

SESSION: 2022-23

Department of Law
Doctor Harisingh Gour Vishwavidyalaya
Sagar (M.P.)
(A Central University)



Syllabus for LL.M. Programme under CBCS

Learning Outcomes - Based Curriculum Framework (LOCF)

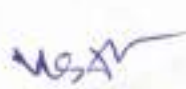
(2022 – 23)

School of Law (SAL) : Code 90

Department of Law: Code 91


Dr. Anupama Pandit
Saneha.


(Prof. Nagesh Dubey)


(Prof. Y.S. Thakur)

Department of Law
Dr. Harisingh Gour Vishwavidyalaya, Sagar (M.P.)
Name of the Program: LL.M. (Master of Laws)

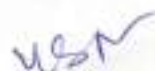
Introductory Note and Objective of the Program:

This is an academic program of 2 years duration consisting of 4 Semesters. The purpose of this program is to impart knowledge to the students in regard to important areas of law which are useful for their career development and the society as well. The LL.M. students should be exposed to the new challenges and perspectives of constitutional development. They are also allowed to choose an area of specialization in particular field of law. The students are given an opportunity to delve upon the operation and changing phenomena of comparative Administrative Law. This is an urgent need of the present era in the wake of Technological Revolution and its aftermath on the administration. A jurisprudential thrust has to be given to the students for the study of Comparative Criminal Procedure which helps them to develop and broaden their vision. Equally, the course opens new areas of profession, occupation, trade and business by studying the various fields of knowledge in law i.e., Administrative Law, Criminal Law, Insurance Law, Human Rights, etc. This course is helpful in transforming the students into good academicians, researchers and able and disciplined citizens for the development of the society and the country.

1. Name of the program: LL.M.
2. Duration of the program:
 - (a) Minimum duration 02 yrs. (4 Semester)
 - (b) Maximum duration 04 yrs.
3. Structure of the program:
 - (a) Number of Core Courses - 13 (3 in each Semester and 4 in III rd Semester)
 - (b) Minimum number of Elective Courses to be opted by the student - 3 (1 in each Semester except III rd Semester)
 - (c) Minimum number of Open Elective Courses (courses to be opted by the students from other departments of university) - 2 (1 in Semester - III & 1 in Semester - IV)


Dr. Anupama Pandit
Saxena


(Prof. Nagesh Dubey)


(Prof. V.S. Thakur)

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LL.M. (Two Years Degree Course)

LL.M. I Sem

Core Courses

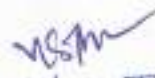
Semester	Core Course Code	Core Courses Title	Credits			
			L	T	P	C
I Sem.	LAW - CC - 121	Law and Social Transformation in India	5	0	0	5
	LAW - CC - 122	Concept and Development of Human Rights	L	T	P	C
			5	0	0	5
	LAW - CC- 123	Administrative Process: Nature and Scope	L	T	P	C
			5	0	0	5

Elective Course

Semester	Elective Course Code	Elective Courses Title	Credits
I Sem.	LAW - EC - 124	Comparative Criminal Procedure	04


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(Prof. Nagesh Dubey)


(Prof. V.S. Thakur)

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LL.M. (Two Years Degree Course)

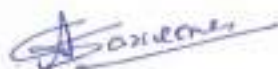
LL.M. II SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits
II Sem.	LAW – CC – 221	Indian Constitutional Law: The New Challenges	05
	LAW – CC – 222	Human Rights of Disadvantaged groups: Problems and Issues in the Protection and Enforcement	05
	LAW – CC – 223	Public Authorities: Liabilities	05

Elective Course

Semester	Elective Course Code	Elective Courses Title	Credits
II Sem.	LAW – EC- 224	Penology: Treatment of Offenders	04



(Dr. Anupama pandit
Sanana)



(Prof. Nagesh Dubey)



(Prof. Y.S. Thakur)

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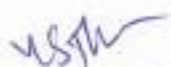
LL.M. III SEMESTER						
COURSE CODE		COURSE TITLE			CREDIT	
LAW – CC - 321	Judicial Process	L	T	P	C	
		5	0	0	5	
LAW –CC- 322	Protection and Enforcement of Human Rights in India	L	T	P	C	
		5	0	0	5	
LAW – CC- 323	Public Authorities and Power Holders: Control on Maladministration	L	T	P	C	
		5	0	0	5	
LAW – CC- 324	Legal Education and Research Methodology	L	T	P	C	
		0	0	0	5	

OPEN ELECTIVE COURSE

One open elective course of 2 credits of other departments of the University shall be pursued by a student.


(Dr. Anupama Pandit
Saneha)


(Prof. Nagesh Dubey)


(Prof. Y.S. Thakur)

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LL.M. IV SEMSTER

Compulsory Courses										
COURSE CODE	COURSE TITLE	CREDIT								
LAW – CC – 421	Dissertation and Viva-Voce	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							
LAW – CC – 422	Science, Technology and Human Rights	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							
LAW – CC – 423	Administrative process and judicial control	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							

Elective Course										
COURSE CODE	COURSE TITLE	CREDIT								
LAW – EC – 424	Insurance Law	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>4</td><td>0</td><td>0</td><td>4</td></tr></table>	L	T	P	C	4	0	0	4
L	T	P	C							
4	0	0	4							

OPEN ELECTIVE COURSE

One open elective course of 2 credits of other departments of the University shall be pursued by a student.

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Dr. Anupama pandit
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(Prof. Y.S. Thakur)

SESSION: 2022-23

Session 2022 - 23
LL.M. (Two Years Degree Course)

LL.M. I Sem

Core Courses

Semester	Core Course Code	Core Courses Title	Credits			
			L	T	P	C
I Sem.	LAW - CC - 121	Law and Social Transformation in India	5	0	0	5
	LAW - CC - 122	Concept and Development of Human Rights	5	0	0	5
	LAW - CC - 123	Administrative Process: Nature and Scope	5	0	0	5

Elective Course

Semester	Elective Course Code	Elective Courses Title	Credits
I Sem.	LAW - EC - 124	Comparative Criminal Procedure	04


Dr. Anupama Pandit
Sanana


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

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Course Code

LAW-CC-121

LL.M. I SEMESTER

L	T	P	C
5	0	0	5

COMPULSORY COURSE / CORE GROUP

LAW AND SOCIAL TRANSFORMATION IN INDIA

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of: -

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
- (i) On any one or more of the following methods, consisting of 15 marks:
- Organized Classroom activities. (Group Discussion, etc.)
 - Presentation
 - Assignment
 - Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note: - A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to introduce to the students that Law is a tool of social change. This subject deal with the concept of law and its effect upon society, various sources of law and the method of development of society. The law is an instrument to transform the society. The course analyses the relationship between law and society and focuses on finding out their effect on each other. The course will also examine the factors that bring social changes and will analyze how they are addressed by law.

Dr. Anupama Pandit
Saxena

(Dr. Nagesh Dubey)

(Prof. V.S. Thakur)

Syllabus :

Unit I

Lectures-15

1. Law and Social Change

- Law as an instrument of social change.
- 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 institution in India.

2. Religion and the Law

- Religion as a divisive factor.
- Secularism as a solution to the problem.
- Reform of the law on secular lines: Problem.
- Freedom of religion and non-discrimination on the basis of religion.
- Religion, minorities and the law.

Unit II

Lectures-15

1. Language and the Law

- Language as a divisive factor.
- Constitutional guarantees to linguistic minorities.
- Language policy and the Constitution: Official language; multi language system.
- Non-discrimination on the ground of language.

2. Community

- Caste as a divisive factor.
- Non-discrimination on the ground of caste.
- Acceptance of caste as a factor to undo past injustice.
- Protective discrimination: Scheduled caste, tribes and backward classes.
- Reservation; statutory commissions, Statutory provisions.

Unit III

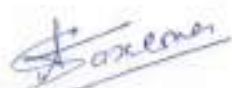
Lectures-15

1. Regionalism and the law.

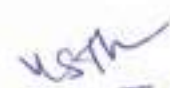
- Regionalism as a divisive factor.
- Concept of India as a one unit.
- Right of movement, residence and business; impermissibility of state or regional barriers.
- Equality in matters of employment the slogan "Sons of the soil" and its practice.
- Admission to educational institutions: preference to residents of a state.

2. Women and the Law

- Crimes against women.
- Gender injustice and its various forms.
- Women's commission.
- Empowerment of women: Constitutional and other legal provisions.


Dr. Anupama Pandit
Lawyer


(Dr. Nagesh Dubey)


(Prof. Y.S. Thakur)

Unit IV

1. **Children and the Law**
 - Child labour
 - Sexual exploitation.
 - Adoption and related problems.
 - Children and education.
2. **Modernization and the Law.**
 - Modernization as a value: constitutional perspectives reflected in the fundamental duties.
 - Modernization of social institutions through law.
 - Reform of family law.
 - Agrarian reform – Industrialization of Agriculture.
 - Industrial reform: Free enterprise V/s State regulation – Industrialization Vs Environmental protection.
 - Reform of court processes.
 - Criminal Law: Plea bargaining; compounding and payment of compensation to victims.
 - Civil law: (ADR) Confrontation Vs consensus; mediation and conciliation; Lok adalats.
 - Prison reforms.
 - Democratic decentralization and local self-government.

Lectures-15

Unit V

1. **Alternative approaches to law**
 - The jurisprudence of Sarvodaya – Gandhiji, Vinoba Behave; Jayaprakash Narayan – Surrender of dacoits; concept of gram nyayalayas.
 - Socialist thought on law and justice. An enquiry through constitutional debates on the right to property.
 - Indian Marxist critique of law and justice.
 - Naxalite movement: causes and cure.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the Constitutional perspectives and deal with the law as instrument of social change. Second part of this unit gives the student knowledge about religious and custom based social concepts that changes through the legal interference and thus transform the society.

Unit 2: Will acquires knowledge and will understand about the social norms which are a divisive factor like community, language etc., and how these social norms will be effectively transformed with the help of law.

Unit 3: Will gain detailed information about 'Regionalism, and how it is a major divisive factor of society. They will examine the potential of law to deal with this problem. Will acquire knowledge relating legal protection of women, in the Second part of this unit.

Dr. Anupama Pandit

(Prof. Nagesh Dubey)

(Prof. Y. S. Thakur)

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Unit 4: Will get an understanding of legal protection of Children and Modernization of social institutions through law.

Unit 5: Will gain the knowledge regarding the alternative approaches of various jurist and social worker related to social and political development.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary socio-legal development and their relationship with each other specially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps etc. for better understanding of the students.

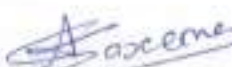
Selected Bibliography:

Essential Readings:

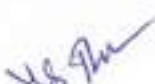
1. Marc Galanter (ed) Law and Society in Modern India
2. U.Baxi, The Crisis of the Indian Legal System (1982) Vikas, New Delhi
3. U.Baxi (ed) Law and Poverty Critical Essays (1988) Tripathi, Bombay
4. H.M. Seervai, Constitutional Law of India (1996) Tripathi
5. D.D.Basu, Shorter Constitution of India (1996) Prentice -Hall of India(P) Ltd, New Delhi
6. Dr. G.P. Tripathi: Law & Social Transformation
7. Bhat, P. Ishwara: Law and Social Transformation, Reprinted 2012 (Hardcover)
8. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (2000) Anmol Publications Delhi

Additional Readings:

1. Savitri Guneskhare, Children, Law and Justice (1997) Sagar
2. Indian Law Institute, Law and Social Change: Indo - American Reflections, Tripathi (1988)
3. J.B.Kriplani Gandhi : His Life and Thought, (1970) Ministry of information and Broadcasting, Government of India
4. M.P.Jain, Outlines of Indian Legal History (1993) Tripathi, Bombay
5. Agnes Flavia Law and Gender Inequality: The Politics of Women Rights of India (1999) Oxford
6. Robert lingal, The Classical Law of India (1999) Oxford
7. Manushi, A Journal about women and society
8. Duncan Derret; The state, Religion and Law in India (1999) Oxford University, New Delhi


Dr. Anupama Pandit


(Prof. Nagesh Dubey)


(Prof. V. S. Thakur)

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Course Code
LAW- CC - 122

LL.M. I SEMESTER

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5	0	0	5

COMPULSORY COURSE / CORE COURSE
CONCEPT AND DEVELOPMENT OF HUMAN RIGHTS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of: -

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an in-depth and comprehensive understanding of Human Rights Law. The syllabus covers and give the student a fair idea of the basics of Human Rights (traditional and modern) Philosophy and Concept, National and International Development including Human Duties Jurisprudence. The objective of the syllabus is to discuss all the basic topics of Human Rights Law which are important to understand the nature, definition, classification, international and national provisions,

Dr. Anurupa Pandit

(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

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enforcement mechanisms, legislative, executive, judicial and non- governmental efforts made for protection, promotion and enforcement of Human Rights. The syllabus enables the students to relate the basic Human Rights with other concepts of Politics and Society providing a clear and wider vision and hence enhance the analytical and humane aptitude in the students. The syllabus examines and analyze in detail the role of judiciary and non- governmental organization in the protection and implementation of Human Rights.

Syllabus:

Unit I:

Lectures-15

1. Human Rights: Concept

- Human rights in Indian tradition; ancient, medieval and modern.
- Human rights in western tradition.
- Development of natural rights.
- Human rights in international law and national law.

Unit II:

Lectures-15

1. Classification of Human rights – first, second and third generation: Historical Development

Unit III:

Lectures-15

1. Human rights: Politics and society

- Colonisation, imperialism and human rights
- Power, practices, accountability and transparency
- Liberalization, privatization and globalization.
- Human duties: responsibilities and obligations.

Unit IV:

Lectures-15

1. Human rights and Judicial Process

- Judicial activism

Unit V:

Lectures-15

1. Human Rights Protection Agencies

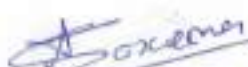
Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the in-depth understanding of Nature, Concept, Origin and Development (Jurisprudential, International and National) of Human Rights with special focus on Indian Ancient, Medieval and Modern traditions. The student will be able to trace out the Evolution and growth of Natural Law and its contribution in the recognition and development of modern concept of Human Rights. He/she will have a clear understanding of the various rights and their relationship with Human Rights along with the information of major landmark instruments connected with the growth of Human Rights Law.

Unit 2: Will better understand that how an interwoven concept of Human Rights is classified on various grounds like origin, nature, generation etc. The student will be able to examine the various conceptual, International and national classifications of Human Rights. He/ she will be


Dr. Anuragima Paudyal


(Prof. Nagesh Dubey)


(Prof. Y. S. Bhakur)

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able to find out the similarity and difference between various Human rights and be able to have a clear picture of the relationship of these rights with one another.

Unit 3: The student will be able to critically analyze the relationship of Human rights with Political and Social concepts which effect and be affected by the development of Human Rights. The student will understand and value the long-forgotten concept of Human Duties which has always been an integral part of Indian philosophy and which is now a part of Human Rights and duties jurisprudence and they will strive to be a better human being in future.

Unit 4: Will get to study and gain knowledge about the role of Judiciary in making Human Rights Jurisprudence an inseparable part of Constitution. The student will be well-versed with the knowledge of provisions and judgements of various courts relating to Human Rights and will be able to critically examine the judicial activism and judicial adventurism with special reference to Indian Judiciary.

Unit 5: Will understand the role of different Human Rights Protection Agencies both governmental and non- governmental.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary international and national development of Human Rights, especially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, Human Rights Commissions etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

1. R.C.Hingorani : Human Rights
2. U.C. Srivastava: Human Rights
3. S.K.Kapoor : Human Rights
4. T.P. Tripathi: Human Rights
5. H.O.Agarwal : Human Rights
6. Lalit Parmar, Human Rights (1998)
7. M.G. Chitkara, Human Rights: Commitment and Betrayal, (1996).
8. V.D.Kulshrestha, Landmarks in the Indian Legal and Constitutional History, (1995).
9. Robert Lewnggat, The Classical Law of India, (1998) Oxford.

Additional Readings:

1. Human Rights - V.K. Anand
2. Human Rights under International Law and Indian Law - Dr. S.K. Kapoor
3. Human Rights - Myneni SR
4. Human Rights & Criminal Justice - Pandit Kamalakar
5. Angela Hegarty, Siobhan Leonard, Human Rights an Agenda for the 21st Century (1999)
6. Rama Jois, Human Rights: Bhartiya Values (1998)
7. David P. Forsythe, Human Rights in International Relations.
8. Julius Stone, Human Law and Human Justice (2000) Universal, New Delhi.

Dr. Anupama Paudit

(Prof. Nagesh Dubey)

(Prof. V.S. Thakur)

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Course Code
LAW-CC-123

LL.M. I SEMESTER

COMPULSORY COURSE / CORE COURSE

L	T	P	C
5	0	0	5

ADMINISTRATIVE PROCESS: NATURE AND SCOPE

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based

(i) on any one or more of the following methods, consisting of 15 marks:

- a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

- | | | |
|-------|--------------------|------------|
| (i) | 75% and below | : 00 Mark |
| (ii) | >75% and upto 80% | : 01 Mark |
| (iii) | > 80% and upto 85% | : 02 Marks |
| (iv) | > 85% and upto 90% | : 03 Marks |
| (v) | > 90% and upto 95% | : 04 Marks |
| (vi) | > 95% | : 05 Marks |

(C) Scheme of Examination:

- | | |
|------------------------------|-------------------|
| (a) Mid Semester Examination | : 20 Marks |
| (b) Internal Assessment | : 20 Marks (15+5) |
| (c) End Semester Examination | : 60 Marks |

Note: - A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an in-depth and comprehensive understanding of Administrative Process. The syllabus covers and give the student a fair idea of the basics of Administrative Law. The objective of the syllabus is to discuss all the basic concepts as the Rule of Law, Separation of Powers, Administrative Discretion etc. The syllabus examines and analyze in detail the role of administrative process involved and the factors affecting it.

Dr. Anupama Pandit

(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

Syllabus:

Unit I:

Lectures-15

1. **Administrative Process**
 - Nature and Meaning
 - The role of civil service
 - The role of administrative agencies.
2. **Rule of Law**
 - Changing dimensions
 - Regulation of administrative process

Unit II:

Lectures-15

1. **Separation of powers: From Rigidity and Flexibility**

Unit III:

Lectures-15

1. **Delegated legislation: Problems, Process and Control**

Unit IV:

Lectures-15

1. **Power and duty**
 - Doctrine of police power
 - Doctrine of eminent power
 - Taxing power
 - Responsibility and accountability

Unit V:

Lectures-15

1. **Administrative Discretion**

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the in-depth understanding of Nature and scope of administrative process, the utility of civil services and the role of administrative agencies and their obligation to follow rule of law.

Unit 2: Will better understand the concept of Separation of Power and its utility and applicability in Indian context and the role in keeping a check on the organs of State.

Unit 3: The student will be able to critically analyze the problem, process and control of delegated legislation.

Unit 4: Will get to study and gain knowledge about the role of administrative authorities and their powers as well as their accountability, and responsibility.

Unit 5: Will understand the role of exercise of administrative discretion by the administrative authorities and its control by the judiciary and the other checks imposed in the Indian legal system.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Administrative Law specially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case

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method, adversarial method, interactive method group discussion, cooperative method, Quiz, assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

1. Dicey, Introduction to the Law of the Constitution
2. Davis, Discretionary Justice
3. Jain & Jain, Principles of Administrative Law (1986) Tripathi
4. M.P. Jain, Cases and Materials on Administrative Law (1996) Vol. 1 Wadha, Nagpur.

Additional Readings:

1. Friedman, The State and the Rule of Law in a Mixed Economy.
2. De Smith, Judicial Review of Administrative Action (1995)


Dr. Anupama Pandit
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(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

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Course Code
LAW- EC - 124

**LL.M. I SEMESTER
ELECTIVE COURSES**

L	T	P	C
4	0	0	4

COMPARATIVE CRIMINAL PROCEDURE

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based on any one or more of the following methods, consisting of 15 marks:
- Organised Classroom activities, (Group Discussion, etc.)
 - Presentation
 - Assignment
 - Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objectives of the course are to equip the students with knowledge of the fundamental principles of criminal procedure. By reading this course they will be able to make a comparison of the basic concepts of the criminal procedure of the various countries. They will learn the various kinds of criminal justice system.

SYLLABUS:

UNIT I:

Lectures- 12

1. Organization of Courts and Prosecuting Agencies

- Hierarchy of criminal courts and their jurisdiction.

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- Nyaya Panchayats in India
- Panchayats in tribal areas
- Organization of prosecuting agencies for prosecuting criminals.
- Prosecutors and the police
- Withdrawal of prosecution

UNIT II:

Lectures--12

1. Pre-trial Procedures

- Arrest and questioning of the accused
- Pre-trial Process: Investigation by police
- The rights of the accused
- The evidentiary value of statements
- Right to counsel
- Roles of the prosecutor and the judicial officer in investigation

UNIT III:

Lectures--12

1. Trial Procedures

- The accusatory system of trial and the inquisitorial system
- Concept of Fair Trial
- Role of the judge, the prosecutor and defence attorney in the trial
- Expert Evidence and Admissibility and inadmissibility of evidence
- Appeal of the court in awarding appropriate punishment
- Bail Jurisprudence

UNIT IV:

Lectures-12

1. Correction and Aftercare services

- Institutional correction of the offenders and the role courts
- Rights of Victims
- General Comparison – After - care services in India and France

UNIT V:

Lectures--12

1. Preventive Measures in India

- Provisions in the Criminal Procedure Code
- Special enactments
- Public Interest Litigation
- Directions for criminal prosecution

Note: In addition to the above questions may be asked on aspects related with this paper

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic understanding of hierarchy of criminal courts, the concept of nayaya panchayat and the role of prosecuting agencies.

Unit 2: Will acquires knowledge about the process of arrest, investigation and the rights of arrested person.

Unit 3: Will gain detailed information on the accusatory system of trial and the inquisitorial system, the concept of fair trial and plea bargaining.


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Unit 4: Will get an understanding of correction and aftercare services, rights of victims, etc.

Unit 5: Will gain the knowledge on the Preventive Measures in India.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Criminal Law. The Paper will be taught with reference wherever necessary, to the procedures in India, England, US France, Russia and China. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography:

1. Celia Hampton, Criminal Procedure
2. Wilikins and Cross, outline of the Law of Evidence
3. Archbold Pleading, Evidence and Practice in Criminal Cases
4. Sarkar, Law of Evidence
5. K.N. Chandrasekharan Pilla (ed.) R.V. Kelkar's Outlines of Criminal Procedure (2000) Eastern Lucknow
6. Patric Devlin The Criminal Prosecution in England
7. American Series of Foreign Penal Codes Criminal Procedure Code of People's Republic of China.
8. Sanders and Young Criminal Justice (1994)
9. Criminal Procedure Code, 1973
10. The French Code of Criminal Procedure 14th and 41st Reports of Indian Law Commission

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Dr. Anupama Pandit

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(Prof. Y.S. Thakur)

SESSION: 2022-23

LL.M. (Two Years Degree Course)

LL.M. II SEMESTER

Core Courses

Semester	Core Course Code	Core Courses Title	Credits
II Sem.	LAW – CC – 221	Indian Constitutional Law: The New Challenges	05
	LAW – CC – 222	Human Rights of Disadvantaged groups: Problems and Issues in the Protection and Enforcement	05
	LAW – CC – 223	Public Authorities: Liabilities	05

Elective Course

Semester	Elective Course Code	Elective Courses Title	Credits
II Sem.	LAW – EC- 224	Penology: Treatment of Offenders	04

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Course Code
LAW-CC-221

LL.M. (Two Years Degree Course)

CORE Course

L	T	P	C
5	0	0	5

LL.M. II SEMESTER

INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objectives of the course are to equip the students with knowledge of the fundamental principles of the Constitutional law. The course focuses on the examination of the new and changing aspects of Indian Constitution.

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Syllabus :

Unit I:

Lectures-15

1. Federalism:

- Creation of new states.
- Allocation and share of resources – distribution of grants in aid.
- The inter-state disputes on resources.
- Rehabilitation of internally displaced persons.
- Centre's responsibility and internal disturbance within states.
- Directions of the center to the state under Article 356 and 365.
- Federal Comity: relationship of trust and faith between center and state.
- Special status of certain states.
- Tribal Areas, Scheduled Areas.

Unit II:

Lectures-15

1. "State": Need for widening the definition in the wake of liberalization.

Unit III:

Lectures-15

1. Right to equality: privatization and its impact on affirmative action.
2. Empowerment of women.

Unit III:

Lectures-15

1. **Freedom of press and challenges of new scientific development.**
 - Freedom of speech and right to broadcast and telecast.
 - Right to strikes, hartal and bandh.
2. **Emerging regime of new rights and remedies.**
 - Reading Directive Principles and Fundamental Duties into Fundamental Rights.
 - Compensation Jurisprudence.
 - Right to education
 - Commercialization of education and its impact.
 - Brain drain by foreign education market.

Unit IV:

Lectures-15

1. Right of minorities to establish and administer education institutions and state control.
2. Secularism and religious fanaticism.

Unit V:

Lectures-15

1. **Separation of powers: stresses and strain.**
 - Judicial activism and judicial restraint.
 - PIL: Implementation.
 - Judicial independence.
 - Appointment, transfer and removal of judges.
 - Accountability: executive and judiciary.
 - Tribunals.

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2. Democratic Process

- Nexus of politics with criminal and the business.
- Election.
- Election commission status.
- Electoral Reforms.
- Coalition government's stability, durability, corrupt practice.
- Grass root democracy.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic understanding of federalism, the role of Centre and States in federal structure.

Unit 2: Will acquire knowledge about the 'State' and the need for widening the definition of State in the wake of liberalization.

Unit 3: Will gain detailed information on the right to equality, freedom of press and the emerging regime of new rights.

Unit 4: Will get an understanding of secularism and religious fanaticism.

Unit 5: Will gain the knowledge on the separation of power and democratic process

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the contemporary Constitutional development and upcoming challenges in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps etc. for better understanding of the students.

Selected Bibliography:

Essential Readings:

1. H. M. SEERVAI: CONSTITUTION OF INDIA
2. M.P.JAIN : CONSTITUTION OF INDIA
3. V.N. SHUKLA : CONSTITUTION OF INDIA
4. MAHAVIR SINGH : BHARAT KA SAMVIDHAN
5. KILASH RAI : CONSTITUTION OF INDIA
6. CHATURVEDI : CONSTITUTION OF INDIA
7. J.N. PANDEY : CONSTITUTION OF INDIA
8. CONSTITUTIONAL LAW-I - MYNENI SR
9. CONSTITUTIONAL LAW-II - MYNENI SR
10. Indian Constitutional Law-New Challenges - Dr. G.P. Tripathi
11. CONSTITUTIONAL LAW OF INDIA - DR. N.V. PARANJAPE
12. Constitution of India 12th Edition, 2013 Revised by Mahendra Pal Singh (P/B) - Shukla V.N.

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13. Introduction to the Constitution of India English Edition - D.D. Basu
14. Introduction to the Constitution of India Hindi Edition - D.D. Basu

Additional Readings:

1. Textbook on the Constitution of India - Bhansali, S.R.
2. The Indian Constitution and Social Resolution - V. Krishna Anauth
3. भारत का संविधान - डॉ. जय नारायण पाण्डेय
4. भारत का संविधान - डॉ. जे.जे.आर. उपध्याय
5. Constitutional Law - Rega Surya Rao (Dr.)
6. Judicial Review - Narayana Justice PS
7. संविधान : एक समीक्षा सतीश कुमार
8. M. C. J. KAGZI : CONSTITUTION OF INDIA
9. D.J. DEE : CONSTITUTION OF INDIA
10. Constitutional Law of India - Narendra Kumar
11. Constitutional Justice & Judicial Process - Polo Koteswar Rao

Bohmer

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Y.S. Thakur

SESSION: 2022-23

Course Code
LAW- CC - 222

**LL.M. II SEMESTER
CORE COURSE**

L	T	P	C
5	0	0	5

**HUMAN RIGHTS OF DISADVANTAGED GROUPS : PROBLEMS AND ISSUES IN
THE PROTECTION AND ENFORCEMENT**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The objective of the course is to explain to the students the concept and the true meaning of equality which cannot be achieved without giving special protection to the Disadvantaged Groups. The course will focus on the concept, challenges, problems and issues relating to Human Rights of the Disadvantaged Groups like Women, Children, Minorities etc. This course aims to recognize the need to identify the Disadvantage Groups and to address the issues of protection and enforcement of their Human Rights.

Dr. Anayana Pandit

(Prof. Nagesh Dubey)

(Prof. Y. S. Thakur)

Syllabus:

Unit I:

Lectures-15

Concept of Disadvantaged Groups

Unit II :

Lectures-15

Emerging Human Rights Jurisprudence and the Role of the Judiciary

- Rights of Women
- Rights of the child
- Rights of the prisoners
- Rights of Dalits
- The tribal and other indigenous people
- The mentally ill
- The stateless persons
- The unorganized Labour
- Aids' victims
- Rights of minorities

Unit III:

Lectures-15

Enforcement of Human Rights

Unit IV:

Lectures-15

Protection Laws of the Disadvantaged Groups: Problems and Issues

Unit V:

Lectures-15

Future Perspectives of the Human Rights of the Disadvantaged

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic concept of Disadvantaged Groups and will understand the need, rational and justification of giving these groups a special protection in Human Rights Law.

Unit 2: Will acquire knowledge about various Disadvantaged Groups like Women, Children, Prisoners, Dalits, Tribal People, mentally ill persons, Stateless persons, unorganized labour, AIDS victims and Minorities. He /She will gain knowledge about their basic Human Rights and its Protection through executive, legislative and judicial mechanism.

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(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

Unit 3: Will gain detailed information on the enforcement of Human Rights through various Commissions, Institutions, bodies, governmental and non- governmental organizations. He / she will have knowledge of various governmental policies that can be utilized for effective enforcement of the rights of Disadvantaged Groups.

Unit 4: Will get knowledge of various international and national legislations made for the protection of Human Rights of Disadvantaged Groups.

Unit 5: Will analyses the future challenges and issues relating to protection of Human Rights of disadvantaged groups.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Human Rights of Disadvantaged groups in International and Indian laws. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, Human Rights Commissions etc. for better understanding of the students.

Select Bibliography:

Essential Readings:

1. Bhargava and R.M. Pal, Human Rights of Dalit Societal Violation, (1999)
2. Geraldine Van Bueren, The International Law on the Rights of the Child, (1998)
3. Prabhat Chandra Tripathi, Crime Against Working Women, (1998)
4. Paras Diwan and Piyush Diwan, Women and Legal Protection.
5. N.K. Chandrabati, Juvenile Justice in the Administration of criminal justice, (1999)

Additional Readings:

1. Rebecca Wallace, International Human Rights Text and Materials, (1967)
2. Janaki Nair, Woman and Law in Colonial India, (1996)
3. Simon Creighton, Vicky King, Prisons and the Law, (1996)
4. Philip Aiston children, Rights and the law
5. Kelly D. Askin, Doreen M. Koenig Women and international Human Rights Law, (1999)

Dr. Anupama Pandit

(Prof. Nagesh Dubey)

(Prof. Y. S. Thakur)

Course Code
LAW- CC - 223

SESSION: 2022-23

L	T	P	C
5	0	0	5

**LL.M. II SEMESTER
CORE COURSE
Public Authorities: Liabilities**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
- (i) on any one or more of the following methods, consisting of 15 marks:
- Organised Classroom activities. (Group Discussion, etc.)
 - Presentation
 - Assignment
 - Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an in-depth and comprehensive understanding of various liabilities of the State and its agencies. The syllabus covers and give the student a fair idea of the basics of Administrative Law regarding the State liability. The objective of the syllabus is to discuss all the basic concepts of the vicarious liability, contractual liability, accountability and the emerging liabilities of the state in the contemporary times.

Dr. Anupama Pandit

(Prof. Nagesh Dubey)

(Prof. V. S. Tripathi)

SYLLABUS:

Unit I :

Lectures-

15

Tortious Liability of the State

- Sovereign immunity
- Commercial and non-commercial function.

Unit II :

Lectures-15

Contractual Liability of the State.

Unit III :

Lectures-15

Emerging Liability.

- Personal Accountability.
- Compensatory Jurisprudence and right to life.

Unit IV :

Lectures-15

Privilege Against disclosure

- Right to information.
- Official Secrecy.

Unit V :

Lectures-15

Promissory Estoppel

- Legitimate Expectation.
- Constitutional dimensions.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the in-depth understanding of vicarious liability of the State, its nature and scope.

Unit 2: Will better understand the contractual liability of the State, its nature and scope as provided in the constitution and other statutory laws.

Dr. Anurupa Pandit
Saxena

(Prof. Nagesh Dubey)

(Prof. Y. S. Thakur)

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Unit 3: The student will be able to critically analyze the emerging liabilities of the state in contemporary times, the personal liabilities of the administrative authorities. They will be able to understand the concept of compensatory jurisprudence in administrative dealings.

Unit 4: Will get to study and gain knowledge about the maintenance of official secrecy by the state and now with the change in the concept of state and the establishment of democratic societies the need and role of right to information and its utility.

Unit 5: Will understand the various dimensions of the natural justice and the legitimate expectation its need and role in the Indian legal system.

Teaching Pedagogy:

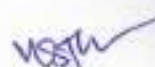
The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Administrative Law specially in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material:

1. Jain and Jain : Administrative Law
2. Basu : Administrative Law
3. Kagzi : Administrative Law
4. Sathe : Administrative Law
5. Kesari : Administrative Law
6. Kailash Rai : Administrative Law
7. Upadhyaya : Administrative Law
8. Jai Kumar : Administrative Law
9. Takwani : Administrative Law
10. Joshi : Administrative Law
11. Massey : Administrative Law


Dr. Anupama Pandit


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

SESSION: 2022-23

Course Code

LAW- EC - 224

**LL.M. II SEMESTER
ELECTIVE COURSE**

PENOLOGY: TREATMENT OF OFFENDERS

L	T	P	C
4	0	0	4

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective:

This course offers a specialist understanding of criminal policies including theories of punishment, their supposed philosophical and sociological justifications and the problematic of discretion in the sentencing experience of the 'developing' societies, a focus normally absent in law curricula so far. The expert work of the U.N. Committee on Crime Prevention and Treatment of Offenders will be availed of in this course. Broadly, the course will concern itself with Theories of Punishment, approaches to Sentencing, Alternatives to Imprisonment, The State of Institutional Incarceration in India: Jails and other custodial institutions, The problematic of Capital Punishment, Penology in relation to privileged class deviance, Penology in relation to

Dr. Anurag Kumar

(Prof. Anurag Kumar)

(Prof. Y. S. Thakur)

marginalized deviance or criminality, The distinctive Indian (historical and contemporary) approaches to penology.

Syllabus:

Unit 1. Introductory and Theories of Punishment

Lectures-12

1. Introduction and Definition of Penology
2. Theories of Punishment
 - Retribution
 - Utilitarian prevention: Deterrence
 - Utilitarian: Intimidation
 - Behavioural prevention: Incapacitation
 - Behavioural prevention: Rehabilitation - Expiation
 - Classical Hindu and Islamic approaches to punishment.

Unit 2. The Problematic of Capital Punishment

Lectures-12

- Constitutionality of Capital Punishment
- Judicial Attitudes Towards Capital Punishment in India - An inquiry through the statute law and case law.
- Law Reform Proposals

Unit 3. Approaches to Sentencing

Lectures-12

- Alternatives to Imprisonment
- Probation
- Corrective labour
- Fines
- Collective fines
- Reparation by the offender/by the court

Unit 4. Sentencing

Lectures-12

- Principal types of sentences in the Penal Code and special laws
- Sentencing in white collar crime
- Pre-sentence hearing
- Sentencing for habitual offender
- Summary punishment
- Plea-bargaining

Unit 5. Imprisonment

Lectures-12

- The state of India's jails today
- The disciplinary regime of Indian prisons
- Classification of prisoners
- Rights of prisoner and duties of custodial staff.
- Deviance by custodial staff
- Open prisons
- Judicial surveillance - basis - development reforms

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Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the Introduction and Definition of Penology, Theories of Punishment including the concepts of Retribution, Utilitarian prevention: Deterrence, Utilitarian: Intimidation, Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation – Expiation along with Classical Hindu and Islamic approaches to punishment.

Unit 2: Will better understand the problems related to capital punishment its Constitutionality and Judicial Attitudes Towards Capital Punishment in India. The student will also be having information about statute law and case law. They will also be familiar with Law Reform Proposals.

Unit 3: The student will be able to understand different alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective fines and Reparation by the offender/by the court.

Unit 4: Will get to study and gain knowledge about the sentencing, principal types of sentences in the Penal Code and special laws, sentencing in white collar crime, Pre-sentence hearing, Sentencing for habitual offender, Summary punishment and Plea-bargaining.

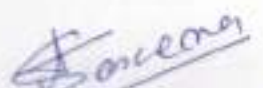
Unit 5: Will understand about the state of India's jails, the disciplinary regime of Indian prisons, Classification of prisoners, Rights of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial surveillance - basis - development reforms

Teaching Pedagogy:

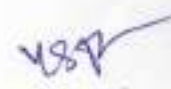
The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Penology in India and in international law. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Selected Bibliography

1. S. Chhabra, The Quantum of Punishment in Criminal Law (1970),
2. H.L.A. Hart, Punishment and Responsibility (1968)
3. Herbert L. Packer, The Limits of Criminal Sanction (1968)
4. Alf Ross, On Guilt, Responsibility and Punishment (1975)
5. Law Commission of India, Forty-Second Report Ch. 3 (1971)
6. K.S. Shukla, "Sociology of Deviant Behaviour" in 3 ICSSR Survey of Sociology and Social
7. Anthropology 1969-179 (1986)
8. Tapas Kumar Banerjee, Background to Indian Criminal Law (1990), R. Campray & Co., Calcutta.


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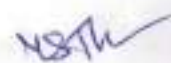
LL.M. III SEMESTER						
COURSE CODE	COURSE TITLE				CREDIT	
LAW – CC - 321	Judicial Process				L	T
					P	C
LAW – CC- 322	Protection and Enforcement of Human Rights in India				5	0
					0	5
LAW – CC- 323	Public Authorities and Power Holders: Control on Maladministration				L	T
					P	C
LAW – CC- 324	Legal Education and Research Methodology				5	0
					0	5

OPEN ELECTIVE COURSE

One open elective course of 2 credits of other departments of the University shall be pursued by a student.


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Course Code
LAW- CC - 321

LL.M. III SEMESTER
CORE COURSE
JUDICIAL PROCESS

L	T	P	C
5	0	0	5

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities, (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The major objective of this course is to give the student knowledge about the concept, importance and challenges of judicial process. The course aims to provide the students an understanding about the nature of judicial process and how judicial process can be utilized to bring social ordering. The syllabus focuses on analyzing as to how judicial process addresses the social challenges by utilizing several tools and techniques of judicial adjudication. This syllabus aims to cover the theoretical as well as practical aspect of judicial process. This course discusses the Indian position in detail to make the students well informed about the

Dr. Anurag Kumar
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judicial process in our country and also be able to analyze the role of judicial process in bringing social change and true justice.

SYLLABUS:

Unit I :

Lectures-15

Nature of Judicial Process :

- Judicial Process as an instrument of social ordering
- Judicial Process and creativity in Law - common Law model - Legal Reasoning and growth of Law - change and stability.
- The tools and techniques of judicial creativity and precedent.
- Legal development and creativity through legal reasoning under statutory and codified system.

Unit II:

Lectures-15

Special Dimensions of Judicial Process in Constitutional Adjudications

- Notions of judicial review
- 'Role' in Constitutional adjudication - various theories of judicial role

Unit III:

Lectures-15

Judicial Process in India

- Indian debate on the role of judges and on the notion of judicial review.
- The "Independence" of judiciary and the "Political" nature of judicial process.
- Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity.
- Judicial process in pursuit of constitutional goals and values - new dimensions of judicial activism and structural challenges.
- Institutional liability of courts and judicial activism - scope and limits.

Unit IV:

Lectures-15

The concepts of Justice

- The concept of justice or Dharma in Indian thought.
- Dharma as the foundation of legal ordering in Indian thought.
- The concept and various theories of justice in the western thought

Unit V:

Lectures-15

Relation between Law and Justice

- Equivalence theories-justice as nothing more than the positive law of the stronger class.
- Dependency theories - For its realization justice depends on law, but justice is not the same as law.

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Siksha

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- The independence of justice theories – means to end relationship of law and justice – The relationship in the context of the Indian constitutional ordering.

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic definition, concept, meaning, nature and importance of Judicial Process. He / She will gain knowledge that how judicial process controls the social behaviour, how can judicial process bring creativity in Law, what tools and techniques can be used to for this purpose, how legal reasoning can be utilized to develop codified or statutory system and ultimately narrowing the gap between 'what law is' and 'what law ought to be'.

Unit 2: Will gain knowledge about various theories of judicial role specially in reference to Constitutional adjudication. Will understand the importance and utility of judicial process in making the Constitution a living Law. They will be informed and be able to understand the important provisions and judgments relating to Constitutional Adjudication.

Unit 3: Will gain knowledge about some very important aspects of judicial process specially in India i.e., Judicial review, Independence of judiciary, judicial activism and Accountability.

Unit 4: Will have knowledge about the nature, types, importance and concept of justice. Will understand the various thoughts on justice. The student will be able to understand the importance of Dharma as a foundation of legal ordering and also will understand the western thoughts.

Unit 5: Will be familiar with all the theories of justice and will be able to establish a clear understanding about the relationship of law and justice.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development judicial process. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material:

Essential Readings:

1. Benjamin N. Cardozo : The Nature of Judicial Process (1995) Universal, New Delhi.
2. Julius Stone: The Province and Function of Law, Part-II, Chs.1/8-16(2000), Universal, New Delhi.
3. Henry J. Abraham: The Judicial Process, (1998), Oxford.
4. Julius Stone : Precedents and the Law : Dynamics if Common Law Growth, (1985), Butterworths.
5. John Rawls : A Theory of Justice, (2000), Universal, Delhi.

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6. Upendra Baxi : The Indian Supreme Court and politics, (1980), Eastern, Lucknow.
7. N.K. Jayakumar: Judicial Process in India: Limitations and Leeways

Additional Readings:

1. Edward H. Levi, An Introduction to Legal Reasoning (1970) University of Chicago
2. Rajeev Dhavan : The Supreme Court of India – A Socio- legal Critique of its Juristic Techniques(1977), Tripathi, Bombay
3. Abhinav Chandrachud : Due Process of Law, Eastern Book Company, Lucknow (2011)
4. Bodenheimer, Jurisprudence- The Philosophy and Method of Law (1997), Universal, Delhi.
5. Julius Stone: Legal system and Lawyers Reasoning (1999), Universal, Delhi.
6. W. Friedmann: Legal Theory (1960), Stevens, London.


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(Prof. Nagesh Dubey)


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SESSION: 2022-23

Course Code
LAW- CC - 322

**LL.M. III SEMESTER
CORE COURSE**

L	T	P	C
5	0	0	5

Protection and Enforcement of Human Rights in India

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to introduce the student to a lucid and comprehensive understanding of Human Rights Law specially with reference to India. The syllabus covers and give the student a fair idea of the basics of Human Rights (traditional and modern) Philosophy and Concept, National and International Development starting from the making of the Constitution to till date. The objective of the syllabus is to discuss all the basic topics of Human Rights Law which are important to understand the History, Constitutional Philosophy, international and national provisions, enforcement mechanisms, legislative,

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executive, judicial and non- governmental efforts made for protection, promotion and enforcement of Human Rights.

SYLLABUS:

Unit I :

Lectures-15

History and Development of Human Rights in India

- Indian Civilization: Change and Continuity (Philosophical and Historical foundation of Human Rights and Duties in Ancient, Medieval and Modern India)
- Human Rights Movements in India of the 19th and 20th centuries: (i) National Freedom Movement (ii) Social and Political movements (Dalit, Women, Environment etc.)
- Importance of internalizing Human Rights Values: Philosophy of Gandhi, Nehru, Ambedkar etc.
- Making of the Constitution

Unit II:

Lectures-15

Human Rights and Indian Constitution

- Constitutional Philosophy – Preamble (Values: Dignity, liberty, equality, justice, unity in diversity etc.), Constitutional Vision of Role of the State
- Constitutional perspective: Fundamental Rights, Directive Principles, Fundamental Duties, and their interrelationships (Need for balance between Rights and Duties, Freedom and Responsibility)
- Fundamental Rights and Repressive Laws: Police, Military and Para-Military Forces—Emerging Experience, Emergency and Human Rights
- Judicial Activism and Development of Human Rights Jurisprudence: Public Interest Litigation (PIL), Judicial Interpretations: Landmark Judgments
- Constitutional Amendments

Unit III :

Lectures-15

Statutory Enforcement of Human Rights

- Indian Criminal justice system and protection of human Rights: treatment of individuals in situations of crime (ii) Human rights of the accused (iii) Legal aid (iv) Police, criminal investigation, custodial crimes (v) Crimes (including custodial crimes) against women and children (vi) Reform in jails/juvenile homes (with Special Reference to IPC , Cr. P.C. and Indian Evidence Act)
- Indian Civil justice system and protection of human Rights: Personal Law, Torts, Property Law etc.
- The Protection of Human Rights Act, 1993

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Unit IV :

Lectures-15

Human Rights Protection Mechanism in India

- Enforcement and protection mechanism of human rights in India (a) Judiciary (b) National Human Rights Commission and other Commissions and Committees (c) Non-governmental organizations (d) Information Media (e) Education
- Social, economic, political and administrative problems of enforcement

Unit V :

Lectures-15

Role of India in implementing International Norms and Standards

- Constitutional Vision of Freedom: Fundamental Rights and the International standards
- Constitutional Vision of Justice: Directive Principles of State Policy and international standards
- Statutory laws and International Standards
- Implementing International Human Rights Norms and Standards (Legislative, Executive and Judicial Role)

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the history and development of Human rights in India. The student will have the information about Indian Civilization, Human Rights Movements, Importance of internalizing Human Rights Values.

Unit 2: Will gain knowledge about Constitutional Philosophy – Preamble, Constitutional Vision of Role of the State, Constitutional perspective, Need for balance between Rights and Duties, Freedom and Responsibility), Judicial Activism and Development of Human Rights Jurisprudence: Public Interest Litigation (PIL), Judicial Interpretations: Landmark Judgments, Constitutional Amendments.

Unit 3: Will gain knowledge about statutory provision of Human rights in Indian Criminal justice system and protection of human Rights, Indian Civil justice system and protection of human Rights, The Protection of Human Rights Act, 1993 etc.

Unit 4: Will have knowledge about the protection mechanism in Judiciary, NHRC, NGO's, Media and the issues relating to enforcement.

Unit 5: Will be familiar as to how India enforces international law in India and to what extent.


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Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Human Rights in India. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material:

Essential Readings:

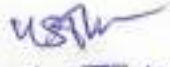
1. Agarwal, H.O., Implementation of Human Rights Covenants with Special Reference to India (Allahabad: Kitab Mahal, 1983).
2. Basu, D.D., Human Rights in Constitutional Law (New Delhi: Prentice Hall, 1994).
3. Bava, Noorjahan, ed., Human Rights and Criminal Justice Administration in India (New Delhi: Uppal Publishing House, 2000).
4. Baxi, Upendra, Inhuman Wrongs and Human Rights (Delhi: Har Anand Publications, 1994).
5. Bhagwati, P.N., Legal Aid as Human Rights (Dharwad: Jagrut Bharat, 1985).
6. Diwan, Paras and Peeyushi Diwan, Children and Legal Protection (New Delhi: Deep and Deep, 1994).
7. Iyer, V. R. Krishna, Freedom of Information (Lucknow: Eastern Book Co., 1987).

Additional Readings:

8. Alam, Aftab, ed., Human Rights in India: Issues and Challenges (New Delhi: Raj Publications, 1999).
9. Bajwa, G.S. and D.K. Bajwa, Human Rights in India: Implementation and Violations (New Delhi: D.K. Publishers, 1996).
10. Bhatia, K.L. and others, Social Justice of Dr. B.R. Ambedkar (New Delhi: Deep and Deep, 1995).
11. Chandra, Shailja, Justice V.R. Krishna Iyer on Fundamental Rights and Directive Principles (New Delhi: Deep and Deep, 1998).
12. Dhavan, Rajeev, ed., Judges and Judicial Power: Essays in Honour of Justice V.R. Krishna Iyer (London: Sweet & Maxwell Ltd., 1983).
13. Dikshit, R.C., Police: The Human Face (New Delhi: Gyan Publishing House, 1999).
14. Gupta, Uma, Supreme Court and Civil Liberties (New Delhi: Mittal Publications, 1998).
15. Jai, Janak Raj, Emergency Excesses: A Daylight Robbery of Human Rights (New Delhi: Regency Publication, 1996).
16. Kashyap, Subhash C., Human Rights and Parliament (Delhi: Metropolitan, 1978).
17. Kaushik, Vijay, Women's Movements and Human Rights (Jaipur: Pointer Publishers, 1999).


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18. Khan, Mumtaz Ali, Human Rights and the Dalits (New Delhi: D.K. Publishers, 1996).
19. Khanna, S.K., Children and the Human Rights (New Delhi: Commonwealth, 1998).
20. Mahmood, Tahir, ed., Human Rights in Islamic Law (New Delhi: Genuine Publications, 1993).
21. Mani, V.S., Human Rights in India: An Overview (New Delhi: Institute for the World Congress on Human Rights, 1998).
22. Mathur, K.M., Crime, Human Rights and National Security (New Delhi: Gyan Publishing House, 1999).
23. Misra, Shailendra, Police Brutality: An Analysis of Police Behaviour (New Delhi: Vikas, 1986).
24. Mohanti, Jagan Nath, Human Rights Education (New Delhi: Deep and Deep, 2000).
25. Nagendra Singh, Enforcement of Human Rights (Calcutta: E L House, 1986).
26. Nirmal, C.J., Human Rights in India (New Delhi: Oxford, 1999).
27. Rai, L.D., Human Rights in Hindu-Buddhist Tradition (New Delhi: D.K. Publishers, 1996).
28. Saxena, J.N. and others, ed., United Nations for Better World (New Delhi: Lancers Books, 1986).
29. Saxena, Shobha, Crimes against Women and Protective Laws (New Delhi: Deep and Deep, 1999).
30. Sehgal, B.P. Singh, ed., Human Rights in India: Problems and Perspectives (New Delhi: Deep and Deep, 1999).
31. Sen, Shanker, Police in Democratic Societies (New Delhi: Gyan Publishing House, 2000).
32. Sharma, B.R., Freedom of Press under the Indian Constitution (New Delhi: Deep and Deep, 1994).
33. Sharma, H.C., Politics and Human Rights (Jaipur: Books Enclave, 1999).
34. Vadkar, Praveen, International Relations, Democracy and Human Rights (New Delhi: Rajat Publications, 2000).


Dr. Anupama Pandit
Saxena


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

Course Code
LAW- CC - 323

SESSION: 2022-23

L	T	P	C
5	0	0	5

LL.M. III SEMESTER
CORE COURSE

Public Authorities and Power Holders: Control on Maladministration

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
(i) on any one or more of the following methods, consisting of 15 marks:
a. Organised Classroom activities. (Group Discussion, etc.)
b. Presentation
c. Assignment
d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

- (a) Mid Semester Examination : 20 Marks
(b) Internal Assessment : 20 Marks (15+5)
(c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an understanding of the control of maladministration. The syllabus covers and give the student a fair idea regarding the actions that comes under maladministration and also the agencies and measures to control them. The objective of the syllabus is to discuss all the basic concepts like ombudsman, CVC, Administrative and Financial Control of administrative actions.

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SYLLABUS :

UNIT I:

Lectures--15

Ombudsman

- 1.1 The concept
- 1.2 Comparative perspectives.
- 1.3 Evolving Indian models – Lokpal, Lokaukt institutions.

UNIT II:

Lectures--15

1. Commission of Enquiry
2. Vigilance Commissions

UNIT III:

Lectures--15

1. Investigation Agencies : the CBI
2. Inquiries by Legislative Committees.

UNIT IV:

Lectures--15

Legislative Controls

UNIT V:

Lectures--15

Financial Control – Comptroller and Auditor General

Note : In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

- Unit 1: Will be familiar with the history and development, concept and perspective of the institution of Ombudsman.
- Unit 2: Will gain knowledge about Commission of enquiry and Vigilance Commission.
- Unit 3: Will gain knowledge about CBI and legislative committees.
- Unit 4: Will have knowledge about the legislative control of administrative actions.
- Unit 5: Will be familiar about financial control.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Administrative Law. The concepts will be dealt with the

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help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material :

1. Jain and Jain : Administrative Law
2. Basu : Administrative Law
3. Kagzi : Administrative Law
4. Sathe : Administrative Law
5. Kesari : Administrative Law
6. Kailash Rai : Administrative Law
7. Upadhyaya : Administrative Law
8. Jai Kumar : Administrative Law
9. Takwani : Administrative Law
10. Joshi : Administrative Law
11. Massey : Administrative Law

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Senapati

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Course Code

LAW- CC – 324

L	T	P	C
5	0	0	5

LL.M. III SEMESTER

CORE / COMPULSORY COURSE

LEGAL EDUCATION AND RESEARCH METHODOLOGY

The Theory Paper shall be of 60 marks and of 3 hours duration. A question may or may not be divided in parts. The question asked may be objective and subjective both or subjective only. Forty Marks have been assigned for sessional including quiz.

Course Objective: The objectives of the course is to equip the students with knowledge of legal education and the course designed by UGC for the development of Legal education in new area. In this course the focus is to find out that how to improve the knowledge of law and jurisprudence, and also to discuss about the tools used for legal education. The other major objective of this course is to expose the students to the concept, meaning and various components of research and give them an idea about various research methods (qualitative and quantitative), give knowledge for conducting socio, medico, techno legal research following the research ethics. This course aims to build research quality and capacity in the students so that they can start their research with full confidence and maintain the ethical and academic standard during research. This foundation of research will help them in pursuing a research career in the future. The syllabus is framed to build a strong conceptual foundation which helps the students throughout their dissertation and other research projects. The course provides the student a fair idea about initiation of a research idea, thorough literature search, formulation of a research question, proper study design, conduction of research, analysis of data obtained, proper interpretation of results and produce an unbiased research work on time.

SYLLABUS :

UNIT I :

Lectures-15

1. Objectives OF Legal Education.
2. Lecture Method of Teaching – Merits and demerits.
3. The Problem Method.
4. Discussion method and its suitability at postgraduate level teaching.
5. The Seminar Method of Teaching.
6. Examination system and problems in evaluation – external and internal assessment.
7. Student participation in law school programmes – organization of Seminars, publication of journal and assessment of teachers.
8. Clinical legal education – legal aid, legal literacy, legal survey and law reform.

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**UNIT II :
15**

Lectures--

9. Research Methods

- 9.1 Socio Legal Research.
- 9.2 Doctrinal and non-doctrinal.
- 9.3 Relevance of empirical research.
- 9.4 Induction and deduction.

UNIT III :

Lectures--15

10. Identification of Problem of research

- 10.1 What is a research problem?
- 10.2 Survey of available literature and bibliographical research.
 - 10.2.1 Legislative materials including subordinate legislation, notification and policy statements.
 - 10.2.2 Decisional materials including foreign decisions; methods of discovering the "rule of the case" tracing the history of important cases and ensuring that these have not been overruled ; discovering judicial conflict in the area pertaining to the research problem and the reason thereof.
 - 10.2.3 Juristic Writings – a survey of juristic literature relevant to select problems in India and foreign periodicals.
 - 10.2.4 Compilation of list of reports of special studies conducted relevant to the problem.

UNIT IV :

Lectures--15

11. Preparation of the Research Design

- 11.1 Formulation of the Research Problem.
- 11.2 Devising tools and techniques for collection of data: Methodology.
 - 11.2.1 Methods for the collection of statutory and case materials and juristic literature.
 - 11.2.2 Use of historical and comparative research materials.
 - 11.2.3 Use of observation studies.
 - 11.2.4 Use of questionnaires/interviews.
 - 11.2.5 Use of case studies.
 - 11.2.6 Sampling procedure – design of sample, types of sampling to be adopted.
 - 11.2.7 Use of scaling techniques.
 - 11.2.8 Jurimetrics

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Saneha*

(Prof. Nagesh Dubey)

*USK
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UNIT V :

Lectures--15

- 11.3 Computerized Research –
A study of legal research programmes such as Lexis and West law coding.
- 11.4 Classification and tabulation of data
Use of cards for data collection – Rules for tabulation, Explanation of tabulated data.
- 11.5 Analysis of data.

Note :- In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes: Upon successful completion of the course, the student:

Unit 1: Will gain detailed information about to Object of Legal Education in present area. Will gain detailed knowledge of the lecture method of teaching and Problem method of teaching. Will gain detailed knowledge of the seminar method and Discussion Method and its suitability at postgraduate level. Will have an idea about the examination process and evaluation related problems. The student also understands importance of seminar origination, publication etc. will gain detail knowledge of modern pattern of practical knowledge because this unit cover the practical knowledge.

Unit 2: Will be familiar with the basic definition, concept, meaning, types, and importance of research. He / She will gain knowledge of the present-day challenges and issues relating to conduction of legal research and its ethical aspect. Will acquires knowledge about the definition, characteristics, importance, and content etc. of scientific methods specially in reference to legal research.

Unit 3: Will know what is a Research Problem and how the research problem is formulated.

Unit 4: Will learn about research design. Will gain knowledge of the data collection, its tools and techniques. Will gain knowledge about observation, interview, questionnaires, Case study etc.

Unit 5: Will gain knowledge of the data collection, its tools and techniques. Will gain the knowledge about the use of computer and internet.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the Research especially socio- legal research. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material :

Dr. Anupama pandit

(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

SESSION: 2022-23

1. Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education Active Learning in Your School, (1998) Blackstone Press Ltd., London.
2. Agarwal (Ed.), Legal Education in India (1973), Tripathi, Bombay.
3. Madhava Menon, (Ed.), A Handbook Of Clinical Legal Education, (1998), Eastern Book Company.
4. Price, H. Bitner and Bysiewicz, Effective Legal Research, (1978)
5. The V. Young, Scientific Social Survey and Research (1962)
6. Jam J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book Company.
7. Hyman, Interviewing in Social Research, (1965)
8. Mayne, The Art of Asking Questions, (1965)
9. C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research, (1959)
10. Chris L. Cohan, Legal Research in Nutshell, (1966). West Publishing Co.
11. Harvard Law Review Association, Uniform System of Citations.
12. ILI Publication, Legal Research and Methodology
13. Prof. N.R. Madhava Menon: Reflections on Legal and Judicial Education.


Dr. Anupama Poudil


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

SESSION: 2022-23

LL.M. IV SEMSTER

Compulsory Courses										
COURSE CODE	COURSE TITLE	CREDIT								
LAW – CC – 421	Dissertation and Viva-Voce	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							
LAW – CC – 422	Science, Technology and Human Rights	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							
LAW – CC – 423	Administrative process and judicial control	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>5</td><td>0</td><td>0</td><td>5</td></tr></table>	L	T	P	C	5	0	0	5
L	T	P	C							
5	0	0	5							

Elective Course										
COURSE CODE	COURSE TITLE	CREDIT								
LAW – EC – 424	Insurance Law	<table><tr><td>L</td><td>T</td><td>P</td><td>C</td></tr><tr><td>4</td><td>0</td><td>0</td><td>4</td></tr></table>	L	T	P	C	4	0	0	4
L	T	P	C							
4	0	0	4							

OPEN ELECTIVE COURSE

One open elective course of 2 credits of other departments of the University shall be pursued by a student.

Dr. Anurupa Pandit
Saxena

(Prof. Nagesh Dubey)

USP
(Prof. Y. S. Thakur)

SESSION: 2022-23

Course Code
LAW- CC - 421

**LL.M. IV SEMESTER
COMPULSORY COURSES**

L	T	P	C
5	0	0	5

DISSERTATION & VIVA – VOCE

_____ (Total Marks: 60 + 40 = 100)

Course Objective:

The main objective of the course is to equip the student to demonstrate the project work/ dissertation and to develop an awareness and critical understanding of the literature which is relevant to their project work, particularly where that literature may impact on their analysis of data or their conclusions.

The primary purpose of the viva voce examination is to assess the student's depth of understanding of the subject area and interpretation of the results obtained. If a student is unable to explain the concepts or thinking underlying the text of the dissertation, the mark awarded for the research project is likely to be substantially reduced.

The Dissertation will be of 60 marks.

The Viva – Voce will be of 40 marks.

Viva-voce shall be conducted by External Examiner outside the university and Internal Supervisor.

Course Learning Outcomes: Upon successful completion of the course, the student:
Will be able to explain the concepts or thinking underlying the text of the dissertation

[Signature]

Dr. Anupama Pandey

[Signature]

(Prof. Nagesh Dubey)

[Signature]
(Prof. Y.S. Tripathi)

SESSION: 2022-23

Course Code
LAW- CC - 422

L	T	P	C
5	0	0	5

**LL.M. IV SEMESTER
CORE COURSE**

SCIENCE, TECHNOLOGY AND HUMAN RIGHTS

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
- (i) on any one or more of the following methods, consisting of 15 marks:
- Organised Classroom activities. (Group Discussion, etc.)
 - Presentation
 - Assignment
 - Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i)	75% and below	: 00 Mark
(ii)	>75% and upto 80%	: 01 Mark
(iii)	> 80% and upto 85%	: 02 Marks
(iv)	> 85% and upto 90%	: 03 Marks
(v)	> 90% and upto 95%	: 04 Marks
(vi)	> 95%	: 05 Marks

(C) Scheme of Examination:

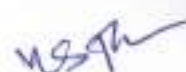
(a) Mid Semester Examination	: 20 Marks
(b) Internal Assessment	: 20 Marks (15+5)
(c) End Semester Examination	: 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course aims to highlight and clarifies the relationship of science and technology with Human rights. The main objective of this Course is to expose the students to understand the positive and negative effect of development of Science and Technology on various Human Rights. This course revisits the traditional concept of Human rights taking in account the present challenges posed to the concept due to rapid scientific and technological development.


Dr. Anupama Pandit


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

SYLLABUS

UNIT I :

Lectures--15

Interrelationship of Science, Technology and Human Rights

- Right to environment in the development of science and technology.
- Right to development in the advancement of science and technology.
- Right to human health and impact of developments in medical sciences.

UNIT II :

Lectures-15

Medicine and the Law

- Organ transplantation.
- Experimentation on human beings
- Euthanasia (mercy killing)
- Gene therapy

UNIT III :

Lectures-15

Issue of Human Rights in Scientific and Technological Development.

- Sex determination test
- Induced abortion
- Reproductive technology
- Cloning
- Invitro fertilization
- Artificial insemination
- Surrogate motherhood

UNIT IV :

Lectures—15

Development in Information Technology and Human Rights

UNIT V :

Lectures—15

Impact of Scientific and Technological Progress on Human Rights:

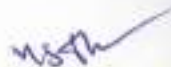
Normative Response of the International Community

- Right to life
- Right to privacy
- Right to physical integrity
- Right to information
- Right to benefit from scientific and technological progress
- Right to adequate standard of living

Note: In addition to the above questions may be asked on aspects related with this paper.


Dr. Anupama Pandit
Saxena


(Prof. Nagesh Dubey)


(Prof. Y.S. Thakur)

Course Learning Outcomes: Upon successful completion of the course, the student:

Unit 1: Will understand the relationship of Science, Technology and Human Rights. He/she will gain knowledge about the effect of science and technology on right to Environment, right to development and right to Health.

Unit 2: Will learn the scope and dimensions of medicine and Law. Will examine how the topics like Organ Transplantation, Experimentation on Human Beings, Euthanasia and Gene therapy are used for protection of various Human Rights and how these concepts can also be a threat to the Human rights. Will understand the executive, legislative and judicial efforts made in this regard.

Unit 3: Will have a knowledge about recent human rights issues like Sex determination, induced abortion, cloning, Artificial insemination and Surrogated motherhood etc. along with the related rules, regulations, legislations and landmark judgment of India and other countries.

Unit 4: Will learn about the recent development in Information Technology and its effect on various Human Rights.

Unit 5: Will gain the knowledge about the impact of Scientific and Technological progress on Human Rights and what international and national laws are made to encourage positive effect and control the negative impact of these developments.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the effect of science and technology on Human Rights. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Select Bibliography :

1. Diane Rowland, Elezabeth Macdonald, Information Technology Law (1997)
2. Suresh T Viswanathan, The Indian Cyber Law, (2000)
3. The International Dimensions of Cyber space Law (2000), UNESCO Publication.
4. D.P. Mittal, Law of information Technology (CyberLaw) (2000)
5. Michael Chissick, Alistair Kelman, Electronic Commerce Law and Practice (1999)
6. Adwin W. Patterson, Law in a scientific Age, (1963)
7. Steve Jones, Borin Van Leon, Genetics for Beginners, (1993)
8. Weeramantry, C.G. Human Rights and Scientific and Technology Development, 1990
9. Kamenka E. Ideas and Ideologies Human Rights (1978)
10. Galtung, Human Rights in Another Key, (1994)
11. Akbar, M.J. Riots After Riots, (1988)
12. Baxi U. (ed) Rights to be Human, (1986)
13. Kazmi F. Human Rights, (1987)


Dr. Anupama Pandit
Sreena


(Prof. Nagesh Dubey)


(Prof. Y.S. Thakur)

Course Code

LAW- CC - 423

SESSION: 2022-23

L	T	P	C
5	0	0	5

LL.M. IV SEMESTER

CORE COURSES

ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
- (B) Remaining internal assessment of 20 Marks will be based
 - (i) on any one or more of the following methods, consisting of 15 marks:
 - a. Organised Classroom activities, (Group Discussion, etc.)
 - b. Presentation
 - c. Assignment
 - d. Quizzes

(ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

- (i) 75% and below : 00 Mark
- (ii) >75% and upto 80% : 01 Mark
- (iii) > 80% and upto 85% : 02 Marks
- (iv) > 85% and upto 90% : 03 Marks
- (v) > 90% and upto 95% : 04 Marks
- (vi) > 95% : 05 Marks

(C) Scheme of Examination:

- (a) Mid Semester Examination : 20 Marks
- (b) Internal Assessment : 20 Marks (15+5)
- (c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: The course is designed to provide the student an in-depth and comprehensive understanding of Administrative Process. The syllabus covers and give the student a fair idea of the basics of Administrative Law. The objective of the syllabus is to discuss all the basic concepts as the Rule of Law, Separation of Powers, Administrative Discretion etc. The syllabus examines and analyse in detail the role of administrative process involved and the factors affecting it.

Dr. Sugama Pandit

(Prof. Nagish Dubey)

(Prof. Y. S. Thakur)

SYLLABUS:

UNIT I :

Lectures—15

1. **Judicial Review in India**
 - 1.1 Historical development
 - 1.2 Powers of the Supreme Court
 - 1.3 Powers of the High Court
 - 1.4 Role of subordinate judiciary.
2. **Jurisdiction**
 - 2.1 Finality clauses
 - 2.2 Conclusive evidence clauses
 - 2.3 Law fact distinction
 - 2.4 Exclusionary clause

UNIT II :

Lectures—15

Grounds of Review

- 2.5 Doctrine of ultra vires
- 2.6 Unreviewable discretionary powers : from liversidge to pad field
- 2.7 Discretion and Justifiability
- 2.8 Violation of fundamental rights.

UNIT III :

Lectures--15

3. **Procedural Fairness**

- 3.1 Legitimate Expectation
- 3.2 Natural Justice and duty to act fairly
- 3.3 Bias and personal interest
- 3.4 Fair hearing

UNIT IV :

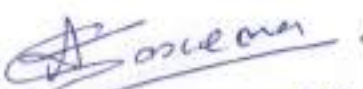
Lectures—15

4. **Remedies**

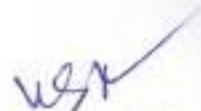
- 4.1 Writs
- 4.2 Injunction and declaration

5. **Limits of Judicial Review**

- 5.1 Locus standi and public interest litigation
- 5.2 Laches
- 5.3 Res judicata
- 5.4 Alternative remedies


Dr. Muskan Pandit
Saxena


(Prof. Nagesh Dubey)


(Prof. Y. S. Thakur)

UNIT V :

Lectures--15

6. Judicial Review Delegated Legislation

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes: Upon successful completion of the course, the student:

Unit 1: The student will be familiar with the in-depth understanding of Nature and scope of administrative process, the utility of civil services and the role of administrative agencies and their obligation to follow rule of law.

Unit 2: Will better understand the concept of Separation of Power and its utility and applicability in Indian context and the role in keeping a check on the organs of State.

Unit 3: The student will be able to critically analyze the problem, process and control of delegated legislation.

Unit 4: Will get to study and gain knowledge about the role of administrative authorities and their powers as well as their accountability, and responsibility.

Unit 5: Will understand the role of exercise of administrative discretion by the administrative authorities and its control by the judiciary and the other checks imposed in the Indian legal system.

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Administrative Law. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Recommended Source Material:

1. Jain and Jain : Administrative Law
2. Basu : Administrative Law
3. Kagzi : Administrative Law
4. Sathe : Administrative Law
5. Kesari : Administrative Law
6. Kailash Rai : Administrative Law
7. Upadhyaya : Administrative Law
8. Takwani : Administrative Law
9. Joshi : Administrative Law
10. Massey : Administrative Law
11. Justice B.P. Banerjee : Judicial Control of Administrative Action, Butterworths Wadhwa, Nagpur (2012)


Dr. Anupama Pandit


(Prof. Nagesh Dutta)


(Prof. Y.S. Thakur)

SESSION: 2022-23

Course Code
LAW- EC - 424

L	T	P	C
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**LL.M. IV SEMESTER
ELECTIVE COURSE
INSURANCE LAW**

The END SEMESTER Paper shall be of 60 marks and of 3 hours duration. The pattern of Questions asked shall be as mentioned in the Ordinance No 22(A). Forty Marks have been assigned for internal assessment. The internal assessment shall comprise of:-

- (A) One written examination of MID Term of 20 Marks.
(B) Remaining internal assessment of 20 Marks will be based
- (i) on any one or more of the following methods, consisting of 15 marks:
- Organised Classroom activities. (Group Discussion, etc.)
 - Presentation
 - Assignment
 - Quizzes
- (ii) 5 marks are assigned for attendance. The marks for attendance shall be awarded as follows:-

(i) 75% and below	: 00 Mark
(ii) >75% and upto 80%	: 01 Mark
(iii) > 80% and upto 85%	: 02 Marks
(iv) > 85% and upto 90%	: 03 Marks
(v) > 90% and upto 95%	: 04 Marks
(vi) > 95%	: 05 Marks

(C) Scheme of Examination:

- (a) Mid Semester Examination : 20 Marks
(b) Internal Assessment : 20 Marks (15+5)
(c) End Semester Examination : 60 Marks

Note:- A student shall be eligible to appear in End Semester Examination if he/she appeared in Mid Semester Examination and Internal Assessment and fulfils the requirement of attendance, failing which he/she will not be permitted to appear in the End Semester Examination.

Course Objective: This course is designed with the objective to understand the need, origin and development of insurance business, to have the overview of the general and special nature of insurance, to understand the concept, role and nature of Insurance contract and to have general understating of emerging areas of insurance and to equips the students with knowledge of: the fundamental principles of insurance law, the strict application of it in judicial proceedings and practice.

Dr. Anupama Pandit
Saxena.

(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

SYLLABUS:

UNIT I:

Lectures--12

Introduction

- Definition, nature and history of Insurance
- The risk – commencement, attachment and duration
- Advantages and Disadvantages
- Classification of Insurance

UNIT II:

Lectures--12

General Principles of Law of Insurance

- Nature of insurance contract, proposal, acceptance, policy, parties, consideration, legality of object
- Principle of utmost good faith, Principle of insurable interest, Principle of indemnity, Principle of Subrogation and Principle of Contribution
- Principle of Proximate Cause

UNIT III:

Lectures--12

Indian Insurance Law: General

- Insurance Ombudsman
- The Insurance Act 1938 and the Insurance Regulatory and Development Authority Act, 2000
- Insurance Law Amendment Act, 2015
- Mutual Insurance Companies and cooperative life insurance societies.

UNIT IV :

Lectures--12

Life Insurance

- Nature and scope
- Event insured against life insurance contract
- Circumstances affecting the risk
- Amounts recoverable under life policy
- Persons entitled to payment
- Settlement of claim and payment of money

UNIT V :

Lectures--12

Marine Insurance

- Nature and scope
- Classification of marine policies.

*Dr. Anupama Pandit
Sanaga*

(Prof. Nagesh Dubey)

(Prof. Y.S. Thakur)

- The Marine Insurance Act, 1963
- Marine Insurance
- Insurable Interest, insurable value
- Marine insurance policy – condition – express warranties construction of terms of policy
- Voyage – deviation
- Perils of the sea
- Assignment of policy
- Partial laws of ship and of freight salvage, general average, particular charges
- Return of premium

Note: In addition to the above questions may be asked on aspects related with this paper.

Course Learning Outcomes:

Upon successful completion of the course, the student:

Unit 1: Will be familiar with the basic understanding of the concept of insurance, its nature, scope and kinds

Unit 2: Will acquire knowledge about general principles of insurance law which makes it a special contract different from ordinary contracts

Unit 3: Will gain detailed information on Insurance Regulatory Development Authority, Ombudsman in Insurance Sector and recent amendments in law

Unit 4: Will get an understanding of life insurance

Unit 5: Will gain the knowledge on the Marine Insurance

Teaching Pedagogy:

The course will be taught with the help of theoretical as well as practical aspect of the syllabus keeping in view of the development of Insurance Law. The concepts will be dealt with the help of lectures, participatory discussion, example-based discussion and case laws. This paper will be dealt analytically with the help of Socratic method, lecture method, case method, adversarial method, interactive method group discussion, cooperative method, Quiz, Assignments, projects, presentations, demo lecture etc. A blended method may be used as per the requirement and need of the students. Other methods of clinical legal education may also be utilized including court visits, legal camps, etc. for better understanding of the students.

Select Bibliography:

1. John Hanson and Christopals Henly, All Risks Property Insurance (1999), LLP Asia Hongkong.
2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP
3. Asia, Hongkong
4. Benerjee, Law of Insurance (1994) Asia Law House, Hyderabad
5. JCB Gilmar and Mustil, Arnold on the Law of Marine insurance (1981), Sweet and Maxwell
6. Birds, Modern Insurance Law (1997), Sweet and Maxwell
7. Colnvaux's Law of Insurance (1997), Sweet and Maxwell
8. O'Mary on Marine Insurance (1993), Sweet and Maxwell

Dr. Anupama Pandit
Dr. Anupama Pandit

(Prof. Nagesh Dubey)

(Prof. Y. S. Thakur)

SESSION: 2022-23

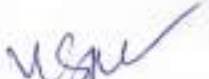
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10. E.R. Hardy Ivamy, General Principles of Insurance Law (1979)
11. Edwin W. Patterson, Cases and Materials on Law of Insurance (1955)
12. M.N. Sreenivasan Law and the Life Insurance Contract (1914)



Dr. Anupama Pandit
Sanera



(Prof. Nagesh Dubey)



(Prof. Y. S. Thakur)