judicial Review Restriction, Abrogation and Suspension of Fundamental Rights - Articles 32 (4), 33 and 34 suspension of Fundamental Rights during Emergency Art. 19 and the Power of President to suspend the enforcement of rights conferred under Part - III - Relevance of 42nd and 44th Constitutional Amendment Acts	15	15
III	Right to equality - Equality before law and equal protection of laws – Reasonable classification - Absence of arbitrariness - Prohibition against discrimination - Equality of opportunity in Public employment - Concept of protective discrimination	15	15
IV	Right to life and liberty - importance and contents – its non-suspend ability Impact of Maneka Gandhi's case on prisoners' right, criminal justice, Death sentence, Environmental protection, Right to Education, Right to health and Emerging trends in Compensatory jurisprudence – 44 th amendment. Protection against arrest and detention – Constitutional validity of Preventive Detention Laws in India – Judicial Review of preventive detention laws, right against exploitation – trafficking in human beings – forced labour – child employment	15	15

V	Freedom of Religion - Concept of Religion - Freedom of Conscience and right to profess, practice and propagate religion - freedom to manage religious affairs - freedom from payment of tax for promotion of religion - restriction on religious instructions in certain educational institutions.	10	15
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Suggested Readings

1. M P Jain Indian Constitutional Law
2. H M Seervai Constitutional Law of India
3. V N Shukla Constitution of India
4. D D Basu Shorter Constitution of India
5. B Sivarao Constitutional Assembly Debates
6. P K Tripathi Some Insight into Fundamental Rights
7. S P Sathe Fundamental Rights and Amendment to the Constitution
8. P B Gajendragadkar Law, Liberty and Social Justice
9. Granville Austin The Constitution of India, Oxford
10. Basu Constitutional Law of India, Prentice Hall of India

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code : LLMA-2
Title of the Course : CONSTITUTIONAL LAW-II
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	Concept of Federalism, co-operative federalism, necessity and justification of Federal Government, features of federalism, functional aspects of federalism in India	10	15
II	Legislative Relations under the Indian Constitution, Doctrines in legislative relations, Centre's control over State Legislature; Administrative Relation between Centre-State, Inter-State conflict Management. Restrictions on the power of State Legislatures on fiscal powers- Residuary taxes- Distribution of revenues between Centre-States, Doctrine of immunities of instrumentalities, Role of Finance Commission	10	15
III	Principles of Parliamentary and Presidential forms of Government. Nature of the Executive Power- Impeachment process- Mercy Power- Ordinance making power. Parliamentary proceedings and privileges - conflict between parliamentary privileges and Fundamental Rights, Parliamentary privileges and Court, codification of parliamentary privileges.	15	15
IV	Freedom of Trade and Commerce, Inter-relation between Article 19(1) (g) and Article 301. Regulatory Measures- Exceptions to Freedom of Trade and Commerce, Importance of it in federation	10	15
V	Types of emergencies and their impact on federal structure Amendment of the Constitution Development of Service Jurisprudence in India	15	15

Suggested Readings

1. K C Wheare Federal Government
2. M P Jain Indian Constitutional Law
3. H M Seervai Constitutional Law
4. Frederick and Barn Studies in Federalism
5. D D Basu Shorter Constitution of India
6. M C Saxena Dynamics of Federalism
7. Ivor Jennings Cabinet and Constitution
8. A V Dicey Law and Constitution
9. Constituent Assembly Debates

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code : LLMA-3
Title of the Course : CONSTITUTION AND HUMAN RIGHTS
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	Human Rights: Concept. Human rights in Indian tradition: ancient, medieval and modern Human rights in western tradition Development of natural rights.	15	15
II	Fundamental Rights Jurisprudence The dichotomy of Fundamental Rights (F.R.) and Directive Principles (D.P.) The interaction between F.R. and D.P. Resultant expansion of basic needs oriented human rights in India	15	15
III	Right not be Subject to Torture, Inhuman or Cruel Treatment Concept of torture, third-degree methods and its justification Outlaw of torture at national and international levels Rights of Vulnerable Groups	15	15
IV	Right to development of individuals and nations The UN Declaration On Right to Development 1987 Human Rights Council The Need for Constitutional and Legal Changes in India from Human Rights Standpoint	10	15
V	Peoples Participation In Protection And Promotion Of Human Rights Role of International NGO's International Development Agencies and Human rights Minorities Commission	10	15

Suggested Readings

1. M. P. Singh & Others: Human Rights and Basic Needs, Theory & Practice (Universal Law Publication Company)
2. H. O. Agarwal: Human Rights (Central Law Agency)
3. S. K. Kapoor: International Law & Human Rights
4. D. D. Basu: Human Rights in Constitutional Law (Lexis Nexis)
5. J. J. Verma: The New Universe of Human Rights (Universal Law Publication Company)
6. A. M. Robertson & J. G. Merrills : Human Rights in the World (Universal Law Publication Company)

Detailed Syllabus of the LLM Programme 2015-16

1ST SEMESTER

Course Code : LLMB-I
Title of the Course : GENERAL PRINCIPLES OF CONTRACT WITH SPECIFIC RELIEF
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	Introduction to Contract Law: Basis of contractual obligation: Historical evolution and theories of contractual liabilities. Historical Foundations of Modern Contract Law: Roman, English, American and Indian. Formation of Contract: Offer, acceptance, consideration, lawfulness, intention of parties, agreements declared void; Doctrine of Privity of Contract;	15	15
II	Capacity to contract: Nature of minor's agreements and the doctrine of restitution, Law Commission of India's views. Consent: Meaning, importance and the factors vitiating free consent.	15	15
III	Standard Form Contracts: Nature, advantages and unilateral character, Principles of protection against the possibility of exploitation, Exemption clauses, Law Commission of India's views. Discharge of a contract and its various modes: By agreement, frustration, breach, performance. Contingent contracts; Quasi-contracts or certain relations resembling those created by contract.	15	15
IV	Government as a contracting party: Constitutional provisions, Government powers to contract, Procedural requirements, Kinds of Government Contracts, their usual clauses, performance of such contract, settlement of disputes and remedies. Remedies for breach of contract: Damages and specific remedies.	15	15
V	Specific Relief Act: History of the Law of Specific Relief, Nature of Specific Relief, Recovery of Possession of movable and immovable Property, Specific	10	15

	performance when granted and not granted, Who may obtain and against whom, Discretionary remedy, Power of Court to grant relief, Rectification of instruments, Cancellation, Declaratory decrees, Preventive relief–Temporary injunctions, Perpetual and Mandatory Injunctions.		
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Suggested Readings

1. A.G. Guest (ed): Anson's Law of Contract
2. P.S. Atiya, Introduction to the Law of Contract.
3. Avtar Singh : Law of Contract.
4. G.C. Cheshire, H. S. Fifoot : Cases on the law of Contract.
5. Chitty : Chitty on Contracts, Vol. I General Principles Vol. 2 Specific Contracts.
6. Pollock and Mulla on the Indian Contract and Specific Relief Acts.
7. Cheshire and Fifoot, The Law of Contract
8. G. M. Treitel : Law of Contract.
9. S. Venkataraman and K. Ramanamurthy, T. S. Venkatesa Iyer's Law of Contract.

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code : LLMB2
Title of the Course : SPECIFIC CONTRACTS WITH SALE OF GOODS
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total marks
I	Contract of Indemnity: Definition and nature of contract of indemnity; Extent and commencement of liability.	15	15
II	Contract of Guarantee: Contract of Guarantee: Meaning and Essentials; Extent of Surety's Liability; Discharge of Surety's Liability; Rights of Surety.	15	15
III	Contract of Bailment and Pledge: Contract of Bailment: Meaning and Essentials; Duties of Bailer and Bailee; Rights of Bailee. Pledge: Meaning and Essentials; persons entitled to pledge.	15	15
IV	Contract of Agency: Nature and Essentials of Contract of Agency; Creation of Agency: Implied Agency and Agency of Necessity, Agency by Ratification; Termination of Agency.	15	15
V	Sale of Goods Act: Historical development of law of Sale of Goods; Contract of sale- essentials of a contract of sales; sale distinguished from agreements to sell, bailment, contract for work and labour and hire purchase; Goods and their classification; price; conditions warranties; Transfer of property in goods; doctrine of caveat-emptor; performance of contract of sale; unpaid seller- his rights against goods and the buyers; sale by auction.	10	15

Suggested Readings

- 1 Chitty: Chitty on Contracts, Vol. 2 Specific Contracts.
- 2 Pollock and Mulla on the Indian Contract and Specific Relief Acts
- 3 Dr Madhusudan Saharay, Sale of Goods and Higher Purchase Universal Law Publishing Company Universal Law Publishing Company

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code :LLMB-3
Title of the Course :LAWS RELATING TO SECURITIES, COMPETITION, PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP & SOCIETIES REGISTRATION
Marks : 100 (In semester 25+ End Semester 75)

Unit	Contents	No. of Lectures	Total Marks
I	Securities Laws: Capital Market: Authorities governing capital market in India; Stock exchange: functions and significance; Debt market; Money market; Mutual funds. Securities and Exchange Board of India: Objective, Constitution, powers and functions; Appeal; Regulatory framework relating to securities Intermediaries; Issue and listing of securities;	15	15
II	Securities Laws: Depositories Act- Objectives, history and significance; Rights And Obligations Of Depositories, Participants, Issuers And Beneficial Owners; Enquiry and Inspection, Penalty. Commercial Courts: Concept, need and importance; Law Commission of India's views.	15	15
III	Competition Laws: Introduction and History to the Competition Act; Competition Commission of India- composition, duties, powers and functions; Prohibition of Certain Agreements, Abuse of Dominant Position and Regulation of Combinations Prohibition of Agreements; Competition Advocacy; Penalties and procedures.	15	15
IV	Partnership Act: History of Partnership Act; Nature of partnership and certain similar organizations- co-ownership, Joint Hindu Family; partnership deed; rights and liabilities of partners including those of newly admitted partners, retiring and deceased partners; implied authority of partners & its scope; Registration of firms; Dissolutions of firms & of	15	15

	<p>the partnership.</p> <p>Limited Liability Partnership Act: Limited Liability Partnership: Nature, need and importance; Procedure of incorporation; Partners and their relations and liabilities; Whistleblowing and financial disclosure; Investigation of Partnership; Winding up and dissolution.</p>		
V	<p>Societies Registration: History of the Societies Registration Act, 1860; Procedure of Society's registration; Registration and fees; Suits by and against societies; Provision for dissolution of societies and adjustment of their affairs; Miscellaneous.</p> <p>Assam Cooperative Societies Act, 2007: Introduction, Registration of Societies, Rights and liabilities of members of registered societies, Management, Duties of Registered Society, Privileges of Registered Societies, Property and Funds of Registered Societies, Audit, Inquiry and Inspection, Settlement of Disputes, Dissolution of Society, Recovery of sums due and enforcement of obligations.</p>	15	15

Suggested Readings

1. R.K Bangia, The Indian Partnership Act, 1932 & Limited Liability Partnership Act, 2008 Allahabad Law Agency 2008.
2. Desai's The Law of Partnership in India 7th Edition Lexis-Nexis 2009.
3. Mulla's The Sale of Goods Act & The Indian Partnership Act, 10th Edition 2012
4. Pollock and Mulla's The Indian Partnership Act 7th Edition Lexis Nexis 2007
5. Sanjiv Aggarawal and Rohini Aggarawal Limited Liability Partnership Law and Practice 2009 Edition
6. Competition Law Oxford University Press
7. Assam Cooperative Societies Act, 2007

**Detailed Syllabus of the LLM Programme Under The Choice Based Credit System
Session 2015-16**

1ST SEMESTER

Course Code :LLMC-1
Title of the Course : Substantive Criminal Law –I (IPC)
Marks : 100 (In semester 25+ End Semester 75)

Unit		No. of Lectures	Total Marks
I	Historical Background of Criminal Law, Principle of Legality, Elements of Crime: Mens rea, Actus rea, Intention, Recklessness, Knowledge, Negligence; Relevance of Motive; Strict Liability.	15	15
II	Preliminary offences: Attempt; Criminal conspiracy; Abetment.	10	15
III	Jurisdiction with Special Reference to Emerging Concept of Expanding Horizons of Technology in Crime Causation, Vicarious Liability in Criminal Law with Special Reference to Section 34 to 38, 149,376-D, 396 & 460 of the I.P.C.	15	15
IV	Defences: Mistake, Necessity, Intoxication, Unsoundness of mind, Consent, Compulsion by, threat, Superior order, Private defence. Punishment: Concept, theories of punishment, types of punishment, Sentencing of Offenders.	10	15
V	Offences Against Human Body: Culpable Homicide and Murder, Kidnapping and Abduction. Offences against Property: Theft, Robbery, Offences against Marriage: Bigamy, Adultery, Offence against Morals: Obscenity, Offence against state: Sedition.	10	15

Suggested Readings

1. Bentham : Principles of Penal Law
2. Blackstone's : Commentaries Burdick : The Law of Crime, Vol. I
3. Friedmann : Law in the Changing Society Gandhi,
4. B.M. : Indian Penal Code (1996) Gaur, H.S. : Penal Law of India, 9th Edn.
5. Gaur, K.D. : Criminal Law : Cases & Materials (1975)
6. Hall, Jerome : General Principles of Criminal Law (1960), 2nd Edn.
7. Halsbury's : Laws of England : 3rd Edn., Vols. X & XI; 4th Edn., Vol. XI
8. Huda, Shamshul : Principles of Law of Crime in British India (1902) (Reprint, 1993-Eastern Book Co., Lucknow)
9. Kane, P.V. : History of Dharamshashtra, Vol. III
10. Kenny's : Outlines of Criminal Law, 19th Edn.
11. Mayne, J.D. : Criminal Law of India, 4th Edn. Nelson : Indian Penal Code

Detailed Syllabus of the LLM Programme Session 2015-16

1ST SEMESTER

Course Code :LLMC-2
Title of the Course : **Substantive Criminal Law II (Customs Law, IT Law and Cyber Crime)**
Marks : **100 (In semester 25+ End Semester 75)**

Unit		No. of Lectures	Total Marks
I	<p>Basic Concept of Customs Law Customs Law –Constitutional Framework Important Legislations Relating to Customs The Customs Act, 1962 Customs tariff Act, 1975- Changes in customs duty structure- WTO and Custom Tariff Tariff reforms in industrial goods Foreign trade (development and regulation) Act 1992</p>	15	15
II	<p>International Customs Law Role of World Customs Organization, World Trade Organization, European Customs Union International Convention on mutual administrative assistance for the prevention, investigation and repression of Customs offences International Convention on the simplification and harmonization of Customs procedures (Kyoto Convention) International Convention on mutual administrative assistance in Customs matters (Johannesburg Convention) 2003 Customs Convention on the international transit of goods (ITI Convention)</p>	15	15
III	<p>Information Technology Act, 2000 Digital Signatures:- Technical issue: symmetric and asymmetric cryptography, keys and man-in-the-middle attack. Legal issue: Definition, Recognition and Authentication of digital signature under IT</p>	15	15

	Act. Benefits Damage to computers and penalties under section 43		
IV	Emerging Issues Electronic Data Interchange (EDI) :- Meaning and benefits of EDI. Formation of contract by EDI. Admissibility in evidence of EDI messages. Security of EDI messages. Confidentiality and protection of data. Legal and Regulatory environment of E-Business Cyber Terrorism Child pornography and Hacking Cyber Security Policy of India, 2013	15	15
V	Investigation and Jurisdiction Investigation and jurisdiction over Cyber Crimes National and International Cooperation and law	15	15

Suggested Reading

1. Bagby and McCarty, Legal and Regulatory Environment of E-Business- Law for the Converging Economy, Thomson USA 2003
2. Bainbridge, David, Introduction to Computer Law, Pittman, London 1993
3. Bansal, S.K., Cyber Crime, APH Publishing , New Delhi 2003
4. Verma S.K., Legal Dimensions of Cyberspace ILI
5. Jain Atul, Cyber Crime : Issues, threats and Management (2 vols) Gyan Books Publishing, New Delhi 2004
6. Sharma, S.R., (Ed) Indian Legislation on Cyber Crime, Anmol Publication Pvt Ltd, New Delhi , 2004
7. Fatima, Talat, Cyber Crimes, Eastern Book Company.
8. Seth , Karnika Computers, Internet and New Technology Laws, Lexis Nexis
9. Chaubey Manish Kumar, Cyber Crimes and Legal Measures, Regal Publications

**Detailed Syllabus of the LLM Programme Under The Choice Based Credit System
Session 2015-16**

1ST SEMESTER

Course Code :LLMC-3
Title of the Course : Socio Economic Offences
Marks : 100 (In semester 25+ End Semester 75)

Unit		No. of Lectures	Total Marks
I	<p>Concept of Socio Economic Offences</p> <p>Definitions</p> <p>Distinctions between Traditional Offences and the Socio Economic Offences</p> <p>Principles of Traditional Criminal Jurisprudence</p> <p>Special features of Socio-Economic Offences</p> <p>Socio Economic offences and White Collar Crimes</p> <p>White collar crimes, Sutherland's Analysis of white collar crime-Indian position</p> <p>Santhanam Committee Report</p> <p>29th Report of Law commission of India</p> <p>40th Report of Law Commission of India</p>	15	15
II	<p align="center">Organized Crime</p> <p>Drug Trafficking addiction and abuse</p> <p>Smuggling</p> <p>Chit Fund swindles</p> <p>Prostitution</p> <p>Begging</p> <p>Buying and selling of women across state borders</p>	15	15
III	<p>Crimes against Consumers of Goods and Services</p> <p>Food Adulteration</p> <p>Drug Adulteration</p> <p>Offences relating to weights and measures</p> <p>Pollution offences</p> <p>Medical Malpractice</p>	15	15

IV	Crimes against Disadvantaged and Vulnerable Groups Dowry Murders Offences and atrocities against Untouchables Offences against bonded labours Offences against children	15	15
V	Investigation, Enforcement and Major Constraints in Implementation of Laws Differentiation in onus of proof through presumptions of guilt and due process problems The regime of special court Group Liability (associational, corporate) Strict and vicarious liability The quantum of punishment Problems of recidivism The variety of enforcement mechanisms; specialized and general Withdrawal from prosecution Constraints in implementation (1) Socio Economic Factors (2) Failure of Legislative Enactments	15	15

Suggested Readings

1. Upendra Baxi (ed.) Law & Poverty: Critical Essays (1988)
2. Law Commission of India Reports
3. (i) One Hundred and Fifty Fourth report 1996
4. (ii) One Hundred and Fifty Fifth Report 1997
5. (iii) 223rd Report 2009
6. (iv) 47th report
7. (v) 27th report
8. Gilber Meier - White Collar Crimes-Offences in Business, politics and profession.
9. Sutherland - White Collar Crimes
10. Mahesh Chandra : Socio-Economic Crimes (1979)
11. Jaspal Singh : A Handbook of Socio-Economic Offences Hermann Mannheim : Comparative Criminology Vol. 20th 1,2, and 3