COMPARATIVE JURISPRUDENCE

[Compulsory Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I

TOPIC 1: THE CONCEPT OF LEGAL SYSTEM

Readings:
- Chattrpati Singh: *Law from Anarchy to Utopia*, OUP, New Delhi.

TOPIC 2: CLASS CHARACTER OF THE STATE AND THE LAW

Readings:

UNIT-II

TOPIC 3: FEMINISM AND THE LAW

Readings:
• Flavia Agnes: Law and Gender Inequality, Oxford University Press, New Delhi.
• S. P. Sathe: Towards Gender Justice, SNDT Women’s University, Bombay.
• Kamala Bhasin, What is Patriarchy?, Kali for Women, New Delhi.

TOPIC 4: LAW, STATE AND RELIGION

Readings:
Syllabus for LL.M. (Regular) Semester - II

- J. D. M. Derette: Religion Law and the State in India, OUP, New Delhi.

UNIT-III

TOPIC 5: EQUALITY

Readings:
- Marc Galanter: Competing Equalities, Oxford University Press, New Delhi.
TOPIC 6: LIBERTY

Readings:

UNIT – IV

TOPIC 7: THEORIES OF JUSTICE

Readings:

TOPIC 8: BASIC NEEDS AND HUMAN RIGHTS

Readings:
Syllabus for LL.M. (Regular) Semester - II


Suggested Readings:
1. A. M. González (ed.): Contemporary Perspectives on Natural Law, Ashgate, Aldershot.


CRIMINAL LAW STREAM
PENOLOGY: REHABILITATIVE & CORRECTIONAL TECHNIQUES

[Optional Paper-I]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT - I
INTRODUCTION
- Penology: Correctional Science-Notion of Punishment in Law-Difference between Crime Prevention and Control
- Theories of Punishment: Retribution-Utilitarian-Prevention-Deterrence-Intimidation-Behavioural Prevention-Incapacitation-Behavioural Prevention-Rehabilitation-Classical Hindu and Islamic Approaches to Punishment

UNIT - II
TECHNIQUES
- Genesis and Development of Rehabilitative and Correctional Techniques: Humanitarianism and Modern Notions of Justice to the Criminals-Twentieth Century Invention of Various Scientific Techniques of Treatment-Reform of Offenders accepted at International Level-U.N. Standard Minimum Rules
UNIT - III

SENTENCING

- Sentencing: Principal Types of Sentences in Penal Code and Special laws-The Problems of Default Sentence-Imprisonment for Non-Payment of Fine; Pre-sentencing Hearing-Sentencing of Habitual Offenders-Summary Punishment-Guilty Plea-Plea Bargaining- Sentencing Process and Marginalised Accused- Approaches to Sentencing
- Alternatives to Imprisonment: Probation-Corrective Labour-Fines-Collective Fines-Compensation to Victims of the Crime-Publish Censure Community Service-Disqualification from Holding Office etc.-Making the Offender Accountable to the Victim

UNIT - IV

PRISONS AND RIGHTS OF PRISONERS

- Imprisonment: Status of Indian Jail-Disciplinary Regime of Indian Prison
- Classification of Prisoners: Rights of Prisoners and Duties of Custodial Staff-Deviance by Custodial Staff-Open Prisons-Agenda of Reform

Suggested Readings:

FACULTY OF LAW

CRIMINAL JUSTICE ADMINISTRATION

[Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT - I
INTRODUCTION

- Components of Criminal Justice System: Police, Prosecution, Judiciary and Correction-Their Interlinkages

UNIT - II
POLICE, PRISONS & PROBATION
- Police System in India: Prison System in India-Open Jails-Criminal Courts-Prosecuting Agency

- Probation System and the Prisons: Probation and Parole-Nature-Characteristics-Principles and Their Distinctions-After Care-Correctional and Rehabilitative Services-Juvenile Homes and Nari Niketans-Rule of Forensic Science
UNIT - III
CRIME AND CRIMINAL BEHAVIOUR
• Typology of Crime and Criminal Behaviour: Conventional Crimes-Privileged Class Deviance: Conceptions of Privileged Class Deviance-Indian Approaches to Socio-Economic Offences-Notions of Privileged Class Deviance as providing a wider Categorization of Understanding Indian Development-Typical Forms of Such Deviance
• Drug Abuse and Society: Concept & Definition-Causes of Drug Addiction-Impact of Drug Abuse on Society

UNIT - IV
COLLECTIVE VIOLENCE
• Collective Violence against Women: Problems Pertaining to Women-Prostitution-Female Criminality-Female Victimization

Suggested Readings:
FORENSIC SCIENCE & LAW

[Optional Paper-III]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
INTERACTION OF SCIENCE AND LAW

UNIT-II
LAW RELATING TO DOCUMENTS AND FORGERY

UNIT-III
ADVANCED FORENSIC SCIENCE IN CRIMINAL TRIALS
DNA Profiling: Admissibility of DNA Evidence-Ethical, Legal and Social Concerns about DNA Data Banking-Human DNA Profiling Bill 2015-Digital Image Forensic and Detection of Forgery by Editing-Cell Phone Forensics-Voice Analysis-Digital Signature-Forensic Psychology-Psychological Detection of Deception-Narco
Analysis Interrogation-Criminal Profiling in Forensics-Forensic Anthropology-Forensic Odontology-Forensic Entomology

UNIT-IV

LAW RELATED TO SCENE OF OCCURRENCE


Suggested Readings:


CORPORATE LAW STREAM
INTERNATIONAL ECONOMIC INSTITUTIONS

[Optional Paper-I]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
INTRODUCTION

- Philosophical and Political Origin and Development of International Economic Institutions of Worldwide Dimension - International Monetary Fund (IMF), World Bank {WB comprised of International Bank for Reconstruction and Development (IBRD 1944)} and International Development Association (IDA 1960), and General Agreement of Tariffs and Trade (GATT, 1947). Linkages and Coordination among the Institutions.

UNIT-II
INTERNATIONAL MONETARY FUND & MULTILATERAL TRADING SYSTEM

- Legal Frameworks of IMF - membership, members' obligation, organization and management of Fund, legal framework of Special Drawing Rights (SDRs).

UNIT-III
WTO & MULTILATERAL TRADING SYSTEM

- Philosophical and Political Origin and Development of Uruguay Round of GATT Negotiation culminating into WTO Final Act, 1994 (i.e., WTO Agreement 1994).
• World Trading Organization
  o WTO Agreement Establishing WTO - scope, functions, structure, membership, operation and management of WTO.
  o WTO Dispute Settlement 1994 - rules and procedures governing settlement of disputes.

UNIT - IV
UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT
• United Nations Conference on Trade and Development (UNCTAD, 1964) - Its economic and political setting, philosophical and political origin, evolution of philosophy and programmes, and progress towards universalism.
• Transitional Corporations (TNCs) - concept, history and development, UN code of conduct (1983) to UN Global Compact 1999, activities of and treatment by governments of TNCs.

Suggested Readings:


INTERNATIONAL TRADE LAW

[Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
INTRODUCTION

- Introduction to the Concept of International Trade Law: The Concept of Transnational and Commercial Law-Evolution of International Trade
- The Law Relating to Carriages: Carriage by Land-Carriage by Sea-Carriage by Air-Multimodal Transportation

UNIT-II
INTERNATIONAL SALES OF GOODS


UNIT-III
INTERNATIONAL INSTRUMENTS

- International Payments: Letters of Credit-Meaning- Principles-Autonomy of LOC-Strict-Compliance-Uniform Customs and Practices Documentary Credit-Financing Procedure--Indian Position
International Negotiable Instruments: Electronic Fund Transfers-Bank Guarantee- Collection Arrangements

UNIT-IV
DISPUTE SETTLEMENT MECHANISM


International Arbitral Conventions: Enforcement of Foreign Arbitral Awards in India-Indian Law of Arbitration-Procedure-Enforcement of Arbitral award

Suggested Readings:
CORPORATE LAW
[Optional Paper-III]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
CONCEPTS
• Concept and Nature of Companies: Advantages and Disadvantage of Company-Lifting of Corporate Veil-Kinds of Companies
• Concept and Nature of Limited Liability Partnership: Formation, Registration and Incorporated Documents-Limited Liability Partnership Agreement-Partners and Their Mutual Rights and Liabilities-Designated Partners
• Promotion of Companies and Pre-Incorporation Contracts
• Corporate Social Responsibility of Companies: Its Importance and Relevance-Emerging Trends in Corporate Social Responsibility

UNIT-II
DOCUMENTS OF COMPANIES
• Documents of Companies: Memorandum of Association-Clauses of Memorandum of Association-Article of Association-Efficacy Binding Force and Alteration of Memorandum of Association and Articles of Association-Relationship between Memorandum and Article of Association-Doctrine of ultra vires-Constructive Notice-Indoor Management and Their Efficacy
• Prospectus: Content-Statement in lieu of Prospectus-Red Herring Prospectus-Remedies for Misrepresentation-Civil and Criminal Liability
• Borrowing and Lending by Companies: Inter-Corporate Loans
Syllabus for LL.M. (Regular) Semester - II

- Investigation into the Affairs of Companies: Criteria of Investigation-Investigation by Serious Fraud Investigation Office-Appointment Power and Duties of Inspectors

UNIT-III

RULE OF MAJORITY POWERS AND MINORITY RIGHTS
- Rule of Majority Powers and Minority Rights-Representation Action-Derivative Action-Individual Membership Rights-Corporate Membership Rights of Shareholders
- Prevention and Relief in case of Oppression and Mismanagement-Class Action
- Board of Directors: Appointments-Position & Powers-Rights and Duties
- Reconstruction-Mergers & Amalgamation and Take-Over of Companies

UNIT-IV

WINDING UP OF COMPANIES
- National Company Law Tribunal National Company Law Appellate Tribunal: Constitution-Appointment and Working
- Foreign Exchange Management Act, 1999: Dealing and Holding of Foreign Exchange-Current Account and Capital Account
- Role of RBI: Transactions-Control of Joint Ventures-Investment in India-Reparation of Project

Suggested Readings:
8. J. Charlesworth & Geoffrey Morse: *Charlesworth and Morse: Company Law*, Sweet & Maxwell, London,
HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS
[Optional Paper-I]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
CONCEPT OF RELIGIOUS & CHARITABLE ENDOWMENTS
- Essentials of Valid Religious and Charitable Endowments
- Charity: General Rules-Doctrine of Donatio Mortis Causa; Relief of Poverty-Objects of General Public Utility-Advancement of Religion-Education-Universities, and Institutions including Research, Charitable Hospitals and Convalescent Homes, Welfare of Animals

UNIT-II
RELIGIOUS AND CHARITABLE GIFTS
- Doctrine of Cypress: Origin and Concept in Courts of Equity
UNIT-III

HINDU SHRINES AND PILGRIMAGE
- Hindu Shrines and Pilgrimage: Religious Trust in Favour of Idols-Juristic Personality of Idol-Bequest to Idol

UNIT-IV

TRANSFER OF PROPERTY
- Religious and Charitable Endowment with reference to Transfer of Property
- Endowment and Rule against Perpetuity-Limitations relating to Trust Property
- Constitutional Policy and Taxation of Religious and Charitable Endowments

Suggested Readings:

MARRIAGE AND DIVORCE IN
CONFLICT OF LAWS
[Optional Paper-II]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT - I
DOMICILE
Introduction: Theories of Private International Law-Characterization-Renvoi; Domicile: General Rules-Domicile of Origin-Domicile of Choice-Domicile of Married Woman-During Coverture-After Judicial Separation-After Divorce-After Annulment-After Death of Husband

UNIT -II
MARRIAGE

UNIT – III
DIVORCE
Divorce: Jurisdiction-Applicable Law-Recognition of Foreign Divorce/Decrees of Nullity-Position in India-General Rules laid down in Section 13 and 44A of CPC-The

UNIT – IV
CONVERSION & CONFLICT OF LAWS
Effect of Matrimonial Rights-Effect of Dissolution of Marriage

Suggested Readings:
9. Pearl, David: Inter-Personal Conflict of Laws – India, Pakistan and Bangladesh, N.M. Tripathi, Bombay.
FACULTY OF LAW

LAW OF TRUSTS & WAQFS IN INDIA

[Optional Paper-III]

(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)

UNIT-I
CONCEPTS
Concept and Historical Development of Law of Trusts in India: Definition of Trust under the Indian Trusts Act, 1882 and Official Trustee under the Official Trustees Act, 1913-Classification of Trusts, Public, Private and Religious Trusts under the Indian Trust Act, 1882-Creation of Trust, Rule of Three Certainties-Rectification of Instrument of Trusts

UNIT - II
TRUSTEES
Trustee: Rights and Power, Duties and Liabilities of Trustee-Breach of Trusts-Remedies for Beneficiaries, Extinction of Trusts-Endowment and Rule against Perpetuity-Rights and Liabilities of Beneficiaries under the Indian Trust Act, 1882

UNIT – III
LAW OF WAQFS- I
UNIT - IV

LAW OF WAQFS- II

Waqfs for Muslims Religious Institutions: Mosques-Qabristan-Dargah-Khanqah-Takia-Idgah-Imambara; Administration of Waqfs-Central Waqf Council and State Waqf Boards Appointment and Removal of Mutawalli, Naib Mutawalli & Sajjadanashin; Taxation of Waqf Properties; The Sachar Committee Report-Encroachment on Waqf Properties, Applicability of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, Cadre for Waqfs, the Ancient Monuments and Archaeological Sites and Remains Act, the Thika Tenancy Act

Suggested Readings:


Syllabus for LL.M. (Regular) Semester - II