

Annexure – LL.M. Course Structure (Distance Mode)

Branch I – Labour Laws

<b><u>First Year:</u></b>		<b><u>Max. Marks</u></b>
Paper I	Research Methodology ( <b>Compulsory Paper</b> )	100
Paper II	Dispute resolutions in Labour Management relations	100
Paper III	Trade Union Law	100
Paper IV	Jurisprudence ( <b>Compulsory Paper</b> )	100
Paper V	Industrial Discipline and Punishment Process	100
Paper VI	Collective Bargaining	100
<b><u>Final Year:</u></b>		
Paper VII	Social Security Law	100
Paper VIII	Wages and Minimum Labour Standards	100

Branch II – Constitutional & Administrative Laws

<b><u>First Year:</u></b>		<b><u>Max. Marks</u></b>
Paper I	Research Methodology ( <b>Compulsory Paper</b> )	100
Paper II	Fundamental Rights and Directive Principles	100
Paper III	Centre and State Relations	100
Paper IV	Jurisprudence ( <b>Compulsory Paper</b> )	100
Paper V	Administrative Process – Nature and Scope	100
Paper VI	Administrative Process and Judicial Control	100
<b><u>Final Year:</u></b>		
Paper VII	Protection and Enforcement of Human Rights in India	100
Paper VIII	Public Authorities: Liability	100

Branch III – Torts & Crimes

<b><u>First Year:</u></b>		<b><u>Max. Marks</u></b>
Paper I	Research Methodology ( <b>Compulsory Paper</b> )	100
Paper II	General Theory and Principles of Tort Liability-I	100
Paper III	Law of Crimes	100
Paper IV	Jurisprudence ( <b>Compulsory Paper</b> )	100
Paper V	General Theory and Principles of Tort Liability-II	100
Paper VI	Criminal Procedure Code	100
<b><u>Final Year:</u></b>		<b><u>Max. Marks</u></b>
Paper VII	Law of Negligence and Damages	100
Paper VIII	Criminology and Penology	100

Branch IV – Corporate & Securities Laws

<b><u>First Year:</u></b>		<b><u>Max. Marks</u></b>
Paper I	Research Methodology ( <b>Compulsory Paper</b> )	100
Paper II	General Principles of Company Law-I	100
Paper III	Company Management	100
Paper IV	Jurisprudence ( <b>Compulsory Paper</b> )	100
Paper V	General Principles of Company Law-II	100
Paper VI	Administration of Company Law	100
<b><u>Final Year:</u></b>		<b><u>Max. Marks</u></b>
Paper VII	Corporate Regulations	100
Paper VIII	Securities Law & Investor Protection	100
<b><u>Final Year:</u></b>		
Paper IX	Dissertation ( <b>Common to all Branches</b> )	200

**LL.M. SYLLABUS – Common Paper for all Branches**

**PAPER - I: RESEARCH METHODOLOGY**

1. **SCIENTIFIC METHODS:** a) Science; theory and facts, b) Objectivity, value, neutrality and empiricism; c) purpose of Social Science research, d) the scope of legal research, e) concepts: variables - definitions.
2. **RESEARCH PROBLEM:** Formulation of Research Problem.s - formulations of - criteria of good hypothesis and its sources.
3. **HYPOTHESIS:** Hypothesis its role, definitions - formulations of - criteria of good hypothesis and its sources.
4. **RESEARCH DESIGN:** Research design-forms of research design-techniques of research design - major steps in the preparation of research design.
5. **SAMPLING TECHNIQUES:** a) its uses and advantages in research, b) random sampling, simple random, stratified random, systematic random, c) non-random, sampling hazard, availability and purposive sampling.
6. **RESEARCH TOOLS:** Observation, participant and non-participant observation, Questionnaire, Schedule, Interview.
7. Survey
8. Case Study
9. Content Analysis
10. Projective Techniques
11. Data Processing and Analysis
12. Use of statistics in the analysis and Interpretation of data.
13. Research Project.

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**LL.M. – SYLLABUS – Common for all Branches**

**PAPER- IV: JURISPRUDENCE**

**1. Sources of Law:**

- 1.1 Custom
- 1.2 Precedent
  - 1.2.1 Doctrine of ratio decidendi
- 1.3 Legislation

## **2. The following Theories of Law:**

- 2.1 Natural Law School
- 2.2 Positivism
  - 2.21 Hart's Concept of Law
  - 2.22 Kelsen's pure theory of law
- 2.3 Modern Realism
  - 2.31 American and Scandinavian Realists
- 2.4 Marxist theory of Law
- 2.5 Historical and Anthropological approaches
- 2.6 Sociological school

## **3. The following Rules of Interpretation of Statutes:**

- 3.1 Literal Rule
- 3.2 Golden Rule
- 3.3 Mischief Rule
- 3.4 Beneficial Rule

## **4. Concept of Right:**

- 4.1 Characteristics of a legal right
- 4.2 Legal rights in the wider sense
- 4.3 Kinds of legal rights

## **5. Concept of Duty:**

- 5.1 Functions of duty
- 5.2 Structure of duty
- 5.3 Approval and disapproval
- 5.4 Enforceability
- 5.5 Sanction
- 5.6 Conflicting duties
- 5.7 Breach of duty

## **6. Concept of Liability:**

- 6.1 The Nature and Kinds of Liability
- 6.2 Theory of remedial liability
- 6.3 Theory of penal liability
- 6.4 Acts
- 6.5 Two classes of wrongful acts
- 6.6 Damnum Sine injuria
- 6.7 The place and time of act
- 6.8 Causation
- 6.9 Mens rea – Intention – Motive - Relevance and irrelevance of motive – Malice – Jus necessitatis
- 6.10 Negligence
- 6.11 Duty of care
- 6.12 Standard of care
- 6.13 Degree of care
- 6.14 Theory of strict liability
- 6.15 Mistake of law and Mistake of fact

- 6.16 Vicarious Liability
- 6.17 Measure of criminal liability
- 6.18 Measure of civil liability

**REFERENCE BOOKS:**

- 1. Jurisprudence by Dias
- 2. Introduction to Jurisprudence by Lloyd
- 3. Doctrine of Precedent by Rupert Cross
- 4. Law in the Making by C.K. Allen
- 5. Interpretation of Statutes by Maxwell
- 6. Nature of Judicial Process by Cardozo
- 7. Salmond's Jurisprudence

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**LL.M. SYLLABUS – Branch I – LABOUR LAWS**

**PAPER – II: DISPUTE RESOLUTION IN LABOUR MANAGEMENT RELATIONS**

**1. Governments Policy on Industrial Relations**

- 1.1 Indian Government policy of active intervention in industrial relations through conciliation and adjudication – Compulsory methods V. Voluntary methods of settlement of industrial disputes.

**2. Industrial Disputes Act – Definitions**

- 2.1 Appropriate government, industry, industrial dispute and workman.
- 2.2 Settlement and award
- 2.3 Layoff. Retrenchment and Closure

**3. Industrial relations machinery and methods of settlement of industrial disputes**

- 3.1 Works Committees
- 3.2 Conciliation
- 3.3. Investigation – Court of Inquiry
- 3.4 Voluntary Arbitration
- 3.5 Compulsory Adjudication

**4. Governments power to refer industrial disputes**

- 4.1 Nature and extent of governments power

**5. Industrial adjudication**

- 5.1 Objectives of industrial adjudication
- 5.2 Labour courts, industrial tribunals and National Industrial Tribunals – Constitution and Composition.
- 5.3 Jurisdiction, powers and functions of adjudicatory authorities

**6. Awards**

- 6.1 Finality and Judicial review of awards
- 6.2. Commencement, enforceability and operation of awards.

**7. Chapter V A and V B of Industrial Disputes Act**

- 7.1 Restrictions on and compensation for lay-off, retrenchment transfer and closure of undertakings
- 7.2 Exit policy

## **8. Unfair Labour Practices ( Schedule V)**

### **9. Change of conditions of service**

- 9.1 Section 9A & 9B and Schedule IV of Industrial Disputes Act
- 9.2 Section 33, 33A & 33B of Industrial Disputes Act

### **10. Recovery of money due from employer**

- 10.1 Section 33C(1) of Industrial Disputes Act
- 10.2 Jurisdiction of Labour Courts under Section 33C(2) of Industrial Disputes Act.

### **Reference Books:**

- 1. The Law of Industrial Disputes Vol. I & Vol. II – O.P. Malhatra
- 2. Labour and the Law – Kahn - Freund
- 3. Report of National Commission on Labour ( Relevant chapters)

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## LL.M. SYLLABUS – Branch I – LABOUR LAWS

### **PAPER – III: TRADE UNION LAW**

#### **1. Freedom of Organization**

- 1.1 Negative and positive features
- 1.2 Position in India, Britain and America
- 1.3 Scope of Art 19(1)

#### **2. History of Trade Union Movement**

- 2.1. Brief History of Trade Union movement in Britain
- 2.2. Evolution of Trade Union Movement Labour Legislation in India

#### **3. Trade Unions and Corporate Status**

- 3.1 Definition of Trade Union
- 3.2. Registration and Corporate Status
- 3.3 Immunities of Trade Unions – India and Britain

#### **4. Trade Union Recognition**

- 4.1 Recognition of Trade Unions in Britain
- 4.2 Recognition of Trade Unions in India – NCL Recommendations.

#### **5. Problems facing the Indian Trade Union Movement**

- 5.1 Multi – Unionism
- 5.2 Outsiders in the Unions
- 5.3 Political affiliation
- 5.4 Inter-Union Rivalry and Intra-Union Rivalry
- 5.4 N.C.L. Recommendations

#### **6. Unorganised Labour and Unionizations**

- 6.1 Problems of unorganized labour

- 6.2 Agricultural Labour
- 6.3 Child Labour
- 6.4 Bonded Labour

**Reference Books:**

- 1. Citrine – Trade Union Law
- 2. Cyril Grunfeld – Modern Trade Union Law.
- 3. Richard Kinder – Trade union Law
- 4. Kahn-Freund – Labour and the Law
- 5. J.N. Mallick – Trade union Law
- 6. K.D. Srivastava – Trade union Law
- 7. S.C. Jha – Indian Trade Union Movement
- 8. V.V. Giri – Labour Problems in Indian Industry
- 9. C.K. Sharma – Labour Movement in India
- 10. N.C.L. Recommendations – Relevant Chapters
- 11. Bombay Industrial Relations Act 1946
- 12. Maharashtra – Reorganisation of Trade Unions and PULP Act 1971

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LL.M. SYLLABUS – Branch I – LABOUR LAWS

**PAPER – V: INDUSTRIAL DISCIPLINE AND PUNISHMENT PROCESS**

**1. Industrial Discipline**

- 1.1. Concept and need for maintaining industrial discipline

**2. Industrial Employment (Standing orders) Act, 1946 And Model standing orders**

**3. Misconduct**

- 3.1 Different types of misconduct
- 3.2 Punishment appropriate to misconduct

**4. Punishment**

- 4.1 Major and minor punishment
  - 4.2.1 Termination of employment
  - 4.2.2 Dismissal
  - 4.2.3 Discharge (Punitive or simple)
  - 4.2.4 Discharge of probationers
  - 4.2.5 Compulsory retirement
- 4.3 Suspension – subsistence allowance during suspension
- 4.4 Reversion or demotion
- 4.5 Withdrawal of increments – cumulative or non-cumulative
- 4.6 Fines

**5. Domestic Enquiry**

- 5.1 Compliance with principles of natural justice
- 5.2 Charge-sheet – Requirements of
- 5.3 Enquiry officer – Presenting Officer – Defence counsel
- 5.4 Enquiry officer's report
- 5.5 Final show-cause notice and order of punishment

- 6. Jurisdiction of adjudicatory authorities**
  - 6.1 Supervisory original or appellate jurisdiction
  - 6.2 Section 11 A of Industrial Disputes Act
  - 6.3 Section 2A(2) of Industrial Disputes (A.P. Amendment) Act
  - 6.4 Protection of civil servants
    - 6.4.1 Doctrine of pleasure – Art. 310 of the Constitution
    - 6.4.2 Protection under Art 311 of the constitution
    - 6.4.3 Jurisdiction of Administrative Tribunals and High Courts.
- 7. Law Relating to Promotions and Transfer**
- 8. Comparison of Jurisdiction of Labour Courts/Industrial Tribunals with the jurisdiction of Administrative Tribunals on punishments**

**Reference Books:**

1. The Law of industrial disputes Vol I & Vol II – O.P. Malhotra
2. Constitutional Law of India – H.M. Seervai (Relevant chapters)
3. Report of National Commission on Labour (1969) (Relevant chapters)

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**LL.M. SYLLABUS – Branch I – LABOUR LAWS**

**PAPER - VI: COLLECTIVE BARGAINING**

1. Collective Bargaining – Conceptual and Processual Issues
  - 1.1 Concept of collective bargaining – a comparative appraisal
  - 1.2 Methodological aspects
- 2. Bargaining process**
  - 2.1 Types of bargaining – Plant level, industry level and national level
  - 2.2 Advantages of collective bargaining over compulsory adjudication
- 3. Legal control of collective bargaining endeavors**
  - 3.1 Strike as a weapon in the process of collective bargaining (pen-down, go-slow, work to rule, stay-in, picketing)
  - 3.2 Gherao
  - 3.3 Lock-out
  - 3.4 Legality and Justifiability of strikes and Lock-outs.
  - 3.5 Disciplinary action for participating in illegal strikes.
  - 3.6 Wages for the period of strike
- 4. Factors affecting collective bargaining**
  - 4.1 Multi-Unionism and bargaining – Bargaining councils – Sole bargaining agent.
  - 4.2 Other factors
  - 4.3 Conditions for successful functioning
- 5. Status of collective agreements**
  - 5.1 Binding nature of collective agreements.
  - 5.2 Collective Agreement and conciliation settlement
- 6. Workers' participation in Management**

- 6.1 Concept and theories of participation of workers
- 6.2 Works Committees
- 6.3 Joint Management Councils
- 6.4 Worker – Director
- 6.5 Workers’ share holders

**Reference Books:**

1. Gillian S. Morris and Timothy J. Archer, Collective Labour Law (2000), Oxford
2. Nick Humphrey, Trade Union Law (1997), Blackstone, London
3. John Bowers and Simon Hentyball, Text book on Labour Law (1998), Blackstone, London.
4. Stephen Dery and Richard Mitchell, Employment Relations - Individualization and Union Exclusion (1999), Blackstone, London
5. Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised market Economies (1999) Kluwer
6. Indian Law Institute - Labour Law and Labour Relations, (1997)
7. ILO, Collective Bargaining.
8. ILO, Collective Bargaining in Industrialised Market Economies
9. Mary Sur, Collective Bargaining (1965)
10. R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)
11. Otto Kahn-Freund, Labour and the Law, (1977)
12. A.V. Rajagopalan, “Approaches to Collective Bargaining – Intricacies” 1982 Vol. II Labour Law Notes P.J. 42.
13. B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore” 20 Indian J Journal of Industrial Relations 44. (1985)
14. Elias T. Ramos, “Growth of Collective Bargaining in the Philippines, 1953-74”, 14 Indian Journal of Industrial Relations 559 (1987)
15. T.O. Ekechukwu, “Collective bargaining and Process of Settling Industrial
16. Disputes in Nigeria” 18 Indian journal of Industrial Relations 607 (1983)
17. Y.R.K. Reddy, “Determination of Collective Bargaining Agency Search for a Procedure” 14 Indian journal of Industrial Relations 73 (1978)
18. Sahab Dayat “Revival of Collective Bargaining in India : Some Recent Evidence” Indian Journal of Industrial Relations 329 (1982)

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**LL.M. SYLLABUS – Branch I – LABOUR LAWS**

**PAPER – VII: SOCIAL SECURITY LAW**

- 1. Social Security**
  - 1.1 Meaning
    - 1.1.2 Labour Welfare and Social Security
  - 1.2 Modalities - Social Assistance and Social Insurance
- 2. Constitutional Perspectives**
  - 2.1 Fundamental Rights : Realisation of the rights through meaningful social security measures : Right to life, the wider dimensions
  - 2.2 Directive Principles of State Policy : Right to adequate means of livelihood, Right to public assistance in cases of unemployment, old age, sickness and disablement, maternity relief.
- 3. International norms for social security of labour : The ILO measures Employer’s Liability Act, 1936 and**



4. **Workmen's Compensation Act, 1923.**
5. **Employees State Insurance Act, 1948**
6. **Employees Provident Fund & Miscellaneous Provisions Act, 1952**
7. **Payment of Gratuity Act, 1972**
8. **Maternity Benefit Act, 1961**
9. **Social Security for Unorganized and Agricultural Labour {N.C.L. II Recommendations}**
10. **Comprehensive and Integrated Social Security Scheme – As recommended by N.C.L.**

**Reference Books:**

1. Harry Calvert – Social Security Laws (1978)
2. S.C. Srivastava- Social Security and Labour Laws (1985)
3. Reports of the National Commission on Labour (1&2) (Relevant Chapters)
4. The Laws of Social Security – Ogn and Berndt (1978) (Relevant chapters)

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**LL.M. SYLLABUS – Branch I – LABOUR LAWS**

**PAPER – VIII: WAGES AND MINIMUM LABOUR STANDARDS**

- 1. Constitutional Perspectives on wages**
  - 1.1 Denial of minimum wages as forced labour
  - 1.2 Right to living wage
  - 1.3 Right to equal pay for equal work
- 2. Theories and facets of wages**
  - 2.1 Theories of wages
  - 2.2. Concepts of minimum wage, fair wage, living wage and need – based minimum wage.
- 3. Fixation and Revision of Wages**
  - 3.1 ILO Conventions
  - 3.2 Principles of wage fixation – Industrial Adjudication
  - 3.3 Wage boards and fixation of wages
  - 3.4 Wage fixation under Minimum Wages Act.
- 4. Protection of Wages**
  - 4.1 Problems relating to payment of wages
  - 4.2 Royal Commission and payment of wages
  - 4.3 Deductions and the Payment of Wages Act
- 5. Concept and payment of bonus**
  - 5.1 Concept of profit sharing and deferred wages
  - 5.2 Full Bench Formula
  - 5.3 Bonus under the Payment of Bonus Act
- 6. Health, Safety and Welfare**
  - 6.1 Concept of labour welfare

6.2 Health, Safety and Welfare of workers in factories

**7. Dearness Allowance**

7.1 Basic wage and Dearness Allowance

7.2 Fixation and Revision of Dearness Allowance

**8. Shops and Establishments**

8.1 Definition of 'Shop' and 'Establishment'

8.2 Health, safety and leaves

8.3 Wages and conditions of employment

**Reference Books:**

1. O.P. Malthotra, Law of Industrial Disputes (1999)
2. R.R. Singh, Labour Economics Chs. 6,7,8 and 9 (1971)
3. G.L. Kothari, Wages, Dearness Allowances and Bonus (1968)
4. Y.B. Singh, Industrial Labour in India Part 1, (1960)
5. V.V. Giri, Labour Problems in Indian Industry Ch.F (1972)
6. Report of the National Commission on Labour 1969 (Relevant Portions)
7. International Labour Office, Wages (1968)
8. International Labour Office, Wage Fixing (1981)
9. International Labour Office, Minimum Wage Fixing (1981)
10. Vedula Jagannadha Rao, Law Relating to Shops and Establishments in Andhra Pradesh (1989)
11. Suresh C. Srivastava, 'Payment of Dearness Allowance to Industrial Workers in India' 15 J.L.L. 444(1973)
12. Suresh C. Srivastava, "Machinery for Fixation of Minimum Wage of Sweated Labour in India – Problems and Prospects" 23 J.L.L.1495(1981)
13. R.D. Agarwal, Dynamics of Labour Relations in India (1972)
14. Sahab Dayal. "Wage, Income and Industrial Relations in Modern India : An Evaluation of Selected Empirical Implications". 15 Indian Journal of Industrial Relations 195(1971)
15. Madhuri G. Seth, "Bonus in Equity Perspective", 15 Indian Journal of Industrial Relations 119 (1979)
16. Deepak Lal, Theories of Industrial Wage Structures : A Review "15 Indian Journal of Industrial Relations 167 (1979)
17. C. Mani Sastry, "Wage Structure and Regional Labour Market", 21 Indian Journal of Industrial Relations 344(1985)
18. Suresh C. Srivastava, "Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach", 15 J.L.L.1 444(1973).
19. R.L. Chawla, "Wage Policy and Industrial Relations. A Brazilian Case Study", 17 Indian Journal of Industrial Relations 27(1981)

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**LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS**

**PAPER – II: FUNDAMENTAL RIGHTS AND DIRECTIVE PRINCIPLES**

(With special emphasis on India but comparatively in the light of the provisions in the USA Constitution)

1. Article – 12 – Doctrine of State Action – Eclipse-Waiver-Severability-Right to Constitutional Remedies.
2. Right to Equality (Art. 14 to 18).

3. Right to Freedom (Art. 19 to 20).
4. Protection of personal liberty (Art. 21 & 22).
5. Right against Exploitation, Freedom of Religion, Cultural and Educational Rights of Minorities and Property Rights – Art. 23 to 31.
6. Directive Principles of State Policy (Articles 36 to 51)
7. Rule of Law and Judicial Review.
8. Effect of Emergency on Fundamental Rights.
9. Fundamental Duties

**Reference Books:**

Basu	: Commentaries on the Constitution of India
Seervai	: Constitutional Law of India
Emmerson	: Political and Civil Rights in the United States
Subba Rao	: Fundamental Rights under the Indian Constitution
Cushman	: Leading Constitution Decisions
Mayson & Beaney	: Introduction to American Constitutional Law

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**LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS**

**PAPER – III: CENTRE AND STATE RELATIONS**

1. Pre-requisites, evolution and leading features of federal Constitution-Position of the Units-Amendment of federal constitution.
2. Division of powers and residuary power. Resolution of conflicts in exclusive and concurrent spheres-pith and substance - Repugnancy - Ancillary power.
3. Commerce power-Taxing – the doctrine of immunity of instrumentalities, Financial Relations.
4. Administrative Relations: Co-operative federalism.
5. Judicial powers and the role of the Federal Courts – Federalism and civil rights.
6. Break-down of Constitutional machinery in states.
7. Services under the union and states.
8. Parliamentary and presidential forms of Government
9. Parliamentary Privileges.

**Reference Books:**

A.V. Dicey : Law of the Constitution  
 K.C. Wheare : Federal Government  
 Edward McWhinny : Comparative Federalism  
 Bowie and Friendrish (Ed.): Studies in Federalism  
 Indian Administrative Reforms Commission, Report on Centre-State Relations.  
 (Vols. I & II, 1967).  
 H.M. Seervai: Constitutional Law of India.  
 D.B. Basu : Commentaries on the Constitution of India.  
 Alexander Smith: Commerce power in Canada and US.  
 M. Ramaswami : The Commerce clause in the U.S. Constitution.  
 Victor Mackinnon: Comparative Federalism.  
 Cushman : Leading Constitution Decisions.  
 Mayson & Beaney : Introduction to American Constitutional Law.  
 Sabastian V.D. : The Indian Federalism - The Legislative Conflicts.  
 Krishna Shetty K.P. : Legislative Conflicts, the Law of Union-State Relations and Indian

Federalism.

Setalvad: Union-State Relations in India.

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LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS

**PAPER – V: ADMINISTRATIVE PROCESS – NATURE AND SCOPE**

1. Rule of Law-Changes in its content – Rule of Law and Emergency-Classification of powers – Separation of powers.
2. Welfare state – Characteristics and role.
3. Delegated Legislation-Parliamentary and Judicial Control over Delegated Legislation.
4. Powers, duty and discretion – Administrative discretion in a welfare state-structuring, limiting and confining discretion.
5. French Administrative Courts and Tribunals-emergence of Tribunals in India – Judicial Control over Tribunals in India .

**SUGGESTED READINGS :**

Friedmann: The State and the Role of Law in a Mixed Economy (1971)

Neville I, Brown and J.F. Garnet : French Administrative Law Ch. 5 & 6.

Dicey : Law of the Constitution Ch.4,12 & 13, Appendices I & II

Schwartz & Wade : Legal Control of Government Ch.5, 6 & 7.

Davis : Discretionary Justice

Jain & Jain : Principles of Administrative Law (1979) Ch. 2, 7 & 8

De Smith : Judicial Review of Administrative Action Ch.2

Indian Law Institute : Government Regulation of Private Enterprises,Ch.1,2&8

Jennings : Law and the Constitution, Ch. 1, 2, 6 and Appendices I & II.

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LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS

**PAPER – VI: ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

1. Principles of judicial review in England, U.S.A.,France and India-Common Law remedies- Articles 32,226, 227 and 136 of the Constitution of India.
2. Scope of review-Jurisdiction- Law-fact distinction- review of discretion in French Law.
3. Limitations of review-locus standi, laches, res-judicata and exhaustion of alternate remedies- conditions precedent in French Law.
4. Natural justice-bias, opportunity and reasons-institutional decisions-public enquiries.
6. Ombudsman system in a comparative angle.

**SUGGESTED READINGS :**

De' Smith : Judicial Review of Administrative Action (1973)  
Excluding Ch. 1 & 2)

Fazal : Judicial Control of Administrative Action in India  
And Pakistan (1969).

Jain & Jain :Principles of Administrative Law (1979)Ch.2,9-11&15

Schwartz and Wade : Legal Control of Government Ch. 9-12

Davis : Administrative Law-Text Ch.4

Brown and Garnet : French Administrative Law Ch.7 &9

Jafle : Judicial Control of Administrative Action  
Markose : Judicial Control of Administrative Action in India  
Wheare : Maladministration and its Remedies.

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LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS

**PAPER – VII: PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA**

**1. History and Development of Human Rights in the Indian Constitution**

- 1.1 Constitutional Philosophy – Preamble
- 1.2 Fundamental Rights – Right to life, liberty & equality
- 1.3 Directive Principles of State Policy

**2. Judicial Activism and development of Human Rights Jurisprudence**

**3. Protection agencies**

- 3.1 National and State Human Rights Commissions and their role
- 3.2 Role of NGOs and public interest litigation

**4. Role of India in Implementing International Norms and standards**

**Reference books :**

- 1. D.D. Basu; Human Rights in Indian Constitutional Law
- 2. B.P. Singh Seghal; Law, Judiciary and Justice in India
- 3. Poornima Advani : Indian judiciary – A Tribute
- 4. Justice Venkateramaiah : Human Rights in changing world.

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LL.M. SYLLABUS – Branch II – CONSTITUTIONAL & ADMINISTRATIVE LAWS

**PAPER – VIII: PUBLIC AUTHORITIES: LIABILITY**

**1. Tortious Liability**

- 1.1 Sovereign Immunity
- 1.2 Commercial and Non-Commercial functions

**2. Emerging liability**

- 2.1 Compensatory Jurisprudence and right to life
- 2.2 Accountability under consumer law

**3 Privilege Against Disclosure**

- 3.1 Right to information
- 3.2 Official Secrecy
- 3.3 Privilege against disclosure
- 3.4 Judicial review

**4. Promissory Estoppel**

- 4.1 Legitimate expectation

## 4.2 Constitutional Dimensions

### **Reference Books:**

- Jain & Jain : Principles of Administrative Law  
De Smith : Judicial Review of Administrative Action  
B. Schwartz : An introduction to American Administrative Law  
Paper IX : Dissertation + Viva (150+50)

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### LL.M. SYLLABUS – Branch III – TORTS & CRIMES

#### **PAPER – II: GENERAL THEORY AND PRINCIPLES OF TORT LIABILITY-I**

##### **1. Concept of Tortious Liability**

- 1.1 Definition of Tort
- 1.2 Distinction from contractual liability
- 1.3 Distinction from criminal liability
- 1.4 Damnum Sine Injuria
- 1.5 Injuria Sine Damno

##### **2. Strict liability**

- 2.1 Dangerous thing – escape – non natural use of land
- 2.2 The Rule in Rylands V. Fletcher
- 2.3 Defences to the Rule

##### **3. The Rule of Absolute Liability**

- 3.1 The Rule in M.C. Mehta Vs. Union of India

##### **4. Statutory Liability**

##### **5. Vicarious Liability**

- 5.1 Master and Servant
- 5.2 Who is a Servant ?
- 5.3 Lending a Servant
- 5.4 What is the course of employment?
  - 5.4.1 Carelessness of servant
  - 5.4.2 Mistake of servant
  - 5.4.3 Wilful wrong of servant
  - 5.4.4 Theft by servant
  - 5.4.5 Damage to goods bailed
  - 5.4.6 Fraud of Servant
- 5.5. Mutual rights and obligations of Master and Servant and Independent Contractor

##### **6. Negligence as a Tort**

- 6.1 Duty to take care
- 6.2 Breach of duty
- 6.3 Consequent damage
- 6.4 Contributory negligence

##### **7. Liability of State**

## **8. Defences to actions**

- 8.1 Consent - Volenti non fit injuria
- 8.2 Public Policy
- 8.3 Mistake
- 8.4 Inevitable Accident
- 8.5 Act of God
- 8.6 Private Defence
- 8.7 Necessity
- 8.8 Statutory Authority

### **Reference Books:**

- 1. Winfield and Jolowicz on Tort
- 2. Torts : Cases and Commentary by Harold Luntz, David Hamfly & Robert
- 3. Tort law by R. W.M. Dias and B.S. Markesinis
- 4. Law of Torts by Ratanlal & Dhirajlal
- 5. The Law of Torts by P.S. Atchuthan Pillai
- 6. A Case Book on Tort by Tone Weir
- 7. Law of Torts by Salmond & Heuston
- 8. Law of Torts by Clerk and Lindsell
- 9. Tort Cases and Materials by Hepple and Mathews
- 10. The Law of Tort-Fundamental Principles of Law by Rogers
- 11. Law of Torts by S.Ramaswami Aiyer
- 12. State Liability In India by G.P. Varma

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## **LL.M. SYLLABUS – Branch III – TORTS & CRIMES**

### **PAPER – III: LAW OF CRIMES**

#### **1. Conception of crime**

- 1.1 Pre-colonial notions of crime as reflected in Hindu, Muslim and tribal law.
- 1.1.2 Macaulay's draft (based essentially on British notions. }
- 1.2 State's power to determine acts or omissions as crimes
- 1.3 State's responsibility to detect, control and punish crime.
- 1.4 Distinction between crime and other wrongs.
- 1.5 IPC : a reflection of different social and moral values.
- 1.6 Applicability of I.P.C.
- 1.6.1 Territorial
- 1.6.2 Personal
- 1.7 Salient features of the I.P.C.

#### **2. Elements of criminal liability**

- 2.1 Author of crime – natural and legal person
- 2.2 Mens rea – evil intention
- 2.3 Importance of mens rea
- 2.4 Recent trends to fix liability without mens rea in certain socio-economic offences
- 2.5 Act in furtherance of guilty intent
- 2.6 Omission
- 2.7 Injury to another

#### **3. Group liability**

- 3.1 Stringent provision in case of combination of persons attempting to disturb peace.
- 3.2 Common intention
- 3.3 Abetment:
  - 3.3.1 Instigation, aiding and conspiracy
  - 3.3.2 Mere act of abetment punishable
- 3.4 Unlawful assembly:
  - 3.4.1 Basis of liability
- 3.5 Criminal conspiracy
- 3.6 Rioting as a specific offence

#### **4. Stages of a crime**

- 4.1 Guilty intention – mere intention not punishable
- 4.2 Preparation
  - 4.2.1 Preparation not punishable
  - 4.2.2 Exception in respect of certain offences of grave nature or of peculiar kind such as possession of counterfeit coins, false weights and measures.
- 4.3 Attempt:
  - 4.3.1 Attempt when punishable – specific provisions of IPC
  - 4.3.2 Tests for determining what constitutes attempt – proximity, equivocality and social danger
  - 4.3.3 Impossible attempt

#### **5. Factors negating guilty intention**

- 5.1 Minority
- 5.2 Insanity-Impairment of cognitive faculties, emotional imbalance
  - 5.2.1 Medical and legal insanity
- 5.3 Intoxication – involuntary
- 5.4 Private defence – justification and limits
  - 5.4.1 When private defence extends to causing of death to protect body and property
- 5.5 Necessity
- 5.6 Mistake of fact

#### **6. Types of punishment**

- 6.1 Death:
  - 6.1.1 Social relevance of capital punishment
  - 6.1.2 Alternatives to capital punishment
- 6.2 Imprisonment – for life, with hard labour, simple imprisonment
- 6.3 Forfeiture of property
- 6.4 Fine
- 6.5 Discretion in awarding punishment:
  - 6.5.1 Minimum punishment in respect of certain offences

#### **7. Specific offences against human body**

- 7.1 Causing death of human beings
  - 7.1.1 Culpable homicide
  - 7.1.2 Murder
- 7.2 Distinction between culpable homicide and murder
  - 7.2.1 Specific mental element : requirement in respect of murder
- 7.3 Situation justifying treating murder as culpable homicide not amounting to murder
  - 7.3.1 Grave and sudden provocation
  - 7.3.2 Exceeding right to private defence
  - 7.3.3 Public servant exceeding legitimate use of force



- 7.3.4 Death in sudden fight
- 7.3.5 Death caused by consent of the deceased-euthanasia and surgical operation
- 7.3.6 Death caused of person other than the person intended
- 7.3.7 Miscarriage with or without consent
- 7.4 Rash and negligent act causing death
- 7.5 Hurt-grievous and simple
- 7.6 Assault and criminal force
- 7.7 Wrongful restraint and wrongful confinement-kidnapping from lawful guardianship 7.8  
And from outside India.
- 7.9 Abduction

## **8. Offences against women**

- 8.1 Insulting the modesty of woman
- 8.2 Assault or criminal force with intent to outrage the modesty of woman
- 8.3 Causing miscarriage without women's consent:
- 8.3.1 Causing death by causing miscarriage without woman's consent
- 8.4 Kidnapping or abducting woman to compel her to marry or force her to illicit intercourse
- 8.5 Buying a minor for purposes of prostitution
- 8.6 Rape:
- 8.6.1 Custodial rape
- 8.6.2 Marital rape
- 8.7 Prevention of immoral traffic
- 8.8 Cruelty by husband or his relatives
- 8.8.1 Prevention of Sati
- 8.9 Prohibition of indecent representation of women

## **9. Offences against Property**

- 9.1 Theft
- 9.2 Cheating
- 9.3 Extortion
- 9.4 Robbery and dacoity
- 9.5 Mischief
- 9.6 Criminal misappropriation and criminal breach of trust

## **10. Defamation, Criminal intimidation & insult**

### **Reference Books:**

- K.D. Gaur, Criminal Law: Cases and Materials (1999), Butterworths ( India)
- Ratanlal-Dhirajlal's Indian Penal Code (1994 reprint)
- K.D. Gaur, A text Book on the Indian Penal Code (1998), Universal, Delhi
- P..S. Achuthan Pillai, Criminal Law (1995) Eastern, Lucknow.
- Hidayathulla, M., et.al., Ratanlal and Dhirajlal's The Indian Penal Code (1994 reprint), Wadhwa & Co., Nagpur.
- B.M. Gandhi, Indian Penal Code (1996), Eastern, Nagpur

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LL.M. SYLLABUS – Branch III – TORTS & CRIMES

**PAPER – V: GENERAL THEORY AND PRINCIPLES OF TORT LIABILITY-II**

- 1. Interest Protected by actions available in Tort Law – Personal Loss of life**
  - 1.2 Loss of expectation of life
  - 1.3 Nervous shock
  - 1.4 Physical harm
  - 1.5 False imprisonment
  - 1.6 Malicious Prosecution – essentials – Prosecution – Favourable termination of the prosecution - Lack of reasonable and probable cause – Malice.
  - 1.7 Defamation – Libel and slander – Slander actionable per se – Essentials of Defamation – Defences
  
- 2. Interest Protected by actions available in Tort Law – Property**
  - 2.1 Injury to interests in Movable property
  - 2.2 Conversions – Taking possession – abusing the possession – residual form of conversion – defences to conversion
  - 2.3 Detinue
  - 2.4 Trespass
  - 2.5 Damage
  - 2..6 Liability towards Visitors, Lawful and Unlawful
  
- 3. Interest protected by actions available in Tort Law – Other Wrongs**
  - 3.1 Deceit
  - 3.2 Conspiracy
  - 3.3 Intimidation
  - 3.4 Passing off
  - 3.5 Nuisance - Public and Private nuisance

**Reference Books:**

1. Winfield and Jolowicz on Tort
2. Torts : Cases and Commentary by Harold Luntz, David Hamfly & Robert
3. Tort law by R. W.M. Dias and B.S. Markesinis
4. Law of Torts by Ratanlal & Dhirajlal
5. The Law of Torts by P.S. Atchuthan Pillai
6. A Case Book on Tort by Tone Weir
7. Law of Torts by Salmond & Heuston
8. Law of Torts by Clerk and Lindsell
9. Tort cases and Materials by Hepple and Mathews
10. The Law of Tort-Fundamental Principles of Law by Rogers
11. Law of Torts by S.Ramaswami Ayyer

**LL.M. SYLLABUS – Branch III – TORTS & CRIMES**

**PAPER – VI: CRIMINAL PROCEDURE CODE**

- 1. Organisation of Courts and Prosecuting Agency**
  - 1.1 Hierarchy of Criminal Courts
    - 1.1.2 Their Jurisdiction
    - 1.1.3 Sentencing Powers of Courts
    - 1.1.4 Territorial Division
  - 1.2 Magistracy
    - 1.2.1 Classification
    - 1.2.2 Their executive and judicial powers
  - 1.3 Prosecutors and Police.

- 2. Aid to the Magistrate and the Police**
  - 2.1 Public to give information of certain offences
  - 2.2 Duty of officers employed in connection with the officers of a village to make certain report
  
- 3. Pre-trial Procedure**
  - 3.1 Arrest
  - 3.2 The rights of the accused
  - 3.3 Investigation
    - 3.3.1 First Information Report
    - 3.3.2 The evidentiary value of statements/articles/seized/collected by the Police
    - 3.3.3 Role of Presentor and the Judicial Officer in Investigation
  - 3.4 Search and Seizure
  
- 4. Process to compel appearance**
  - 4.1 Summons
    - 4.1.1 Service of Summons
  - 4.2 Warrant of arrest
  - 4.3 Proclamation of person absconding
  
- 5. Provisions as to Bail and Bond**
  - 5.1 Bailable offence
  - 5.2 Non-Bailable offence
    - 5.2.1 When bail may be taken in case of non-bailable offences
  - 5.3 Cancellation of bail and bail bond
  - 5.4 Anticipatory bail
  
- 6. Trial Procedure**
  - 6.1 Trial before Court of Session
  - 6.2 Trial by Magistrate
    - 6.2.1 Cases instituted on a police report
    - 6.2.2 Cases instituted otherwise than on police report
  - 6.3 Trial of Summons Cases
  - 6.4 Summary trial
  
- 7. Appeal**
  - 7.1 No appeal in certain cases
    - 7.1.1 When accused pleades guilty
    - 7.1.2 In petty offences
  - 7.2 Appeals from conviction
  - 7.3 Appeals in case of ECG
  - 7.4 Appeal for enchancement of sentence
  - 7.5 Summary dismissal of appeal
  - 7.6 Procedure for hearing of appeals not dismissed summarily
  - 7.7 Power of the appellate Court
  
- 8. Reference & revision**
  - 8.1 Reference to High Court
  - 8.2 Sessions Judge's powers of revision
    - 8.2.1 High Court's power of revision
  
- 9. Preventive measures in India**

9.1 Provisions in the Criminal Procedure Code

**10. Order of maintenance of Wives-Children and Parents**

- 10.1 Wife's right
- 10.2 Children's right
- 10.3 Parent's right
- 10.4 Enforcement of Order of maintenance
- 10.5 Procedure
- 10.6 Alteration in allowance

**Reference Books:**

- 1. Criminal Procedure Code 1973, D.D. Basu Code of Criminal Procedure : S 5 vols.)
- 2. K.N. Chandrasekharan Pillai(ed).
- 3. S.R.V. Kelkar's Outlines of Criminal Procedure (2000) Eastern.

LL.M. SYLLABUS – Branch III – TORTS & CRIMES

**PAPER – VII: LAW OF NEGLIGENCE AND DAMAGES**

**1. Negligence**

- 1.1 Common law concept
- 1.2 Theories of negligence

**2. Modern tort of negligence**

- 2.1 Concept of duty
- 2.2 Neighbour rule
- 2.3 Concept of reasonableman and reasonable care

**3. Question of fixing standards**

- 4. Professional skill
- 4.1 Duty in Medical Profession
- 4.2 Breach of duty in Medical Profession
- 4.3 Negligent misstatement
- 4.4 Consumer Protection Act, 1986

**5. Causation**

- 5.1 Directness
- 5.2 Reasonable foreseeability

**6. Res ipsa loquitur**

**7. Doctrine of contributory negligence**

- 7.1 Present law – The Law Reforms (Contributory Negligence) Act 1945
- 7.2 Contributory negligence of children
- 7.3 Apportionment of damages

**8. Rights and duties of master and servant inter se and to third parties.**

- 8.1 Risk theory

8.2 Principle of Social Insurance

**9. Damages as a civil remedy**

9.1 Liquidated damages

9.2 Unliquidated damages

**10. Damages as compensation and Penalty**

11. Kinds of Damages

11.1 Contemptuous

11.2 Nominal

11.3 Exemplary

11.4 Punitive

**12. Measure of damages**

12.1 General damages

12.2 Special damages

12.3 Restitutio in integrum

12.4 Mitigation of damages

**13. Action for personal injuries**

13.1 Non-pecuniary loss

13.2.1 Pain and suffering

13.2.2 Loss of amenity

13.2.3 The injury itself

13.2.4 Basis of assessment

13.3 Pecuniary loss

13.3.1 Loss of earnings

13.3.2 Loss of earning capacity

13.3.3 The “lost years”

13.3.4 Deductions

13.3.5 Expenses

13.3.6 Other Pecuniary loss

13.4 Interest on damages for personal injury

**14. Loss or damage to property**

**15. Principles of liability, machinery for adjudication of claim and assessment of damages in respect of accidents covered by :**

15.1. Motor Vehicles Act 1988 (Amendments in 2000 also)

**Reference Books:**

Winfield and Jolowicz on Tort

The Law of Torts by Ratanlal and Dhirajlal

Charlessworth on Negligence

Law of Negligence by Chakrabarti

Law of Negligence by Das & Sodhi

Law of Negligence by C.K.Rao

Medical negligence and Compensation by Bag.R.K

Medical Negligence and Legal Remedies by Anoop Kaushal

Law of Consumer Protection by Dr Avtar Singh

Motor Vehicle Act by Eraj

How to Claim, Contest and Assess Motor Accident Compensation By A.S. Bhatnagar

S.C. on Motor Accidents Claim by Sharma & Mogha

Motor Accidents Claims by K.S. Dutt  
Law of Damages and Compensation by Prasad  
Law of Damages by C. Kameswara Rao

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LL.M. SYLLABUS – Branch III – TORTS & CRIMES

**PAPER – VIII: CRIMINOLOGY AND PENOLOGY**

**1. Dimensions of Crime in India**

- 1.1. Nature and extent of crime in India
- 1.2. General approaches to crime control
- 1.3. Crimes of the powerful
  - 1.3.1 Organised crime – Smuggling, traffic in narcotics.
  - 1.3.2 White collar crime – corruption in public life
  - 1.3.3 Socio-economic crime: adulteration of foods and drugs; fraudulent trade practices.
  - 1.3.4 Crimes in the professions – medical, legal, engineering
  - 1.3.5 Criminality by agencies of the state
- 1.4 Perpetrators of ordinary crime
  - 1.4.1 The situational criminal.
  - 1.4.2 The chronic offender.
  - 1.4.3 Criminality of women
  - 1.4.4 Young offenders
  - 1.4.5 Criminal gangs.

**2. Causes of Criminal Behaviour**

- 2.1 Nature of the problem : Some unscientific theories
- 2.2 The constitutional School of Criminology – Lombroso and others (heredity and mental retardation as causes of crime)
- 2.3 Sociological theories Anomies
- 2.4 Modern sociological theories – Sutherland's differential association theory: Reckless's social vulnerable theory.
- 2.5 Economic theories and their relevance.
- 2.6 Environment – home and community influences, urban and rural crimes.
- 2.7 The ghetto, broken homes, the effect of motion pictures, T.V. and video, press, narcotics and alcohol.
- 2.8 Caste and community tensions: caste wars and communal riots –their causes and demoralizing effects; atrocities against scheduled castes.
- 2.9 Emotional disturbance and other psychological factors.
- 2.10 Multiple causation approach to crime.

**3. Police and the criminal justice**

- 3.1 The police system
- 3.2 Structural organization of police at the center and the states.
- 3.3 Mode of recruitment and training.
- 3.4 Powers and duties of police under the police acts, Criminal Procedure code and other laws.
- 3.5 Arrest, search and seizure and constitutional imperatives.
- 3.6 Methods of police investigation
- 3.7 Third degree methods
- 3.8 Corruption in police
- 3.9 Relationship between police and prosecution.

- 3.10 Liability of police for custodial violence.\
- 3.11 Police public relations.
- 3.12 Select aspects of National Police Commission report

#### **4. Punishment of Offenders**

- 4.1 Some discarded modes of punishment
  - 4.1.1 Corporal punishment: Whipping and flogging: mutilation and branding
  - 4.1.2 Transportation
  - 4.1.3 Public execution
- 4.2 Punishments under the Indian Criminal Law
  - 4.2.1 Capital punishment
  - 4.2.2 Imprisonment
  - 4.2.3 Fine
  - 4.2.4 Cancellation or withdrawal of licences
- 4.3 The Prison System:
  - 4.3.1 Administrative organization of prisons.
  - 4.3.2 Mode of recruitment and training .
  - 4.3.3 The Jail Manual.
  - 4.3.4 Powers of prison officials.
  - 4.3.5 Prisoners classification-male, female: juvenile and adult: undertrial and convicted prisoners.
  - 4.3.6 Constitutional imperatives and prison reforms
  - 4.3.7 Prison management: prisoners right and security compulsions.
  - 4.3.8 Open prisons.
  - 4.3.9 Prison labour
  - 4.3.10 Violation of prison code and its consequences.
- 4.4 appraisal of imprisonment as a mode of punishment.

#### **5. Treatment of Correction of Offenders**

- 5.1. The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.
- 5.2 Classification of offenders through modern diagnostic techniques.
- 5.3 The role of psychiatrists, psychoanalysts and social workers in the prison.
- 5.4 Vocational and religious education, and apprenticeship programmes for the offenders.
- 5.5 Group counseling and re-socialisation programmes.
- 5.6 Prisoners organizations for self-government.
- 5.7 Participation of inmates in community services.
- 5.8 An appraisal of reformatory techniques.
  
- 5.9 Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

#### **6. Re-socialisation processes**

- 6.1 Parole:
  - 6.1.1 Nature of parole.
  - 6.1.2 Authority for granting parole.
- 6.2 Release of the offender:
  - 6.2.1 Problems of the released offender.
  - 6.2.2 Attitudes of the community towards released offender.
  - 6.2.3 Prisoner aid societies and other voluntary organizations.
  - 6.2.4 Governmental action.
  - 6.2.5 An appraisal.

## **Reference Books:**

Katherine S Williams, Text Book on Criminology (1997), Blackstone, London  
Loveland, The Frontiers of Criminality (1995), Sweet & Maxwell.  
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E. Sutherland, White Collar Crime (1949).  
S. Kaldate, Society, Delinquent and Juvenile Courts (1982).  
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D.C. Pandey, Habitual Offenders and the law (1983).  
D. Abrahamsen, David : Crime and the Human Mind (1979).  
Conrad, John. P. : Crime and its Correction: An international survey of Attitudes and Practices.  
Krishna Iyer Report on Female Prisoners (1986).  
Mulla Committee Report, (1983).  
P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988).

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## **LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS**

### **PAPER – II: GENERAL PRINCIPLES OF COMPANY LAW - I**

General Principles of Company Law  
Nature and definition of ‘Company’  
‘Existing company’ ‘Private Company’ and ‘Public Company’ .  
Characteristics of a company.  
Different kinds of companies.  
Corporation and fundamental rights  
Incorporation of company and matters incidental thereto.  
Advantages of incorporation of a company  
Disadvantages of incorporation of a company.  
Lifting the corporate veil  
Promoters  
Memorandum of Association  
Doctrine of Ultra-Vires  
Articles of Association  
Doctrine of Indoor management  
Prospectus – Contents – Mis-statements in prospectus – Civil liability and criminal liability for mis-statements in prospectus.  
Shares – Definition  
Stock – Kinds of shares  
Application and allotment of shares.  
Intermediaries – Call on shares – forfeiture of shares.  
Transfer of shares – Transmission of shares - Restrictions on transfer of shares.  
Rectification of register on transfer - certification and issue of certificate of transfer of shares -



limitation of time for issue of certificates.

**REFERENCE BOOKS :**

J.M. Thomson : Palmer's Company Law  
Gower : Principles of Modern Company Law  
S.M. Shah : Lectures on Company Law  
Avatar Singh – Principles of Company Law  
Rajesh Tayal: Guide to Private Limited Companies  
Dr. K.R. Chandratre: Transfer and Transmission of Shares

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**LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS**

**PAPER-III: COMPANY MANAGEMENT**

Registered office and Name, Restrictions on commencement of business, Registers of members and Debenture holders, Foreign Registers of members or Debenture holders, Annual returns, General Provisions regarding Registers and Returns.

Directors- Definition-Different kinds of Directors- appointment-position-qualifications and disqualifications-Meetings of Board-Board's powers-Restriction on powers of Board-Interested Director-Vacation-Resignation and removal of Directors-duties of Directors-liabilities of Directors-Appointment of Secretary-Rights and duties of Secretary.

Meetings and Proceedings : kinds of meetings, procedure and conduct of the meetings, ordinary business and special business at the meeting-ordinary resolutions and special resolutions-Resolutions by circulation.

Accounts and Audit-Majority rule and minority rights-prevention of oppression and mismanagement- powers of Central Government and National Company Law Tribunal.

Sole Selling Agents.

Compromises-Reconstruction and Amalgamations

**REFERENCE BOOKS :**

J.M. Thomson : Palmer's Company Law  
Gower : Principles of Modern Company Law  
Dr.Avtar Singh : Company Law  
A.Ramaiya : Guide to the Companies Act  
J.C.Verma : Corporate Mergers, Amalgations & Take overs  
K.R.Chandratre : Company Directors  
A.M.Chakraborti : Company Notices, Meetings and Resolutions  
BHARAT'S: Takeover Code  
L.V.V. Iyer: Guide to Company Directors  
K.S. Ravichandran: Prosecution of Directors and Officers under Company Law

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LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS

**PAPER – V: GENERAL PRINCIPLES OF COMPANY LAW-II**

Form of contracts, Power to make bills of exchange and promissory notes, Execution of Deeds, Service of documents, Registration of charges, Authentication of documents and proceedings.  
Share capital – Kinds of share capital  
Alteration of capital  
Reduction of capital  
Further issue of capital  
Re-organisation of capital  
Voting rights  
Depository system  
Buy-back of securities  
Issue of shares at a premium -issue of shares at a discount  
Issue of sweat equity  
Employees stock option scheme  
Public financial institutions  
Lending – Intercorporate loans  
Borrowing powers  
Company deposits  
External commercial borrowings  
Inter-corporate investments  
Debentures – charges – Dividend.  
Emblems and Names (Prevention of Improper use) Act, 1950  
Registration of Foreign companies in India (Se 597(1) and (2))

**REFERENCE BOOKS:**

J.M. Thomson : Palmer’s Company Law  
Gower : Principles of Modern Company Law  
S.M. Shah : Lectures on Company Law  
Avatar Singh – Principles of Company Law  
Vijay K. Gaba : Depository participants Law and Practice  
Rajesh Tayal : Guide to Private Limited Companies  
N.R. Moorthy : Practical Guide to Buy-back of Shares  
A. Ramaiya: Guide to Companies Act.

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LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS

**PAPER - VI: ADMINISTRATION OF COMPANY LAW**

Dissolution of a company-winding up - Contributories - Modes of winding up - procedure of winding up - Official liquidators - powers and duties of the liquidator - consequences of winding up of a Company. Winding up of unregistered and Foreign companies.

Defunct company - Fast track Section 560 scheme, 2000 - Company law settlement scheme, 2000.

Department of Company affairs, National Company Law Appellate Tribunal, National Company Law Tribunal, Company Law Board, Regional directors, Registrar of Companies, Public trustee, Official Liquidator, Advisory Committee, Court.

Investigation of company affairs.

Compounding of offences.

Revival and Rehabilitation of Sick Industrial Companies.

**REFERENCE BOOKS:**

1. GOWER: Principles of Modern Company Law
2. J.M. THOMSON: Palmer's Company Law
3. A. RAMAIYA: Guide to Companies Act.
4. S.M. SHAH: Lectures on Company Law
5. D.K. JAIN: Fast Track Scheme
6. ASHISH MAKHIJA: Guide to Company Law Settlement Scheme, 2000
7. Dr. AVTAR SINGH: Company Law
8. S. VENUGOPAL: Compounding of Offences under Company Law.

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**LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS**

**PAPER - VII: CORPORATE REGULATION**

Legislative Regulation. Directive Principles of State Policy

Securities and Exchange Board of India Act, 1992

The Industries (Development and Regulation) Act, 1951

Monopoly and Restrictive Trade Practices Act, 1969 - Competition Bill

Insurance Regulatory and Development Authority Act, 1999

Foreign Exchange Management Act, 1999

RBI (Amendment) Act, 1997

SEBI Guidelines on Corporate Governance

NBFC Prudential Norms (RBI) Directions, 1998.

**REFERENCE BOOKS:**

1. M.P. JAIN: Constitutional Law
2. SEERVAI: Constitutional Law of India - A Critical Commentary
3. The Industries (Development and Regulation) Act, 1951
4. S.M. DUGAR: Monopolies, Restrictive and Unfair Trade Practices Act
5. Insurance Regulatory and Development Authority Act, 1999
6. BHARAT: foreign Exchange Management Act
7. H.P.S. PAHWA: Non-Banking Financial Companies
8. BHARAT: Manual of SEBI Act, Rules, Regulations and Guidelines

9. Dr. AVTAR SINGH: Law of Monopolies, Restrictive and Unfair Trade Practice  
10. R. SURYANARAYANAN & V. VARADARAJAN: SEBI Law, Practice and Procedure

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LL.M. SYLLABUS – Branch IV – CORPORATE & SECURITIES LAWS

**PAPER - VIII: SECURITIES LAW AND INVESTOR PROTECTION**

Securities Contracts (Regulation) Act, 1956  
Government Securities  
Depositories Act, 1996  
SEBI (Depositories and Participants) Regulations, 1996  
SEBI (Custodian of Securities) Regulations, 1996  
SEBI (Disclosure and investor protection) Guidelines, 2000  
SEBI Guidelines for preferential allotments of shares  
SEBI Guidelines for Euro-Issues  
SEBI (Insider Trading) Regulations, 1992  
SEBI (Substantial acquisition of shares and Takeovers) Regulations, 1997  
Foreign Direct Investment (FDI) - Foreign Investment Promotion Board  
SEBI Guidelines for Foreign Institutional Investors  
SEBI (Foreign Institutional Investors) Regulations, 1995  
SEBI Guidelines for Market Makers  
SEBI (Venture capital funds) Regulation, 1996  
SEBI (Buy-back of Securities) Regulation, 1998  
Securities Lending Scheme  
SEBI Guidelines for good/bad deliveries  
SEBI (Stock-Brokers & Sub-brokers) Regulations, 1992  
SEBI (Merchant Bankers) Regulations, 1992  
SEBI (Portfolio Managers) Regulations, 1993  
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