

LL.M. One Year Course Detail

SHRI J.J.T.UNIVERSITY, Chudela, Jhunjhunu (Rajasthan)

SYLLABUS For LL.M ONE YEAR COURSE

Institute of Law

Shri J.J.T.University, Chudela, Jhunjhunu (Rajasthan)

LL.M One Year (List of Courses Prescribed for Semester I)

Branch:- International and Comparative Law

Compulsory Course

Semester 1st

Paper Code

Course Title

LL.M- 101

Research Methods and Legal Writing

LL.M- 102

Comparative Public Law

LL.M- 103

Principles of Corporate Law

LL.M- 106

International Dispute Settlement

LL.M- 105

Contract Law

LL.M- 101

Research Methods and Legal Writing

Research:-

What is Research ? Meaning and Objectives Research Methods *vis a vis* Research Methodology
Legal Research- Meaning, scope and purpose. Relation between law and society types/kinds:
Doctrinal and Non- Doctrinal (empirical); Applied, fundamental; Library research, field research
and laboratory research, analytical, descriptive, conceptual; Participatory and Non- participatory;
Comparative, historical, statistical, critical, socio-legal; mono disciplinary and trans disciplinary;
quasi disciplinary, inter- disciplinary (multi-disciplinary) research; Quantitative and quantitative,
one time and longitudinal, clinical or diagnostic research; Research for legal reform.

Research Methods:-

Research Design

Various Steps in Research: Research Process

Research Problem: Identification and Formulation

Hypothesis

Use of Library

Use Of Modern Technology/Computer Assisted Research

Tool and Techniques for Collection of Data

- Primary and Secondary Sources
- Literature Review
- Observation Method
- Questionnaire. Interview
- Case Study
- Sampling
- Jurimetrics

Analysis and Interpretation of Data

Use of Deductive and Inductive Methods in Research report

Budgeting of Research

Ethics and legal Issues: Plagiarism and Copyright Violation

Legal Writing :-

Essentials of Good Legal Writing

Structured Legal Writing: Organization of Legal Materials

Framing of Write Up: Research Question, Title, Identifying relevant areas of law, Identifying Literature and case laws, Analysis, Discussion, Recommendations and Conclusion Sources of Authority Kinds: Informative, Persuasive; Writing for Individual Purposes; Writing for Academic Purpose; Writing for court Purposes; Writing for Court Purposes: Brief, Plaints etc.; Writing for Publication: reviews, articles, books etc.; Judicial writing Citation, Reference and Footnoting Editing and proof reading Writing of Research Proposal Dissertation/ Thesis Writing

Suggested Readings:

1. Bruce L. Berg, *Qualitative Research Methods For The Social Sciences* (London, Allyn And Bacon, 2001).
2. C.R. Kothari, *Research Methodology: Methods and Techniques* (New Delhi: Wiley Eastern Ltd., 1985)
3. Dennis P. Force and Stephen Richer (ed.), *Stages of Social Research- Contemporary Perspectives* (New Jersey : Prentice Hall Inc., Englewood Cliffs, 1970).
4. Frederic Charles Hicks, *Materials and Methods in Legal Research* (Lawyers Cooperative Publishing, New York).
5. Goode and Hall, *Methods in Social Research* (Singapore : MacGraw Hall Book Co. 1985).

LL.M- 102- Comparative Public Law

1. Introduction

Meaning and definition of Public Law . Concept of Public Law . Globalization of Comparative Public law.

2. Tool of Comparative Public Law

Constitutional Law- Common Law, Civil Law . Legislative Mechanism- Common Law, Civil Law . Typology of Federalism- USA, India

3. Public Interest Litigation- US India

Locus standi . Judicial Activism .Judicial Accountability

4. Comparative Criminal Law- Common Law, Civil Law

Domestic Violation- International, National .Provisions relating to Rape .Plea Bargaining- USA, India . White Collar Crimes .Juvenile Justice

5. Ombudsman

Ombudsman in Scandinavian countries . International Scenario- Common law and Civil law . Indian Scenario

i) Lokpal (Ombudsman)

ii) Lokayukta

Select Bibliography:-

1. H.W. Wade- *Administrative Law*. 2. DeSmith- *Judicial Review of Administrative Action*.
3. Garner- *Administrative Law*. 4. D.D. Basu- *Comparative Administrative Law*. 5. Wade and Philips- *Constitutional Law*. 6. Decey – *Introduction to Law of the Constitution*. 7. O

Hood Philips- Constitutional Law and Administrative Law. 8. M.P. Jain S.N. Jain- Principles of Administrative Law.

LL.M-103 – Principles Of Corporate Law

1. Introduction

- a. Corporate Personality
- b. Advantages and Disadvantages of Incorporation
- c. Concept of Lifting of Corporate Veil
- d. Convergence of Corporate Legal System in the Present Time –LLP as a type of Corporate vehicle

II. Corporate Finance

- a. Company Capital- Equality Finance, Debt Finance.
- b. Offer Documents
- c. Public Issues
- d. Under writing of Issues
- e. Corporate Loans
- f. Venture Capital, Institutional Financing
- g. Role of SEBI and stock exchanges

III. Amalgamation, Reconstruction, Mergers and takeovers etc.

- a. Meaning of the Terms
- b. Statutory Provisions
- c. Powers of the Court/ Tribunal

IV. Corporate and Governance

- a. Concept, Significance
- b. Dimensions
- c. Legal Framework, Basic Principles and OECD Principles of Corporate Governance
- d. Impact of Globalization

Suggested Readings

1. J.M. Thomson- Palmer’s Company Law
2. Gower- Principles of Modern Company Law
3. Ramaiya- Guide to Companies Act
4. Indian Law and Institute- Current Problems of Corporate Law
5. Compendium on SEBI, Capital Issues and Listing- by Chandratre, Acharya, Israni, Sethuraman
6. Corporate Finance- Ashwath Damodaran

LL.M-106- International Dispute Settlement

International Court and Tribunals

Dispute adjudication and arbitration, International Court of Justice, Permanent Court of Arbitration, Human Rights Courts and Commissions, International Criminal Court, International Tribunal For the Law Of Sea.

Admissibility and Justiciability

Distinction between jurisdiction and admissibility, Absence of a necessary third Party, Diplomatic protection: nationality of claims and exhaustion of local remedies, Investment treaty arbitration: contracts claims and treaty claims.

International Adjudication

Characterization, Law applicable to substantive issues, Jurisdiction and admissibility, Arbitration clause, Procedure, Capacity of Parties, Issues of state responsibility, Remedies in International adjudication, Three forms of reparation: restitution, compensation, and declaratory judgments.

International Decisions, Recognition and Enforcement

Interpretation and revision, Challenges before the International Court of justice (ICJ), Challenges before the Municipal Courts at the Seat of the arbitration, Special case for an International Centre for Settlement of Investment Disputes (ICSID), Annulment Proceedings, New York Convention on the Recognition and Enforcement of arbitral awards.

Text Books

1. French, Duncan, Saul, Mettew and White, Nigel, D,: The International law and Dispute Settlement; Hart Publishing
2. Tams, Christian J and Tzanakopoulos, Antonius; The Settlement of International Dispute; Hart Publishing

References Books

1. Hurd, Ian; International Organizations: Politics, Law, Practice; Cambridge University press
2. Merrills, J.G. International Dispute Settlement; Cambridge University Press
3. Gupta S.P. International Organizations; Allahabad Law Agency

LL.M-105- Contract Law

1. STANDARD FORM CONTRACTS

Nature, Advantages and unilateral Character

Principles of Protection against the possibility of exploitation

Exemption clauses

Law Commission of India's Views

2. GOVERNMENT CONTRACTS

Constitutional Provisions

Performance of Government contracts

Tender procedure in public contracts

Statutory Contracts

3. ELECTRONIC CONTRACTS

Formation of unjust enrichment

Contract For Necessaries

Provisions Of Indian Contracts Act

Quasi Contracts in English Law

Suggested Readings:-

1. A.G. Guest (ed.): Anson's Law of Contract.
2. P.S. Atiyya, Introduction to the Law Of Contract.
3. Avtar Singh : Law of Contract.
4. G.C. Cheshire, H.S. Fifoot : Cases on the Law of Contract.
5. Chitty : Chitty on Contracts, Vol. I General Principles Vol.2 Specific Contract.
6. Pollock and Mulla on the Indian Contract and Specific Relief Acts.
7. Cheshire and Fifoot, The Law of Contract.
8. Nilima Bhadabhade, Contract Law in India.

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SYLLABUS For LL.M ONE YEAR COURSE

Institute of Law

Shri J.J.T.University, Chudela, Jhunjhunu (Rajasthan)

LL.M One Year (List of Courses Prescribed for Semester II)

Branch:- International and Comparative Law

Compulsory Course

Semester II

Paper Code

Course Title

LL.M- 201

Law and Justice in a Globalization World

LL.M- 206

International Human Rights Law

LL.M- 207

Environmental Law

LL.M- 208

International Organization

LL.M- 205

Dissertation

LL.M- 201

Law and Justice in a Globalization World

Contents:-

- . Globalization: Meaning, Reach and Form
- . Social, Political, and Economic Dimensions of Globalization
- . Emergence of Transnational Law in a Globalizing World
- . Impact of Globalization on Sovereignty of States
- . Impact of Globalization on Federalism and Democratic Law Making

- . Human Rights
- . Trade Law
- . Globalization and free Market
- . Impact on Welfare state
- . Natural Resources
- . Environment
- . Displacement for Development
- . Problem of Unemployment
- . Concept of Justice in a Globalization World
- . Globalization and Universal Values
- . Concept of Global Justice
- . Cosmopolitanism
- . Globalization and Social Justice/ Global Distributive Justice
- . Impact of Globalization on Judicial Process and Administration of Justice

Suggested Readings:-

1. Andrew Kuper, Democracy Beyond Borders: Justice and Representations in a Global Institutions (OUP, 2006).
2. Anthony M.C. Grew, Devid Held (eds), Governing Globalization: Power, Authority and Global Governance (Polity Press, 2002),
3. Boauventura De Sousa Santos, Casar A. Rodriguez- Garavito (eds.) Law and Globalization from Below (Cambridge University Press, 2005).
4. Devid B. Goldman, Globalization and the Western Legal Tradition : Recurring Patterns of Law and Authority (Cambridge University Press, 2008).
5. Devid Held, A Globalizing World ? Culture, Economics, Politics (2004).
6. Devid Kinley, Civilizing Globalization : Human Rights and the Global Economy (Cambridge University Press, 2009).

LL.M-206 International Human Rights Law

Contents:-

1. Concept, Development and Philosophy of Human Rights

1. Evolution and Theories (Traditional and contemporary)
2. Nation of Human dignity.
3. Human Rights and Constitutional values: democracy, rule of law, good governance
4. First, Second and Third generation human rights.
5. Human rights in relation to politics, culture and religion.

2. Human Rights: International perspective

1. United nations human rights regime
2. Regional instruments
3. Consultative status of civil security
4. Human rights, Globalization, and status sovereignty

3. Human Rights: Indian Perspective

1. Conceptual dimensions of human rights with special reference to India
2. Fundamental rights under the Constitution
3. Derogation of fundamental rights
4. Directive principal of state policy
5. Interrelation between fundamental rights and directive principles of state policy: issues and challenges
6. Statutory enforcement

4. Rights of vulnerable groups

1. Defining vulnerability
2. Woman

3. Children
4. Disabled persons
5. Minorities
6. Refugees, Migrants, displaced person
7. Indigenous Persons

5. Science, Technology and Human rights

1. Technology and human Rights : developments and Challenges
2. Right to health
3. Right to privacy
4. Right against self-incrimination
5. Right to life

Suggested Readings:-

1. A.G. Noorani, (south Asian human rights documentation center), challenges to civil rights guarantee in India (oxford university press.2012)
2. Cranston mourice, what are human rights ? (besic books, inc., publisher, newyork, 1962)
3. Devid kinley, civilizing Globalization : Human rights and the Global economy (Cambridge university press 2009).
4. Jayna Kothari, the future of disability law in India (oxford university press, 2012).
5. Jean-marc coicaud, Michael w. doyle (eds.), the globalization of human rights (united nations university press, 2003).
6. Macro sassoli, and antonie bouvire, how does law protect in war ? Cases and Meterials and teaching materials on contemporary practice in international humanitarian law (International committee of the red cross, Geneva 2nd ed. 2005),
7. Manoj Kumar Sinha, International criminal law and human rights (ed.) (Manak publications, Delhi, 2010).
8. Omprakash Mishra (ed.), Forced migration in south Asia- displacement, human rights, and conflict resolution (Manak publication, 2004),
9. Simon bagshaw, Developing a normative framework for the protection of internally displaced persons(transnational publisher, 2005).
10. Upendra Baxi, The future of human rights (oup,2002)
11. V.S. Mani (ed.) Handbook of International humanitarian law (oxford university press, 2007).

LL.M- 207

Environmental Law

Contents:-

Unit-1: Basic Aspects: Meaning and definition of environment and Pollution, sources and consequences of pollution: Significance of environmental Law: Ancient Indian Philosophy relating to environment protection.

Unit-2: Territory law, Constitution provisions concerning environment articles 14, 15,(2) (b) 19(e), 21, 31, 38, 39, 42, 47, 48-A, 49, 51,-A: Constitutional provision about states powers concerning acquisition, regulation and distribution of natural resources (water, forest ,mines, oil) with special emphasis on arts 14, 15, 19, 31A, 31B, 31C, 39B, & (C): Union lists (Entries 6, 52, 56, 57,) States list (Entries 17, 18,21,23,) Concurrent List (Entries 17,17-1, 17B, 18,20) of ninth Schedule and land reforms, Abolition of intermediaries and land ceiling.

Unit-3: Primary Protective Laws: Water Act, 1974, Air Act 1981, Environment(Protection) Act 1972 and Forest Act 1927 and Forest Conservation Act, 1980, Biodiversity Act, 2002, NET 1995, NEAA 1997, Schedule Tribe (Forest Rights) Act.

Unit- 4: Secondary Laws noise pollution regulations: Environment Impact Assessment (EIA), Rules Relating to waste management (Solid wastes, hazardous wastes, bio- medical wastes, CRZ Notification).

Unit-5: Common Law And Criminal Law Remedies for environmental Problems: Nuisance Negligence, Strict liability and absolute liability, Provisions of IPC relating to environment problems (public nuisance u/s 268 and others (Sections 269, 270, 277, 284, 284, 286, 425 to 440) section 133 of Cr.P.C.

Unit-6: International Law and Environmental Protection: Stockholm Conference 1972, Rio Summit, 1992, UNEP, WSSD, 2002, Trail Smelter Arbitration.

Unit-7: Environment and Development: Meaning and Concept of Development – Its impact on environment; conflict between environment and development, Concept of Sustainable Development. (principles of integration, polluter pay principle, precautionary principle, Interpenetrated equity), public trust Doctrine. People’s movements (Chipko, Tehri, Silent valley and NBA) Land Acquisition for Development projects- Social and legal problems.

Unit-8: Judicial Activism and Environment: Public Interest litigation for environmental protection; landmark Judgments- (Reference cases; Bhopal cases, Oilum gas Leakage case, Rural Litigation and Entitlement Kendra, Dehradun, (Dehradun Case, (1985) Supp SCC 487), A.P. Pollution Control Board v. Prof. M.V. Nayudu, (1999) 2 SCC 718), Vellore Citizen Welfare Forum V. Union of India, (1996) 5 SCC 647), Ganga Pollution case (1988)

I SCC), Olga Tellis V. Bombay Municipal Corporation (1985) 3 SCC5 45), S. Jagannath v. UOI (1997) SCC 867) Samatha case M.C. Mehta V. Kamalnath (1997) I SCC 388) and other latest landmarks judgments.

Books Recommended:

1. S.C. Sastry, Environmental Law.
2. Tiwari. Environmental Law.
3. S. Shanta Kumar, Environmental Law.
4. Armin Rosencranz, Shyam Divan , Martha L. Noble Environmental Law.
5. Leela Krishna, P. The Evolving Environmental Law and Policy in India.
6. Leena Krishna, P. Environmental Law.
7. Paras Diwan, Environmental Law, Policy, Administration 22.
8. Animal Laws of India, Menaka Gandhi, University Law Publishing Co- Pvt. Ltd.

LL.M- 208 International Organization

Contents:-

Unit I. Historical Evolution of International Organizations. International organizations and their classification united nation organization the preamble, purpose, and principles membership principal and subsidiary organs of the U.N.

Unit II. The UN System and the Changing Context of Global Politics: Collective Security and Peace Keeping. The organization and functions of the general assembly and security council- pacific settlement of dispute- general authority of the security council.

Unit III. International court of justice: Introduction- historical development the permanent court of international justice- establishment of the I.C.J. composition- jurisdiction- contentious, compulsory and advisory- implementation of the judgment- institutional role of the court- contribution of the I.C.J. to the development of international law.

Challenges to the UN System : Reform and Restructuring.

Unit IV. International and Regional Security Organization: Their Role in the Peace- Keeping and Peace- making. Challenges to the UN System : Reform and Restructuring.

Unit V. Select Regional Security and Economic Organizations and their Efficacy in Changing Global Order. Regional Organizations: Introduction- European communities- nature of the European communities and the community law – the Council of the European the three communities the commission of the European community’s- the council of the European community’s assembly of the European communalities the Court of justice of the

European community' s- the organization of American states the organization of African union.

Unit VI. The Role of International Organizations in human Rights and Environmental Issues.

Suggested Readings:-

Margaret Karns and Karen Mingst, eds. International Organizations : The politics and Processes of Global Governance, Lynne Rienner Publishers, 2009. J. Samuel Barkin, International Organizations: Theories and Institutions palgrave Macmillian, 2006. Volker Rittberger and Bernhard Zengler, eds., International Organization: Polity, Politics and Policies, Palgrave Macmillian, 2006. Akira Iriya, Global Community: the Role Of International Organizations in the Making of the Contemporary World, University of California Press, 2002. Alvin L.Bennett and James Oliver, eds., International Organizational: Principles and Issues, 7th Edition, Prentice Hall, 2002. Clive Archer, International Organizations Route ledge, 2001, Paul Graham Taylor, International Organization, in the Modern World : the Regional and Global Process, Continuum International publishing Group, 1995. Harihara Das, Principles of International Law and Organization, New Delhi: Vikas Publishing House Pvt. Ltd. 1994. Rumki Basu, The United Nations: Structures and Functions of an International Organization, New Delhi: Sterling Publishers Pvt. Ltd. 1994. Warner Feld, Robert Jordan and Leon Hurwitz, eds., International Organizations: A Comparative Approach, Praeger, Michigan, 1988. P.M. Kamath Reforming and Restructuring the United Nations, New Delhi, Anamika Publishers & Distributors (P) Ltd. 2007.

LL.M- 205

Dissertation

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of legal problem of contemporary significance in the field chosen by the candidate and the must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes and bibliographical references.

The Dissertation will carry 100 marks and it should be submitted (Three copies) to Head of the Department one month before the semester ends i.e. the second semester.

The supervisor for Dissertation shall be the teaching member of the Dept. of law. The students will be assigned the topic for Dissertation by their supervisor in consultation with the head of Department within a month after the semester has started.

After the dissertations have been submitted they shall be evaluated by the external examiner along with the head of department and/ internal examiner. The examiner will evaluate the dissertation taking into account the following points:

(a) Coverage of subjects matter. (b) Arrangement and presentation. (c) Research Methodology (d) Nature of references and materials used. (e) Critical appreciation and original contribution of the candidate.

Note : The Students have to write their dissertations as per the guidelines of Research Methodology given below.

GUIDELINE FOR DOCTRINAL RESEARCH.

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology :

1. Title of the Study
2. Problem of the Study
3. Relational of the Study
4. Objectives of the Study
5. Hypothesis
6. Review of Literature
7. Operational concepts & Variables of the Study
8. Research Design
 - (i) Nature/ Type of the Study
 - (ii) Method of Data Collection
 - (iii) Sources of Data Collection
9. Limitations of the Study
10. Time Schedule
11. Possible contribution of the Study
12. Chapterisation

B. Doctrinal Research shall have the following structure :

Cover page Certificate Acknowledgement

List of Case Laws. List of Tables Abbreviations contents

Introduction A. Theoretical Background B. Research Methodology (As given in A.) Chapter I

Chapter II

Chapter III, Chapter IV, Chapter V Major Finding, Conclusions and Suggestion.

Bibliography

Annexures :

Acts, Bills, Maps, etc.

C. Step by step procedure to be followed for Doctrinal Research :

1. Approval of the title
2. Collection of material
3. Review of literature
4. Problem
5. Objectives
6. Rationale
7. Hypothesis
8. Chapterization
9. Collection of Data
10. Analysis and Interpretation of Data
11. Report Writing
12. Preparation of Bibliography
13. Preparation of list of cases
14. Abbreviation

Department Of Law

Shri J.J.T. University, Churela, Jhunjhunu