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NETAJI SUBHAS UNIVERSITY

Estd. Under Jharkhand State Private University Act, 2018

SYLLABUS AND SCHEME

for the Degree of

MASTER IN LAW (LL.M) TWO YEAR

Pranayini
10/10/2022

(Effective from 2022-23)

Pranayini
10/10/2022



NETAJI SUBHAS UNIVERSITY, JAMSHIEDPUR, JHARKHAND

POST GRADUATE PROGRAMME IN LAW (LL.M. – 2 YEARS COURSE)

**LL.M. 1ST SEMESTER
COMPULSORY PAPER**

SL NO.	PAPER CODE	PAPER NAME	CREDIT	MARKS	
				INTERNAL	EXTERNAL
1	LL.M. 101	LAW AND SOCIAL TRANSFORMATION IN INDIA <i>ARK sir</i>	04	40	60
2	LL.M. 102	CONSTITUTIONAL LAW OF INDIA NEW CHALLENGE <i>Ajan sir</i>	04	40	60

CORPORATE LAW (SPECIALIZATION PAPER)

3	LL.M. 103	LAW OF CORPORATE GOVERNANCE <i>Anmol</i>	04	40	60
4	LL.M. 104	LAW OF CORPORATE FINANCE & SECURITY LEGISLATION <i>Anmol</i>	04	40	60

CRIMINAL LAW (SPECIALIZATION PAPER)

3	LL.M. 103	COMPARATIVE CRIMINAL PROCEDURE	04	40	60
4	LL.M. 104	TREATMENT OF OFFENDER & VICTIMOLOGY	04	40	60

CONSTITUTIONAL LAW (SPECIALIZATION PAPER)

3	LL.M. 103	CONSTITUTIONALISM – PLURALISM	04	40	60
4	LL.M. 104	FEDERALISM & UNION – STATE RELATION	04	40	60

**LL.M. 2ND SEMESTER
COMPULSORY PAPER**

1	LL.M.-201	LEGAL RESEARCH METHODOLOGY AND WRITING	04	40	60
2	LL.M. 202	LAW AND JUSTICE IN GLOBISED WORLD	04	40	60

CORPORATE LAW (SPECIALIZATION PAPER)

3	LL.M. 203	COMPANY ACT 2013	04	40	60
4	LL.M. 204	BANKING & INSURANCE LAW	04	40	60

CRIMINAL LAW (SPECIALIZATION PAPER)

3	LL.M. 203	Drugs Addiction, Criminal Justice & Human Rights	04	40	60
4	LL.M. 204	Privileged Class Deviance	04	40	60

CONSTITUTIONAL LAW (SPECIALIZATION PAPER)

3	LL.M. 203	NATIONAL SECURITY AND PUBLIC ORDER	04	40	60
4	LL.M. 204	MASS-MEDIA LAW	04	40	60

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**LL.M. 3rd SEMESTER
COMPULSORY PAPER**

SL NO.	PAPER CODE	PAPER NAME	CREDIT	MARKS	
				INTERNAL	EXTERNAL
1	LL.M. 301	QUANTITATIVE ANALYSIS	04	40	60
2	LL.M. 302	HUMAN RIGHTS	04	40	60
CORPORATE LAW (SPECIALIZATION PAPER)					
3	LL.M. 303	ALTERNATE DISPUTE RESOLUTION	04	40	60
4	LL.M. 304	COMPETITION ACT	04	40	60
CRIMINAL LAW (SPECIALIZATION PAPER)					
3	LL.M. 303	JUDICIAL DELINQUENCY	04	40	60
4	LL.M. 304	COLLECTIVE VIOLENCE AND CRIMINAL JUSTICE SYSTEM	04	40	60
CONSTITUTIONAL LAW (SPECIALIZATION PAPER)					
3	LL.M. 303	ADMINISTRATIVE LAW IN INDIA	04	40	60
4	LL.M. 304	PUBLIC AUTHORITY AND LIABILITY- CONTROL ON MAL ADMINISTRATION	04	40	60
LL.M. 4th SEMESTER COMPULSORY PAPER					
1	LL.M. 401	TEACHING INTERSHIP	02	100	
2 & 3 (Dissertation Paper is Equivalent to Two Paper)	LL.M. 402 & LL.M. 403	DISSERTATION / RESEARCH PROJECT (BUSINESS LAW, CRIMINAL LAW, CONTITUTIONAL LAW) (EQUIVALENT TO TWO PAPERS)	04	150 (100 Marks for Dissertation/Project)	
		VIVA -VOCE	NIL	50(Presentation)	
4	LL.M. 404	CONSTITTUOTIONAL LAW OF INDIA – II BASIC NEED	04	100	
				INTERNAL	EXTERNAL
				40	60
TOTAL	16 PAPERS		58	1600	

NOTE:LL.M. 401-- Students has to undergo law teaching in law courses in same institution or abroad under the guidance of Head of Department. There will be no any type of written examinations. Student shall be evaluated by faculty members and Head of Department on the basis of performance during law teaching. In case of outside institution law teaching, he/she should have to produce assessment remark from the institution/department. Based on the assessment remarks evaluation will be done by the HoD parent department

LL.M- 402&403 –Students has to undergo preparation of Dissertation as per rule of UGC/BCI for award Degree.The distribution of Dissertation Topic will be from area of specialization or Interdisciplinary shall finalized by Head of Department with consultation with faculty.

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Page 2 of 27

Netaji Subhas University

LAW AND SOCIAL TRANSFORMATION IN INDIA

Paper Code: LLM-101

UNIT I -Law and Social Change:

Meaning and concept of Law, Law as a purposive device, Change or transformation-Social change, Value orientation in social change, Theoretic Models on Social change and their application, Inter play between law and social change , stability and social change, Relationship between law and morality-culture, Social change and law , Law and development, Social change in the context of democracy.

Historical and Sociological Study on the role of law in bringing about social change:

Law and social change in ancient India , Social dimensions of law and social concern for justice, Role of family, Associations and charitable institution in ancient India, The Interpretation of Shrutis, Smritis and other commentaries to harmonize social change-Interaction between law and custom, Social control during the Muslim conquest, Social reform during the medieval period, Law and Social Transformation in Modern India, Colonial law and economic exploitation, Application of the Indian Law by the British, Social reforms and Women, Children and others-Codification of Laws, Freedom of Movement and Social reform ideas, Sociological perspective and social change.

UNIT II - Constitution's Orientation and Social Transformation:

Impact of sociological school in India, Constitutional evolution and the Constitutional Assembly's role, Constitutional text as a mechanism for social change, The Constitutional amendments and social transformation, Basic structure theory as balancing continuity and change, The role of Governmental organs for social transformation, Working of the Constitution for Social transformation, Constitutional interpretation as an effective tool for social transformation. Application of international law in the process of constitutional Interpretation-Constitutionalism and social transformation.

Legal concepts in new social order:

Jurisprudence of Sarvodaya-Gandhiji, VinobaBhava, Jaya PrakashNarain, Concept of gramanyayalayas, Socialist thought on law and justice-An enquiry through constitutional debates on the right to property, Indian Marxist critique of law and justice, Naxalists Movement-Causes and cure, Rise of Dalits and changing equations in social order in twenty first century.

UNIT III- Religion and Law

Religion as a divisive factor, Secularism-Reform of the law on secular lines, Freedom of religion and non-discrimination on the basis of religion, Religious minorities and the law.

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Netaji Subhas University
Bhubaneswar, Odisha

Language and the Law:

Language as a divisive factor-formation of linguistic states, Constitutional protection to linguistic minorities, Non-discrimination on the ground of language, Language policy and the Constitution, Official Language, State Language, Court Language

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 Commission, Statutory provisions.

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 IV - Modernization and 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 and environmental protection, Reform of court process-Criminal law-plea bargaining, compounding and payment of compensation to victim, Civil laws-(ADR) Confrontation v. Consensus, mediation and conciliation, **LokAdalats**, **Prison reforms**, Democratic decentralization and local self-government

Select Bibliography:

Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford, Robert Lingat, The Classical Law of India, 1998, U. Baxi, The Crisis of the Indian Legal System, 1982, Duncan Derret, The State, Religion and Law in India, 1999, H.M.Seervai, Constitutional Law of India, 1996

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M. S. Prasad
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Prasad
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Indian Constitutional Law I –NEW CHALLENGES
Paper Code : LL.M.102

UNIT I - Federalism:

Creation of new states, Allocation and share of resources-distribution of grants-in-aid, The inter-state disputes on resources, Rehabilitation of internally displaced persons, Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State, Special status of certain States, Tribal Areas, Scheduled Areas, Boundary disputes, Deployment of security forces etc.

Separation of Power:

Doctrine of Separation of Powers and checks and balances, Constitutional framework-Judicial interpretation and practice, Judicial activism and judicial restraining, PIL , Implementation, Judicial autonomy and independence, **Accountability of Executive, Legislature and Judiciary.**

Democratic Process:

Election and Electoral reforms, Election Commission-power and function.

The rule of law:

Development of Rule of Law, Meaning, The independence of judiciary as an aspect of separation of powers/Division of functions.

UNIT II - The Executive:

Constitutional status, Powers and functions of the President vis-a vis different form of Government-presidential and parliamentary form.

The Legislature:

Parliamentary/Legislative Privilege, Nature, Extent, Scope and Limitation on privileges.

The Judiciary:

Status, Power, functions and contemporary developments, Power of judicial review, judicial accountability in development of democratic form of government, power under Article 32- types of writs and limitation.

Good Governance:

Principle of Good Governance-Administrative responsibility and accountability, Liability of the state in Torts-Constitutional torts and compensatory Jurisprudence.

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.

UNIT IV

Emerging regime of new rights and remedies, Relation between Directive Principles of state policy and Fundamental Rights.

Secularism:

Religious freedom and right of minorities to establish and administer educational institutions of their choice. Development of concept of secularism in new era.

Implementation of International Obligation:

1. Human Rights
2. Environmental protection and International trade.

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Ranchi, Jharkhand

CORPORATE LAW(SPECIALIZATION)

PAPER CODE - LLM-103

LAW OF CORPORATE GOVERNANCE

UNIT-I- INTRODUCTION

Meaning of corporate governance, need and importance of corporate governance Principles of Corporate Governance Corporate Governance - History in India, Corporate Governance in India Past, Present and Future, SEBI Code of Corporate Governance, Shareholder and Stakeholder Theory of Corporate Governance, Good Governance: Meaning and Concept, Origin and Emergence of the Concept of Good Governance, Basic Features or Elements of Good Governance, Significance of Good Governance

UNIT-II- AGENT AND INSTITUTION

Shareholder Rights under Companies Act, 2013, Rights and Privileges of Common Stockholders, Corporate Governance from the Investor's Perspective, Corporate Governance: Director, Auditor and Bank, Role and Responsibility of Board of Directors in Corporate Governance, Exhibit-Guidelines for Determining Independence of Directors.

UNIT-III -INDIAN SCENARIO, PUBLIC POLICIES SEBI, CORPORATION IN GLOBAL SOCIETY:

Present Framework of Corporate Governance in Indian, Various Policies to be Framed as per SEBI Regulations, 2015, Securities and Exchange Board of India (SEBI), Corporate Social Responsibility (CSR), Corporate Governance - in Global Society and the Environment, Corporate Governance from the Investor's Perspective, Corporate Governance: Director, Auditor and Bank, Role and Responsibility of Board of Directors in Corporate Governance. National Committees on Corporate Governance.

UNIT-IV-SOCIAL RESPONSIBILITY: CS IN INDIA, USA AND OTHER COUNTRIES, CSR LAWS IN INDIA

What is CSR? For Whom it's Applicable? What to do when CSR is Applicable? The Objectives AND The Concept of CSR in India, The Key Components of CSR, Corporate Social Responsibility Corporate Social Responsibility (CSR) in Different Countries, Corporate Social Responsibility under Companies Act

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Jamshedpur, Jharkhand

PAPER CODE - LLM-104
LAW OF CORPORATE FINANCE & SECURITY LEGISLATION

UNIT- I –INTRODUCTION

Share Capital--Nature and Kind of Shares, Transfer, Transmission, Surrender and forfeiture of Shares, Purchase by Company of its own shares, Issue of shares at premium and discount and SEBI Guidelines. Shareholders' Rights

UNIT- II –DEBENTURE

Meaning and concept of Debentures; Difference between Share and Debentures; Kinds of Debenture; Remedies of Debenture Holder; Company Charges

UNIT- III- INSIDER TRADING;

Meaning and definition of Insider Trading- SEBI's Guidelines on Insider Trading- Securities and Exchange Board of India (SEBI): Constitution, Powers and Functions- law relating to insider trading. Reconstruction, Amalgamation and Take Over: Provisions in Company Law and SEBI Guidelines

UNIT- IV-AUDITORS:

Meaning and definition of Auditors-Types, Appointment, power and duty of Auditors- National Advisory Committee on Accounting Standards- Special Audit

CRIMINAL LAW (SPECIALIZATION PAPER)
Comparative Criminal Procedure
Paper Code: LLM -103

UNIT I - Organization of Courts and Prosecuting Agencies

Hierarchy of criminal courts and their jurisdiction, Nayaya Panchayats in India, Panchayats in tribal areas, Organization of prosecuting agencies for prosecuting criminals, Prosecutors and the Police, Withdrawal of Prosecution.

UNIT II - Pre-Trial Procedure

Arrest and questioning of the accused, The rights of the accused/arrested person as per constitutional perspective, The evidentiary value of statements/articles seized/collected by the police, Right to counsel, Roles of the prosecutor and the judicial officer in investigation.

UNIT III - Trial Procedure:

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The accusatory system of trial and the inquisitorial system, Trial procedure in different courts, Role of the judge, the prosecutor and defence attorney in the trial, Admissibility and inadmissibility of evidence, Expert evidence, Plea bargaining.

UNIT IV- Correction and Aftercare service:

The role of the court in correctional programmes in India .Probation and Parole-difference and its amplitude, Probation Officer-role and function.

Preventive Measures in India:

Provisions in the Criminal Procedure Code, Special enactments

Public Interest Litigation:

Directions for criminal prosecution.

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Treatment of offenders and Victimology **Paper Code: LLM – 104**

UNIT I - Introductory: Definition of Penology

Theories of Punishment: Retribution, Utilitarian prevention: Deterrence, Utilitarian Intimidation, Behavioral prevention: Incapacitation, Behavioral prevention: Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

UNIT II - Approaches to Sentencing

Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Constitutionality of Capital Punishment, Judicial Attitudes towards Capital Punishment in India-An inquiry through the status law and case law, Law Reform Proposal.

UNIT III - Imprisonment

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Netaji Subhas University,
Jamshedpur, Jharkhand

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

UNIT IV - Victimology

1. Status of victim in Criminal Justice System
2. Rights of Victim
3. Compensation to victims of crime
4. UN Declaration on Rights of victims of crime and abuse of power.
5. Recommendations of Malimath Committee and Law Commission of India

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CONSTITUTIONAL LAW (SPECIALIZATION PAPER) CONSTITUTIONALISM PLURALISM Paper Code: LL.M.-103

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Netaji Subhas University
Jambhedpur, Charkhan*

UNIT I - Constitutionalism:

Meaning and nature of the concept of Constitutionalism, Historical Background of the concept Liberal View, and Constitutionalism in Developing Societies, What is Constitution? Meaning, Nature and Importance of Constitution Sources of strain in the Modern Constitutional Practice, Locus of sovereignty and global concept of justice, Emergence of supra national institutions for the protection and enforcement of rights to concept of global justice debate, Definition of 'State' with Reference to Public Undertakings and Control Mechanism

Parliamentary Form of Government:

Choice of West Minister Model, Presidential Vs. Parliamentary form of Government, President of India and his constitutional status, The Cabinet and the Doctrine of collective responsibility, Governor and his role in Indian federalism, Party system and Anti-Defection Law, Parliamentary Privileges

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UNIT II - Judicial Review:

Meaning, Basis and Constitutional significance, American Supreme Court on Judicial Review-Marbury V. Madison, Limits of Judicial review - Justifiability, Doctrine of Ripeness and Mootness.

UNIT III - Pluralism:

Meaning, Nature and Characteristics of pluralistic society and Right to Self – Determination, Religious, Ethnic, linguistic, cultural and political pluralism, Right to dissent in plural society, Role of Law in Pluralistic society.

UNIT IV - Amendment:

Amendment of the Constitution and Basic Structure Doctrine, Effects of unconstitutionality and Doctrine of Prospective Overruling, 44th Amendment and Art.300- A of the Constitution of India.

Election Commission:

Superintendence, direction and control of elections (Art. 324), Electoral roll - Adult suffrage, Power of the Parliament /Power of the legislature of a state to make provision with respect to election, Bar to interference by Court in Electoral matters.

Books Suggested for Reading:

1. Jain, Kashyap and Srinivasan (Ed.) - The Cases and Materials on the Union and State Relations.
2. M.P. Jain - Indian Constitutional Law.
3. D.D. Basu - Comparative Constitutional Law.
4. D.D. Basu- Legal Control of limited Government (Tagore Lectures).
5. H.M. Seervai - Constitutional Law of India (1993)
6. K.C. Wheare - Federal Government (1963)
7. Granville Austin - the Indian Constitution; Cornerstone of a Nation (Oxford University 1972)
8. Justice E.S. Venkataramaiah and P.N. Bakshi- Indian Federalism - A Comparative Study (1992)
9. Subash C. Jain - The Constituion of India, Select Issues and Perceptions (Taxmann-2000).
10. D. J. De, - The Constitution of India, Vol I & II, Asia Law House i. (Hyderabad) , (2003).

FEDERALISM AND UNION - STATE RELATIONS

Paper Code: LL.M.- 104

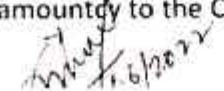
UNIT I - Indian Federalism:

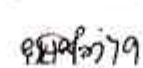
Essential features and requisites of Federal Government-Differences between Confederation and federation, Pattern of Federal Government - USA, Australia, Canada, India, Historical background of the federal structure of Government in India, Recent trend from competitive to Co-operative Federalism - from two - to three-tier government, from National to World Federalism, Decentralization of power and federal structure, Role of Supreme Court as an Impartial Umpire, Jurisdiction of the Supreme Court to adjudicate the disputes between Centre and States and States inter se (Art.131).

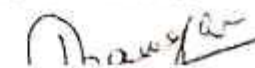
UNIT II - Scheme of Distribution of Legislative and Administrative Powers:

General Scheme of Distribution of Legislative Powers and Art.245 to 254, Factors responsible for according paramountcy to the Centre, Administrative Relations Art.256-263.


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Distribution of Fiscal Powers:

Scheme of allocation of Taxing Powers, Extent of Union Power of Taxation, Residuary Power.

Restrictions on Fiscal Powers:

Fundamental Rights, Restrictions on the State's Power, Inter- Governmental Tax Immunities - Doctrine- its origin and application in USA, Canada , Australia and India.

Distribution of Tax, Revenue and Financial Equilibrium:

Tax- Sharing under the Constitution, Grants - in - aid. (Art. 275) and Specific Purpose Grants (282), Borrowing power of the Government of India and the States, Financial Emergency and its impact on the Federal Structure.

UNIT III- Planning Commission/Nitaaayoga and Finance Commission:

Finance Commission - Constitution, Function, Role and Work of the Commission, Planning Commission/ Nitaaayoga and its Role, Formulation and Implementation of the Plan- the Role of Centre and the States - coordination between Planning Commission and Finance Commission.

Freedom of Trade and Commerce : Art. 301-307 :

Freedom of Trade and Commerce, Limitations on the Powers of the Union and States with respect to freedom of Trade and Commerce.

UNIT-IV Co-operative Federalism:

Development from Competitive to Co-operative Federalism -Emerging Trends, Full Faith and Credit Clause, Inter-State Council, Zonal Councils, Inter-State Water Disputes, National Integration Council.

Suggested for Reading:

1. K.C. Wheare - Federal Government (4th Ed. 1963)
2. D.T. Lakadawala _ Union State Financial Relations (1967).
3. M.P. Jain - Indian Constitutional Law (1987)
4. H.M. Seervai - Constitutional law of India Vol.2, chap.-22.
5. Daniel J. Elazer- American Federalism Chap. 3&4. (1984)
6. Chandrapal, Centre - State Relations and Co-operative Federalism, Chap.5 & 8 (1983)

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LL.M. 2nd SEMESTER
LEGAL RESEARCH METHODOLOGY AND WRITING
Paper Code: LLM- 201

UNIT I- Objectives of Legal Education:

Meaning and Importance of Legal Education, Historical aspect of development of legal education , different dimension of legal education, methods of legal education, Clinical legal education and its use. Changing dimension of legal education in India.

UNIT II - Research:

Meaning, Objectives, Motivations, Types and Significance, Method and Methodology, Scientific Methodology, Research Process

Legal Research: Evolution ,Changing Emphasis and Contemporary Trend in general and specific to India

Research Methodology-

Types of Research--Doctrinal, Empirical/Socio-Legal, Inter/Multidisciplinary, Basic and pure Historical, Descriptive, Diagnostic etc.

UNIT III

Selection and Formulation of Legal Research Problem, Utility of Literature Review, Sources of Legal Research / Data collection methods (Tool of legal research), Primary and secondary sources, Use of Library and Computer in Legal Research, Hypothesis, Research Design - Modes of data collection in empirical research, Observation, Interview, Questionnaire, Schedules, Case Study.

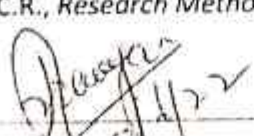
UNIT IV - Sampling and Interpretation of Data:

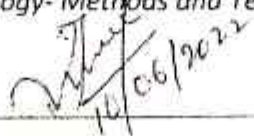
Report Writing - Synopsis, Report Writing (Research Proposal), reports, research article, writing of thesis, writing References Bibliography, writing of an Abstract, Presenting the subject (by foot notes, Table, graphs, index Appendices)

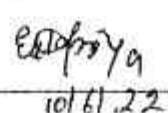
BOOKS RECOMMENDED

1. AggarwalShipra, *Legal Research Methodology*.
2. Black Thomas, *Understanding Social Science Research*.
3. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences*.
4. C.R. Kothari, *Research Methodology: Methods and Techniques*.
5. Engalhart Max D*Methods of Educational Research*.
6. Fern Edward F, *Advanced Focus Group Research*.
7. Galtung Johan, *Theory and Methods of Social Research*.
8. Kothari C.R., *Research Methodology- Methods and Techniques*.


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Paper Code: LLM- 202

LAW AND JUSTICE IN GLOBALIZED WORLD

UNIT-I: Introduction to Law and Justice

Meaning and Nature of Law, Meaning and Nature of Justice, Indian Concept of Justice, Western theories of Justice, Relationship of Law and Justice

UNIT-II: Introduction to Globalization

Globalization: Meaning, Nature and Significance; Causes of globalization, State Sovereignty and Jurisdictional Issues in the era of globalization, Globalization and Social Change, Globalization and Economic Development

UNIT-III: Justice in Globalizing World

Existing Scenarios and Issues: Economic, Social and Political, Mechanisms for Justice under International Legal Regime, Impact of Globalization on Administration of Justice, The Global Justice Movement and Concept of Global Administrative Law, Challenges and the Way Forward

UNIT-IV: Globalization, Law and Legal Order

Global Legal Order and Role of International Institutions, Crimes against Humanity/War Crimes and International Criminal Law, Global Financial Crisis, Legal Order and Reform, Public and Private International Law and Globalization, Harmonizing Private Commercial Law and Intellectual Property Law, Emergence of Transnational Law in a Globalizing World

UNIT-V: Third World's Perspectives

Third World's Perspectives to Globalization of Law and Concept of Justice, Impact on welfare state, Displacement for Development and Problem of Unemployment, Rethinking the Idea of Just World Order, Challenges and the Way Forward

SUGGESTED READING:

- Andrew Byrnes, Mika Hayashi, Christopher Michaelsen, *International Law in the New Age of Globalization*, MartinusNijhoff Publishers, 2013
- Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), *Law and Globalization from Below*, Cambridge University Press, 2005
- David Kinley, *Civilizing Globalization: Human Rights and the Global Economy*, Cambridge University Press, 2009
- Andrew Kuper, *Democracy Beyond Borders: Justice and Representations in Global Institutions*, Oxford University Press, 2006
- Laura Valentini, *Justice in a Globalizing World: A Normative Framework*, Oxford University Press, 2006, 2011
- Jan Aart Scholte, *Globalization: A Critical Introduction*, Palgrave Macmillan, 2005
- Jarrod Wiener, *Globalization and the Harmonization of Law*, Bloomsbury Publishing, 1999
- Laura Valentini, *Justice in a Globalized World: A Normative Framework*, Oxford University Press, 2011
- Pierrick Le Goff, "Global Law: A Legal Phenomenon Emerging from the Process of Globalization", 14 *Ind. J. Global Legal Studies*, 2007
- Thomas Nagel, "The Problem of Global Justice" 33(2) *Philosophy & Public Affairs*, 2005
- Deen K. Chatterjee (Eds.), *Encyclopedia of Global Justice*, 201

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Bishnupur, Jharkhand

CORPORATE LAW (SPECIALIZATION PAPER)
COMPANY ACT 2013
PAPER CODE-LLM-203

UNIT-I- COMPANY ACT 2013:OVERVIEW

Comparison between Company Act 1956 & 2013—Feature & Objective of company act 2013-
Definitions under the Act, Formation of company-Types of Company ,Memorandum of
Association and Article of Association-Registration of company-Prospectus of a company,

UNIT-II - ADMINISTRATION&DIRECTORS :

Meeting of Board and its power-Managerial personal-company secretary-power,
appointment,Meaning - Appointment -Qualifications and disqualification - Kinds - Vacation of office
removal - Resignation - Powers and duties of directors - Meeting, registers, loans and remuneration of
directors -. Compensation for loss of office managing directors and other managerial personnel-National
Company Law tribunal and Appellate Tribunal..

UNIT-III- INSPECTION ,INQUIRY AND INVESTIGATION PROCEDURE UNDER COMPANY ACT

Civil And Criminal Liability in Mismanagement of prospectus and Punishment under company Act
2013. Alternate Dispute Resolution process in amalgamation merger of Indian company and
Foreign company.

UNIT IV- WINDING UP OF COMPANIES:

Kinds. Consequences and reasons of winding up --.Role of the Court --Liability of past members -.
Payment of liabilities-- Analysis of the provisions of The Companies Act , 2013

CORPORATE LAW (SPECIALIZATION PAPER)
BANKING AND INSURANCE LAW
PAPER CODE-LLM-203

UNIT-I- THE EVALUATION OF BANKING SERVICES AND ITS HISTORY IN INDIA

History of Banking in India-Bank nationalization and social control over banking.--
Various types of Banks and their functions-Contract between banker and customer: their rights and duties-
Role and functions of Banking Institutions

UNIT-II- LENDING BY BANKS AND RECENT TRENDS OF BANKING SYSTEM IN INDIA

Advances, Loans and Securities.--Direct, collateral and miscellaneous Securities--Default and recovery,
Bank Debt Recovery Tribunals--The Securitization and Reconstruction of Financial Assets and Enforcement of
Security Interest Act, 2002 (Definitions, Section 13--Enforcement of security interest, Section 17-Right to appeal

UNIT-III- GENERAL PRINCIPLES OF LAW OF INSURANCE

Definition, nature and history--Contract of Insurance and principles--The Risk--
commencement, attachment, assignment-Types of insurances--Policy and its Legal Status. *10/06/2022*
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Bhadrabadpur, Jharkhand
Page 14 of 27

UNIT-IV-RECENTTRENDSININSURANCE

Insurance against third party risks (relevant provisions from Motor Vehicles Act, 1988.)--Liability Insurance--
Consumer Protection and Banking and Insurance Services--The Insurance Act, 1938 and the Insurance
Regulatory & Development Authority Act, (IRDA), 2000.--
Miscellaneous Insurance Schemes: New Dimensions (Group Life Insurance, Mediciam, Sickness).

CRIMINAL LAW (SPECIALIZATION PAPER) Drugs Addiction, Criminal Justice & Human Rights Paper Code: LLM – 203

UNIT I - Introduction

Problem of drug addiction, Analysis of the background and different convention related to control of drug trafficking Causes of drug addiction

UNIT II - India Regulatory System

Penal provisions under the IPC and Custom Act, Penal provisions under the Narcotics, Drugs and Psychotropic Substances Act 1985, Procedure and punishment under NDPS Act

UNIT III - Analysis of the development made in NDPS Act for making in it more human right friendly:

Amendments of the NDPS Act, 1985 and their effects, Human right protection, Judicial approaches to sentencing in Drug trafficking and Abuse, Analysis of the background, Text and operation of the single convention on Narcotic Drugs, 1961, U.N. Convention against illicit trafficking in NDPS, 1998

UNIT IV- Role of community in combating Drug Abuse:

Role of educational system, Role of medical profession, Law reform initiatives.

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Privileged Class Deviance
Paper Code: LLM – 204

UNIT I – Introductory

Conception of white color crimes , Causes of White Collar Crime, Indian approaches to Socio-economic offences , Notions of privileged class deviance as providing a wider categorization of understand Indian development.

UNIT II - Police Deviance

Police Atrocities: Encounter killing and the plea of superior's orders , . Structure of legal restraint on police power in India , Unconstitutionality of 'Third Degree' method and use of fatal force by Police.

UNIT III Professional Deviance

Unethical practices by the Lawyers
Unethical practices by the Doctors
Unethical practices by the Media Persons

UNIT IV - Response of Indian Legal order to the Deviance of Privileged Classes

Prevention of Corruption Act, 1947
Vigilance Commission
Commission of Enquiry

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Janshedpur, Jharkhand

**CONSTITUTIONAL LAW (SPECIALIZATION PAPER)
NATIONAL SECURITY PUBLIC ORDER AND RULE OF LAW
Paper Code: LL.M.-203**

UNIT I - National Security, Public Order and Rule of Law:

Concept and horizon of Rule of Law, National Emergency and its impact on federal structure of India, Failure of Constitutional Machinery under Art. 356, Scope of Art. 355.

UNIT II - Preventive detention:

Article 22 of Constitution, Preventive detention and Safeguards, Declaration of Emergency, 1962, 1965 and 1970 Emergencies, 1975 Emergency

UNIT III - Exceptional Legislation.

Unlawful activities prevention act 1967, Salient feature, compositions, powers and functions of authorities, Offences and penalties and appeals, Concept of terrorism and problems of definitions, UN efforts to combat terrorism, Marshal law, provisions in Briton and Indian Constitution

UNIT IV - Civil Liberties and Emergency:

Preventive Detention and Safeguards, Suspension of fundamental Article 19 on declaration of emergency, President's Right to suspend right to move any court, Article 21- special importance - its non-suspendability.

Access to courts and Emergency

Article 359- ups and downs of judicial review, Constitution (44th) Amendment Act, 1978, Constitution (59th) Amendment Act , 1988

Books Suggested for Reading:

1. M.P.Jain - Indian Constitutional Law.
2. D.D. Basu - Comparative Constitutional Law.
3. H.M. Seervai , The Emergence, Future Safeguards and the Habeas Corpus :A Criticism (1978)
4. N.C. Chatterji and ParameshwarRao, Emergency and the Law (1966).
5. Dr. M.C. Mehanathan , Law of Control on Narcotic Drugs and Psychotropic Substances in India
6. R.K. Agrawal and AlkaAgrawal , The National Security Act, 1983.

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MASS MEDIA LAW
Paper Code:LL.M.- 204

JNIT I - Mass Media-Types of-Press Films, Radio and Television:

Ownership Pattern-Press-Private-Public, Ownership Pattern-Films-Private, Ownership Patterns-Radio & Television, Public, Difference between Visual and non-Visual Media-impact on People's minds.

Press-Freedom of Speech and Expression-Article 19 (1) (a)

Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition, The law relating to employees' wages and service conditions, Price and Page Schedule Regulation, Newsprint Control Order, Advertisement-is it included within freedom of speech and expression?
Press and the Monopolies and Restrictive Trade Practices Act.

UNIT II - Films-How far included in freedom of speech and expression?

Censorship of Films-Constitutionality, The Abbas Case, Difference between films and Press-why pre-censorship valid for films but not for the press?
Censorship under the Cinematograph Act.

UNIT III - Radio and Television-Government Monopoly

Why Government department? Should there be an autonomous corporation?
Effect of television on people, Report of the Chanda Committee, Government policy, Commercial advertisement, Internal Scrutiny of serials etc. Judicial Review of Doordarshan decisions: Freedom to telecast.

UNIT IV Constitutional Restrictions

Radio and Television subject to law of defamation and obscenity, Power to Legislate-Article 246 read with the Seventh Schedule, Power to impose tax-licensing and licensing fee.

Select Bibliography

1. H.M.Seervai, Constitutional Law of India, 1991
2. M.P.Jain, Constitutional Law of India, 1994
3. John B.Howard, The Social Accountability of Public Enterprises, 1980
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India, 1976
6. Justice E.S.Venkaramiah, Freedom of Press : Some Recent Trends, 1984
7. D.D.Basu, The Law of Press of India, 1980
8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

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LLM 3RD SEMESTER (COMPULSORY PAPER)
QUANTITATIVE ANALYSIS
PAPER CODE:- 301

Unit – I -Introduction

Introduction, Meaning definition, scope, importance and limitation of Quantitative Analysis,
Collection organization and presentation of data.

Measure Of central value : Introduction, the arithmetic mean, medium, mode, calculation of mode
from the mean and medium. Relationship between mean, medium and mode.

Measure of dispersion :

Unit – II Correction and Regression Analysis:

Meaning of correction, types of correction.

Principle regression equation and estimation. Difference between correction and Regression analysis.

Introduction, Fundamental principle of counting, factorial notation, Permutation, Combination

Unit – III- Probability & Network Analysis

Introduction, Approaches to the calculation of Probability calculation of event probabilities, addition
and multiplication laws of mobility (Proof is not required), conditional probability and Bayes theorem
(proof is not required).

PERT/CPM

Unit – IV - Game Theory & Others

Introduction, Basic terminology, solution method of Pure strategy games (with saddle point).

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HUMAN RIGHTS
Paper Code: LLM-302

UNIT I Human Rights and the United Nations Charter:

Normative and Institutional Framework of the UN, Role of the permanent organs of the UN, Human Rights Commissions, UN High Commissioner for Human Rights, Universal Declaration on Human Rights, History of the Declaration, Structure of the Declaration, Legal Significance

UNIT II International Covenants:

ICCPR and ICESCR, Nature and Characteristic, Optional Protocols

Regional Instruments:

European Convention on Human Rights, American Convention on Human Rights, African Charter on Human and People's Right, Asia and Human Rights

UNIT III - Right to Life and Personal Liberty:

Evolution of New Dimension of Human Rights, Through Judicial Interpretation, Implementation and Enforcement Mechanism of Human Rights in India, Remedies provided by the Judiciary and National Human Rights Commission.

UNIT IV - Fundamental Duties:

Article 51-A of the Constitution concept and need of Fundamental Duties, Enforcement and Effectuation of Fundamental Duties, Emerging regime of new Human Rights in India, Taking guidance from Directive, Principles of State Policy and Fundamental Duties. New Approach.

BOOKS RECOMMENDED

1. Agrawal H.O., *Human Rights*.
2. Basu D.D., *Human Rights in Constitutional Law*.
3. Khera S.C., *Human Rights and United Nation*

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**CORPORATE LAW(SPECIALIZATION PAPER)
ALTERNATE DISPUTE RESOLUTION
PAPER CODE-303**

UNIT-I - EVOLUTION AND CONCEPT OF DISPUTES

Historical Perspectives of ADR in the International Perspective--Meaning and Conceptual Perspectives of a Dispute--Types of disputes-Justiciable and Non-justiciable disputes--Players involved in Disputes-Individuals-Organizations-States-Inter-state-Multilateral and Legal Disputes--Impact of Disputes on Socio-Economic - Political-Legal and Cultural Issues.

UNIT-II--METHODS ADOPTED IN DISPUTE RESOLUTION

Traditional methods of dispute resolution--Methods adopted in dispute resolution-Judicial and Non-Judicial methods--Role of Law in Settling Disputes--National and International Legal aspects--Disputes settlement at the Gross roots and local level--Settlement of Dispute under civil and Criminal law.

UNIT-III-MEANING AND PHILOSOPHY OF ADR

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The significance of ADR--Current Trends--Over view of the Process of ADR--Planning and Strategies of ADR
Legal Recognition to ADR--Comparative perspective of ADR-USA-UK-India

UNIT-IV--ADR AND CONTEMPORARY ISSUES

Information Technology Law and ADR--Dispute Resolution in Cyberspace-ADR and Online
Dispute Resolution--ADR and Scientific Issues-IPR and Bio-Technology

**CORPORATE LAW(SPECIALIZATION PAPER)
COMPETITION LAW
PAPER CODE-303**

UNIT-I- INTRODUCTION

Basic Concepts--Reason of development of Competition law--Constitutional aspect of
Elimination of Concentration of Wealth and Distribution of Resources Article 39--Relation
between Competition Policy and Competition Law--Objectives of Competition Law.

UNIT-II-HISTORY AND DEVELOPMENT OF COMPETITION LAW

History and Development of Competition Law/ Antitrust Law, Liberalization and
Globalization - Raghavan Committee Report, Reason of failure of MRTP Act 1969-- Competition
Act 2002--Difference between MRTP Act 1969 and Competition Act, Salient feature of Competition
Act, Important Definitions under the Competition Act 2002.

BrahmDutt vs. Union of India, AIR 2005 SC 730
CCI v. Steel Authority of India Ltd. & Anr, (2010)10SCC 744

UNIT-III- ANTI COMPETITIVE AGREEMENT

Anti- Competitive Agreements, Horizontal and Vertical agreement, Rule of Perse and
Reason, Appreciable Adverse Effect on Competition (AAEC) in India, Exemption,
Prohibition of Anti competitive agreement/ Cartel/bid rigging.

Aamir Khan Productions Private Limited v. Union of India, (2010)
Builders Association of India v. Cement Manufacturers', Case No. 29/2010,
CCI.
All India Tyres Dealers Federation v. Tyres Manufacturers, 2013 COMP LR 92
(CCI), Main Order dated October 30, 2012 and Minority Order by Mr. R
Prasad (Member, CCI) dated October 30, 2012.
ShamsherKataria v. Honda Siel Cars India Ltd., 2014 Comp LR 1 (C

**UNIT-IV- ENFORCEMENT MECHANISM AND ADVOCACY & EMERGING TREND IN COMPETITION
LAW**

Establishment and Constitution of Competition Commission of India, Powers and
Functions- Jurisdiction of the CCI - adjudication and appeals, -Competition Appellate
Tribunal (CompAT), Director General of Investigation (DGI)-

Competition Advocacy in India and other foreign jurisdictions

Intellectual Property Rights and Competition Law, International Trade and
Competition Law, The Competition (Amendment) Bill, 2012, Draft National
Competition Policy, 2011. GATT, W.T.O, UNCTAD (United Nation on Trade and Development)

Google Inc. & Ors v. Competition Commission of India & Anr., [2015]
127CLA367(Delhi)

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Jamshedpur, Jharkhand

CRIMINAL LAW (SPECIALIZATION PAPER)

Juvenile Delinquency

Paper Code: LLM - 303

UNIT I

The conception of 'child' in Indian Constitution and Penal Code, Delinquent Juvenile, 'Neglected Juvenile', The Overall situation of children/young persons in India, Also with reference to crime statistics (of crime by and against children), Differential Association, Anomie, Gang-sub-culture.

UNIT II - Legislative Approaches

Legislative approaches during the late colonial era, Juvenile Justice Act, 2000, Constitutional Aspects, Competent Authorities, Powers given to government, Community Participation as envisaged, United Nation Conventions on the Right of Child, 1989

UNIT III - Indian Context of Juvenile Delinquency

The child population percentage to total sex ratio, Urban/rural/rural-urban, Labourers, In organized industries like Zari, Carpet, Bidi, Glass, Un organized section like domestic servant, Shops and establishments, Durg Addicts, Victims of violence-sexual abuses, battered, killed by parents.

UNIT IV - Judicial Contribution and Preventive Strategies

Social Action Litigation concerning Juvenile Justice, Judicial decisions, Role of legal profession in Juvenile Justice System, State Welfare Programme health, Nutrition, Role of community, family, voluntary, bodies, industrial, individual.

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Collective Violence and Criminal Justice System
Paper Code: LL.M. - 304

UNIT I

Notion of 'force', 'coercion', 'violence', Distinctions: Symbolic violence, Institutionalized violence structural violence, Speech as an incitement to violence, 'Collective political violence' and legal order.

UNIT II

Religiously sanctioned structural violence caste and gender based, Ahimsma in Hindu, Jain, Buddishand Islamic traditions in India, Gandhiji approach to non-violence, Nature and scope of agrarian violence in the 18th, 19th century in India

UNIT II - Violence against the Schedule Caste

Notion of Atrocities, Incident of Atrocities, Uses of Criminal Law to combat atrocities as certain aftermath of atrocities, Violence against women.

UNIT IV

Incidence and courses of communal violence, Findings of various commissions of inquiry, The Role of police and paramilitary systems in dealing with communal violence, Operation of criminal justice system firing and in relation to, communal violence.

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ADMINISTRATIVE LAW IN INDIA
Paper Code : LL.M.- 303

UNIT I

Evolution and significance of Administrative Law in various systems of governance-from ancient to modern. (a) England and USA (b) France (c) Other systems, Doctrine of Separation of Powers: Comparative Survey-Common Law and Continental System : England, USA, France and India from Rigidity to Flexibility, Rule of Law: Changing dimensions, Regulation of administrative process.

UNIT II - Delegated Legislation:

Problems, Process and Control, Judicial Review of delegated legislation.

UNIT III - Procedural Fairness:

Evolution and Significance of Natural Justice, England: Judicial Process

Doctrine of fairness and doctrine of legitimate expectation. U.S.:

Due process and judicial decision, India: Through Judicial Decision-Doctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate Expectation, Privilege against disclosure, Official secrecy, Access to information and Right to Information Act.

UNIT IV - Control on Maladministration:

Ombudsman, Commissions of Inquiry, Vigilance Commissions, Investigative Agencies: The CBI, Inquiries by Legislative Committee, Legislative control, Judicial Inquiries.

Select Bibliography

1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
5. De Smith, Judicial Review of Administrative Action, 1998
6. D.D.Basu, Comparative Administrative Law, 1998
7. K.S.Shukla and S.S.Singh, LokAyukta : A Socio-Legal Study, 1988
8. Jain & Jain, Principles of Administrative Law

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Jamshedpur, Jharkhand

**PUBLIC AUTHORITIES AND LIABILITY:
CONTROLS ON MALADMINISTRATION**
Paper Code : LL.M.- 304

UNIT I - Liability of Government:

Liability of Government and Public Authorities in Torts and Contract, Promissory Estoppel, Government Privileges in Legal Proceedings

UNIT II - Right to Know and Information:

Jurisprudential and Constitutional Perspectives, American Freedom of Information Act, 1966 and English Official Secrets Act and Right to Know, Indian Official Secrets Act, 1923, Right to Information Act, 2002 and Right to know. Judicial Decisions.

UNIT III - Ombudsman:

The concept, Comparative perspectives, Evolving Indian models - Lokpal, Lokayukta Institutions.

Fact Finding Commission and Inquiry:

Commission of Inquiry, Vigilance Commission, Investigation Agencies: the CBI, Inquiries by Legislative Committees, Legislative Control, Financial Control - Comptroller and Auditor General, Judicial Inquiries.

UNIT IV - Administrative adjudication:

Need for devolution of Adjudicatory power on Administration, Administrative Tribunals and other Adjudicatory Authorities - Growth, Evolution and present Status, Nature and Character of Tribunals - CAT and SAT

Public Undertaking and Corporation:

Reasons for Autonomous Bodies, Government Control, Parliamentary Control, Judicial Control.

Books Suggested for Reading:

1. M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
2. D.D. Basu - Comparative Administrative Law (1969)
3. H.W.R. Wade - Administrative Law.
4. De'Smith - Judicial Review of Administrative Action.
5. D.D. Basu - Administrative Law (1996)
6. M.P. Jain - Treaties in Administrative Law Vol. I (1996).

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**SEMESTER IV
COMPULSORY PAPER
PAPER CODE – 401,
TEACHING INTERNSHIP**

LL.M. 401– Students has to undergo law teaching in law courses in same institution or abroad under the guidance of Head of Department. There will be no any type of written examinations. Students shall be evaluated by faculty members and Head of Department on the basis of performance during law teaching. In case of outside institution law teaching, he/she should have to produced assessment remark from the institution department. Based on the assessment remarks evaluation will be done by the HoD parent department

PAPER CODE 402& 403 DISSERTATION/RESEARCH PROJECT

LL.M- 402&403 –Students has to undergo preparation of Dissertation as per rule of UGC/BCI for award Degree. The distribution of Dissertation Topic will be from area of specialization or Interdisciplinary shall finalized by Head of Department with consultation with faculty.

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CONSTITUTIONAL LAW OF INDIA –II
Law and Basic Needs
Paper Code: LLM- 404

UNIT I

Rights based Theories-Merits and Demerits, Role of directive Principles of State Policy in Governance, Basic Needs and Indian Constitution.

UNIT II

Legal Framework for Poverty Alleviation, A Brief Introduction, Guaranteed Employment to poor, Land Acquisition, Resettlement and Rehabilitation Law

UNIT III

Food Security Law and Policy, Legal and Administrative Issues Involved in Raising the Level of Nutrition and Improving Public Health

UNIT IV

Provisions for Free and Compulsory Education, Legal Framework for Equal Opportunities and Assistance in Disablement, Legal Services and Aid to Poor and Deserving People, Legal Protection of Women Workers, Legal Protection to Vulnerable Peoples

BOOKS RECOMMENDED

1. Hidayatullah M., *Constitutional Law of India.*
2. Jain M.P., *Constitutional Law.*
3. Pandey J.N., *Constitutional Law of India.*
4. Seervai H.M., *Constitutional Law of India.*
5. Shukla V.N., *Constitutional Law of India.*
6. Tope T.R., *Constitutional Law of India.*

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