

# **J S UNIVERSITY, SHIKOHABAD**

**(DEPARTMENT OF LAW)**



**SYLLABUS FOR  
(LL.M)  
2 YEARS COURSE**

**AS APPROVED BY THE BOARD OF STUDIES**

**(Effective from 2017-18 to onwards)**

LL.M. (Prev.) Examination

LL.M. EXAMINATION

Previous Examination

**Paper I: Law and Social Transformation in India.**

**Syllabus:**

- (a) Law and social change – Law as an instrument of social change, Evolution of Law and Legal institutions in India.
- (b) Religion and the Law – Freedom of religion, Religious minorities and the Law.
- (c) Language and the Law – Constitutional guarantees to linguistic minorities. Non discrimination on the ground language.
- (d) Community and the Law – Caste system and non-discrimination on the ground of Caste, Reservation policy (Art 15 & 16)
- (e) Women and the Law – Crimes against women, Gender injustice and its various forms, Empowerment of women.
- (f) Child and the Law – Child labour and exploitation.
- (g) Modernisation and the Law – Fundamental duties (Art, 51-A) Uniform civil code (Art, 44)

**Books Recommended:**

- 1. Upendra Baxi – The Crisis of Indian Legal System.
- 2. Upendra Baxi – Law and Poverty – Critical Essay.
- 3. D. Derret – The State, Religion and Law in India.
- 4. H.M. Searvai – Constitutional Law of India.
- 5. Dr. Saleem Akhtar – Uniform civil Code.
- 6. Indian Law Institute – law and Social Change.

**Paper II: Indian Constitutional Law and the New Challenges.**

**Syllabus:**

- (a) Federalism – Interstate relationship, Article 356, 365 and Article 370.
- (b) State – Article 12.
- (c) Right to Equality – Freedom & Press and new challenges (right to strike , Hartal & bandh)

- (d) Remedies – Article 32 & 226, Fundamental Rights and Directive Principles of State policy –
  - (i) Compensation Jurisprudence.
  - (ii) Right to Education (83<sup>rd</sup> amendment)
- (e) Separation of Power – Public interest litigation judicial activism and judicial restraint. Independence of Judiciary.
- (f) Tribunals
- (g) Democratic process – Electoral reforms, Coalition government (stability, durability and corrupt practices)

**Books Recommended:**

1. H.M. Seervai – Constitutional Law of India.
2. Dr. V.N. Shukla – Constitution of India.
3. Constitutional Assembly reports.

**Paper III : Judicial Process**

**Syllabus :**

- (a) Nature of Judicial Process – Judicial Process as an instrument of social ordering.
- (b) Social Dimensions of judicial process in constitutional Adjudication – Nature of judicial review.
- (c) Judicial Process in India – The independence of Judiciary and the nature of Judicial process.
- (d) Concept of Justice – Indian and western thoughts.
- (e) Relation between Law and Justice – Theory and implication of relationship.

**Books Recommended :**

1. Friedman – Legal Theory
2. J. Stone – Legal system and Lawyers reasonings.
3. J. Stone – Precedent and the Law – Dynamics of Common Law Growth.
4. U. Baxi - The Indian Supreme Court and Politics.
5. Rajeev Dhawan –The supreme Court of India – A, Sociolegal Critique of its Juristic Techniques.

## **Paper IV : Research Methodology**

### **Syllabus :**

- (a) Research Method – Sociolegal research, Doctrinal and non-doctrinal, Relevance of Empirical research.
- (b) Introduction of problem of research – Research problem, review of literature, bibliographical research, Legislative material, juristic writings and case material.
- (c) Preparation of Research Design – Formulation of research problem, Hypothesis, Collection of data, Methodology, Collection of Statutory and case material and juristic literature, Use of historical and comparative research material use of questionnaire/interview, sampling process and scaling technique.
- (d) Jurimetrics – Computerized research, use of internet, classification and tabulation of data, Analysis of data.

**Note :** The theory paper will be evaluated for 75 marks for remaining 25 marks internal assessment will be made at the departmental level, Every student will be required to present /conduct a seminar on a pre-assigned research project topic, Second part shall be compulsory to every student failure to comply with the second part will disqualify the student at entire examination.

### ***Book Recommended :***

1. Indial Law Institute – Legal Research and Methodology.

## ***Final Examination***

**Optional Groups (Out of these any one group may be offered)**

### **Group – A : *Administrative Law***

#### **Paper I : Administrative Process : Nature and scope.**

1. Adminstrative Process : Nature and meaning the role of civil service, the role of administrative agencies.
2. Administrative Process : Regulation : Regulation to De – regulation and control to Decontrol Globalization and Liberalization: Constitutional standard, comparative aspects, changing dimensions, Regulation of administrative process.
3. Separation of Powers : From Rigidity to Flexibility.
4. Rule of Law : Changing dimensions, Regulation of administrative process.
5. Delegated Legislation : Problems, Process and Control.

6. Power and Duty : Doctrine of Police Power, Doctrine of eminent power, Taxing Power.
7. Administrative discretion : Structuring and limiting, Impact of Technological development.

***Books Recommended :***

1. Jain & Jain, Principles of administrative Law.
2. De Smith, Judicial Review of Administrative Action.
3. Davis, Discretionary Justice.
4. M.P. Jain, Cases and Material on Administrative law

**Paper II : Administrative Process and Judicial Control**

1. Concepts and Agencies – Common law countries, French system.
2. Judicial Review in India – Historical development, Powers of the Supreme Court, Powers of the High Court, Role of subordinate judiciary.
3. Jurisdiction – Finality clauses, conclusive evidence clause, Exclusionary clause.
4. Grounds of Review – Doctrine of ultravires, Discretion and Jusifiability, violation of fundamental rights, Malafides and bias, lack of rationality and proportionality.
5. Procedural fairness – Legitimate Expectation, Natural justice and duty to act fairly, Bias and personal interest, Fair hearing.
6. Remedies – Writs, Injunction and declaration .
7. Limits and Judicial review – Locus stand and public interest litigation, Iaches, Resjucicate, alternative remedies.

***Book Recommended :***

1. S.P. Sathe, Administrative Law
2. M.P. Jain, The Evolving Indian Administrative Law
3. Jain & Jain, Principles of Administrative Law
4. Bagawati Prasad Banerjee, Writ Remedies.

**Paper III : Public Authorities : Liability**

1. Tortious Liability – Sovereign immunity, Commercial and Non-commercial function.
2. Contractual Liability – Processual justice (Privilege-right dichotomy) Blacklisting of contractors, terms in government contract as instruments of social justice.

3. Emerging Liability – Personal accountability, Compensatory jurisprudence and right to life, accountability under consumer law.
4. Privilege Against Disclosure – Right to information, official secrecy, Executive privilege, judicial review.
5. Promissory Estoppels – Legitimate expectation, Constitutional dimensions.

***Book Recommended :***

1. Jain & Jain, Principles of Administrative Law
2. D. Smith, Judicial Review of Administrative Action

**Paper IV : Comparative Administrative Law.**

1. Evolution and Significance of Administrative Law in various system of Governace From Ancient to Modern – England and United states, other systems.
2. Doctrine of Separation of Power – Comparative survey – common Law and continental systems ; English, U.S. and Indian.
3. Delegated Legislation – Comparative approaches; classification and control.
4. Administrative discretion – Nature, scope and limits.
5. Processual Fairness – Evolution and significance of natural justice, judicial process, doctrine of fairness and doctrine of legitimate, process (Vth & 14<sup>th</sup> Amendment)
6. Liability of administration : England, U.S. and Indian practices , contractual and tortuous liability.

***Book Recommended :***

1. Jain & Jain, Administrative Law
2. Messay, Administrative Law
3. D.D. Basu, Comparative Administrative Law
4. D. Smith, Judicial Review of Administrative Action

**Paper V : Dissertation (Two hundred Marks)**

**Group 'B' Criminal Law**

**Paper I : Comparative Criminal Law; U.K., U.S.A. and Indian practices.**

1. Concept of Criminal Crime : Manresa, common intention and object, General exceptins.
2. Abetment and Criminal Conspiracy, Unlawful assembly, Waging War against the state.
3. Offences agaist Human Body : Culpable Homicide & Murder, simple Hurt and greivous Hurt, Rape.

4. Offences against Property “ Theft, Extortion, Robbery and Dacoity, Criminal breach of trust, Criminal misappropriating, of property, cheating and Forgery.
5. Offences against Woman:
6. Defamation, Attempt.

**Book Recommended :**

1. Ratan Lal & Dhiraj Lal – Indian Penal code.
2. H.S. Gaur – Indian Penal code.
3. S.P. Tyagi – Indian Penal Code.
4. Pillai – Criminal Law

**Paper II : Penology and Sentencing**

1. Meaning and Concept of Penology
2. Theories of Punishment
3. Capital Punishment : Constitutionality, judicial attitude towards Capital punishment, law reforms process.
4. Approach to sentencing : Alternative to imprisonment, probation, corrective labour, fines, compensation.
5. Sentencing : White collar crimes, presentencing hearing, sentencing of habitual offenders, summary punishment, plea bargaining , sentencing in special laws.

**Book Recommended :**

1. Kripal Singh Chabra – The Quantum of Punishment in Criminal Law.
2. Ahmad Siddique – Criminology.
3. Sutherland –Criminology
4. H.L.A. Hart – Punishment and Responsibility
5. Law Commission of India Reports

**Paper III : Drugs Addiction, Criminal Justice and Human Rights :**

1. **Introductory :** Basic Conceptions, Dependence addiction, Crime without victims, Trafficking in drugs.
2. **Study of the incidence of Drug addiction and Abuse :** Self reporting, Victim studies.

3. Ana graphic and Social Characteristics of Drug Users : Gender, Religiousness, single individual/cohabitation, socio economic level of family.
4. The International Legal Regime : Analysis of the convention on Psychotropic Substances, 1972, International collaboration in combating drug addiction, The SARC and South-South co-operation.
5. The Indian Regulatory system : The Penal provisions (Under the IPC and the Customs Act.) India's role in the evolution of the two international conventions, judicial approaches to sentencing in drug Trafficking and abuse, the Narcotic Drugs and Psychotropic Substances Act. 1985.
6. Human Rights Aspects : The problem of juvenile drug use and legal approaches, Bail.
7. The Role of Community in Combating Drug Addiction : The role of Educational system, the role of Medical profession, the role of mass-media, law reform initiatives.

**Book Recommended :**

1. P. Kondanram and Y.N. Murthy, Drug Abuse and crime : A preliminary study, 7 Indian Journal of Criminology 65-68 (1979)
2. J.A. incard, Drugs and Criminal Justice system,
3. Merajuddin Mir, Drugs Abuses in India.
4. I.L.I. Drugs

**Paper IV : Juvenile Delinquency :**

1. Introduction : The conception of child in Indian constitution and Penal code, Delinauent juvenile and Neglected juvelile.
2. Factors of juvenile delinauency.
3. Legislative approaches : Children's Act. The Juvenile Justice Act.
4. Juvenile delinauency : Indian context
5. Judicial contribution
6. Implementation and preventive strategies : Institution, bodies and personels, state welfare programmes, health, Nutrition, Compulsory Education, Role of O's community Family and individuals.

**Book Recommended :**

1. K.S. Shukla, Adolescent offenders.
2. Juvenile Justice 1986 (Amended upto date in 2002)



3. The United Nation Declaration on the Rights of children.

**Paper V : Dissertation (Two hundred marks)**

**Group – ‘C’: Environment and Legal Order**

**Paper I : Environment and Development : Law and Policy.**

1. Meaning and development of Environment – Ancient and medieval and modern concept of environment, Theories of development, Right to development and sustainable development.
2. Policy and Law - Stockholm and RIO conventions, Post India development, Government policies (Forest and water)
3. Constitutional perspectives – Fundamental rights, Right to environment, Enforcement of Right, Directive Principle and Fundamental duties, Legislative concepts and challenges toward environment, Polluter pay principles.

**Book Recommended :**

1. C.M. Abraham, Environmental Jurisprudence in India.
2. Madhav Gadgil and Ramchandra Guha, An Ecological History of India.
3. R.B. Singh & Suresh Misra, Environmental Law in India.
4. Leela Krishnan, Law and Environment.

**Paper II : Prevention and Control of Pollution**

1. Introduction – Meaning and kinds of pollution its impact.
2. Water Pollution
3. Air Pollution
4. Noise Pollution
5. Disposal of waste
6. Section against Pollution : Efficacy of Criminal and Civil sanction, Corporate liability and administrative compensation system.

**Book Recommended :**

1. Kailash Thakur, Environmental Protection Law and Policy of India. 1997
2. Leela Krishnan, Law and Environment
3. Leela Krishnan, The Environmental Law in India.
4. Indian Law Institute, Mass Disasters and Multinational Liability.
5. Armin Rozenzanz, Environmental Policy and Law in India, 2000

**Paper III : Environment and International Legal Order.**

1. International Concern for Environment Protection : World environment movement, Role of international and regional organizations.
2. International obligations towards sustainable Development : World environment fund, International Co-operation, Poverty alleviation.
3. Marine Environment : Marine resources (Conservation and exploitation), Dumping of oil and other wastes into the sea.
4. Trans-boundary Pollution Hazards : Acid rain, Chemical Pollution , Green House effect, Depletion ozone layer.
5. Disposal and Dumping of Hazardous Wastes: Transnational Problem and Control.

**Book Recommended :**

1. Priya Kanjan Trivedi, International Environmental Laws (1996)
2. Sir Elworthy and Jane Holder, Environmental Protection : Text and Materials.
3. Indian law Institute, Legal control of Environmental Pollution (1980)
4. Varshney C.K. Water Pollutin and management (1983)

**Paper IV : Environmental Legislation**

1. General Law on Environmental Concern : Code of Criminal Procedure; Public Nuisance, Provisions in the Indian Penal Code.
2. Environment (Protection) Act. 1986
3. Coastal Zone Management & Plan, Agriculture.
4. Laws on Hazardous Substance and Disaster Management.
5. Emerging Legal Control.

**Book Recommended :**

1. Leela Krishnan, Law and Environment.
2. Leela Krishnan, The Environmental Law in India.
3. Indian Law Institute, Environment Protection Act : An Agenda for Implementation.
4. Findley R. W. and Farber D.A. Environment Law.
5. David Hughes, Environmental Law

**Paper Vth : Dissertation (Two hundred marks)**

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