# LL.M. First Semester

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## LL.M. SECOND SEMESTER

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- Total Number of Credits for Hard-Core Courses/Papers for the Programme: 48
- Total Number of Credits for Soft-Core Courses/Papers for the Programme: 36
- Total Number of Credits for Open Electives Courses/Papers for the Programme: 08
- Total Number of Credits for the Programme: 92
REvised Syllabus for LL.M. in Bharateeya Nyaya Darshana and RaJ Dharma Semester Course under Choice Based Credit System (CBCS) and Continuous Assessment Grading Pattern (CAGP) of Gulbarga University, Gulbarga from the Academic Year 2017-18 Onwards

LL.M. First Semester

I. HARD-CORE COURSES/PAPERS

HC1.1: THEORIES OF LAW

Objectives of the Course: The students of LL.M. are needs to learn in detail the theories of law which are the foundations for any legal system concerned. It is expected from the students who can equip themselves by learning these theories and capable of applying and adopting them in their own legal system in solving legal problems. Hence, following is the course pattern.

UNIT – I: Nature and value of Jurisprudence; Meaning of Legal Theory; Shashtras as Indian Jurisprudence; Natural Law Theories; Historical Perspectives: Jewish Period, Greek Period, Roman Period, Middle Ages, Renaissances and Reformation Period; Modern Theories: Neo- Thomism, Justice Theories, Rights Theories, Form and Contents Theories, Positivist Incursions into Natural Law. Indian Aspects: Natural Law Aspects of Vedic Literature, Smriti es, Epics, Vacanas and Dasa Literature, Mahaveera, Buddha, Ashoka, Gandhi, Ambedkar and other Modern Thinkers.

UNIT – II: Emergence of Analytical Positivism; Reasons for its Reception in 18th and 19th Centuries; British Theories: Jeremy Bentham, John Austin, Comparison between the two; H.L.A. Hart’s Concept of Law, Comparison of Hart with other Positive Theories of Law; Vienna School: Hans Kelsen, Comparison of Kelsen’s Theory with other Theories of Positivism. Indian Aspects: Manu, Yajnavalkya, Narada, Vijnaneshwara, Moghul System and Modern Thought.

UNIT – III: Variations of Positivist Theories; Historical Theories: Von Savigny, Hegel’s Dialectic Interpretation, Biological Interpretations of Darwin and Spencer, Racial Theory; Anthropological Approaches: Sir Henry Maine and other Modern Thinkers. Indian Aspects of basing Law on History such as Mitakshara.


UNIT – V: British Realist John Salmond; American Realists: Holmes, Frank, Llewellyn; Scandinavian Realists: Lundsted, Olivecrona, Ross; Indian Aspects: Judicial Activism; Krishna Iyer, Bhagavati, Chinnappa Reddy, and case Law on Judicial Creativity;

UNIT – VI: Modern Critical Theories: Globalization and its Impact on Legal Theories; Human Rights Theories; Intellectual Property Rights Theories; Environmental Theories of Law; Indian Aspects: Theories of DHARMA; Vedic Theories of Intellectual Property; Drona’s Intellectual Property Aspects, etc. Ancient Indian Dictates; Theoretical Basis of Indian Constitution.

BOOKS FOR REFERENCE

HC1.2: LEGISLATIVE AND JUDICIAL PROCESS

Objectives of the Course: A lawyer, whether academic or professional, is expected to be competent to analyze and evaluate the legal process from a broader juristic perspective. Hence a hardcore paper on Legislative and Judicial Process is essential in the LL.M curriculum. The objective of this paper is to study the nature of legislative and judicial process as an instrument of social ordering. It is intended to highlight the role of legislature and judiciary in law making process as an instrument of social change. This paper further intends to expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process. Since the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required. This paper, therefore, intends to familiarize the students with various theories, different aspects and alternative ways of attaining justice. The following is the syllabus:

UNIT – I: Origin of Legislative Proposal; Role of Public Opinion in the Formation of Legislation, Binding Force of Legislation, Limitations on the Binding Force of Legislation; Legislative Proposal, Lobbying and Pressure Group Lobbying; Law Making Process in Legislatures in India, U S and U K; General Clauses Act: Commencement and termination of Time, Computation of Time; Gender and Number; Meaning of Service by Post; Meaning of “Good Faith”.

UNIT – II: Basic Rules of Interpretation and Construction of Statutes: Rule of Litera Legis, “Mischief Rule” and Golden Rule; Intrinsic and Extrinsic Sources of Interpretation, Reed Dickerson’s Idea about Interpretation of ‘Meaning’;


BOOKS FOR REFERENCE

7. Granville Williams, Learning the Law, (Universal Law Publication, New Delhi)
10. Upendra Baxi, Towards the Sociology of Indian law
11. Upendra Baxi, Sociology of Indian law
12. Yash Ghai, The Political Economy of law
13. Upendra Baxi, The Indian Supreme Court and Politics
15. Rajeev Dhavan, The Supreme Court of India –A Study of Its Socio- Juristic Techniques
16. Rajeev Dhavan and P. Kalpakam, The Supreme Court under Strain - The Challenges of Arrears
17. Rajeev Dhavan and Alice Jacob, Selection and Appointment of Supreme Court Judges
21. Dicey’s Introduction to Jurisprudence
II. SOFT-CORE COURSES/PAPERS (any two)

SC1.1: ANCIENT INDIAN JURISPRUDENCE

Objectives of the Course: Every nation will have its own legal or jurisprudential system. India is having its own rich heritage and culture wherein we will find the effective legal and judicial system contributed and expounded by many ancient Rishis and saints on which the modern India is effectively working though India signifies diversity in many ways. It is pertinent to study such rich legal history of India to understand the modern legal system effectively. Hence, this course is earmarked for LL.M. students.

UNIT – I: Meaning of Hindu jurisprudence; The Need, Significance and Rationale of its Study; Difficulties in the study of Hindu jurisprudence; The Concept of Dharma; Supremacy of Dharma, it’s all Comprehensiveness and its Binding Nature; Vyavahara Dharma and Raja Dharma; Their Comprehensive Nature and their interrelation with Social and Philosophical Thoughts; Bharatiya Concepts of Values of Human Rights and welfare, Trivarga concept.

UNIT – II: History of ancient Indian jurisprudence and its growth and position in medieval and modern period: pre-classic period Vedic law (1500 BC to 500 BC); Classical Hindu law (500 BC to 200 AD); Post-classical Hindu law (500 BC to 1100 AD); Medieval Hindu law; Anglo-Hindu Law and Hindu law of modern India Religion and the making of Hindu law; accommodation of Hindu law to social changes

UNIT – III: Sources of law in ancient ideas and legal materials; The four fold indices of dharma; hierarchy of sources and reconciliation of conflicts; place of reason in sacred law and usages; Custom and law in ancient India; distinction between religious commands and legal commands; Concept of Law in Western Jurisprudence and its Comparison with the concepts of Dharma, Different Classes of Dharma.

UNIT – IV: Classification of Vyvahara or civil law; general rules regulating contract; consideration, valid and invalid contracts; payment and recovery of debt; Dandupat; pious obligation; suretyship - kinds, exemption from liability, right of reimbursement; pledges, mortgages-classification, rights and duties of parties, redemption, deposits-concept, classification, rights and duties of parties, and comparison of these laws with modern law.

UNIT – V: Ownership: its nature and modes of acquisition; title and possession; law of prescription; Law of sale, gift, partnership Law governing associations, Master-Servant relations, boundary disputes, land laws, common pastures, taxation; trade and commerce; torts; gambling and betting; slavery - Comparison with modern law

UNIT – VI: Concept of Danda or punishment - sin, classification of offences or crimes; Assault, theft, crimes of violence, Adultery and rape, crimes against state, against administration of justice, against public officers, against property; Law of evidence; Mimamsa rules of interpretation.

BOOKS FOR REFERENCE

2. Ibid: Seeds of Modern Public Law in Ancient Indian Jurisprudence
3. Duncan M Derret, Religion Law and the State in India (Faber and Faber: London 1968)
4. K. M. Panicker, The Ideas of Sovereignty and State in Indian Political Thought
5. S. K. Purohit, Ancient Indian Legal Philosophy
6. S. D. Sharma, Administration of Justice in Ancient India
7. P. V. Kane, History of Dharma Shastra [Vol. III]
9. R. Sharma Sastry, Kautilya’s Arthashastra
10. Kanti Rao, Bharatiya Nyaya Paddhati (in Kannada)
11. Robert Lingat, Classical Law in India
12. P. V. Kane, Mitakshara by Vijnaneshwara
14. Raja Tarangini
15. Gustove Opert (Ed.), Sukra Niti
16. Pandit Jwala Prasad Mishara, Kamandakiya Nitishastra
17. D. C. Sircar, Studies in Political and Administrative System in Ancient and Medieval India
18. Keshav Pandit (Ed), Bendre
19. Neetivakayamrita
20. Soma Deva, Manasollasa
21. History and Culture of the Indian People – Vedic age and classical age Volumes, Bharatiya Vidya Bhavan Publication.

SC1.2: MITAKSHARA LAW

Objectives of the Course: The Mitakshara Law is the Law of comment on the Yajnavalkyas Smriti by Sri Vijnaneshwara. Vijnaneshwara’s contributions for expounding the horizons of Indian Jurisprudence is to be hailed as a unique kind of legal system addresses many socio-legal issues. The Mitakshara provides both legal systems Civil as well as Criminal. In civil legal system specifically the law of property has been dealt with in detailed manner. Apart from law of property the Mitakshara law provides description of ordeals, wages, gambling and betting. The mitakshara being regarded as the law of India accepted and acknowledged by the Supreme Court of India. Hence, the study of Mitakshara Law becomes essential for the students of Masters’ in Law.

UNIT – I: Sources of Law – Vedas, Smritis, Srutis, Digests, Customs, Statutes; Schools of Law - Mitakshara and Dayabhaga, Comparison between Mitakshara and Dayabhaga, Joint Hindu Family and Coparcenary Family, Karta of Joint Hindu family, His Position and Powers, Debts and Pious Obligations, Partition and Re-union under Mitakshara Law

UNIT –II: Concept and Institution of Marriage: Court of Hindu Marriage; Conditions for Valid Marriage; Capacity, Ceremonies, Void and Violable Marriages; Legitimacy of Children under Mitakshara Law

UNIT – III: Matrimonial Remedies: Restitution of Conjugal Rights, Judicial Separation, Divorce, Maintenance and Alimony Bars to Matrimonial Relief under Mitakshara Law

UNIT – IV: Inheritance - Inheritance to Property under Mitakshara Law and Hindu Succession Act, 1956 – Succession to the Property of the Hindu Male; Devolution of the Property Interest under Mitakshara Coparcenary – Reforms Brought by the Provisions of Hindu Succession Act, 1956, Succession to the Property of Hindu Female, Disqualification Relation to Succession; Guramma Vs. Mallappa – AIR 1964 SC 510; According to Mitakshara a male child in the womb acquire a right to a share in the joint family property. Any partition or alienation of Joint family Property made by the father when the child is in the womb, will not be binding on the child after its birth; General; Marumakkathayam and Aliya Santanam Laws, Travancore, Cochin and Malabar Areas of Kerala, Testamentary Succession; Stridhana (Prathiba Rani Vs. Kumar – AIR 1985 SC 628. As regards Stridhana Property of the wife, she is the absolute owner. Husband has no rights over it).

UNIT – V: Adoption and Maintenance; Conditions for Valid Adoption, Effect of Adoption, Rights of Adoptive parents, Evidence of Adoption, Maintenance of Divorced Wife, Children and Aged Parents, Custody of the child, Guardianship of

Gift by a member of a Joint family of his undivided share to an outsider without the consent of other members is void, according to Mitakshara Law. However, if the gift is in favor of another member of the joint family, according to Mitakshara Law it is valid but it amounts to relinquishment in favor of all other members; Law of Witness; Ordeals, Settlements of Boundary Disputes; Payment of Wages; Heinous Offences; Abuse; Assault; Theft; Adultery; Gambling and Betting; Miscellaneous (Disputes) under Mitakshara Law.

BOOKS FOR REFERENCE
1. Mull, Principles of Hindu Law
2. Paras Diwan, Hindu Law
3. Hindu Marriage Act, 1955
4. Hindu Succession Act, 1956
5. Hindu Minority & Guardianship Act, 1956
6. Hindu Adoption & Maintenance Act, 1956
7. Rama Jois, Legal Constitutional History of India.
8. S.K. Purohit, Ancient India
9. P.V. Kane, History of Dharma Shastra
10. Shama Shastry, Arthashastra of Kautilya
11. Robert Lingat, Classical Law of India
12. P.V. Kane, Mitakshara Law
13. Smritis of Manu and Yajnavlkya.

SC1.3: HINDU LAW – JURISPRUDENTIAL INQUIRIES

Objectives of the Course: India is habitat of many faiths and religions with predominance of Hindus. Hindus in India governed by Hindu Law initiated and expounded by Rishis and saints from time to time and observed by many centuries. Hindu Law is having its own sources by which it can be studied how effective the Hindu Law is operating in India.

UNIT – I: Ancient Legal, Judicial and Constitutional System for the whole Country despite existence of many States, Custom and Usage; Its working for centuries; Difference between State and Nation; The Vedic Age: Vedic Literature – Political, Social and Philosophical Aspects; Eighteen topics of law to begin with and subsequent expansion to cover various other topics.


UNIT – III: Contribution of Buddhism and Jainism in the field of Politics, Society and Culture and their Impact on Hinduism.


UNIT – VI: Hindu Law and Constitution of India – the provisions of Constitution bearing upon the reference and relevance of Hindu Law; Uniform Civil Code under Constitution of India
Revised Syllabus for LL.M. in B N D & R D Semester Course under CBCS & CAGP of Gulbarga University, Gulbarga

BOOKS FOR REFERENCE
1. R.C. Majumdar, Ancient India, Motilal Banarsidas Publishers Pvt. Ltd., New Delhi
2. Ibid, An Advanced History of India, 4th Edn., McMillan
3. Bhasker Anant Saleotore, Ancient Indian Political Thoughts and Institutions, Bombay
4. B. N. Luniya, Evolution of Indian Culture
5. K. M. Panicker, Essential Features of Indian Culture
7. R. Panth, Buddhism and Culture of North East India
8. History and Culture of Indian People – Vedic Age – Bharateeya Vidyabhaavan.
10. J. Duncan M. Derrett, Hindu Law – Past and Present
11. D. Pathak, Introduction to Hindu Law
12. Priyanath Sen, Hindu Jurisprudence
13. J. Duncan M. Derrett, Critique of Modern Hindu Law
14. M.V. Pylee, Constitutional History of India
15. Vishnoo Bhagawan, Constitutional History of India

SC1.4: COMPARATIVE STUDY OF HINDU & MOHAMMEDAN LAW

Objectives of the Course: India signifies many faiths and religions specifically the Hindu and Mohammedan cultures. Hindu legal system is one kind and the Mohammedan is another having their own specific features. However, there are many features which reflect similarities in both the legal systems. One is needs to study comparatively both the legal systems to acquaint themselves with these legal systems.

UNIT – I: Concept of Hindu and Mohammedan; Sources of Hindu Law Compared with Sources of Mohammedan Law, Schools of Hindu Law and Schools of Mohammedan Law Comparison with Ancient Bharateeya Aspects.

UNIT – II: Concepts of Hindu Marriage Compared with Concepts of Mohammedan Marriage – Comparison with Ancient Bharateeya Aspects; Types of Marriages – Hindu and Mohammedan

UNIT – III: Matrimonial Remedies Restitution of Conjugal Rights, Judicial Separation and Nullity of Marriage and Divorce under Hindu Law and Mohammedan Law – Comparison thereto with Ancient Bharateeya Aspects.

UNIT – IV: Adoption and Maintenance under Hindu Law Compared with Mohammedan Law; Maintenance of Divorced Wife, Children, Aged Parents and Dependents under Hindu Law and Comparison with Mohammedan Law; Law Relating to Guardianship under Hindu and Mohammedan Laws – compared.

UNIT – V: Law Relating to Succession, Inheritance under Hindu Law Compared with Mohammedan Law; Devolution of Interest in Mitakshara and Dayabhaga Compared with Hanafi and Shia Laws under Mohammedan Law; Law relating to Wills, Death –bed Gift, Wakfs, Pre-emption under Mohammedan Law Compared with Hindu Law – A Comparative Study with Ancient Bharateeya Aspects.

UNIT – VI: Law Relating to Guardianship, Gift, Wills under Hindu Law and Mohammedan Law; Wakfs; Pre-Emption; Administration of Estates.

BOOKS FOR REFERENCE
1. Mulla, Principles of Hindu Law, N.M. Tripathi, Bombay
3. Paras Diwan, Hindu Law
5. Tahir Mohammed, The Muslim Law of India
6. Paras Diwan, The Law of Marriage and Divorce
8. Karnataka University Dharwad, Ancient Hindu Law and Administration as reflected in Vedic and Smriti Literatures.
9. J. R. Gharpure (Ed.), Mitakshara by Vijnaneshwara on Yajnavalkya Smriti
10. M. Hidayatullah, Principles of Mohammedan Law, N.M. Tripathi, Bombay
11. J. Duncan M, Derrett, Death of Marriage Law, Vikas, New Delhi

**LLM SECOND SEMESTER**

**I. HARD-CORE COURSES/PAPERS**

**HC2.1: CONCEPTS OF LAW**

**Objectives of the Course:** In this century the concepts of law specifically concept of right has become one of the central legal concepts. Both the specialist and the liberal legal discourse employs this concept not only to safeguard the individuals from the tyranny of the state and market exploitation, but also to develop state in which groups, institutions and agencies are accountable to each other. All development of the literature around the concepts of law especially the concept right now provides sufficient justification for designing a separate course, within jurisprudence, for legal education. The comprehension of the concepts of law is not merely a matter of theoretical interest, it equips a law person to identify injustices and fight them with a requisite legal armoury. This course has been designed to provide the students the theoretical background that is necessary for the pursuit of justice. The following syllabus prepared with this perspective in the following manner:

**UNIT – I:** Relevance and Importance of the Study of Legal Concepts: Concepts of Rights- Characteristics Features, Kinds, Hohfeldian Scheme, *Dharma* as an Evenly Balanced Concept of Rights.

**UNIT – II:** Person: Natural, Legal Status of the Lower Animals, Unborn Persons and the Dead: Natural and Legal Persons; Corporation as Legal Persons, Legal Status of Friendly Associations and Other Third Sector Organizations; Theories of Corporate Personality; Indian Aspects: Purusha Concepts under Vedas; Vijnaneshwara’s Ideas as to the Right of the Unborn, Idols as Persons.

**UNIT – III:** Property Related Concepts: Property – Nature, Meaning and Types; Concept of Possession: Idea, Possession in Fact, Possession in Law, Possessory Remedies;

**UNIT – IV:** Ownership: Nature, Features and Types; Titles Vestitive and Devastative Facts, Facts in the Law and Fact of the Law, Modes of Acquisition, Transfer and Extinction of Titles; Indian Aspects: Kautilya’s Arthashastra and such Related Literature.

**UNIT – V:** Liability: Civil and Criminal, Incidents, Actus rea, Mens rea, Causation, Negligence, Strict Liability, Vicarious Liability, Measure of Liability; Indian Aspects: Expiation, Ordeal etc.


**BOOKS FOR REFERENCE**

4. W.N. Hohfeld, *Fundamental Legal Concepts*
6. R.M. Dworkin, *Taking Rights Seriously*
7. Jerome Hall, *Foundations of Jurisprudence*
HC2.2: LAW AND SOCIAL TRANSFORMATION IN INDIA

Objectives of the course: This course is designed to offer the teacher and the taught with - (a) awareness of Indian approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The endeavour is to make the students aware of the role the law has played and has to play in the contemporary Indian society The following syllabus prepared with this perspectives will be spread over a period of one semester as follows:

UNIT – I: 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 institutions in India.

UNIT – II: Religion and the law - Religion as a divisive factor; Secularism as a solution to the problem, Reform of the law on secular lines: Problems; Freedom of religion and non-discrimination on the basis of religion; Religious minorities and the law; Language and the law - Language as a divisive factor: formation of linguistic states, Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official language; multi-language system, Non-discrimination on the ground of language.

UNIT – III: Community and the law - Caste as a divisive factor, Non-discrimination on the ground of caste, Acceptance of caste as a factor to undo past injustices, Protective discrimination: Scheduled castes, tribes and backward classes, Reservation; Statutory Commissions, Statutory provisions.

UNIT – IV: Regionalism and the law - Regionalism as a divisive factor, Concept of India as 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.

UNIT – V: Women and the law - Crimes against women, Gender injustice and its various forms, Women's Commission; Empowerment of women: Constitutional and other legal provisions; Children and the law - Child labour; Sexual exploitation; Adoption and related problems; Children and education;

UNIT – VI: 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. State regulation - Industrialization v. environmental protection; the jurisprudence of Sarvodaya - Gandhiji, Vinoba Bhave; Jayaprakash Narayan - Surrender of dacoits; concept of grama 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.

BOOKS FOR REFERENCE

1. Marc Galanter (Ed.), Law and Society in Modern India (Oxford Press, 1997)
3. Upendra Baxi, the Crisis of the Indian Legal System (Vikas, New Delhi, 1982)
6. Duncan Derret, The State, Religion and Law in India (Oxford University Press, New Delhi, 1999)
10. Savitri Gunasekhare, Children, Law and Justice (Sage Publications, New Delhi, 1997)
15. Agnes, Flavia, Law and Gender Inequality: The Politics of Women’s Rights in India (Oxford Press, 1999)

II. SOFT-CORE COURSES/PAPERS (any one)

SC2.1: MODERN INDIAN JURISPRUDENCE

Objectives of the Course: Every nation will build its own legal or jurisprudential system upon old and existing legal system. India has built its own modern legal or jurisprudential system by adopting Constitution and drafting different legislations under Constitution to suit the ongoing changes of the society. The changed legal system basically under Constitution of India is remarkable which needs to be studied every law student and masters’ in law specifically.

UNIT – I: History of Constitutional Development in India; Doctrine of Constitutional Supremacy, Concept of Basic Structure; One India, One Constitution, Single Citizenship


UNIT – IV: Concept of Welfare State – Philosophy and its functions; Duties and obligations of Welfare State; Comparison of old concept of State – Police State with Modern Concept of State – Welfare State; Working style of legislatures and Judiciary for implementing the welfare concept. Party system – their Role and Functions in modern welfare nation concept.


UNIT – VI: Administrative Changes under Constitution of India – Governance through Commissions – Election Commission of India, Union and State Public Service Commission, Union and State Commission for Women and Child, Union and State Commissions for SCs and STs.

BOOKS FOR REFERENCE

1. K. P. Kangle, The Kautilya’s Arthashastra
2. K. M. Panicker, The Ideas of Sovereignty and State in Indian Political Thought.
3. Jha and Prabhakara, School of Purva Mimamsa
4. S.K. Altekar, State and Government in Ancient India
SC2.2: COMPARATIVE STUDY OF HINDU, CHRISTIAN AND OTHER LAWS

Objectives of the Course: India signifies many faiths and religions namely the Hindu, Mohammedan, Christian, Parsi, Buddhist and Jain. India is amalgamation of many cultures, religions and languages which are having their own legal traditions. These legal traditions are to be studied to understand the broader perspectives of Indian Legal System leading to Constitutional philosophy of secularism and brotherhood. One is needs to study comparatively of these all legal systems to acquaint themselves with these legal systems.

UNIT – I: Sources of Hindu, Christian, Jain, and Buddhist Laws and their Comparison; Schools of Hindu, Christian, Jain and Buddhist Laws and their comparison.

UNIT – II: Concepts of Hindu Marriage; Importance of Family Life-Unbreakable relationship of husband and wife and their joint responsibility towards the family and the Society – Duties of House Holder – Family system and its integrity for ensuring continuous supply of good citizens to the Society and to provide social security for dependent such as non-earning and/or physically or mentally incapacitated persons who are members of family. Concepts of Christian, Jain and Buddhist Marriages and their comparison; Customs of Hindu, Christian, Jain and Buddhist Marriages and their comparison with valid Marriages; Notice, Solemnization, Ceremonies of each type of Law Systems’ customary Marriages and Registered Marriages under Hindu, Christian, Jain and Buddhist Legal System and under Special Marriage Act and the comparison with ancient Bharateeya Aspects.


UNIT – IV: Law Relating to Adoption and Maintenance under Hindu, Christian, Jain and Buddhist Legal System and their comparison with Ancient Bharateeya Aspects.

UNIT – V: Law Relating to Succession and Inheritance under Hindu, Christian, Jain and Buddhists Legal System – Comparison with Ancient Bharateeya Legal Aspects.

UNIT – VI: Law Relating to Guardianship, Gift, Wills under Hindu, Christian, Buddhist and Jain Legal Systems; Administration of Estates under these Legal Systems - Comparison with Ancient Bharateeya Legal Aspects.

BOOKS FOR REFERENCE
1. Mulla, Principles of Hindu Law
2. Paras Diwan, Hindu Law
3. Ibid, The Law of Marriage and Divorce
4. Hindu Marriage, Adoption and Maintenance Laws
5. Sebastian Champapilly, Christian Law
6. E. I. Devadasan, Christian Law
7. Special Marriage Act.

III. OPEN-ELECTIVE COURSES/PAPERS (any one)

OE2.1: CYBER LAW

Objectives of the Course: This is the knowledge and information era. Presently there are many changes have taken place in the field of storage of knowledge and information. The new means and gadgets emerged for storing the information and data which is to be protected and ensured keeping it in secured manner. It is also important and expected that the information and data requires be flowed and shared freely keeping in mind on fair manner. The channelization of information and enhancement of speed of government actions requires adoption of e-Governance, e-Commerce and e-Administration which is to be governed and regulated the Cyber Laws of the Countries concerned. This necessitates the study of Cyber Law as an Open Elective Course/paper which is formulated as follows:
UNIT – I: Introduction - Concept of Information and data, Importance of information and data, means and modes of storage of information and data – historical evolution; present position; the Development of Computers, Website - Internet, Domain names.

UNIT – II: Emergence of information society, Information Technology, Privacy and Surveillance; Computers and Interest- Data protection-Supervision of data users- Data protection principles, Transborder data flows-Data protection in India.


BOOKS FOR REFERENCE
1. Ion Lloyd-Information Technology Law (Butterworths, 1997)
2. Ion Lloyd- Legal Aspects of the Information Society (Butterworths, 2000)
3. Chris Reed and John Angel, Computer Law (Blackstone Press Ltd. 2000)

OE2.2: LAW RELATING TO RIGHT TO INFORMATION

Objectives of the Course: Right to know is fundamental aspect of the human being. Further the right to information is basic to any democracy. A vibrant citizenry is a pre-requisite for survival of democratic society and governance. As all the Constitutions of the world bestowed upon the citizen the freedom of expression and speech. It is not possible to have a rightful expression as a right without right to information as basis to freedom of speech. The quality of life in a civilized society depends upon the quality of exchange of information about governance and other related aspects. The struggle between human rights and Government secrecy should go on forever. However, after a long struggle the Government of India have enacted the legislation providing information as a matter of right under the title “Right to Information Act, 2005 with many great objectives to be achieved by the Act. Therefore, it is paramount duty of the citizens to know and understand the law relating to right information especially those who are studying at P.G. level. Hence, this course is designed with a great expectation that the large number of Post-Graduate students aspire to study this course.

UNIT – I: Introduction, Conception, Evolution of the right to information; Meaning of ‘right’, Meaning of ‘information’; the meaning of ‘right to information’

UNIT – II: the Right to Information Act, 2005, aims and objectives, Salient Features, Meaning of Important terminologies used in the Act,
UNIT – III: Right to Information; Obligations of Public Authorities; Designation of Public Information Officers, Request for Obtaining Information, Disposal of request, Exemption from Disclosure of Information, Third Party Information.

UNIT – IV: Constitution, Powers and Functions of Agencies or Authorities under the Act – the Central Information Commission (CIC) and the State Information Commissions (SICs).

BOOKS FOR REFERENCE

2. Mander and Joshi, The Right to Information Movement in India – People’s Power for the Control of Corruption, (CHRI, New Delhi, 1998)
4. The Right to Information Act, 2005

LL.M. THIRD SEMESTER

I. HARD-CORE COURSES/PAPERS

HC3.1: LEGAL EDUCATION AND RESEARCH METHODOLOGY

Objectives of the Course: A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics. Law is taught in different ways in different countries. The LL.M course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at LL.B level and LL.M level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills. Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop skills in research and writing in a systematic manner.

UNIT – I: Objectives of Legal Education; Lecture Method of Teaching - Merits and demerits; The Problem Method; Discussion method and its suitability at postgraduate level teaching; The Seminar Method of teaching; Examination system and problems in evaluation - external and internal assessment; Student participation in law school programmes - Organization of Seminars, publication of journal and assessment of teachers; Clinical legal education - legal aid, legal literacy, legal survey and law reform.


UNIT – III: 1) Research Problem – Meaning and Definition, Identification and Selection of the Problem, Understanding the Nature of Problem, Necessity of Defining the Problem, Techniques involved in Defining a Problem, Statement of


UNIT – V: Techniques of Data Collection: 1) Observation Method – Meaning and Definition of Observation Method, Essential Characteristics of Observation Method, Different Types of Observation Method, Bias and Measures to avoid Bias in Observation Method; 2) Interview Method – Meaning and Definition of Interview Method, Objectives and Various Types of Interview Method; 3) Questionnaire Method – Meaning and Definition of Questionnaires, Method, Functions of Questionnaire, Different Types of Questionnaire, Construction of Questionnaire; 4) Schedule Method – Meaning and Definition of Schedule, Purpose and Importance of Schedule, Classification of Schedules, Construction of Schedules, Form and Contents of Schedules, Type of Questions in a Schedule, Advantages and Disadvantages of Schedules; Pre-Test Pilot Study.


BOOKS FOR REFERENCE

2. Granville Williams, Learning the Law, (Universal Law Publication, New Delhi)
5. M. O. Price, H. Bitner and Bysiewicz, Effective Legal Research (1978)
8. H. M. Hyman, Interviewing in Social Research (1965)
13. Indian Law Institute, Legal Research And Methodology, (N. M. Tripathi Publications Bombay)
HC3.2: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Objectives of the Course: The Constitution, a living document, is said to be always in the making. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post-graduate students in law, who had the basic knowledge of Indian Constitutional Law at LL.B level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialisation. Obviously, rubrics under this paper require modification and updating from time to time. The following syllabus prepared with this perspective will be spread over a period of one semester.

UNIT – I: Introduction; Concept of Constitution, Different types of Constitutions – their salient features; the Constitution of India – Brief History; Salient Features; Preamble; Fundamental Rights, Directive Principles of State Policy; Fundamental Duties.

UNIT – II: Federalism – Distinctive features of Indian federalism; creation of new States; Allocation and Shares of resources; The inter-State disputers on resources; Rehabilitation of internally displaced persons; centers responsibility and internal disturbance within States; Direction of the centre to the State under Article 356 and 365; Special Status of certain States, Tribal Areas and Scheduled Areas.

UNIT – III: State: Need for widening the definition in the wake of liberalization; Right to equality: Privatization and its impact on affirmative action; Empowerment of Women; Freedom of Press and Challenges of New Scientific development; Freedom of press and challenges of new scientific development; Freedom of speech and right to broadcast and telecast; Right to strikes, hartal and bandh; Reading Directive Principles and Fundamental Duties into Fundamental Rights.

UNIT – IV: Compensation Jurisprudence; Right to education - Commercialisation of education and its impact; Brain drain by foreign education market; Rights to Religion - Right of minorities to establish and administer educational institutions and state control; Secularism and religious fanaticism Uniform Civil Code Problems and Perspective.

UNIT – VI: Democratic Process; Nexus of politics with criminals and the business; Free and Fair elections, Election Commissions: Status; Electoral reforms; Coalition governments, stability, durability and corrupt practices; Grass root democracy.

BOOKS FOR REFERENCE

2. E. S. Venkatramaiah, Federalism; A Comparative Study
5. V. N. Shukla’s, Constitution of India

II. SOFT-CORE COURSES/PAPERS (any one)

SC3.1: HUMAN RIGHTS – INTERNATIONAL ASPECTS

Objectives of the course: Human rights were conceived rather narrowly as mere freedom from arbitrary government in the past. It was realised later and much more so during last fifty years since the end of the Second World War that the threats to liberty, equality and justice did not emanate from the state alone. Many nations of Asia and Africa came to nationhood during this period. These nations had to bring about their development and they needed capital. Foreign aid and foreign investments were invited but these could very well lead to their second subjugation. Poverty, ignorance, exploitation had to be fought at the global level. Development had to come without the sacrifice of human values. A greater awareness of human rights, not only as negative restrictions on the state but as positive obligations for creating an environment in which man could live with dignity was necessary. The focus of a course on human rights must be on the national problems with an international or global perspective. The world community’s concerns about human rights have been expressed through various conventions the same has been incorporated into national Constitutions. The students at LL.M. level are required to undergo such training as the time expects from them to be aware self and create awareness to others.

UNIT – I: Concept of Right and Human Right; Theoretical Foundations of Human Rights; Movements for Human Rights - The Green Movement in Germany, The International Peace Movement; Models of Protection of the rights of indigenous peoples: New Zealand (Maoris), Australia, Aborigines and Canada (Indians); Historical development of the concept of human rights; Human rights in Western tradition - Concept of natural law, Concept of natural rights

UNIT – II: Major International Covenants, Treaties and Agreements on Human Rights – the U N Charter, the Universal Declaration of Human Rights (UDHR), 1948; the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; Declaration of the Rights of the Child; U N Declaration on the Elimination of All Forms of Racial Discrimination; U N Declaration on the Elimination of All Forms of Discrimination Against Women; The UN Declaration on Right to Development, 1987; Declaration on the Rights of Disabled Persons.


UNIT – IV: International Agencies for Protection and Promotion of Human Rights – UN Commission on Human Rights; International Court Justice; International Labour Organization (ILO); Food and Agriculture Organization (FAO); World Health Organization (WHO); United Nations Economic, Scientific and Cultural Organization (UNESCO); United Nations International Children’s Emergency (UNICEF); Economic and Social Council (ECOSOC); Regional Agencies - European
Commission on Human Rights/Court of Human Rights; Inter-American Commission on Human Rights; African Commission on Human Rights; Arab Commission on Human Rights; Attempts for the Regional Arrangements in the Asian and Pacific Region.

UNIT – V: Voluntary and Non-Government Organizations for Promotion of Human Rights – and Voluntary and Non-Governmental Organizations - Amnesty International; Red Cross etc., their Role in Fact Finding, Interest, Articulation and Aggregation, Counseling and Consolidation of International Public Order - Comparative Study of Indian aspects.

UNIT – VI: Concept, Origin and Rationale of International Humanitarian Law; Notion and Contents of International Humanitarian Law; Application of Humanitarian Law; Historical Development of Humanitarian Law; Charter of Humanitarian Law; Protection and Care of Wounded and Sick Persons; Protection to Medical Units and Establishments, Materials and Vehicles; Protection to Civilian Population; Treatment of - Dead Bodies, Prisoners of War, Alien Enemies; Internees; Treatment by the Occupant of the Inhabitants of the Occupied Territory; Comparative Study of Indian aspects.

BOOKS FOR Reference

1. Bodenheimer, Jurisprudence
2. Carlos Santigo, The Ethics of Human Rights
3. J. C. Holt, Magna Carta
5. Brownlie, Basic Documents of Human Rights
7. Rama Jois, Human Rights and Indian Values: Published by National Council for Teachers Education

SC3.2: BHARATEEYA RAJA DHARMA AND ITS RELEVANCE TO MODERN INDIA

Objectives of the Course: Bharat (India) is unique and large nation having rich cultural heritage and civilization comprising many States, Regions, Religions, Races, Languages and Castes. Ruling over and in these diversities will be a difficult task. However, our ancient rulers have succeeded in this phenomenon by ruling effectively and proved best administrators and stood for justice like Chandra Gupta Maury, Ashoka and in modern period the Akbar the Great. This is all because India is having a strong foundation of quality of administration and justice system. One needs to be studied the same to acquaint with ancient and modern Political, Administration and Judicial system in India.

UNIT – I: Origin of State and its Purpose – Ideal and Purpose of State; Meaning of Raja Dharma – Rajdharma is the Paramount Dharma; King – the maker of Age; one Law – one people – many states; Charter of Equality in Vedas; Rajadharma and Constitutional Law; the Seven Constituents of a State (Saptangas);

UNIT – II: King (Raja) – The Ruler; Position Assigned to the King; Women Rulers; Right of Primogeniture for Royal Succession; Order of Succession; Selection of Younger Sons in view of their Outstanding Merit; Position of younger
brothers; Initial Acquisition of Kingship otherwise than by birth; Election or Selection of Kings; Crowning of Minors; Education and Training of Princes; Coronation (Aindra Mahabishekha); Coronation oath; Personal qualities of the King; Duties of King - Legislative, Executive and Judicial Exercise of Powers, Administrative Establishment of King in Furtherance of Raja Dharma, Socio-economic, Duties of King-Security of the Kingdom from External Aggression, Comparison with a clear perception of the Political, Social, Economical and Philosophical Fundamental Doctrines.

UNIT – III: Concepts of Justice under Bharteeya Rajadharma – Comparison with Aristotle’s Nicomachean Ethics, Philosophy of Justice by Stanley I Benn, Cannons of Distributive Justice by Nicholas, Justice According to Gurritch, Salient Areas of Justice would be: Justice as Socio Norms: Justice as Absolute Moral Norms, Justice as Obligatory, Objectivity of Justice

UNIT – IV. Rights and duties under Bharatiya Rajadharma; Rights to Life; rights and the Wrongs of Abortion, Civil Liberties- Human Rights, Liberty of Expression, Grounds, Limits and Methods of Enquiry, Freedom of Speech; Property Rights; Welfare Rights; Status of Animals.

UNIT – V. Position of Women in Bharteeya Rajadharma; Private Property and Women, Position of Women under Shastric Laws, the Stridhasna; a concept; Female in Feticide Re-Marriage; comparison with the Position of Muslim Women, Dissolution of Marriage and divorce of Marriage under Mohammedan Law, Parsee Law, Christian Law, Compared with Law under Bharteeya Aspects.


BOOKS FOR REFERENCE

1. Rangaswamy Iyengar, Rajadharma
2. R. Sharma Shastri, Kautilya’s Arthashastra
3. P.V. Kane, Yajnavalkya’s Mitakshara Law by Vijnaneswhara [English Version]
4. S.D. Sharma, Administration of Justice in Ancient India
5. P.V. Kane, History of Dharmshastra Vol-II
6. Upendra Baxi, Law and Justice – Some Indian Perspectives
7. Bihari, Constitutional Models of Socialist Organization.
8. R.P. Kangle, Kautilya’s Arthashastra
9. A. Raz, Courts and Tribunals – A Comparative Study
10. American Journal of Comparative Law
11. International Comparative Law Quarterly
12. S.J. Mill, Connection Between Justice and Utility
13. Chhatrapati Singh, The Basis of Justice in a Socio-political Order
14. Austin B. Ceel, Dharma in Hindu Ethics
18. B.A. Gupta, Position of Women Among Hindu, Muslims, Buddhists and Jains (1901)
20. Rama Jois, Eternal Values in Manu Smiriti

III. OPEN-ELECTIVE COURSES/PAPERS (any one)

OE3.1: INSURANCE LAW

Objectives of the course: The function of insurance is to spread such loss arising from risks of life or property. The operational framework of insurance idea is provided by the general principles of contract. The insurance policy, being a
contract, is subject to all the judicial interpretative techniques. Besides, the insurance idea has a compensatory justice component. This brings it in the arena of the law of tort as well. It is even suggested that a fully grown and developed law of insurance may, if not totally displace, decrease the significance of the law of tort. This course is designed to acquaint the students with the conceptual and operational parameters of insurance law in the context of the development of the general principles of law and judicial interpretation to inform the students about the use of law for the establishment of "just" order in insurance and to develop the appreciative and evaluative faculties of the students.

The following syllabus prepared with the above perspective will be spread over a period of one semester:

UNIT – I: Introduction: Social Security and Insurance, Meaning and Importance of Insurance: Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity; Insurance policy, law of contract and law of torts-future of insurance: need, importance and place of insurance; Constitutional perspectives- the Entries 24, 25, 29, 30, 47 of List 1 Union List; 23, 24, of List III

UNIT – II: General Principles of Law of Insurance, Definition, nature and history, The risk - commencement, attachment and duration, Assignment and alteration, Settlement of claim and subrogation, Effect of war upon policies; Indian Insurance Law: General, History and development, The Insurance Act 1938 and the Insurance Regulatory Authority Act, 2000; Mutual insurance companies and cooperative life insurance societies; Double Insurance and re-insurance.

UNIT – III: 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; Marine Insurance, Nature and Scope, Classification of marine policies, The Marine Insurance Act, 1963; 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

UNIT – IV: Insurance Against Accidents; Property Insurance; Fire insurance; The Emergency Risks (Factories) Insurance; The Emergency Risks (Goods) Insurance; Policies covering risk of explosion; Policies covering accidental loss, damage to property; Policies covering risk of storm and tempest; Burglary and theft policies; Live-stock policies; Goods in transit insurance; Agricultural insurance; Insurance against Third Party Risks, the Motor Vehicles Act, 1988; Professional negligence insurance; Group life insurance; Mediclaim, sickness insurance

BOOKS FOR REFERENCE

2. Peter Mac Donald Eggers and Patric Foss, Good Faith and Insurance Contracts (1998) LLP Asia, Hongkong
14. Kumar’s Insurance Laws, 7th Edn, (Law Publisher (India) Pvt Ltd 2000), Pp1109.
OE3.2: LAW OF INTELLECTUAL PROPERTY RIGHTS

Objectives of the Course: The Law relating to intellectual property rights is a fast developing area, especially after the global community has entered into the Agreement on TRIPs of GATT/WTO. There is a rapid progress in the international trade accelerated by guidelines evolved under the global agreements by the countries across the globe. India has also brought about significant changes in its existing IP laws and has also enacted new legislations to meet the challenges of this fast emerging regime of IPR. The students are required to study the IPR regime to acquaint them minimum common sense knowledge to be gained by present day students irrespective of subject and discipline they study at P.G. level.


UNIT – III: Trade Marks: Concepts, Historical Development, Nature, Meaning, Property in Trade Marks, Opposition, registrable and Non- registrable Marks; Certification of Trade Marks, Textile Marks, Collective Marks, Appellate Board, Similarity, Resemblance or Deceptive Similarity, Assignment, Licensing, Registration, Effects of Registration, Ratification, Infringement, Remedies, Passing Off.


BOOKS FOR REFERENCE

7. P. M. Baxi, Intellectual Property: Indian Trends
8. B. L. Wadhera, Law Relating to Patents, Trade Marks, Copyright, Designs and Geographical Indications
9. Lester Nelson, Digest of Intellectual Property Laws of the World Vols. 1, 2, 3 & 4
14. IPR in the WTO Developing Countries; (Oxford Publications New York, 2005).
LL.M. FOURTH SEMESTER

I. HARD-CORE COURSES/PAPERS

HC4.1: CONSUMER LAW

Objectives of the Course: Liberalization, Privatization and Globalization have added new dimension to consumerism in which corporate, manufacturers and business houses are having upper hand. The rise and fall of consumer sovereignty, the new dimensions of the concept of consumer and problems that rush therein are to be examined rather from a socio-economic, political and legal angle than from the narrow perspective of bare provisions of statutes. The students will have an opportunity to inquire why laws provide not so effective and less enforceable remedies. Focus is to be made on the public utility services such as transport, electricity, drinking water, banking, postal, legal, educational, and medical services and examine the reasons why the state and state-under takings often fail in providing efficient services. Scattered law and judicial pronouncements have added to the weak legal domain of consumerism warranting critical study at the post-graduate level.


UNIT – IV: Meaning and Essentials of ‘Service’; Meaning of ‘Deficiency’ and ‘Deficiency in Service’: Consideration of Deficiency in Various Kinds of Services such as Medical, Banking, Insurance, Education, Electricity, Telephone, Transport, Carrier, Postal, Housing Construction, etc. The Meaning and Scope of ‘Unfair Trade Practices’ and ‘Restrictive Trade Practice’ (the discussion of the above be made in the light of decided cases); the Rights of the Consumers.

UNIT – V: Relief and Remedies of Consumers when Rights are been Violated; the Welfare of the Consumers; Consumer Disputes Redressal Agencies: Establishment, Composition, Jurisdiction, Functions, Procedures for Hearing, Findings and Orders of the District Forum, State Commission and National Commission and Appeals therefrom.

UNIT – VI: Consumer Dispute Redressal Council – their Constitution and Duties; Lok Adalat, Public Interest Litigation; Consumer Welfare Fund; Consumer Awareness Project - Poster Competition, National Youth Award on Consumer Protection.

BOOKS FOR REFERENCE

4. D. N. Saraf, Consumer Protection Law in India
5. S. S. Gulshan, Consumer Protection and Satisfaction
8. Mallik’s: Commentaries on Consumer Protection Act with Rules
9. G. H. Samuel, Cases in Consumer and the Law
10. Satya Sunderamma, Consumer Protection in India
12. Ross Cranston, Consumer and the Law
14. Leelakrishnan (ed.), Consumer Protection and Legal Control
15. Nayak Rajendra Kumar, Consumer Protection Law in India

HC4.2: PROJECT WORK

The students must undergo a major project work under a supervisor/guide notified by the Department from time to time. A project work is a special course involving an application of knowledge in solving/analyzing/exploring a real-life situation/difficult problem in the area of law especially in the field of Bharateeya Nyaya Darshana and Raja Dharma.

II. SOFT-CORE COURSES/PAPERS (any two)

SC4.1: HUMAN RIGHTS – INDIAN ASPECTS

Objectives of the Course: The subject of Human Rights has become essential aspect of the learning due to large-scale violation of them at world-wide. On the national levels, they are contained in constitutional provisions such as directive principles of state policy, fundamental rights, fundamental duties and judicial, legislative as well as administrative strategies of reconstruction. Human rights acquire much more comprehensive and wider meaning. It requires us to take up cudgels against poverty discriminations based on caste, colour or sex, make provisions for drinking water, population control, conservation and preservation of natural resources, ecological balance, protection of consumers against ruthless and profit seeking, traders or manufacturers, provisions against hazardous industries and so on and so forth. Human rights are an important parameter for a just society and future lawyers must be able to assess any programme of social transformation with reference to them. The following syllabus prepared with this perspective.

UNIT – I: Panoramic View of Human Rights; Human Rights in Non-western Thought; Human Rights emanating from Human Duties giving rise to duty based society – Bharateeya Concepts and Values of Vasudhaiva Kutumbakam and its Evolution through Ages; Commitment to Human Rights During India’s National Movement; The Constituent Assembly and the Incorporation of Human Rights in the Constitution of India – Comparative study with Bharateeya Aspects.

UNIT – II: The First Generation Rights; The Rights Against State, Rights against Arbitrary Deprivation of Life, Liberty, Security, Dignity, Privacy, Rights against Arbitrary Discriminations, Torture and Inhuman and Degrading Treatment and
Punishment; Rights of Minorities, Women and Children and Backward Classes and Dalits; Religious Freedom and other Democratic Rights – Comparative Study with Bharteeya Aspects.


UNIT – V: Parliamentary Response to Enforcement of Human Rights; National Human Rights Commission – its Structure Composition and Functioning; An Evaluation of these Bodies – National Minority Commission, National Commission for Women and Children; Backward Classes and National Commissions for Scheduled Castes and Scheduled Tribes – Comparative Study with Bharteeya Aspects.

UNIT – VI: Protection and Promotion of Human Rights – Role of Courts: the Supreme Court, High Courts and other courts; The Role of Voluntary and Non-Governmental Organizations - PUCL, PUDR, Citizens for Democracy; Women Organisations; Minorities and Dalit Organisations.

BOOKS FOR REFERENCE

1. H. M. Seervai, Constitutional Law of India
2. D. D. Basu, Human Rights in Indian Constitutional Law
3. Paras Diwan, Human Rights and the Law
4. Brownlie, Basic Documents on Human Rights
5. The Amnesty International Report on Human Rights in India
6. James Vadakkumcherry, Human Rights and the Police in India
8. Mahoney and Mahoney, Human Rights in the Twenty-First Century – A Global Challenge
9. P. N. Bhagawati, Courts, Constitution and Human Rights
10. Rama Jois, Human Rights and Indian Values, Published by National Council for Teachers Education.
12. Carlos Santiago, The Ethics of Human Rights
19. Upendra Baxi, "Human Rights, Accountability and Development" Indian Journal of International Law

SC4.2: BHARTEEYA RAJANITI AND NYAYA PADDHATI

Objectives of the Course: Bharat (India) is having its own polity and Administration of Justice system evolved throughout the ages from ancient civilization. Now it has grown enormously in all fields addressing many socio-economic and political issues. India has developed its own polity and legal system in modern age based on ancient civilization and culture taking into account the modern Constitutional and Freedom movements. Hence, Indian Polity and Justice System is a fine blend of ancient cultures and modern revolutions. Hence, same is to be studied by the students of LL.M. in Bharateeya Nyaya Darshana and Raja Dharma.

UNIT – II: Law Enforcement Duties and Powers; TRIVARGA: Doctrine of Trivarga as an enduring system of values holding good in social, political, domestic and international places of human business – its importance and necessity of its observance both by the Rulers and the Ruled; Legal Proceedings (Vyavharaha) – Meaning, Origin; Topic of Litigation, Guiding principles for Judicial Decisions, Four Types of Decisions, Law overrides Moral Rules.

UNIT – III: Administration of Justice - Justice through Courts (Nyayalaya Nyayaha) – Importance given to Courts, the Courts – Qualifications of Chief Justice, Appointment of Judges and their Qualifications, Dispensation of Justice, Supremacy of Dharma – Judiciary put to test; Hall of Justice; Working Hours of King’s Court; Court Holiday; Responsibilities of King as the Highest Court; Chief Justice to Preside in the absence of the King, Smriti and Customary Law Binding on King; Assistance by Experts; Opinion of Judges to be Adhered to During Trial; Judges should remove inequity; Unanimous Decision Recommended; Assistance by Merchants; Personal Responsibility of the King in Deciding Cases; Assistance by learned Scholars (Amicus Curiae); Decision Regarding Quantum of Penalty – Independent of Trial;

UNIT – IV: Rules for Adjudication – Judicial Proceeding (Nyayakramah); Institution Suit/Complaint; the Plaintiff, Contents of a Plaint; Examination of Plaintiff-Complainant, Grounds for Rejection of Plaint/Complaint in limine, Service of Notice, Amendment of Declaration, Four Types of Pleas open to a Defendant; Conditions and Contents of Written Statement; Restraint or Interim Injunction; Safety to Defendant’s Property; Appearance of Defendant; Adjournment; Consequences of Undue Delay; Reopening of a case; Furnishing of Security; Appearance through Representative; Collection of Fine from Defendant when suit is Decreed; Rules of Burden of Proof; Examination of Witnesses – Comparison of Provisions of CPC and the Evidence Act.

UNIT – V: Trial (Kriya) of Cases – Open and Fair Trial, Trial to begin with the Party on whom the Burden of Proof lay; Summons to Witnesses; Penalty for Failure to give Evidence; Allowances to Witnesses; Objection Regarding Competence and Admissibility of Documents – Comparable Provisions in the C.P.C; Rules of Examination of Witnesses; Penalty for Attempting to Influence Judges and other grounds of Defeat.

UNIT – VI: Judgement (Jayapatra- the document of victory) – Meaning, Assessors to give honest opinion; Basis of Defeat; Judgement Should be based on Evidence; Power of the King to Decide in the absence of Evidence; King to Impose Penalty on the guilty and to give Document of Victory (Jayapatra) to the Winning Party; Contents of Judgement; Judgement by People’s Courts; Execution of Orders; Review of Judgement; Penalty to be Imposed on the earlier victorious party when judgement is reversed; Fresh Evidence not announced earlier could be adduced at the retrial or review; Appellate Jurisdiction of the King; Judicial Functions of Village Assemblies (Village Panchayats).

BOOKS FOR REFERENCE

1. P.V. Kane, Yajnavalkya’s Mitakshara Law [English Version]
2. R. Shama Shastri, Kautilya’s Arthashastra
3. P.V. Kane: History of Dharmashastra
4. S.D. Sharma, Administration of Justice in Ancient India
5. Kanti Rao, Bharteeya Nyaya Paddhati (in Kannada)
6. D.C. Sirkar, Studies in Administrative and Political System in Ancient & Medieval India
7. Rama Jois, Legal and Constitutional History of India [Vol. I & II]
8. Smritis of Brihaspati, Narada and Katyayana
9. Gustav Oppert (Ed.), Sukaniti
10. Rama Jois, Modern Public Law in Ancient Indian Jurisprudence

SC4.3: LAW RELATING TO WOMEN AND CHILDREN

Objectives of the course: The needs to study gender and juvenile justice as special subjects are to be emphasized as the constitutional guarantees have not achieved the desired results. The fundamental rights did not preclude having special provisions. The planners and the policy makers therefore treated women only as beneficiaries of welfare
measures. The hope was the benefits of development would percolate below to all including women and therefore there was no need for special efforts to bring them into the mainstream. This trickledown theory of development is still to be materialized in spite of the positive action of woman's representation in local bodies. Women are discriminated in almost all sectors. Children constitute the weakest and most vulnerable, most helpless as well as the most precious segment of the human society. By law they are denied participation in decision making even indirectly and by nature they lack effective articulation and indication of their rights. Children are recognized as legal persons for many purposes if not for all legal rights are conferred by the legal system. The course should draw attention to the helpless condition of children and their exploitation and the sufferings of children in poverty. The legal limitation on their capacity and legal rights and protection provided in the constitution and in varieties of laws are to be studied critically with the understanding that either the parents or the society or state shall be held legally responsible for the survival, development of personality and happiness of the children.

The course will study the above mentioned problems.

UNIT – I: Concept and International concerns and conventions; Women in India - Pre-independence period, Social and legal inequality, Social Reform Movement in India, Karachi Congress - Fundamental Rights Resolution, Equality of Sexes; Women in post independence India - Preamble of the Constitution: equality provisions in Fundamental Rights and Directive Principles of State Policy

UNIT – II: Personal laws - unequal position of women; Uniform Civil Code towards gender justice; Sex Inequality in Inheritance Rights - Feudal institution of joint family - women’s inheritance position, Hindu Law, Muslim Law, Matrimonial property, Movement Towards Uniform Civil Code; Guardianship; Right of women to adopt a child; Problems of women guardianing; Divorce - Indian Divorce Act, Christian Law, Muslim Law

UNIT – III: Criminal Law – Adultery, Rape; Social Legislation - Dowry Prohibition, Prevention of immoral traffic, Prevention from Domestic Violence; Woman participation in democratic government units – Parliament, State Legislatures, Local bodies; Women and Employment - Labour force, Protective Laws, Exploitation and harassment in workplaces; Protection and enforcement agencies – Courts, Family courts, Commission for women, NGOs.


UNIT – V: Problems of conception, birth and nourishment and health of the child - Legal status of child in work, Tortious liability against injuries to unborn children, Coparcenary and property rights of the unborn children, Law relating to maternity benefit and relief, Lack of legal protection of children of impoverished parentage, State responsibility for the education of children - Evaluation of the efforts of the State towards the provision of education to children, Pre-primary and nursery education - elementary education, Contributions by International Organizations for elementary education - UNESCO, UNICEF.

UNIT – VI: Family Relations and Child - The status of a child in matters of marriage, legitimacy, guardianship, adoption, maintenance and custody - Provisions in the statutes relating to Hindu marriages, restraint on child marriage, guardians and wards, Hindu minority and guardianship, Hindu adoptions and maintenance and in the Indian Evidence Act 1872; Discrimination Against Female Children; Amniocentesis; Deferred infanticide through based nutritional discrimination; Termination of pregnancy.

BOOKS FOR REFERENCE
1. Gandhi to the Women (ed. Hingorani) 1941, Position of Women, 12 Tear Down the Purdah p. 213,
2. Young India 1918.
3. Jawaharlal Nehru thoughts on Women - Economic bondage of Indian women (Produced Memorial and Library)
4. 7th Plan, Chapter 14 ‘Socio economic programmes for women’.
5. Relevant case Law
10. Towards Equality - Report of the Committee on the Status of Women (Govt. of India), Chapters IV & Section IV General Conclusions & Recommendations.
12. Lotika Sarkar, the Law Commission of India (1988).
13. Indian Law Institute, Child and the Law (1979, S.N. Jain Ed.)
15. Students should be encouraged to look at the distinctive legal problems of children in the area where instructions are imparted. The literature on children's plight is vast and varied. But it is important that the focus of the course be on understanding of the distinctively legal problems in the region and ways in which we can contribute to change.

SC4.4: COMPARATIVE LAW

Objectives of the course: Comparative law is a source of inestimable enlightenment. It teaches us above all those legal and juristic problems which we tend to consider "unique" and are often the common experience of world's legal systems. A course in comparative law also makes us understand the influences that shape one's own legal thought and practice. It indicates pathways of systemic change - liberation from what might be called juristic xenophobia. Comparative studies are a rich and growing field. Varieties of starting points are available. Thus one may design a comparative law course around comparison of judicial institutions (liability, contract, precedent, family, commercial law) or one may look at historic evolution of law as such (law in a kin - based society, law in settled agricultural society, law in era of expanding commerce, colonial law in industrial revolution and late capitalism). Finally, without being exhaustive, one may also look at endeavours at global unification of law. An introductory course must sensitize teacher and taught to all these approaches. This is a complex and demanding task. The course-content offers one approach but other approaches can also be explored. It has to be born in mind that in India, insofar as attention is given at all to comparative law, the emphasis is on "common law" and "civil law". This Euro centric focus has to change. A comparative law course in India must concentrate on the development in the law of the Third world.

UNIT – I: Introductory - The nature and Scope of Comparative Law; Historical development; Notions of "Comparison"; Methods of Comparison; Types of Comparison; Problems of Method; World’s Major Legal Systems : An Overview; Roman Law; Jewish Law; Islamic Law; Hindu Law; Chinese Law; African Law; Common Law

UNIT – II: Civil Law; Contemporary Traditions of Law; Capitalist/bourgeois Law; Socialist Law; "Third World" Law; Trends in Unification of World Law; Principle unification agencies at work : a survey.

UNIT – III: The International Law Commission; UNICITRAL; the World Intellectual Property Organization (WIPO); the International Labour Organization; the U.N. Human Rights Agencies; the World Trade Organization

UNIT – IV: Certain Comparable Areas in "Third World" Law and Jurisprudence; Comparative studies of emergency and constitutionalism; Comparative judicial process; Comparative study of legal professions.

UNIT – V: Comparative study of law reform; Comparative studies of gender justice; Comparative studies of environmental law; Comparative analyses of contract law; Comparative family law.

UNIT – VI: Comparative studies to access to law; Religion, tradition and custom; Comparative legislative process; Comparative criminal justice system.

BOOKS FOR REFERENCE

2. O. Khan Freund, Collected Essays (1978)
4. J.D.M. Derrett (ed.), An Introduction to Legal Systems
5. G. Eorsi, Comparative Civil Law (1979)
10. See, M. Cappelletti et.al., Towards Equal Justice : A Comparative Study of Legal Aid in Modern Societies (1975)
11. J. D. M. Derrett, Religion, Law and the State in India (1999), Oxford
12. H.C. Gutteridge, Comparative Law
16. In addition, the Encyclopaedia of Comparative Law provides a whole variety of materials in the course.
17. Rane Davis N. E., Comparative law.