

The Indian Law Institute

LL.M. Programme

Detailed Scheme

Name of the Course	:	LL.M
Duration	:	Two Years (Four Semesters)
Course Coordinator	:	Dr. Thomas Paul Associate Research Professor Mr. P. Puneeth Assistant Research Professor
Classes	:	Regular classes will be held from Monday to Friday except on holidays notified by the Institute.
Session Duration	:	120 Minutes

OBJECTIVES AND SCOPE

The Indian Law Institute (ILI) was established in the year 1956 primarily with the objective of promoting advanced studies and research in law. The ILI being the country's premier legal research Institute has an established record of conducting research in different fields of law. In order to promote higher studies in law, the Institute is also conducting various training programmes and offering many courses in different fields of law ever since its establishment.

After becoming a Deemed University in the year 2004, the Institute has started offering Full Time (2 Year) LL.M course with the primary objective of promoting advanced studies and research in law and to cultivate science of law by creating curiosities and instilling research and analyzing skills in the young minds. The design of the course clearly reflects the same.

Unique specializations offered by the Institute and opportunity provided to express oneself, in classroom interactions and seminars, helps in developing legal acumen, presentation and discussion skills.

To state precisely, main objectives of the course, *inter alia*, are: (i) To promote advanced studies by setting standards for higher education in law with the course curriculum having unique blend of research and teaching; (ii) To promote research and teaching in Law (iii) To develop legal acumen in certain specialized areas; (iv) To train

and encourage students to imbibe analytical, argumentative and presentation skills and to develop sound legal reasoning, and (v) To cater to the needs of ever growing needs of legal profession to meet the demands of developing societies.

COURSE OUTLINE

The course has been divided into four semesters. In the first semester, there are no specializations offered. Three compulsory subjects viz., Jurisprudence, Judicial Process and Legal Research and Methodology will be taught and, in addition, each student is required to submit one research paper of publishable quality.

In the second and third semesters, the Institute offers various specializations including unique courses such as Shipping and Maritime Law, Judicial Administration etc.,

In the second semester, each student has an option to choose one course (comprising two papers) from among the specialization offered for semester. In addition, each student is required to submit two research papers on any topics relating to the area of specialization opted by him/her. Again in third semester, each student is required to choose another specialization from among the courses offered and also submit two research papers on the topics selected from the area of specialization.

In fourth semester, each student is required to write a dissertation on any topic. No classes will be held. However, students are required to conduct research under the supervision of their respective supervisors.

As the scheme reflects, each student is required to submit five research papers and a dissertation of publishable quality in partial fulfillment of the requirement of the course. This is considered to be one of the unique features of the LL.M. course offered by the Institute.

Another unique feature of the course is 'Wednesday Seminar'. On every Wednesday, except on holidays, there will be a seminar held on any recent decision of considerable importance delivered by apex court or by high courts; legislations passed or proposed by union or state legislatures or on any issue of contemporary legal relevance. Students of all semesters are required to participate in it. Generally all faculty members will also be present in the seminar.

DETAILS OF THE COURSE OFFERED DURING AUGUST TO DECEMBER - 09

SEMESTER - I

Paper – I Jurisprudence (Paper Code 001)

Course Teachers

1. Prof. A. K. Kaul, Former Vice Chancellor, Jodhpur National Law School.
2. Dr. M. P. Raju, Advocate, Supreme Court of India.

Panel of Resource Persons (Guest Lectures)

1. Prof. Upendra Baxi, Emeritus Professor, Warwick University, U.K.
2. Prof. V.K. Gupta, Former Dean, Faculty of Law, Jamia Milia Islamia, New Delhi.
3. Dr. Kamala Sankaran, Reader, Delhi University.
4. Prof. Dilip Ukey, Head, Dept. of Law, Pune.

Syllabus

- Nature and Scope of Jurisprudence
 - The Ancient Indian Legal Thought
 - The Early Greek Theories
- Schools of Legal Theory
 - Natural Law, Early Theorists, its revival in the twentieth century
 - Positivism – Austin, Kelsen, Hart
 - Historical and Anthropological school
 - Sociological Jurisprudence and Sociology of Law
 - Legal Realism
 - Feminist Jurisprudence
- Legal Concepts
 - Personality
 - Possession
 - Ownership
 - Rights – Hohfeldian conceptions, legal, moral and human rights distinguished
- Theories of adjudication – role of judges in the judicial process – Lon Fuller's Speluncean Explorer's case, Hart-Dworkin debate.

Required Reading:

1. Wayne Morrison, *Jurisprudence: From Greeks to Post-modernism* (1997)
2. Edger Bodenheimer, *Jurisprudence: The Philosophy and Method of Law* (2006)
3. M. Rama Jois, *Seeds of Modern Public Law in Ancient Indian Jurisprudence* (1990)
4. Dennis Lloyds, *Introduction to Jurisprudence* (1992)
5. Salmond, *Jurisprudence* (2004)
6. Roscoe Pound, *Jurisprudence* (1959)

Additional Reading

1. Lon L. Fuller, *The Morality of Law* (1995)
2. H.L.A. Hart, *The Concept of Law* (1993)
3. Roscoe Pound, *Introduction to Philosophy of Law* (1954)
4. Roger Cotterrell, *Sociology of Law* (1992)

5. Brian Bix, *Jurisprudence: Theory and Context* (Fourth Edition)
6. Ronald Dworkin, *Law's Empire* (2002)
7. Ronald Dworkin, *Taking Rights Seriously* (2005)
8. Durga Bhagvat, *Early Buddhist Jurisprudence* (1939)
9. Majid Khadhuri (tr.), *Islamic Jurisprudence*, (1961)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Paper – II Judicial Process (Paper Code 002)

Course Teachers

1. Ms. Jaya V. S., Assistant Research Professor, ILI.
2. Mr. P. Puneeth, Assistant Research Professor, ILI.

Panel of Resource Persons (Guest Lectures)

1. Dr. Kamala Sankaran, Reader, Delhi University.
2. Dr. B. T. Kaul, Reader, Delhi University.

Syllabus

- Individual and the State
- Independence of Judiciary
- Hierarchy of Courts
- Appointment of Judges
- Interpretation of Constitution
- Interpretation of Statutes
- Doctrine of Stare Decisis
- Ratio Decidendi and Obiter Dicta of a case
- Value Judgments in Law
- Judicial Reasoning

Required Reading

1. M. P. Jain, *Indian Constitutional Law* (2005)
2. H.M. Seervai, *Constitutional Law of India* (2005)
3. B.N. Cardozo, *Nature of Judicial Process* (2004)
4. B.N. Cardozo, *Growth of Law* (1961)
5. Ruper Cross, Harris, *et al.*, *Precedent in English Law* (1991)
6. A. Laxminath, *Precedent in Indian Law* (2005)

7. Edward H. Levi, *Introduction to Legal Reasoning* (1961)
8. Julius Stone, *Legal System and Lawyers Reasoning* (1964)

Additional Reading

1. Henry J. Abraham, *Judicial Process: An Introductory Analysis of the Court of the United States, England and France* (1980)
2. John Bell, *Policy Arguments in Judicial Decisions* (1947)
3. Ronald Dworkin, *Justice in Robes* (2007)
4. Julius Stone, *Recent Trends in English Precedents* (1945)
5. Julius Stone, *Social Dimensions of Law and Justice* (1966)
6. Ruggero J. Aldisert, *Judicial Process: Text, Material and Cases* (1996)
7. Mauro Capelletti, *Judicial Process in Comparative Perspective* (1989)
8. Jayakumar N. K., *Judicial Process in India: Limitations and Leeway* (1997)
9. Sathe S.P. *Judicial Activism in India* (2002)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Paper – III Legal Research and Methodology (Paper Code 003)

Course Teachers

1. Dr. Thomas Paul, Associate Research Professor, ILI.
2. Ms. Lisa P. Lukose, Assistant Research Professor, ILI.

Panel of Resource Persons (Guest Lectures)

1. Prof. S.C. Raina, Professor of Law, Delhi University.
2. Mr. Shashi Kumar, Fellow, National Labour Institute.

Syllabus

- Legal Research in India – Its Objectives, Evolution & Contemporary Trends in Legal Research
- Legal Research and Law Reform – Role of Judges and Jurists, Recommendations of different Commissions and Committees
- Law and Logic – Use of Induction and Deduction Methods in Research
- Different Kinds of Legal Research – Doctrinal, Non-Doctrinal, Inter/Multidisciplinary etc.
- Techniques of Legal Research – Steps involved, Identification of a Research Problem, Formulation of a Research Proposal, Budgeting and Research Supervision

- Tools of Legal Research – Library: Books, Case Law Reports, Legislative Reports, Encyclopedia etc; Modern Technology: Computer, Internet etc.
- Sources of Information in Legal Research – Primary and the Secondary sources of Information & Plagiarism as an Offence in Research

Required Reading

1. S.K. Verma and Afsal Wani, (ed.) *Legal Research and Methodology* (2006)
2. S. R. Myneni, *Legal Research Methodology*, (1997)

Additional Reading

1. C. R. Kothari, *Research Methodology: Methods and Techniques* (2004)
2. Pauline V. Young, *Scientific Social Surveys and Research* (1973)
3. Price Mitles, O., *Effective Legal Research* (1973)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Research Paper - I (Paper Code 101)

Each student is required to write a research paper of publishable quality on any topic of current legal importance approved by the coordinators. Students are required to submit a synopsis on any topic for the approval of the same.

After the approval of the topic, students are required to carry out research under the supervision of research guide allotted to them and submit the paper within in due date.

Evaluation components

Research Paper carries 100 marks. 70% of the marks is allotted for written paper and 30% for oral presentation before the expert panel.

SEMESTER – III (HUMAN RIGHTS)

Paper – I (Paper Code 010)

Course Teachers

1. Dr. Jyoti D. Sood, Assistant Research Professor, ILI.
2. Ms. Jaya, V.S., Assistant Research Professor, ILI.

Panel of Resource Persons (Guest Lectures)

1. Dr. T.N. Arora, Reader, GGSIP University, Delhi.
2. Mr. Y.S.R. Murthy, Director, NHRC.
3. Dr. Usha Ramanathan, Research Fellow, Centre for Study of Developing Societies.

Syllabus

- Concept and development of Human Rights
 - Notions and theories relating to rights
 - Classification of Rights
 - Relationship with other concepts
 - Historical antecedents— national as well as international
 - Universalism and cultural relativism
 - Globalization and cultural relativism
- Indian Law on Human Rights
 - Issues of Human Rights in India, Social, economic, political and cultural
 - Constitutional Recognition and Enforcement of Human Rights
 - Statutory enforcement of human rights
 - Role of Media, civil society (NGOs) in protection of Human Rights
 - Human rights of special groups
 - (i) Women
 - (ii) Children
 - (iii) Aged and disabled
 - (iv) Scheduled castes and scheduled tribes
 - (v) Minorities (religious and educational)
 - Collective Rights
 - (i) Right to clean environment
 - (ii) Right to development

- (iii) Right of self determination
- Science, Technology and Human Rights : Indian and International perspective

Required Reading

1. D.D. Basu, *Human Right in Constitutional Law* (2008)
2. Upendra Baxi, *The Future of Human Rights* (2008)
3. Julius Stone, *Human Law and Human Justice* (2004)
4. Henry Steiner and Philip Alston, *International Human Rights in Context: Law, Politics and Morals* (2000)
5. Geatry Conor, *Can Human Rights Survive* (2006)
6. Flavia Agnes, et al., *Women and Law* (2006)
7. James Griffin, *On Human Rights* (2008)

Additional Reading

1. Jermy Waldron, *Theories of Rights* (1984)
2. C. Rajkumar, *Human Rights and Development: Law, Policy and Governance* (2006)
3. Portland, *Gender, Culture and Human Rights: Reclaiming Universalism* (2006)
4. Simon Caney and Peter Jones, *Human Rights and Global Diversity* (2001)
5. B.S. Waghmare, *Human Rights: Problems and Perspective* (2001)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Paper – II (Paper Code 011)

Course Teachers

1. Dr. S. S. Jaswal, Assistant Research Professor, ILI.
2. Ms. Arya A. Kumar, Assistant Research Professor, ILI.

Panel of Resource Persons (Guest Lectures)

1. Prof. Upendra Baxi, Emeritus Professor, Warwick University, UK.
2. Mr. Y.S.R. Murthy, Director, NHRC.
3. Prof. T.A. Khan, Dean, Jamia Milia Islamia University.

Syllabus

- International standards for protection of Human Rights
 - Universal standards and enforcement
 - (i) Customary International law relating to human rights
 - (ii) UN Mechanism for the protection of human rights
 - Regional standards and enforcement
- Rights of Special groups: International Perspective
- Crimes against humanity
 - Genocide
 - Slavery/bonded labour
 - Torture
 - Piracy
 - Trafficking in human beings
 - International Terrorism
- Humanitarian Law
- Refugees, Migrants and Internally Displaced Persons

Required Reading

1. Henry Steiner and Philip Alston, *International Human Rights in Context: Law, Politics and Morals* (2000).

Additional Reading

1. Dr. H. O. Agarwal, *International Law and Human Rights* (2005)
2. Dr. S. K. Kapoor, *Human Rights under International and Indian Law* (2001)
3. Dr. Sreenivasalu, *Human Rights – Many Sides to a Coin* (2008)
4. Thomas Buergenthal, (ed.) *Interantioal Human Rights: Inter Americal System* (1983)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Research Paper - I (Paper Code 102)
And
Research Paper - II (Paper Code 103)

Each student is required to write two research papers of publishable quality on the topics relating to any aspects of Human Rights. Separate research proposals need to be submitted for each of the topic for approval of the same.

After the approval of the topic, students are required to carry out research under the supervision of research guide allotted to them and submit papers within in due date.

Evaluation components

Each Research Paper carries 100 marks. 70% of the marks are allotted for written paper and 30% for oral presentation before the expert panel.

SEMESTER – III (BUSINESS LAW)

Paper – I (Paper Code 018)

Course Teachers

1. Prof. S. Sivakumar, Research Professor, ILI.
2. Dr. Furqan Ahmad, Associate Research Professor, ILI.

Panel of Resource Persons (Guest Lectures)

1. Prof. D. S. Sengar, Director, ILI.
2. Prof. C.L. Bansal, Professor, Department of Commerce, Delhi University.
3. Mr. S. Koley, Company Secretary.
4. Mr. S. N. Gosh, Visiting Faculty, IIPM, NIFM.

Syllabus

- General Principles of Company Law
- Relevant provisions of Indian Contract Act, Sale of Goods Act, Partnership Act, Arbitration and Conciliation Act, Competition Act, Consumer Protection Act, Environment Protection Act, etc.,

Required Reading

1. Avtar Singh, *Company Law* (2001)
2. Avtar Singh, *Elements of Commercial Law* (1978)
3. Avtar Singh, *Law of Contract and Specific Relief* (2002)
4. Avtar Singh, *Law of Partnership: Principles, Practice and Taxation* (2001)
5. S.K. Verma, *Treatise on Consumer Protection Laws* (2004)
6. T. Ramappa, *Competition Law in India: Policy, Issues and Development* (2006)
7. P. Leelakrishnan, *Environmental Law in India* (1999)

Additional Reading

1. P. Leelakrishnan, *Environmental Law Case Book* (2004)

2. Furqan Ahmad, *Legal Regulation of Hazardous Substances* (2009)
3. O. P. Malhotra, *Law and Practice of Arbitration and Conciliation* (2006)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Paper – II (Paper Code 019)

Course Teachers

1. Mr. Vishnu Konoorayar K., Assistant Research Professor, ILI.
2. Mr. S.N. Ghosh, Visiting Faculty, IIPM, NIFM.

Panel of Resource Persons (Guest Lectures)

1. Mr. S.K. Malhotra, Deputy General Manager, SBI.
2. Prof. C.L. Bansal, Professor, Department of Commerce, Delhi University.

Syllabus

- **Banking Law**
 - Evolution of Banking Law
 - Banking Regulation Laws
 - Role of SEBI and RBI
- **Insurance Law**
 - Insurance Laws – General Principles
 - Insurance Regulation Laws
 - Different Types of Insurance and liability

Required Reading

1. Paget, John, *Law of banking* (2007)
2. Tannan, M. L., *Banking law and practice in India* (2005)
3. Barewell, N, *Law Of Insurance in British India including the Indian Insurance Act 1938* (1940)
4. Birds, John, *Modern Insurance Law* (1993)
5. Law Commission of India, *190th Report on Revision of Insurance Act, 1938 and Insurance Regulatory and Development Authority Act, 1999* (2004)
6. Ministry of Finance, Govt. of India, *Report of the Committee on Reforms in the Insurance Sector* (1994.).

7. Ivamy, E.R. Hardy , *General Principles of Insurance Law* (1975)

Additional Reading

1. Ivamy, E.R. Hardy, *Case Book on Insurance Law* (1972)
2. Jaiswal, J.V.N, *Law of Insurance* (2008)
3. Murthy, K.S.N. and Sarma, K.V.S, *Modern Law of Insurance in India*, (1995)
4. Palande,P.S. Shah, R.S, Lunawat, M. L, *Insurance in India* (2003)
5. Srinivasan, M N and Menon, N R Madhava, *Principles of Insurance Law* (2006)
6. Srinivasan, M.N and Singh, Avtar (ed.) *Principles of Insurance Laws (Life-Fire-Marine-Motor & Accident)* (2002)
7. Brandeis, Louis D, *Other peoples' money and law the bankers use it* (1933)
8. Gae, Rustom S. *Banking nationalization case and the constitution* (1971)
9. Gupta, S. N., *Supreme court on banking law* (2007)
10. Hapgood, Mark(ed), *Law of banking* (2003)
11. Mehta, Rohinton and Mehta, Rupa, *Credit cards* (2001)
12. Umarji, M.R., *Thoughts on banking sector reforms* (2008)

Evaluation components

Maximum marks allotted for the paper is 100 out of which 60% is allotted for semester end examination and 40% for continuous evaluation by the concerned course teachers.

Research Paper - I (Paper Code 102) And Research Paper - II (Paper Code 103)

Each student is required to write two research papers of publishable quality on the topics relating to any aspects of Business Law. Separate research proposals need to be submitted for each of the topic for approval of the same.

After the approval of the topic, students are required to carry out research under the supervision of research guide allotted to them and submit papers within in due date.

Evaluation components

Each Research Paper carries 100 marks. 70% of the marks are allotted for written paper and 30% for oral presentation before the expert panel.

Note:

1. Books suggested above for each paper are not exhaustive. Students are required to find other relevant books, articles, reports etc., for the purpose of reference. Course teachers may also suggest additional books, articles, etc., for reference.
2. Additions may be made to the panel of resource persons.

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