

**ANDHRA KESARI UNIVERSITY ::ONGOLE**  
**Andhra Pradesh**  
**(A State University, Recognition by UGC)**

**REGULATIONS AND SYLLABUS RELATING TO**  
**MASTER OF LAWS (LL.M)**

**POST GRADUATE DEGREE COURSE**  
**(TWO YEAR COURSE) SEMESTER PATTERN**

*[As there is no change for the regulations and syllabus as resolved to give effect from the Academic year 2023-2024 onwards, shall be effected from the Academic year 2025-2026 onwards also]*

**REGULATIONS AND SYLLABUS RELATING TO  
MASTER OF LAWS (LL.M)**

**POST GRADUATE DEGREE COURSE**

**BRANCH A : CONSTITUTIONAL AND ADMINISTRATIVE LAW**

**BRANCH B: CORPORATE AND SECURITIES LAW**

**(TWO YEAR COURSE) SEMESTER PATTERN**

*(Effective from the Academic Year 2025-2026)*

**Program Objectives:**

A Master of Laws (LLM) is a postgraduate course designed to enhance academic legal knowledge, allowing student to focus on specific areas of interest. With the Master of Law one can enjoy maximum flexibility in choice of modules and dissertation topic. The course has been purposely designed to be an innovative, adaptable program for law graduates to customize their studies to suit their preferred areas of practice interest. The LL.M. (Research) Degree is running under Semester system following Choice Based Credit System. The university is implementing revised curriculum of UGC- CDEC.

**Admission Procedure:** Candidates admitted into 2 years LL.M Course should have;

- i. Passed the Bachelor of Law Degree examination of this University or an examination of any other university recognized as equivalent thereto.
  - ii. Qualified in the AP PG LAW CET (Entrance Test) conducted in the year for which the candidate seeks admission or any other process/method recognized and accepted by the competent authority concerned.
- **For the award of LL.M. Degree :** A Candidate shall be required to have i) received instructions and training for the prescribed course of study as full-time student for two academic years, and ii) qualified in all the examinations prescribed for the award of the two Year LL.M Degree.

- **Duration:** LL.M Course has to be pursued in four semesters stretching over two academic years. Each academic year comprises two Semesters. Each Semester shall be the duration of 16 weeks.
- **Specializations :** The course is offered in two specializations i.e.,  
**Branch A:** Constitutional and Administrative Law.  
**Branch B:** Corporate and Securities Law.
- **Medium of instruction :** English language only
- **Attendance:** In order to get eligibility to apply for the examination in any subject, candidate is required to put/secure minimum 70% of attendance in each subject, which includes lectures, tutorials and practical training.

If any student ,for any unforeseen reason fails to put/secure minimum 70% of attendance of the classes held in any subject, she/he may be condoned for the shortage of attendance provided that, the student concerned attended at least 60% of the classes held in the subject concerned, subject to the payment of the fine prescribed from time to time by the University.

**Course Structure & Content:** LL.M Course is subject to UGC norms prescribed from time to time. LL.M. Course is to be pursued in a selected branch of specialization offered by the University.

The course consists of 4 Foundation Course theory papers (Foundation Course) and Dissertation including viva-voce, which are common to all LL.M courses and 7 papers of specialization in the selected branch. i.e., the total subject papers are 11 AND Dissertation including viva-voce.

In the first semester, the candidate has to appear two Foundation course theory papers i.e., common papers (FC 01&FC 02) and two Papers from the branch of specialization i.e. Branch Papers (CA 01&CA 02) or (CS 01&CS 02)

In the second semester, the candidate has to appear two Foundation Course theory papers i.e. Common Papers (FC 03&FC 04) and two Papers from the branch of specialization i.e. Branch Papers (CA03&CA04) or ( CS 03&CS 04)

In the third semester, the candidate has to appear three papers exclusively from the selected branch of specialization i.e. Branch papers (CA 05, CA06, CA 07) or (CS 05, CS 06 & CS 07)

In the fourth semester, the candidate has to complete the Dissertation including viva -voce for the partial fulfillment of the LL.M degree.

SEMESTER	COMPULSORY FOUNDATION COURSE PAPERS	SPECIALIZATION / BRANCH PAPERS	TOTAL PAPERS	TOTAL MARKS
First	2	2	4	400
Second	2	2	4	400
Third	---	3	3	300
Fourth	Dissertation		1	200
				1300

#### **FOUNDATION COURSE PAPERS COMMON TO ALL BRANCHES:**

1. Law and Social Transformation in India
2. Jurisprudence & Legal Theory
3. Indian Constitutional Law: The New Challenges
4. Research Methodology

AND Dissertation includes viva-voce

#### **Attendance:**

Candidates shall put in attendance of not less than 70% in aggregate in the prescribed subject in each semester including field work, practicals, project work, seminars, extension work etc. Condonation of shortage of attendance may be granted by the Principal of the concerned college to the candidates who have put in 60% and above (but less than 70%) attendance on Medical Grounds on production of Medical Certificate from a registered Medical Practitioner and also on payment of prescribed condonation fees.

#### **Minimum marks for Pass**

A Candidate should secure a minimum of 40% marks in each semester-end theory paper of University examination (i.e. 28 marks out 70 marks) and a minimum

of 40% of total marks (i.e. 40 marks out of 100 marks) and an aggregate of 50% marks of all the papers of the semester for a pass. If a candidate fails to secure an aggregate of 50% of marks for a pass in a paper of a semester he/ she has to secure 50% marks in such individual paper/ papers (Semester end examination + internal marks put together) in the subsequent examination. There is no supplementary/subsequent examination for internal assessment.

- **Marks Distribution for the examinations (subject papers):**

External Theory Paper : 70 Marks in each subject

Internal Assessment : 30 Marks. They are to be distributed as per the following criteria

- Home Assignments in each subject : 10 marks
- Internal Examination in each subject : 10 marks
- Viva/seminar in each subject : 10 marks

#### **Procedure for awarding of inter assessment marks**

##### Home Assignments (10 marks )

All the students shall be given at least 2 assignments in each subject by the subject teacher concerned with the permission of the Principal/Head of the department. The first assignment shall be given after covering of 40% of the syllabus and the second assignment shall be given after covering of 80% of the syllabus or as per the convenience of the institution. Each assignment shall be considered for 5 marks. The teacher concerned will evaluate and award the marks under the supervision of the Principal/Head of the department.

##### Internal Examinations (10 Marks)

The internal examinations for each subject shall be conducted twice in each semester for each subject. One, after covering 40% of the syllabus and second after covering 80% of the syllabus or as per the convenience of the institution. The total marks of 10 are to be awarded on average marks secured by the students in both internal examination and not best of two.

##### Viva/Seminars (10 marks)

The board consisting of the Principal/ Head of the Department and the other two subject experts, appointing Principal/ H.O.D shall conduct and evaluate the marks of the viva/seminars for each subject as per the schedule fixed by the Principal / H.O.D

### **Marks Distribution for Dissertation paper:**

The Dissertation of a minimum length of 120 pages, has to be prepared and submitted by the candidate of his own choice ,but with the permission of the guide, in the area of his/her specialization in fourth semester. Dissertation shall be evaluated by the board consisting of internal and external examiners.

#### **Pattern of dissertation paper:**

Dissertation : 150 Marks

Viva-voce : 50 Marks

The board consisting of three members shall evaluate the paper “Dissertation “for 200 marks (150 marks for dissertation and 50 marks for Viva-Voice)

The members of the board consisting of (1) Principal/head of the department (2) The guide ,who guided the student in the submission of the dissertation and (3) The external expert of the subject appointed by the University from any other University. The members of the board will evaluate and award marks to each student individually/Separately for both Dissertation (150 marks) and Viva-voce (50 marks). The final marks are to be calculated on average basis for both Dissertation and viva-voce awarded by the board separately all together for the total marks of 200.

The decimal points of marks in final calculation of total marks shall be treated to the next full mark, if the fractional part is more than 0.5 mark and shall be reduced to the previous full mark, if the fractional part is less than or equal to 0.5 mark.

Ex: If a candidate has secured 130.36 marks on average, it shall be considered as 136 marks AND if a candidate has secured 130.56 marks on average, it shall be considered as 137 marks.

#### **Question Paper Pattern:**

For each semester end examinations of external written examination in theory, the question paper shall carry 70 marks. This paper will consist of Part –A and Part-B. Part-A shall carry 20 marks consisting of 8 short questions and out of which the examinee should write/answer 4 questions. Each question carries 5 marks. Part-B shall carry 50 marks consisting of 10 essay type questions, out of which the examinee should write/answer 5 questions. Each question carries 10 marks.

### **Examination and Award of Degree**

- Candidate shall take examination in each of the subjects prescribed for study at the end of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination shall be three hours.
- The semester end examination shall be based on the question paper set by an external paper setter.
- A candidate shall be declared to have passed in each semester concerned, provided she/he secured a minimum of 50 per cent on aggregate of total marks of both external & internal assignments, subject to securing not less than 40 per cent in each external examination. i.e The candidate should secure minimum 28 marks in external examination of each subject and there is no minimum marks in internal assessment examinations.

#### **Award of division:**

Candidates who have passed all the examinations of the Course shall be awarded Classes/ Divisions in accordance with the total aggregate marks secured by them in all semester examinations taken together.

1. First Class with Distinction - 75% and above
2. First Class - 60% and above but less than 75%
3. Second Class - 50% and above but less than 60%

First Class/Second Class is awarded to a candidate as per the above classification, provided he/she completes the course within two years from the year of joining of the course.

**Award of the Degree:** After successful completion of all the requisite papers prescribed, the University will award Post Graduate Degree of Master of Laws (LL.M) with the branch of specialization and along with the division obtained by the successful students.

Note: Apart from these rules and regulations, the rules or regulations adopted /passed/modified by the university/any other competent authority will be applied from time to

Model Question Paper  
**ANDHRA KESARI UNIVERSITY**  
Ongole  
LL.M Degree Examination : Month / Year

Name of the branch and semester: \_\_\_\_\_

Name of the subject and Code: \_\_\_\_\_

Max Marks : 70 Marks

PART -A

Answer any Four Questions of the following.

Each Question carries 5 marks

4 x 5 Marks = 20 Marks

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

PART – B

Answer any Five Questions of the following.

Each Question carries 10 marks

5 x 10 Marks = 50 Marks

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

Master of Laws (LL.M): Postal Graduate Degree Course

BRANCH: A

**CONSTITUTIONAL AND ADMINISTRATIVE LAW**

(Two Year) Semester Pattern and Syllabus

(Effective from the Academic Year 2025-2026)

ANDHRA KESARI UNIVERSITY :: ONGOLE

(A State University, Recognised by U.G.C)

Course Structure of 2y LL.M course  
(For the students admitted from the academic year 2025-2026 onwards)

Title of the Subjects with code

CONSTITUTIONAL AND ADMINISTRATIVE LAW (BRANCH: A)			
S.No	Subject Code	Title of the Subjects	Total marks
1	LLMCA101	Law and Social Transformation in India	100
2	LLMCA102	Jurisprudence and Legal Theory	100
3	LLMCA103	Constitutionalism, Pluralism and Federalism	100
4	LLMCA104	Union – State Relations	100
Sub-Total			400
5	LLMCA201	Indian Constitutional Law the New Challenges	100
6	LLMCA202	Research Methodology	100
7	LLMCA203	Administrative process - Nature and Scope	100
8	LLMCA204	Administrative Process - Judicial Control	100
		MOOC's	.
Sub-Total			400
9	LLMCA301	Mass Media Law	100
10	LLMCA302	Comparative Constitutional Law	100
11	LLMCA303	Public Authorities and Liability	100
		MOOC's	.
Sub-Total			300
12	LLMCA401	Dissertation	200
Sub-Total			200
<b>Grand Total</b>			<b>1300</b>

## Course Pattern

### CONSTITUTIONAL AND ADMINISTRATIVE LAW (BRANCH: A)

#### FIRST SEMESTER

Sl. No.	Course Code	Paper No	Components of Study	Title of the Paper	Title of Branch	Hours per week			Max Marks		Credits
						L	T	P	E	I	
1	LLMCA101	1	FOUNDATIONAL COURSE	Law and Social Transformation in India	Common Paper	4	2	-	70	30	6
2	LLMCA102	2	FOUNDATIONAL COURSE	Jurisprudence and Legal Theory	Common Paper	4	2	-	70	30	6
3	LLMCA103	3	BRANCH PAPER	Constitutionalism, Pluralism and Federalism	CONSTITUTIONAL AND ADMINISTRATIVE LAW	4	2	-	70	30	6
4	LLMCA104	4	BRANCH PAPER	Union – State Relations	CONSTITUTIONAL AND ADMINISTRATIVE LAW	4	2	-	70	30	6

**L-Lectures, T-Tutorials, P-Practicals, E-External, I-Internal**

## SECOND SEMESTER

Sl. No	Course code	Paper no.	Components Of Study	Title of the paper	Title of branch	Hours per week			Max marks		Credits
						L	T	P	E	I	
1	LLMCA201	5	Foundation course	Indian constitutional law the new challenges	Common Paper	4	2	-	70	30	6
2	LLMCA202	6	Foundation course	Research methodology	Common Paper	4	2	-	70	30	6
3	LLMCA203	7	Branch Paper	Administrative process - nature and scope	Constitutional and Administrative law	4	2	-	70	30	6
4	LLMCA204	8	Branch Paper	Administrative process - judicial control	Constitutional and Administrative law	4	2	-	70	30	6
				MOOC's		.	.	.	.	.	2

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

### THIRD SEMESTER

Sl. No.	Course Code	Paper No.	Components of Study	Title of the Paper	Title of Branch	Hours per week			Max Marks		Credits
						L	T	P	E	I	
1	LLMCA301	9	BRANCH PAPER	Mass Media Law	Constitutional and Administrative Law	4	2	-	70	30	6
2	LLMCA302	10	BRANCH PAPER	Comparative Constitutional Law	Constitutional and Administrative Law	4	2	-	70	30	6
3	LLMCA303	11	BRANCH PAPER	Public Authorities and Liability	Constitutional and Administrative Law	4	2	-	70	30	6
				MOOC's		.	.	.	.	.	2

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

**FOURTH SEMESTER**

Sl.No.	Course Code	Components of Study	Title of the Paper	Hours per week			Max Marks	Credits
				L	T	P	E & I	
1	LLMCA401	12	Dissertation	-	-	2	150	
			Viva Voce	-	-		50	
			Total				200	

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

## DETAILED SYLLABUS

### BRANCH A: CONSTITUTIONAL AND ADMINISTRATIVE LAW

#### FIRST SEMESTER

#### FOUNDATION COURSE SUBJECTS

Course Code: LLMCA101

#### **Paper 1: LAW AND SOCIAL TRANSFORMATION IN INDIA**

##### **UNIT-I : Law and social change**

Law as an instrument of social change

Law as a product of traditions, customs and culture

The introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

##### **UNIT-II : Minorities and the law**

Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law

Constitutional guarantees to Linguistic minorities

##### **UNIT-III : Socio-economic transformation and evolution of law**

The impact of social reform movements on the evolution of Social and Labour Legislations in India.

The impact of economic policy changes in the Indian Society on the evolution of economic legislations

##### **UNIT-IV : Gender justice - equity**

Empowerment of women : Constitutional Provisions.

Women's Commission

Protection of the Rights of LGBTQIA Community

## **UNIT-V : Children and the law**

Child labour

Sexual exploitation

## **UNIT-VI : Modernization and the law**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Criminal law : Plea bargaining : Compounding and payment of compensation to victims

Civil Law : (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats

## **Selected Bibliography**

Marc Galanter (ed.,) Law and Society in Modern India (1997) Oxford.

Robert Lingat, The Classical Law of India (1988),

Oxford. U. Baxi, The Crisis of the Indian Legal System (1982).

Vikas, New Delhi. U. Baxi (ed.), Law and Poverty Critical Essays (1988),

Tripathi, Bombay, Manushi, A Journal about Women and Society.

Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi :

H.M. Seervai, Constitutional Law of India (1996), Tripathi.

D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India (P) Ltd., New Delhi. Sunil Deshta and Kiran Deshta,

Law and Menace of Child Labour (1997), Sage.

India Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988) J.B. Kripalani, Gandhi : His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.

M.P. Jain, Outlines of Indian Legal History, (1993),

Tripathi, Bombay Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

**Paper 2: JURISPRUDENCE AND LEGAL THEORY**

**UNIT-I : Law and justice**

Scope, purview and extent of Jurisprudence : The concept of Law.

Utility of Jurisprudence

The Relation of Justice to Law and Ethics, Morality and Legal Theory

Law and Morals – Mills, Hart Devlin Debate.

**UNIT-II : Natural law theories**

Historical Development in Ancient, Medieval and Renaissance Period

Twentieth Century Natural Law Revival

Hart on Natural Law

Fuller and Morality of Law

Finnis and Restatement of Natural Law

**UNIT-III : Theories of law**

Jeremy Bentham's Utilitarianism and Analytical Positivism

Austin's Theory of Law

The Pure Theory of Law : Kelson's Theory

Positivism – Meaning by Prof. Hart and Dworkin

Analytical Positivism and its application to the Indian Legal System

The German Historical School – Savigny and Volkgeist

The English Historical School – Sir Henry Maine

**UNIT-IV : Sociological jurisprudence**

Roscoe Pound's Theory of Social Engineering and Theory of Interest.

Laswell and Medaugh, Parsons Selznick

Jherin, Max Weber, Durkheim, Ehrlich

**UNIT-V : Economic school and Realist school**

Marxian theory

Neo-Marxian theory

Holms theory

Jeromy Frank theory

Gray theory etc

Scandinavian Jurists theories

## **UNIT-VI : THE JUDICIAL PROCESS AND THEORIES OF ADJUDICATION AND LEGAL CONCEPTS:**

The nature of judicial process and the institution of adjudication

Doctrine of Precedent – Stare decisis

Ratio decidendi and Obiter Dicta

Precedent as a Source of Law

Concept of Liability – moral, political and legal

Theories of liability

Fault Liability

No-Fault Liability and

Strict Liability

### **Selected Bibliography**

Friedman W – Legal Theory (Fifth Editin), Universal Law Publishing Co-Pvt Ltd.

Wayne Morrison – Jurisprudence from the Greek to Post – Modernism (1997)

Holand Sir R.W.M – Thomas Erskine Holland The Elements of Jurisprudence  
2001, Universal law publishing Co Pvt. Ltd.

Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7<sup>th</sup>  
Edition).

Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.

P.J. Fitzgerald, Salmond on Jurisprudence (12<sup>th</sup> Edition) Universal Law Publishers.

Rajeev Dhawan and Alice Jacob, Selection and Appointment of Supreme Court  
Judges – a Case Study (1978)

Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law,  
(revised Edition) 1996 Universal Book Traders, New Delhi.

## **Paper 3: CONSTITUTIONALISM: PLURALISM AND FEDERALISM**

### **UNIT-I : Constitutionalism –**

Authoritarianism - Dictatorship

Democracy -Communism.

Limited Government - Concept - Limitations on Government Power.

What is a Constitution?

Development of a democratic government in England - Historical evolution of constitutional government.

Conventions of constitutionalism - law and conventions

Written constitutions U.S.A., Canada, Australia, Sweden, South Africa and India.

Separation of powers: Montesquieu

Rule of Law: Concept and new horizons

Marxist concept of constitutionalism

Dictatorship of the proletariat.

Communist State from Stalin to Gorbachov.

Fundamental Rights: Human rights

Judicial Review: European Court of Human Rights

Human Rights: International conventions

Limits & doctrine of domestic jurisdiction in international law.

### **UNIT-II : Federalism**

What is a federal government?

Difference, between confederation and federation

Conditions requisite for federalism.

Patterns of federal government - U.S.A., Australia, Canada, India.

Judicial review - for federal umpiring

New trends in federalism: Co-operative federalism

India - Central Control v. State Autonomy

Political factors influencing federalism

Plural aspects of Indian Federalism: Jammu & Kashmir, Punjab, Assam. Dynamic of federalism

### **UNIT-III : Pluralisms**

What is a pluralistic society?

Ethnic, linguistic, cultural, political pluralism

Individual rights - right to dissent

Freedom of speech and expression

Freedom of the press

Freedom of association

Rights to separateness

Freedom of religion

Rights of the religious and linguistic minorities

Compensatory discrimination for backward classes

Women - rights to equality and right to special protection

Scheduled Tribes, Distinct Identity - protection against exploitation - NSIS -

Exclusion from Hindu Law.

### **UNIT-IV : Uniform Civil Code**

Non-State law (NSLS) and State Law Systems - Problem of Uniform Code v personal laws, vertical federalism and the possibility of one state and one Law under the federal structure of the constitution with respect of personal laws.

### **UNIT-V : Equality in Plural Society.**

Right to equality and reasonable classification

Prohibition of discrimination on ground of religion, caste, sex, language.

Abolition of untouchability

Secularism - constitutional principles

Tribal Groups and Equality

### **UNIT-VI : Pluralism and International Concerns**

International Declaration of Human Rights

Conventions against genocide

Protection of religious, ethnic and linguistic minorities

State Intervention for protection of human rights

Right of self-determination

### **Selected bibliography**

Upendra Baxi, "Law, Democracy and Human Rights"- 5 Lokayan Bulletin 4 (1987)

V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)

Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28, LLL 299 (1986)

M.A. Fazal "Drafting A British Bill of Rights" 27 J.LLL 423 (1985)

M.P. Jain Indian Constitutional Law(1994), Wadhwa.

Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.LLL 198 (1985).

Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 LC.LD. 89-108 (1988)

S.P. Sathé, Fundamental Rights and Amendment of the Indian Constitution, (1968)

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bombay.

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

## **Paper 4 : UNION – STATE RELATIONS**

### **UNIT-I : Legislative relations**

Doctrine of Territorial Nexus

Scheme of distribution of legislative powers

Principles of Interpretation of Lists – Doctrine of Pith & Substance, Doctrine of Colorable Legislation, Doctrine of Harmonious, Construction, Subsidiary Legislation.

Residuary Powers

### **UNIT-II : Administrative relations**

Distribution of Executive Powers

Inter-governmental delegation of Powers

Centre's directives of State

### **UNIT-III : Financial relations**

Distribution of Fiscal Power

Scheme of Allocation of taxing power

Extent of Union Power of Taxation

Residuary Power – Inclusion of fiscal power

Restrictions of Fiscal Power

Inter-Government tax immunities

Distribution of Tax Revenues

Tax-Sharing under the Constitution

Finance Commission – Specific purpose grants (Article 282)

Inter-State Trade and Commerce

Niti Aayog

National Development Council

### **UNIT-IV : Services under the union and the states**

All India Services

Recruitment and Regulation of Service Conditions

Doctrine of Pleasure and Restrictions thereon

Constitutional Safeguards to Civil servants

Public Service Commissions

#### **UNIT-V : Emergency provisions**

National Emergency

State Emergency

Financial Emergency

#### **UNIT-VI : Federal government in India**

What Reforms are Necessary to strengthen federal structure ?

Sarkaria Commission Report

Report of the Commission to Review the Working of the Constitution – 2002

Report of the Commission of Centre State Relations 2010 (Justice M.M.

Punchii Commission)

#### **Select bibliography**

H.M.Seervai, Constitutional Law of India (1991), Tripathi, Bombay.

Sudha Bhatnagar, Union-State Financial Relations and Finance Commissions, (1979)

Ashok Chandra, Federalism in India, (1965)

V.D. Sebastian, Indian Federalism : The Legislative Conflicts Chs. 6-7 and 8 (1980).

Chandrapal, Centre-State Relations and Cooperative Federalism, Chs.5 and 8 (1983)

G.C.V. Subba Rao, Legislative Powers in Indian Constitution Law, Chs.37, 38, 39 (1982)

Richard M.Pious, The American presidency, 293-331, Ch.9(1979)

Daniel Elazar, American Federalism, Chs.3 and 4 (1984)

K.P. Krishna Shetty, The Law of Union – State Relations and the Indian Federalism  
Ch.9 (1981)

Report of the Eighth Finance Commission.

Administrative Reforms Commission on Centre-State Relationship Ch.3 (1969)

Constituent Assembly Debates Vol.9, 203, 240 and 302-349; Vol.10, 325-342.

Administrative Reforms Commission, Report of the Study Team on Central-State  
Relationship

(1967) Vol.1, Sections and 11, pp.15-168

L.M.Singhvi(ed.), Union-State Relations in India 124-154 (1969).

Government of Tamilnadu, Report of the Centre-State Relations Inquiry Committee

Ch.5 (1971)

D.T. Lakadwala, Union-State Financial Relations (1967)

M.P. Jain, Indian constitutional Law (1994), Wedhwa.

K.Subba Rao, The Indian Federation (1969)

K.C. Wheare, Federal Government (1963)

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

## SECOND SEMESTER

### FOUNDATION COURSE SUBJECTS

Course Code: LLMCA201

#### **Paper 5: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES**

##### **UNIT-I : Federal system and the state**

Creation of new federal state

Features of unitary, quasi and federal polities

Directions of the Centre to the State under Article 356 and 365.

Federal Comity : Relationship of trust and faith between Centre and State.

Tribal Areas, Scheduled Areas

Concept of State

Origin of State

Elements of State

Definition of State under Indian Constitution

Need for widening the definition in the wake of liberalization

##### **UNIT-II : Right to equality and freedom of speech**

Right to equality: privatization and its impact on affirmative action.

Freedom of press and challenges of new scientific development,

Freedom of speech and right to broadcast and telecast

##### **UNIT-III : Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights

Compensation jurisprudence

Right to education

##### **UNIT-IV : Rights of minorities**

Constitutional guarantees to Linguistic minorities

Rights of minorities to establish and administer educational institutions and

State Control.

## **UNIT-V : Independence of judiciary**

Judicial independence

Appointment, transfer and removal of judges

Judicial activism and judicial restraint

Locus standi

PIL : its origin, scope and the guideline formulated by the Apex Court

## **UNIT-VI : Electoral reforms :**

Election Commission Status, Powers and functions

The role of Apex Court in promoting electoral reforms

Grass root democracy – Local Self Governments

### **Selected Bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional value.

### **Suggested Readings :**

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.

Shiva Rao : Making of Indian Constitution

Constitutional Assembly Debates

**Paper 6 : RESEARCH METHODOLOGY**

**UNIT-I : Legal research**

Scientific Methods  
Purpose of Social Science Research  
Scope of Legal Research  
Doctrinal and non-doctrinal  
Relevance of empirical research  
Social Legal Research  
Induction and deduction  
Concepts, variables, definitions  
Research Problem  
Formulation of Research Problem

**UNIT-II : Hypothesis**

Hypothesis, its role and functions  
Criteria for good hypothesis and its sources  
Research Design  
Forms and techniques of Research Design  
Major steps in the preparation of Research Design

**UNIT-III : Legal research design**

Sampling Techniques  
Its uses and advantages in research  
Random Sampling, Simple Random, Stratified random systematic random  
Non-random, sampling hazards, availability and purpose sampling

**UNIT-IV : Research tools**

Observation, Participant and non-participant observation  
Questionnaire  
Schedule  
Interview

## **UNIT-V : Sources or survey of legal material for legal research**

Survey

Case Study

Content analysis

Protective Techniques

Data Processing and Analysis

## **UNIT-VI : Research report or drafting a legal research text**

Findings

Appendices

Guidelines to prepare the research text

Sentence Structures

Verb Patterns

Subject Patterns

Verb Patterns

### **Paragraph Development**

Start a New Approach

Using Punctuation in Research Text

Punctuation in Sentences – how to Use it Correctly

The Purpose of Punctuation

Appropriate use of Punctuation Marks

Use of en Dash

### **The Reference material:**

Book by more than two authors

Article of a Journal

Article in an encyclopedia

Appendices

Footnotes

Bibliography

A Comparison of Bibliography and Foot – Note Form

### **Selected Bibliography**

High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education : Active Learning in your Law School, (1998) Blackstone Pres Limited, London.

S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978) Pauline V. Young Scientific Social Survey and Research, (1962).

William J. Grade and Paul K.Hatt, Methods in Social Research, MC Graw-Hill Book Company, London.

H.M.Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C.Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959) Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Havard Law Raview Association, Uniform System of Citations.

ILI Publication, Legal Research and Methodology.

## **BRANCH SPECIALISATION PAPERS**

**Course Code: LLMCA203**

### **Paper 7: ADMINISTRATIVE PROCESS – NATURE AND SCOPE**

#### **UNIT – I : Introduction to the Study of Administrative Law**

Definition of Administrative law

Reasons for the growth of Administrative Law

Distinction between administrative law and constitutional law

#### **Rule of Law**

Dicey's three meanings of Rule of Law

The Rule of Law and Administrative Law

K.C. Davis: The Seven meanings of Rule of Law

The Rule of Law and American rejection of its extravagant

Chicago Conference on the Rule of Law

Delhi Declaration 1959

Rule of Law and Indian Constitution

Judicial Interpretation of the Concept of Rule of Law

Rule of Law and Emergency: Habeas Corpus Case

#### **Separation of Powers**

Historical Background of the doctrine of Separation of powers

Montesquieu's doctrine

Separation of powers in France

Separation of powers in England

Separation of powers in USA

Separation of powers in India

Supreme Court on Separation of powers

## **UNIT – II: Classification of Functions**

Need for classification

Administrative Process

Legislative function

Distinction between Legislative and Administrative functions

Distinction between legislative and judicial functions

The difference between Judicial and quasi-judicial decisions

Distinction between administrative and judicial functions

Ministerial functions

Purely Administrative Functions

### **Welfare State**

Meaning and functions of State

Theories as to functions of the State

Evolution of Welfare State

The minimal or limited State

The Interventionist State

Need for Government Intervention

Five Legal Aspects of the Social Welfare State

The Indian Welfare State

The Impact of New Economic Policy

### **UNIT – III: Delegated Legislation**

Forms of Delegated Legislation

Distinction between Legislative and Administrative Powers

Reasons for the growth of Delegated Legislation

Delegated Legislation in England

Delegated Legislation in USA

### **Constitutionality of Delegated Legislation**

Constitutionality of delegated legislation in India

Privy Council on delegated legislation

Federal Court on delegated legislation  
Supreme Court on delegated legislation  
Doctrine of Excessive delegation  
Essential legislative function: Meaning of  
The test of 'policy and guidelines' and 'abdication test'

### **Classification of Delegated Legislation**

Appointed day clause  
Skeleton legislation  
Power of inclusion and exclusion  
Power of extension and application of existing laws  
Power of suspension  
Power of Modification  
Power to remove difficulties  
Power to prescribe punishments  
Power to impose tax  
Conditional legislation

### **Judicial Control of Delegated Legislation**

Parent Act is ultra vires the Constitution  
Delegated legislation is ultra vires the Constitution  
Whether delegated legislation is protected by the IX Schedule of the  
Constitution  
Delegated legislation is ultra vires the Parent Act  
Delegated legislation held intra vires the Parent Act  
Unreasonableness  
Malafide -Wrong purposes and bad faith  
Sub-delegation  
Retrospective operation  
Exclusion of judicial review  
Procedural ultra vires  
Publication

Consultation

### **Legislative Control of Delegated Legislation**

Position in England

Position in USA

Position in India

Laying Technique

Legal Consequences of non-compliance with the laying provisions

Committee on Subordinate Legislation

Functions of Scrutiny Committees

Suggestions made by Committee on Subordinate legislation

Working of the Committee

### **UNIT – IV: Administrative Discretion**

Meaning of 'Administrative Discretion'

Control of discretionary powers

Position in England

Position in USA

Position in France

### **Fundamental Rights and Conferment of Administrative Discretion**

Grant of discretion And Article 14

Grant of Discretion and Article 19

Discretion Regarding Distribution of government largess

### **Judicial Control of Administrative Discretion**

Scope and Extent of judicial review

Judicial Review of discretionary powers

Failure to exercise discretion

Sub-delegation of powers

Acting under dictation

Fettering discretion by self-created rules of policy

Fettering discretion by contract or undertaking

Error of law in construing the scope of discretion

Non-application of mind

### **Abuse of Discretion**

The ultra vires doctrine

Malafide exercise of power

Taking into account irrelevant considerations

Use of powers for an improper purpose

Colourable exercise of power

Excess or absence of power

Violation of the principles of natural justice

Duty to act fairly

Unreasonable exercise of discretionary power

### **UNIT – V: French Administrative Courts**

Constitutional Background

Le Conseil Constitutionnel

Droit administrative

Administrative Courts

Conseil d' Etat

Tribunaux Administratifs

Other Administrative Jurisdictions

The structure of the Conseil d' Etat

The Administrative Role of the Conseil d' Etat

The Administrative Sections of the Conseil d' Etat

The General Assembly of the Conseil d' Etat

The Permanent commission

The Judicial Role of the Conseil d' Etat

The Report Commission

The Membership of the Conseil d' Etat

The Procedure of the Conseil d' Etat

Appeal

The Tribunal des conflicts

## **UNIT – VI: Administrative Tribunals in India**

Meaning of Tribunal

Administrative Tribunals: Misnomer

Reasons for creating Special Tribunals

Distinction between Courts and Tribunals

Problems of Administrative- decision making

Andhra Pradesh Administrative Tribunal

42nd Constitutional Amendment and Tribunals

The Administrative Tribunals Act 1985

Judicial control over Tribunals

Domestic Tribunals

### **Selected Bibliography**

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

ILLI: Government Regulation of Private Enterprises, Ch.1,2&8

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

**Paper 8: ADMINISTRATIVE PROCESS AND JUDICIAL CONTROL**

**UNIT – I: Principles of Judicial Review and Its Constitutionality**

General Principles

Judicial Control in England

Judicial Review in America

Judicial Review in India

Modes of Judicial Control

Constitutional Review

Statutory Review

**Concept of Collective Bargaining - A Comparative Appraisal**

History of Collective Bargaining in India

Five-year plans and Collective Bargaining

Legal Framework governing Collective Bargaining

Factors affecting Collective Bargaining in India

Suggestions to make Collective Bargaining more effective

N.C.L Recommendation on Collective Bargaining

Collective Bargaining and International Experience

**Enforcement of Articles 32 And 226 Of Indian Constitution**

Procedure Under Article 32

Procedure Under Article 226

Importance of Article 227

Discretion of S.C Under Article 136

Alternative Remedy

Delay --A Ground tor rejecting Petition?

**UNIT – II: Judicial Review of Quasi-Judicial Action**

Judicial review of quasi-judicial Action

Jurisdictional Errors

Error apparent on the face of the record

Violation of natural justice

Fraud

Imposition of punishment on Government Servant  
Unconstitutionality  
Exclusion of  
Judicial Review  
Finality Clause  
The Conclusive Evidence Clause

### **Reliefs and Remedies Against Administrative Actions**

History of Writ Procedure in India  
Constitutional Framework  
Locus Standi - Standing to Challenge an Administrative Action  
Standing for Writ petitions  
Laches  
Resjudicata  
Alternative remedy

### **Judicial Review of Administrative Discretion And Policy**

Meaning of Discretion  
Administrative Discretion and Fundamental Rights  
Discretion Regarding Government Largess  
The Authority Is not acted on any material  
The Authority Is not acted arbitrary

### **UNIT – III: Natural Justice**

Meaning and Development  
Natural Justice in India  
Recent developments in India  
Position England  
Position In U.S.A  
Position of Natural Justice in Common Law  
Consequences of violation of Natural Justice

### **Audi Alteram Partem as Natural Justice**

Rule of fair hearing - a statutory rule  
Exceptions to Audi Alteram Partem Rule  
Where the function of the Government is policy oriented  
When the functions of the agency concerned are held to be administrative

Where to give notice would obstruct the taking of prompt action

Where disclosure of Information would be prejudicial to the public interest

Where the power exercised disciplinary

Where statutory exclusions are there

Emergency

Legislative Function

Interim disciplinary action

Academic Evolution

Impracticability

Reasoned Decisions

### **Doctrine of Bias (Rule Against Bias)**

Doctrine of Bias

Bias and Mala fide

Bias and Prejudice

Pecuniary Bias

Personal Bias

Bias as to the subject -matter

Exceptions to the Rule against bias

Statutory authority

Statutory modification

Official or departmental bias

Contempt of Court

Waiver

Maximum and minimum of hearing

England and India- A comparison

Position in U.S.A

### **UNIT – IV: Ombudsman in Common Law Countries**

Office of the Ombudsman

New Zealand

New Zealand Parliamentary Commissioner

England

Australia

Norway

U.S.A

### **Ombudsman-A Needed Institution**

Meaning

Importance of the Institution

Position of the Institution

Need and importance of Ombudsman In modern democratic set-up

Office of the Ombudsman

Sweden

Denmark

### **UNIT – V: The Lokpal and Lokayuktas Act- 2013**

ARC-A mile stone for Lokpal

History of Lokpal and Lokayukta

The functions of Lokayukta

The Important aspects of the Lokpal Act- 2013.

### **UNIT – VI: Central Vigilance Commission**

Jurisdiction of C.V.C

Main functions of the Commission

Disciplinary Proceedings by C.V.C

### **Selected Bibliography**

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

**THIRD SEMESTER**  
**(BRANCH SPECIALISATION PAPERS)**

**Course Code: LLMCA301**

Paper 9: MASS MEDIA LAW.

**UNIT - I**

Mass media - Types of - Press Films, Radio Television Ownership patterns - Press - Private – Public, Ownership patterns - Films – Private, Ownership patterns - Radio & Television, Public, Difference between visual and non-Visual Media- impact on People's minds.

**UNIT - II**

Press - Freedom of Speech and Expression - Article 19 (1) (a) Includes Freedom of the Press, Laws of defamation, obscenity, blasphemy and sedition,

**UNIT - III**

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 - IV**

Films - How far included in freedom of speech and expression? Censorship of films – constitutionality, abbas Case, Difference between films and Press - why pre-censorship valid for films but not for the press? Censorship under the Cinematograph Act.

**UNIT - V**

Radio and Television - Government monopoly. Why Government departments? 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 - VI**

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 licence fee.

### **Selected bibliography**

M.P. Jain, Constitutional Law of India (1994) Wadhwa.

H.M. Seervai, Constitutional Law of India Vol.I (1991) Tripathi, Bombay.

John B. Howard, "The Social Accountability of Public Enterprises" in Law  
Community Controls in New Development Strategies (International Center for law in  
Development 1980).

Bruce Michael Boyd, "Film Censorship in India: A Reasonable Restriction on  
Freedom of Speech and Expression ". 14 J.I.L.I. 501 (1972).

Rajeev Dhavan "On the Law of the Press in India" 26 J.I.L.I. 288 (1984).

Rajeev Dhavan, "Legitimizing Government Rhetoric: Reflections on Some Aspects of  
the Second Press Commission" 26 J.I.L.I. 391 (1984).

Soli Sorabjee, Law of Press Censorship in India (1976).

Justice E.S. Venkaramiah, Freedom of Press: Some Recent Trends (1984).

D D. Basu, The Law of Press of India (1980).

Students should consult relevant volumes of the Annual Survey of Indian Law  
published by the Indian Law Institute. (Constitutional Law 1 & 11, Administrative  
Law and Public Interest litigation).

Paper 10: COMPARATIVE CONSTITUTIONAL LAW

**UNIT –I**

Modern Constitutions- Growth and Evolution

Nature and Classification

Unitary, Federal and Confederal

Different types of federalism

Doctrine of Separation of powers

Theory of Checks and Balances

Doctrine of Judicial Review

British Constitution - Salient Features - Rule of Law - Executive, Legislature and Judiciary under the Constitution –Supreme Court of England and House of Lords-Appointment of Judges- Conventions -Parliamentary Sovereignty - Emergency Powers - Bill of Rights.

**UNIT-II**

French Constitution - Salient Features - Executive, Legislature and Judiciary under the Constitution - Constitutional Council - Amendments-Emergency Powers.

**UNIT-III**

Swiss Constitution - Salient Features - Executive, Legislature and Judiciary under the Constitution - Direct Democracy - Amendments.

**UNIT-IV**

U.S. Constitution - Evolution - Salient and Federal features – Structure and Powers of Federal Executive, Legislature and Judiciary – Amendment of Constitution - Distribution of Legislative Powers. Constitutional Law

**UNIT-V**

Australian Constitution - Evolution - Salient features – Structure and powers of Commonwealth Legislature, Executive and Judiciary -Amendment of Constitution - Distribution of Legislature powers.

## UNIT-VI

Canadian Constitution - Evolution and Patriation of Constitution –Salient features - Structure and powers of Dominion Legislature, Executive and Judiciary - Charter of Rights and Freedoms -Distribution of Legislative Powers - Amendment of Constitution.

### **Suggested Readings:**

D.D.Basu: Comparative Constitutional Law, Prentice Hall of India, New Delhi.

K.C.Wheare: Modern Constitutions, Oxford University Press, London.

A.C.Kapoor: Select World Constitutions, S.Chand& Company, New Delhi.C.F.Strong: Modern Political Constitutions, ELB Society, London.

A. V.Dicey: An Introduction to the study of Law of the Constitution, Macmillan.Delhi.

O.Hood Phillips: Constitutional and Administrative Law, Sweet &Maxwell, London.

Herman Finer: Theory and Practice of Modern Government (2 Vol), Methuen & Co., London Constitutional Law

Dorothy Pickles: French Republic, Methuen & Co. London.

M.Y.Pylee: Constitutions of the World. Universal Law Publishing Co .New Delhi.

WE.Rappord: The Government of Switzerland

S.E.Finer, Comparing Constitutions, Clarendon Press, Oxford.

Edward S.Corwin: Constitution and What it means today. Princeton UniversityPress;

C.Herman Pritchett, The American Constitution, MC.Graw-Hill Book Company,New York.

P.H.Lane: Some Principles and Sources of Australian Constitutional Law, Law Book Company of Australia Ltd., Sydney.

W.AnsteyWynes: Legislature, Executive and Judicial Powers in Australia, The Law Book Company of Australia Ltd., Sydney.

TM.Cooley: The General Principles of Constitutional Law of the United States of America.

Laskin: Canadian Constitutional Law, Carswell Co. Ltd. Toronto.

F.P.Varcoe: Distribution of Legislative Powers in Canada, Carswell Co. Ltd. Toronto.

## **Paper 11: PUBLIC AUTHORITIES: LIABILITY**

### **UNIT – I: Liability Of the State in General**

Liability of the Administration

Liability in Commercial and Non-Commercial

functionsLiability of the Government

Non -Liability of the Government

Immunities of the Administration in suits

Privilege of notice

Privilege to withhold documents

### **Liability of the Government in Contracts**

Pre-Constitution view

Constitutional Provisions for Government Contracts

Requirements for formation of contract

A written contract necessary

Executed by an authorized person

Expressed in the name of President or GovernorEffect of non-compliance

Ratification of an invalid contract

Enforcement of liability under the contract

Effect of a Valid Contract

Estoppels and Government Contract

Contracts and statutory discretion

Articles 14, 19(1), (4) and Government contractsContracts and writs

### **Tortious Liability of The Government**

Doctrine of Vicarious Liability

Expanding dimensions of governmental tortious liability

Act of State

Vidhyawati to Kasturilal

Sovereign and Non-sovereign functions

Later Developments

Transportation

Law and Order

Violation of Article 21 of the constitution

Government Hospitals

Statutory functions

Officials Exercising Statutory Functions

Post office and Railways

Municipal Bodies

Statutory and Corporate bodies

Writs and damages for government torts

## **UNIT – II: Compensatory form of Article**

Relationship between Arts 19 AND 21, 22

Maneka Gandhi: The New Approach

Present view of Article 21

Life

Personal liberty

Laws

Procedure

Onus of proof

Compensatory jurisprudence

Arrest and remedy

Fair trial and procedure

Speedy trial and justice

Long pre-trial confinement

Compensatory jurisprudence as remedy

More crimin.al courts

Maximum imprisonment

Right of appeal

Legal aid

Handcuffing of under-trials

Police torture

Prisoner's grievances

Death sentence and constitutionality

Delayed execution of death sentence

Damages

Extended view of Article 21

Quality of life

Right to livelihood

Slum dwellers

Right to medical care

Right to education

Sexual harassment and rape

Right to privacy

Ecology and environment

Right to die

Right to health

### **Consumer Protection and State Accountability**

Consumer Protection under the Indian Constitution

Legislative Competence to protect consumers

### **UNIT – III: Elements of ‘Access to Information’**

Access to information

Principles of access to information

Position in England regarding Official secrets

Developments after Franks Committee

Access to information in U.S A

Access to information in Australia

Secrecy in Government -Practice in India

Presentation of document in the court

Information under Right to information Act

Brief study of the Act

### **Disclosing of Information Under the Official Secrets Act**

Historical Position

Access under Atomic Energy Act

Access under the Official secrets Act

Persons in possession of official information

Persons receiving the information

The disclosure of secret government information

Punishment

#### **UNIT – IV: Judicial Review of Administrative Action**

Judicial review

Meaning

Object

Nature and scope

Justifiability

Limitations

Overriding considerations

Discretionary power and judicial review

Grounds

Failure to exercise discretion

Sub-delegation

Imposing fetters on discretion by self-imposed rules of policy

Acting under dictation

Non-application of mind

Power coupled with duty

Excess or abuse of discretion

Absence of power

Exceeding Jurisdiction

Irrelevant considerations

Leaving out relevant considerations

Mixed considerations

Mala fide

Improper purpose: Collateral purpose

Colourable exercise of power

Unreasonableness

#### **UNIT –V: Doctrine of Estoppel**

Government promise and estoppels Position in USA

Position In U.K Position in India

Balancing of public interests

Ideal of open government as ultimate measure

Traditional View

Government promises and Estoppel

Estoppel against a statute

Estoppel as a rule of Evidence

Privileges and Immunities under Statutes

Government Privilege to Secrecy

Privilege to Withhold Disclosure of Documents

### **Immunity from Statute Operation**

Principle of promissory estoppel

Immunity from estoppel (promissory estoppel) Promissory estoppel and Evidence

Act Promissory estoppel and Constitution

Other privileges

### **UNIT –VI: Waiver of Rights and Legitimate Expectation**

Waiver is akin to estoppels Waiver of Fundamental Rights

Waiver of Statutory Rights Waiver of natural justice

Claim In the right of oral hearing

Lack of jurisdiction and ultra-virus Government Contracts and Waiver

General Principle Nature and Scope Object

Doctrine explained Development

Development in England Development in India

### **REFERENCE BOOKS:**

Jain & Jain: Principles of Administrative Law

De Smith: Judicial Review of Administrative Action

B. Schwartz: An introduction to American Administrative Law

H.W.R. Wade & C.F. Forsyth: Administrative Law

C.K. Takwani: Lectures on Administrative Law

**Paper12: DISSERTATION**

A dissertation is a formal document that provides the students an opportunity to present the skills and knowledge they have gained through the research project they organized and conducted. It further allows students to demonstrate their skills in identifying the area of research, setting out objectives, identifying the necessary research questions, performing a proper literature review, devising appropriate methodology of research, analysis and interpretation of data, drawing conclusions and suggestions for future researchers.

The overriding criteria namely, institute-wide standardization, readability, conformance to ethical norms and durability forms the core of the acceptable form of the dissertation. This document provides a set of guidelines for the LL.M. students to prepare the dissertation to satisfy the above-mentioned criteria.

**1. General Guidelines :**

- a. Every student pursuing their LL.M. Programme is expected to undertake a research project and submit an original written dissertation in strict adherence to the timeline that would be announced annually.
- b. Students must choose a research area of their choice of the branch concerned with the permission of the guide and submit a brief proposal of about ten pages to the guide/ Principal of the college/ Head of the Department, on or before the specified date fixed by the authority.
- c. Guides will be allotted to the students, taking into due consideration of the Principal of the college / Head of the Department, after obtaining the consent of the guide, and subject to the number of candidates under the supervision of the individual guide.

- d. No guide can supervise more than FIVE students at any given time, but as per the convenience of the institution, there may be allotment of more than five students.
- e. The students are advised to meet the guide for their guidance in the dissertation work on a regular basis. It is the responsibility of the students to keep their guide informed about their progress of work. The difficulties, if any, while performing research must be reported to the guide without any delay.
- f. The dissertation work of the students will be monitored by the Principal of the college/Head of department. The students will have to present or report of his/her progress to the guide.

## **2. Broad Areas of Dissertation:**

Students shall conduct their research on a carefully chosen area from the following broad areas:

- a. Constitutional and Administrative Law
- b. Corporate Law
- c. Gender and Sexual Minorities
- d. Gender Justice
- e. Human Rights Law
- f. International Humanitarian Laws
- g. Securities Laws
- h. Income tax laws
- i. Company law

The student can select any other area of his choice, other than the specified area of the above, with the permission of the Principal/Head of the department.

## **3. Format of Dissertation:**

- a. A dissertation should normally be between 30,000 to 35,000 words (excluding preface and annexures)

b. The students are advised to attach one-page abstract of dissertation work in the preface to the dissertation.

c. *Formatting rules:*

- Body including Bibliography, References, Index of Authorities, Appendixes, tables
- Font Style- Times New Roman
- Size- 12
- Alignment
- Justified and line spacing of 1.5.
- Footnotes - Font Style, Times New Roman, Size- 10, Line Spacing- 1, Alignment- Justified.

*Margin:* Left margin:3.75 cm (1 1/2 inch)

*Other margins:* 2.5 cm (1 inch).

d. *Line Space:* The line spacing in the text of the dissertation must be one and half line spacing. Double line spacing shall be used while connecting two consecutive paragraphs. Single line spacing shall be observed for abstract, quotations, declaration, foot notes and references.

e. Citations and References: ILI, OSCOLA, or Bluebook must be followed. The mode of citation must be uniform across the entire dissertation.

f. Quotations must be kept to a minimum and should not exceed 100 words for each quotation.

g. Page Numbering: The page numbers of the text of the dissertation should be in Indian numerals (1,2,3,4,5,६,७) and should be centered at the bottom of the pages. The preface, appendixes, and bibliography to the dissertation shall be in Roman numerals.

h. Plagiarism: In light of the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018, the permissible limit of similarity shall be 10%.

The plagiarism check should start from the first page of Chapter 1 and continue throughout the text till end.

- i. The new chapter in your dissertation should always start on an odd-numbered page. If a chapter ends on an odd-numbered page, its back side has to be kept blank.
- j. The copy of the dissertation to be submitted to the College/University should be durable. It is advised to use paper of 85 GSM or more.
- k. The students are to submit four copies of dissertation (in soft-bound) to the College/Department of Law.
- l. The final evaluation will be based on the written dissertation and an open viva.
- m. The Viva-voce Panel will consist of three members. They are, the guide of the candidate, Principal of the college/Department of Law and one external expert, from outside of the University. When the principal, himself is acting as the guide for the candidates, he can appoint/ nominate any other subject expert as the third member of the board.

Master of Laws (LL.M) : Postal Graduate Degree Course

BRANCH: B

**CORPORATE AND SECURITIES LAW**

(Two Year) Semester Pattern and Syllabus  
(Effective from the Academic Year 2025-2026)

ANDHRA KESARI UNIVERSITY :: ONGOLE  
(A State University, Recognised by U.G.C)

Course Structure of 2yr. LL.M course  
(For the students admitted from the academic year 2025-2026 onwards)  
Title of the Subjects with code

<b>CORPORATE AND SECURITIES LAW ( BRANCH : B)</b>			
S.No	Subject Code	Title of the Subjects	Total Marks
1	LLMCS101	Law and Social Transformation in India	100
2	LLMCS102	Jurisprudence and Legal Theory	100
3	LLMCS103	Law on Corporate Contracts	100
4	LLMCS104	Modern Company Law	100
Sub-Total			400
5	LLMCS201	Indian Constitutional Law the New Challenges	100
6	LLMCS202	Research Methodology	100
7	LLMCS203	Law of Banking and Negotiable Instruments Act.	100
8	LLMCS204	Corporate Finance	100
		MOOC's	
Sub-Total			400
9	LLMCS301	Law of Exports & Imports	100
10	LLMCS302	Law of Insurance	100
11	LLMCS303	Corporate and Security Laws	100
		MOOC's	
Sub-Total			300
12	LLMCS401	Dissertation	200
Sub-Total			200
<b>Grand Total</b>			<b>1300</b>

## Course Pattern

### FIRST SEMESTER

Sl. No.	Course Code	Paper No.	Components Of Study	Title of the Paper	Title of Branch	Hours per week			Max Marks		Credits
						L	T	P	E	I	
1	LLMCS101	1	FOUNDATI ON COURSE	Law and Social Transformation in India	Common Paper	4	2	-	70	30	6
2	LLMCS102	2	FOUNDATI ON COURSE	Jurisprudence and Legal Theory	Common Paper	4	2	-	70	30	6
3	LLMCS103	3	BRANCH PAPER	Law on Corporate Contracts	CORPORA TE AND SECURITIE S LAW	4	2	-	70	30	6
4	LLMCS104	4	BRANCH PAPER	Modern Company Law	CORPORA TE AND SECURITIE S LAW	4	2	-	70	30	6

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

## SECOND SEMESTER

Sl. No	Course Code	Paper No.	Components Of Study	Title of the Paper	Title of Branch	Hours per week			Max Marks		Credits
						L	T	P	E	I	
1	LLMCS201	5	FOUNDA TION COURSE	Indian Constitutional Law the New Challenges	Common Paper	4	2	-	70	30	6
2	LLMCS202	6	FOUNDA TION COURSE	Research Methodology	Common Paper	4	2	-	70	30	6
3	LLMCS203	7	BRANCH PAPER	Law of Banking and Negotiable Instruments Act.	CORPORA TE AND SECURITIE S LAW	4	2	-	70	30	6
4	LLMCS204	8	BRANCH PAPER	Corporate Finance	CORPORA TE AND SECURITIE S LAW	4	2	-	70	30	6
				MOOC's		.	.	.	.	.	2

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

### THIRD SEMESTER

Sl. No.	Course Code	Paper No.	Components Of Study	Title of the Paper	Title of Branch	Hours per week			Max Marks		Credits
						L	T	P	E	I	
1	LLMCS301	9	BRANCH PAPER	Law of Exports & Imports	CORPORATE AND SECURITIES LAW	4	2	-	70	30	6
2	LLMCS302	10	BRANCH PAPER	Law of Insurance	CORPORATE AND SECURITIES LAW	4	2	-	70	30	6
3	LLMCS303	11	BRANCH PAPER	Corporate and Security Laws	CORPORATE AND SECURITIES LAW	4	2	-	70	30	6
				MOOC's		.	.	.	.	.	2

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

#### **FOURTH SEMESTER**

Sl.No.	Course Code	Paper No.	Title of the Paper	Hours per week			Max Marks	Credits
				L	T	P	E & I	
1	LLMCS401	12	Dissertation	-	-	2	150	
			Viva voce	-	-		50	
			TOTAL				200	12

**L-Lectures, T-Tutorials, P-Practical's, E-External, I-Internal**

## DETAILED SYLLABUS

### BRANCH - B: CORPORATE AND SECURITIES LAW

#### FIRST SEMESTER

#### FOUNDATION COURSE SUBJECTS

Course Code: LLMCS101

### **Paper 1: LAW AND SOCIAL TRANSFORMATION IN INDIA**

#### **UNIT-I : Law and social change**

Law as an instrument of social change

Law as a product of traditions, customs and culture

The introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

#### **UNIT-II : Minorities and the law**

Freedom of religion and non-discrimination on the basis of religion.

Religious minorities and the law

Constitutional guarantees to Linguistic minorities

#### **UNIT-III : Socio-economic transformation and evolution of law**

The impact of social reform movements on the evolution of Social and Labour Legislations in India.

The impact of economic policy changes in the Indian Society on the evolution of economic legislations

#### **UNIT-IV : Gender justice - equity**

Empowerment of women : Constitutional Provisions.

Women's Commission

Protection of the Rights of LGBTQIA Community

## **UNIT-V : Children and the law**

Child labour

Sexual exploitation

## **UNIT-VI : Modernization and the law**

Modernization as a value: Constitutional perspectives reflected in the fundamental duties.

Criminal law : Plea bargaining : Compounding and payment of compensation to victims

Civil Law : (ADR) Confrontation v. consensus; mediation and conciliation; Lokadalats

## **Selected Bibliography**

Marc Galanter (ed.,) Law and Society in Modern India (1997) Oxford.

Robert Lingat, The Classical Law of India (1988),

Oxford. U. Baxi, The Crisis of the Indian Legal System (1982).

Vikas, New Delhi. U. Baxi (ed.), Law and Poverty Critical Essays (1988),

Tripathi, Bombay, Manushi, A Journal about Women and Society.

Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi :

H.M. Seervai, Constitutional Law of India (1996), Tripathi.

D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India (P) Ltd., New Delhi. Sunil Deshta and Kiran Deshta,

Law and Menace of Child Labour (1997), Sage.

India Law Institute, Law and Social Change : Indo-American Reflections, Tripathi (1988) J.B. Kripalani, Gandhi : His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.

M.P. Jain, Outlines of Indian Legal History, (1993),

Tripathi, Bombay Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

**Paper 2: JURISPRUDENCE AND LEGAL THEORY**

**UNIT-I : Law and justice**

Scope, purview and extent of Jurisprudence : The concept of Law.

Utility of Jurisprudence

The Relation of Justice to Law and Ethics, Morality and Legal Theory

Law and Morals – Mills, Hart Devlin Debate.

**UNIT-II : Natural law theories**

Historical Development in Ancient, Medieval and Renaissance Period

Twentieth Century Natural Law Revival

Hart on Natural Law

Fuller and Morality of Law

Finnis and Restatement of Natural Law

**UNIT-III : Theories of law**

Jeremy Bentham's Utilitarianism and Analytical Positivism

Austin's Theory of Law

The Pure Theory of Law : Kelson's Theory

Positivism – Meaning by Prof. Hart and Dworkin

Analytical Positivism and its application to the Indian Legal System

The German Historical School – Savigny and Volkgeist

The English Historical School – Sir Henry Maine

**UNIT-IV : Sociological jurisprudence**

Roscoe Pound's Theory of Social Engineering and Theory of Interest.

Laswell and Medaugh, Parsons Selznick

Jherin, Max Weber, Durkheim, Ehrlich

**UNIT-V : Economic school and Realist school**

Marxian theory

Neo-Marxian theory

Holms theory  
Jeromy Frank theory  
Gray theory etc  
Scandinavian Jurists theories

**UNIT-VI : The judicial process and theories of adjudication and Legal concepts:**

The nature of judicial process and the institution of adjudication

Doctrine of Precedent – Stare decisis

Ratio decidendi and Obiter Dicta

Precedent as a Source of Law

Concept of Liability – moral, political and legal

Theories of liability

Fault Liability

No-Fault Liability and

Strict Liability

**Selected Bibliography**

Friedman W – Legal Theory (Fifth Editin), Universal Law Publishing Co-Pvt Ltd.

Wayne Morrison – Jurisprudence from the Greek to Post – Modernism (1997)

Holand Sir R.W.M – Thomas Erskine Holland The Elements of Jurisprudence

2001, Universal law publishing Co Pvt. Ltd.

Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7<sup>th</sup> Edition).

Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.

P.J. Fitzgerald, Salmond on Jurisprudence (12<sup>th</sup> Edition) Universal Law Publishers.

Rajeev Dhawan and Alice Jacob, Selection and Appointment of Supreme Court Judges – a Case Study (1978)

Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law, (revised Edition) 1996 Universal Book Traders, New Delhi.

## **Paper 3: LAW ON CORPORATE CONTRACTS**

### **UNIT - I**

Meaning of Intellectual Property Rights - General framework of IPR Laws in India - Copyright Act, Trademarks Act and Designs Act etc. - Contracts relating to transfer of IPRs - Licensing, Assignment, Sale and Mortgage etc. - Application of general Principles of Contract to IPR contracts - Breach of IPR contracts and Remedies therefor.

### **UNIT – II**

Alternative Dispute Resolution - Meaning of ADR - Evolution of ADR Mechanism - Advantages of ADR - Arbitration, Conciliation and Mediation - Salient features of Arbitration and Conciliation Act - Appointment and Removal of Arbitrators and Conciliators - Passing of Award - Section 89 of CPC. 1908 and Sections 10 and 11 of Indian Contract Act vis-a-vis ADR.

### **UNIT – III**

Copyright Act - Historical evolution of the law - Meaning of copyright - Copyright in literary, dramatic and musical works - Copy right in Musical works and cinematograph films - Ownership of Copyright - Assignment of Copyright - Author's special Rights - Notion of Infringement - Criteria of Infringement - Infringement of copyright by films of literary and dramatic works - Importation of Infringement - Fair use provisions - Video piracy - Aspects of Copyright Justice - Remedies, especially the possibility of Anton Pillar Injunctive relief in India.

### **UNIT – IV**

Trademarks Act - The rationale of protection of trademarks as (a) and aspect of commercial and (b) of consumer rights. - Definition Conception of Trade Marks – Registration - Distinction between Trade Mark and Property Mark - The Doctrine of Honest Concurrent user - The Doctrine of Deceptive Similarity - Passing off and Infringement, Criteria of Infringement - Standards of proof in passing off action - Remedies

### **UNIT – V**

International Commercial Arbitration - Meaning and Definition - Application of Indian Contract Act 1872 to International Commercial Contracts and Arbitration Agreements - General Principles of Private International Law relating to International Commercial Arbitration - UNCITRAL Model. Corporate and Securities Laws 4

### **UNIT – VI**

E-Commerce - meaning and nature - Salient features of the Information Technology Act, 2000 - Impact of the IT Act 2000 on Law of Contracts, Law of Evidence, Law of Crimes –

Application of Intellectual Property Laws to Cyber Contracts - Cyber Offences - Breach of Cyber Contracts - Remedies - Fora for Redressal of Cyber Disputes-Infrastructural contracts-the International Federation of Consulting Engineers (FIDIC) approved contracts

**Suggested Readings:**

Anson's Law of Contracts - Clarendon Press, Oxford, UK.

TS Venkatesh Iyer - Law of Contracts, S Gogia and Company,Hyd.

Avtar Singh - LaW of Contracts, Eastern Book Company, Lucknow

P.Narayanan, Intellectual Property Law. Ed, Eastern Law House,Kolkata,

W.R.Cornish, Intellectual Property: Patents, Copyright, Trade Marks and Allied Rights, Sweet and Maxwell, London

Hillary E.Pearson& Miller CG, Commercial Exploitation of Intellectual Property, Universal Book Traders, New Delhi

David Bainbridge, Intellectual Property, Pearson Education Limited, London

B.L.Wadhera, Law Relating to Patents, Trademarks, Copyright,Designs& Geographical Indications, Universal Law Publishing Co. Ltd., New Delhi.

Prof. Willem Hoyng& Frank Eijsvogels, Global Patent Litigation,Wolters Kluwer, Bedfordshire, U.K.

Eric M.Dobrusin, Esq., Katherine E.White. intellectual Property Litigation: Pretrial Practice, Wolters Kluwer,Bedfordshire, U.K.

GB.Reddy, Intellectual Property Rights and the Law, Gogia Law Agency, Hyderabad

Dr. Avatar Singh - Law of Arbitration and Conciliation including ADR system - Eastern Book Company - Lucknow.

Venu Gopal K.K - Justice Bachawat's Law of Arbitration and Conciliation Including commercial, international and ADR

P.C.Rao& William - Alternative dispute resolution , Universal Law Sheffield Publishing Ltd. Corporate and Securities Laws 5

GK.Kwatra - The Arbitration and Conciliation Law of India (with case law on UNCITRAL model law on Arbitration). The Indian Council of Arbitration

## **Paper 4: MODERN COMPANY LAW**

### **UNIT-I**

Company-History and evolution- History of Company law in England and India- The Convergence of Corporate Legal System in modern times – The Companies Act,1956- The Companies Act,2013 and its impact on corporate structure ,corporate governance and investor protection in India-LLP as a type of Corporate vehicle

### **UNIT-II**

Formation, Registration and Incorporation of company : Nature and kinds of company - Promoters: Position, duties and liabilities - Mode and consequences of incorporation, - Uses and abuses of the corporate form, lifting of corporate veil, - Memorandum of Association, alteration and the doctrine of ultra vires, - Articles of association, binding nature, alteration, relation with memorandum of association, doctrine of constructive notice and indoor management exceptions.

### **UNIT-III**

Capital Formation : Prospectus: Issues, contents, Kinds, liability for misstatements, statement in lieu of prospectus- The nature and classification of company securities- share capital and debentures -General principles of allotment of Shares- Statutory share certificate, its objects and effects-

### **UNIT-IV**

Transfer of shares- Share capital, reduction of share capital- acceptance of deposits by companies -Duties of court to protect interests of creditors and shareholders Debentures, kinds, remedies of debenture holders. Corporate and Securities Laws

### **UNIT – V**

Corporate Administration : Directors – kinds, powers and duties- Insider trading- Meetings kinds and procedure- The balance of powers within companies - compromises, arrangements and amalgamations- Majority control and minority protection, Prevention of oppression, and powers of court and central government.

### **UNIT – VI**

Emerging trends in Corporate social responsibility-legal liability of company - civil, criminal, tortious and environmental. Winding up of Companies: Kinds, consequences and reasons of winding up role of the court, - Liability of past members- Payment of liabilities Reconstruction and amalgamation- Role of national company law tribunal and appellate tribunal ( Relation to Corporate insolvency).

**Suggested Readings:**

Avtar Singh : Indian Company Law

Shah S. M : Lectures on Company Law

Palmer - Company Law

Ramiaya: Guide to Companies Act

Gower: Principles of Modern Company Law

Indian Law Institute- Current Problems of Corporate Law

The Companies Act,2013 and Rules made these under

Chandratre, Acharya, Israni, Sethuraman, Compendium on SEBI, Capital Issues and Listing

## SECOND SEMESTER

### FOUNDATION COURSE SUBJECTS

Course Code: LLMCS201

#### **Paper 5 : INDIAN CONSTITUTIONAL LAW : THE NEW CHALLENGES**

##### **UNIT-I : Federal system and the state**

Creation of new federal state

Features of unitary, quasi and federal polities

Directions of the Centre to the State under Article 356 and 365.

Federal Comity : Relationship of trust and faith between Centre and State.

Tribal Areas, Scheduled Areas

Concept of State

Origin of State

Elements of State

Definition of State under Indian Constitution

Need for widening the definition in the wake of liberalization

##### **UNIT-II : Right to equality and freedom of speech**

Right to equality: privatization and its impact on affirmative action.

Freedom of press and challenges of new scientific development,

Freedom of speech and right to broadcast and telecast

##### **UNIT-III : Emerging regime of new rights and remedies**

Reading Directive Principles and Fundamental Duties into Fundamental Rights

Compensation jurisprudence

Right to education

##### **UNIT-IV : Rights of minorities**

Constitutional guarantees to Linguistic minorities

Rights of minorities to establish and administer educational institutions and

State Control.

## **UNIT-V : Independence of judiciary**

Judicial independence

Appointment, transfer and removal of judges

Judicial activism and judicial restraint

Locus standi

PIL : its origin, scope and the guideline formulated by the Apex Court

## **UNIT-VI : Electoral reforms :**

Election Commission Status, Powers and functions

The role of Apex Court in promoting electoral reforms

Grass root democracy – Local Self Governments

### **Selected Bibliography**

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional value.

### **Suggested Readings :**

H.M. Seervai, Constitutional Law of India (1993), Tripathi, Bomaby.

Shiva Rao : Making of Indian Constitution

Constitutional Assembly Debates

## **Paper 6 : RESEARCH METHODOLOGY**

### **UNIT-I : Legal research**

Scientific Methods  
Purpose of Social Science Research  
Scope of Legal Research  
Doctrinal and non-doctrinal  
Relevance of empirical research  
Social Legal Research  
Induction and deduction  
Concepts, variables, definitions  
Research Problem  
Formulation of Research Problem

### **UNIT-II : Hypothesis**

Hypothesis, its role and functions  
Criteria for good hypothesis and its sources  
Research Design  
Forms and techniques of Research Design  
Major steps in the preparation of Research Design

### **UNIT-III : Legal research design**

Sampling Techniques  
Its uses and advantages in research  
Random Sampling, Simple Random, Stratified random systematic random  
Non-random, sampling hazards, availability and purpose sampling

### **UNIT-III : Research tools**

Observation, Participant and non-participant observation  
Questionnaire  
Schedule  
Interview

## **UNIT-V : Sources or survey of legal material for legal research**

Survey

Case Study

Content analysis

Protective Techniques

Data Processing and Analysis

## **UNIT-VI : Research report or drafting a legal research text**

Findings

Appendices

Guidelines to prepare the research text

Sentence Structures

Verb Patterns

Subject Patterns

Verb Patterns

### **Paragraph Development**

Start a New Approach

Using Punctuation in Research Text

Punctuation in Sentences – how to Use it Correctly

The Purpose of Punctuation

Appropriate use of Punctuation Marks

Use of en Dash

### **The Reference material:**

Book by more than two authors

Article of a Journal

Article in an encyclopedia

Appendices

Footnotes

Bibliography

A Comparison of Bibliography and Foot – Note Form

### **Selected Bibliography**

High Brayal, Nigel Dunnean and Richard Crimes, Clinical Legal Education : Active Learning in your Law School, (1998) Blackstone Press Limited, London.

S.K.Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

N.R. Madhava Menon, (ed) A Handbook of Clinical Legal Education, (1998) Eastern Book Company, Lucknow.

M.O.Price, H.Bitner and Bysiewiez, Effective Legal Research (1978) Pauline V. Young Scientific Social Survey and Research, (1962).

William J. Grade and Paul K.Hatt, Methods in Social Research, MC Graw-Hill Book Company, London.

H.M.Hyman, Interviewing in Social Research (1965)

Payne, The Art of Asking Questions (1965)

Erwin C.Surrency, B.Fielf and J.Crea, A Guide to Legal Research (1959) Morris L.Cohan, Legal Research in Nutshell, (1996), West Publishing Co. Harvard Law Review Association, Uniform System of Citations.

ILI Publication, Legal Research and Methodology.

## BRANCH SPECIALISATION PAPERS

Course Code: LLMCS203

### **Paper 7: LAW OF BANKING AND NEGOTIABLE INSTRUMENTS ACT**

#### **UNIT-I: Nature and development of banking**

History of banking in India and elsewhere-indigenous Banking in India and elsewhere-indigenous banking-evolution of Banking in India – different kinds of banks and their functions

Multi-functional banks – growth and legal issues

#### **UNIT-II: Law relating to banking companies in India and recent trends.**

Controls by government and its agencies on management

On accounts and audit

Lending

Credit Policy

Reconstruction and reorganization

Suspension and winding up

Contract between banker and customer: their rights and duties.

#### **Recent trends of banking system in India**

New technology

Information technology

Automation and legal aspects

Automatic teller machine and use of internet

Smart card

Use of expert system

Credit cards

#### **UNIT-III: Social control over banking**

Nationalization

Evaluation: private ownership, nationalization and disinvestments

Protection of depositors

Priority lending

Promotion of under privileged classes

#### **UNIT-IV: Deposit insurance**

The Deposit Insurance Corporation Act, 1961: objects and reasons.

Establishment of Capital of DIC

Registration of banking companies insured banks of DIC to depositors.

Relations between insured banks, DIC and Reserve Bank India

## **UNIT –V THE BANKING SYSTEM AND LENDING**

The central bank

Evolution of Central Bank

Characteristics and functions

Economic and social objectives

The Central Bank and the State – as bankers' bank

The Reserve Bank of India as the Central Bank

Organizational structure

Functions of the RBI

Regulation of monetary mechanism of the economy

Credit control

Exchange control

Monopoly of currency issue

Bank rate policy formation

Control of RBI over non-banking companies

Financial companies

Non-financial companies

### **Lending by banks:**

Good lending principles

Lending to poor masses

Securities for advances

Kinds and their merits and demerits

Repayment of loans : rate of interest, protection against penalty

Default and recovery

Debt recovery tribunal

## **UNIT-VI: Negotiable instruments**

Meaning and kinds

Transfer and negotiations

Holder and holder in due course

Presentment and payment

Liabilities of parties

### **Selected Bibliography**

Banking and Negotiable Instruments By Avatar Sing

Law of Banking and Negotiable Instruments By Dr.S.R.Myneni's

Banking Law & Negotiable Instruments Act By Dr.R.P.Nainta, Dr.B.R.Sharma

Banking Law & Negotiable Instruments Act-Dr.R.K.Bangia

Negotiable Instruments Act-1881 by S.P.Tyagi

## Paper 8: CORPORATE FINANCE

### UNIT-I: Introduction

Meaning, importance and scope of corporation finance

Capital needs – capitalization – working capital – securities Borrowings- deposits, debentures.

Objectives of corporation finance – profit maximization and wealth maximization

Constitutional perspectives – The entries 37, 38, 43, 44, 45, - 46, 47, 52, 82, 85 and 86 of

List 1 – Union List; entry 24 of List 11 – State List

### UNIT-II: Equity finance and Debt finance

Share Capital

Prospectus – information disclosure

Issue and allotment

Shares without monetary consideration

Non-opting equity shares

Debentures

Nature, issue and class

Deposits and acceptance

Creation of charges

Fixed and floating charges

Mortgages

Convertible debentures

### UNIT-III: Conservation of corporate finance

Regulation by disclosure

Control on payment of dividends

Managerial remuneration

Payment of commissions and brokerage

Inter-corporate loans and investments

Pay-back of shares

Other corporate spending

### UNIT-IV: Protection of creditors and investors

Need for creditor protection Preference in payment

Rights in making company decisions affecting creditor interests

Creditor self-protection

Incorporation of favorable terms in lending contracts  
Right to nominate directors  
Control over corporate spending.  
Individual share holder right  
Corporate membership right  
Derivative actions  
Qualified membership right  
Conversion, consolidation and re-organization of shares  
Transfer and transmission of securities  
Dematerialization of securities.

#### **UNIT-V: Corporate fund raising**

Depositories – IDR (Indian depository receipts), ADR (American depository receipts), GDR (Global depository receipts)  
Public financing institutions – IDBI, ICICI, IFC and SFC  
Mutual fund other collective investment schemes  
Institutional investments – LIC, UTI and banks  
FDI and NRI investment – Foreign institutional investments (IMF and World Bank)

#### **UNIT-VI: Administrative regulation on corporate finance**

Inspection of accounts  
SEBI  
Central Government control  
Control by register of companies  
RBI control

#### **Selected Bibliography**

The Innovator's Solution: Creating and Sustaining Successful Growth by Clayton M. Christensen and Michael E. Raynor  
Narrative and Numbers: The Value of Stories in Business by Aswath Damodaran  
Corporate Finance Fundamentals: Big Business Theory for SME, Investor or MBA Application by Saad  
The Little Book of Valuation: How to Value a Company, Pick a Stock and Profit by Aswath Damodaran  
Shoe Dog: A Memoir by the Creator of Nike by Phil Knight  
Venture Deals by Brad Feld and Jason Mendelson

Financial Intelligence: A Manager's Guide to Knowing What the Numbers Really Mean  
by Karen Berman, Joe Knight, and John Case

The Essays of Warren Buffett: Lessons for Corporate America by Warren Buffett

Valuation: Measuring and Managing the Value of Companies by Tim Koller, Thomas E.  
Copeland, Marc Goedhart, and David Wessels

What It Takes: Lessons in the Pursuit of Excellence by Stephen A. Schwarzman

**THIRD SEMESTER**  
**(BRANCH SPECIALISATION PAPERS)**

**Course Code: LLMCS301**

**Paper 9: LAW OF EXPORT – IMPORT**

**UNIT-I: Introduction**

State control over import and export of goods-form rigidity to liberalization

Impact of regulation on economy

**UNIT-II: The basic needs of export and import trade and International regime**

Goods and Services

Transportation

WTO agreement

WTO and tariff restrictions

WTO and non-tariff restrictions

Investment and transfer of technology

Quota restriction and anti-dumping

Permissible regulations

Quarantine regulation

Dumping of discarded technology and goods in international market

Reduction of subsidies and counter measures

**UNIT-III: General law on control of import and exports**

General scheme

Legislative Control

Power of Control: Central Government and RBI

Foreign Trade Development and Regulation Act, 1992 and restrictions under the Act

Prohibitions under customs law

Export-Import formulation: guiding features

Control under FEMA

Foreign exchange and currency

Imports of goods

Export promotion councils

Export oriented units and export processing zones

Quality control

Regulation on goods

Conservation of foreign exchange

Foreign exchange management

Currency transfer

Investment in foreign countries

#### **UNIT-IV: Exim policy and customs :**

Changing Dimensions

Investments policy: NRIs, FIIs (foreign institutional investors), FDIs Joint venture

Promotion of foreign trade

Agricultural products

Textile and cloths

Jewellery

Service sector

Prohibition on import and exportation of goods

Control of smuggling activities in export-import trade

Levy of and exemption from customs duties.

Clearance of imported goods and export goods

Conveyance and warehousing of goods

#### **UNIT-V: Regulation on investment**

Borrowing and lending of money and foreign currency Securities abroad-issue of  
Securities abroad-issue of

Immovable property-purchase abroad

Establishment of business outside

Issue of derivatives and foreign securities –GDR (Global Depositors Receipts), ADR  
(American depository receipts) and Uro

Repatriation and surrender of foreign securities

#### **UNIT-VI: Technology transfer**

Restrictive terms in technology transfer agreements.

Automatic approval schemes.

## **Selected Bibliography**

Understanding Global Trade by Elhanan Helpman

The World that Trade Created by Kenneth Pomeranz

Global Trade Policy: Questions and Answers by Pamela J. Smith

Rethinking International Trade by Paul Krugman

International Trade and Port Logistics by I.C.J. Verhaart

International Trade Law by Peter Stone

Building an Import/Export Business by Kenneth D. Weiss

Essentials of Supply Chain Management, Third Edition by Michael H. Hugos

The Box: How the Shipping Container Made the World Smaller and the World Economy Bigger by Marc Levinson

How Small Business Trades Worldwide: Your Guide to Starting or Expanding a Small Business International Trade Company Now by John Spiers

## **Paper 10: LAW OF INSURANCE**

### **UNIT-I: Introduction**

Nature of insurance contract, various kinds of insurance, proposal, policy, parties, consideration, need for utmost good faith, insurable interest, indemnity

Insurance policy, law of contract and law of torts future of insurance : need, importance and place of insurance

Constitutional perspectives – the Entries 24, 25, 29, 30, 47 of List 1 Union List; 23, 24, of list III

### **UNIT-II: General principles of law of insurance**

Definition, nature and history

The risk – commencement, attachment and duration

Assignment and alternation

Settlement of claim and subrogation

Effect of war upon policies

### **UNIT-III: Indian insurance law: general**

History and development

The Insurance Act 1938 and the Insurance Regulatory Authority Act 2000

Mutual insurance companies and cooperative life insurance societies

Double Insurance and re-insurance

### **UNIT-IV: Life insurance and Marine insurance**

Nature and scope

Event insured against life insurance contract

Circumstances affecting the risk

Amounts recoverable under life policy

Persons entitled to payment

Settlement of claim and payment of money

Nature and Scope

Classification of marine policies

The Marine Insurance Act, 1963

Marine Insurance

Insurable interest, insurable value

Marine insurance policy – condition – express warranties Construction of terms of

policy

Voyage-deviation

Perils of the sea

Assignment of policy

Partial laws of ship and of freight, salvage, general average, Particular charges

Return of premium

#### **UNIT-V: Insurance against accidents**

The Fatal Accidents Act, 1855

Objects and reasons

Assessment of compensation

Contributory negligence

Apportionment of compensation and liability

The Personal Injuries (Compensation Insurance) Act, 1963

Compensation payable under the Act

Compensation insurance scheme under the Act-Compulsory insurance

Fire insurance

The Emergency Risks (Factories) Insurance

The Emergency Risks (Goods) Insurance

Policies covering risk of explosion

Policies covering accidental loss, damage to property

Policies covering risk of storm and tempest

Glass-plate policies

Burglary and theft policies

Live stock policies

Goods in transit insurance

Agricultural insurance

#### **UNIT-VI: Insurance against third party risks**

The Motor Vehicle Act, 1988

Nature and scope

Effect of insolvency or death on claims of insolvency and Death of parties, certificate of insurance

Claims tribunal: constitution, function, application for Compensation, procedure, powers and awards

Liability Insurance

Nature and kinds of such insurance

Public liability insurance

Professional negligence insurance

### **Selected Bibliography**

Insurance Laws by Gaurav Varshney

Law of Insurance by Avtar Singh

Law of Insurance by Dr. S. R. Myneni

General Principles of Law of Insurance by R.K. Choudhury

Modern Law of Insurance in India by K. S. N. Murthy & Dr. K.V.S. Sarma

Law of Insurance by R.K. Nagarjun

Insurance Law And Principles by Dr. Sachin Rastogi

## **Paper 11: CORPORATE AND SECURITIE LAWS**

### **UNIT-I: Securities contracts (regulation) Act, 1956**

Interpretation Clause - Meaning and Definition of Stock Exchange -Recognition of Stock Exchange - Contracts in Securities -Listing of securities - Securities Appellate Tribunal (SAT)- Constitution, Powers and Functions - Appeals from orders of SAT – Title to Dividends-

### **UNIT-II: Securities and Exchange Board of India Act, 1992 -Interpretation**

Clause-Establishment of the Securities and Exchange Board of India - Constitution,Powers and Functions - Registration of Stock Brokers , Sub-brokers ,& Share Transfer Agents - Prohibition of Manipulative and Deceptive practices-Inside Trading and Substantial Acquisition of Securities or Control-Adjudication of disputes- Appeals to Securities Appellate Tribunal,HCs& SC- Capital Markets regulations.

### **UNIT-III: Depositories Act, 1996**

Definition of Depository Board and Beneficial Owner - Certificate of Commencement of Business - Rights and obligations of Depositories, participants, issuers and beneficial Owners Competition Act, 2002- Applicability of the Act - Definitions – Prohibition of certain agreements - abuse of Dominant position and Regulation of combinations - Corporate and Securities Laws 12 Competition Commission of India – Powers-- Functions - Power of Central Government to supersede Commission - Penalties - Appeals - Competition Advocacy NCALT: Powers and Jurisdiction, Position under the Finance Act

### **UNIT-IV: Foreign Exchange Management Act, 1999**

Definitions - Regulation and Management of Foreign Exchange - Authorised Person – Contravention - penalties - adjudication and Appeal – FEMA Appellate Tribunal: Powers and Jurisdiction, Directorate of Enforcement : Powers and Functions

### **UNIT-V: Non-banking finance Companies**

Formation and regulation of NBFC's-Consumer Protection Act, 1986 - Salient Features - Definitions of complainant, Consumer, Manufacturer, Consumer Dispute, Service, Goods, Unfair Trade Practices - Liability of Companies to consumers-

### **UNIT-VI: Basic Features of the GST Act,2017 Corporate Governance -International dimensions of Company Law.**

**Suggested Readings:**

Palmer - Company Law.

Ramayya: Guide to the Companies Act, in three volumes, Wadhwa and Company, Nagpur.

Avtar Singh: Company Law, Eastern Book Company

H.K.Saharay: Principles and Practice of Company Law in India, Prentice Hall of India Private Limited, New Delhi.

S.M.Shah: Lectures on Company Law, N.M. Tripathi Private Ltd. Bombay.

Chalesworth & Cain: Company Law, Geoffrey Morse, Stevens and Sons, London

L.C.B. Grover: The Principles of Modern Company Law, Stevens and Sons, London.

Pennigton: Company Law, Butterworths, London. Taxmann's Publications Journal on SEBI and Corporate Laws

Pahwa : Law relating to on-Banking financial companies B.K.Pahwa

**Peper12: DISSERTATION**

A dissertation is a formal document that provides the students an opportunity to present the skills and knowledge they have gained through the research project they organized and conducted. It further allows students to demonstrate their skills in identifying the area of research, setting out objectives, identifying the necessary research questions, performing a proper literature review, devising appropriate methodology of research, analysis and interpretation of data, drawing conclusions and suggestions for future researchers.

The overriding criteria namely, institute-wide standardization, readability, conformance to ethical norms and durability forms the core of the acceptable form of the dissertation. This document provides a set of guidelines for the LL.M. students to prepare the dissertation to satisfy the above-mentioned criteria.

**4. General Guidelines :**

- g. Every student pursuing their LL.M. Programme is expected to undertake a research project and submit an original written dissertation in strict adherence to the timeline that would be announced annually.
- h. Students must choose a research area of their choice of the branch concerned with the permission of the guide and submit a brief proposal of about ten pages to the guide/ Principal of the college/ Head of the Department, on or before the specified date fixed by the authority.
- i. Guides will be allotted to the students, taking into due consideration of the Principal of the college / Head of the Department, after obtaining the consent of the guide, and subject to the number of candidates under the supervision of the individual guide.
- j. No guide can supervise more than FIVE students at any given time, but as per the convenience of the institution, there may be allotment of more than five students.

- k. The students are advised to meet the guide for their guidance in the dissertation work on a regular basis. It is the responsibility of the students to keep their guide informed about their progress of work. The difficulties, if any, while performing research must be reported to the guide without any delay.
- l. The dissertation work of the students will be monitored by the Principal of the college/Head of department. The students will have to present or report of his/her progress to the guide.

**5. Broad Areas of Dissertation:**

Students shall conduct their research on a carefully chosen area from the following broad areas:

- j. Constitutional and Administrative Law
- k. Corporate Law
- l. Gender and Sexual Minorities
- m. Gender Justice
- n. Human Rights Law
- o. International Humanitarian Laws
- p. Securities Laws
- q. Income tax laws
- r. Company law

The student can select any other area of his choice, other than the specified area of the above, with the permission of the Principal/Head of the department.

**6. Format of Dissertation:**

- n. A dissertation should normally be between 30,000 to 35,000 words (excluding preface and annexures)
- o. The students are advised to attach one-page abstract of dissertation work in the preface to the dissertation.
- p. *Formatting rules:*

- Body including Bibliography, References, Index of Authorities, Appendixes, tables
- Font Style- Times New Roman
- Size- 12
- Alignment
- Justified and line spacing of 1.5.
- Footnotes - Font Style, Times New Roman, Size- 10, Line Spacing- 1, Alignment- Justified.

*Margin:* Left margin:3.75 cm (1 1/2 inch)

*Other margins:* 2.5 cm (1 inch).

- q. *Line Space:* The line spacing in the text of the dissertation must be one and half line spacing. Double line spacing shall be used while connecting two consecutive paragraphs. Single line spacing shall be observed for abstract, quotations, declaration, foot notes and references.
- r. Citations and References: ILI, OSCOLA, or Bluebook must be followed. The mode of citation must be uniform across the entire dissertation.
- s. Quotations must be kept to a minimum and should not exceed 100 words for each quotation.
- t. Page Numbering: The page numbers of the text of the dissertation should be in Indian numerals (1,2,3,4,5,) and should be centered at the bottom of the pages. The preface, appendixes, and bibliography to the dissertation shall be in Roman numerals.
- u. Plagiarism: In light of the University Grants Commission (Promotion of Academic Integrity and Prevention of Plagiarism in Higher Educational Institutions) Regulations, 2018, the permissible limit of similarity shall be 10%.

The plagiarism check should start from the first page of Chapter 1 and continue throughout the text till end.

- v. The new chapter in your dissertation should always start on an odd-numbered page. If a chapter ends on an odd-numbered page, its back side has to be kept blank.
- w. The copy of the dissertation to be submitted to the College/University should be durable. It is advised to use paper of 85 GSM or more.
- x. The students are to submit four copies of dissertation (in soft-bound) to the College/Department of Law.
- y. The final evaluation will be based on the written dissertation and an open viva.
- z. The Viva-voce Panel will consist of three members. They are, the guide of the candidate, Principal of the college/Department of Law and one external expert, from outside of the University. When the principal, himself is acting as the guide for the candidates, he can appoint/ nominate any other subject expert as the third member of the board.