

**MASTER OF LAWS  
(LL.M. TWO YEARS MASTER DEGREE COURSE)**

**ORDINANCES AND GENERAL RULES FOR TWO YEAR LL.M. DEGREE COURSE-**

WHEREAS to provide sufficient opportunity for adequate instruction as well as knowledge of Law, extensive as well as intensive study of prescribed courses open to law post-graduates.

NOW THEREFORE, Mahatma Gandhi Kashi Vidyapith frames these ORDINANCES and General rules for the implementation of the aforesaid objectives :

**1. THE DEGREE OF MASTER OF LAWS :**

The Mahatma Gandhi Kashi Vidyapith may confer the Degree of Master of Laws on such candidates who, being eligible for the admission for the LL.M. Degree Course, have received regular instruction in the prescribed courses of study and passed relevant examinations and being otherwise suitable by virtue of their character, have, fulfilled such other conditions as may be laid down from time to time.

**2. GENERAL RULES REGARDING, ADMISSION, EXAMINATION AND CURICULLUM :**

1. Only those candidates shall be eligible for admission to Master of laws Part-I class who have obtained their Bachelor of Laws degree from any recognised University established by law.
2. Admission of LL.M. Part-I Course shall be regulated through an Entrance examination or as per University Rules.

**THE CONSTITUTION OF INDIA**  
**PREAMBLE**  
**WE, THE PEOPLE OF INDIA,**  
**having solemnly resolved to constitute India into a**  
**SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC**  
**and to secure to all its citizens :**  
**JUSTICE, Social, economic and political;**  
**LIBERTY of thought, expression, belief, faith and worship;**  
**EQUALITY of status and opportunity;**  
**and to promote among them all**  
**FRATERNITY assuring the dignity of the**  
**individual and the unity and integrity of the Nation;**  
**IN OUR CONSTITUENT ASSEMBLY**  
**this twenty-sixth day of November, 1949, do**  
**HEREBY ADOPT, ENACT AND GIVE TO**  
**OURSELVES**  
**THIS COSNTITUTION**

3. In order to be eligible to appear in the Entrance examination for admission a candidate has to be Law graduate, provided that those students who have appeared in the final year examination of Bachelor of Laws Degree may also appear in the admission Entrance Examination.
4. Only those students will be admitted to Master of Laws Course who qualify in the above examination and are also otherwise eligible under the admission rules of the University.
5. The division shall be awarded on the basis of aggregated marks obtained in LL.M. Part-I and LL.M. Part II examination. A candidate having obtained 60 percent or above marks shall be placed in First Division and a candidate having obtained 50% or more but less than 60 percent of the aggregate marks at the LL.M. Part-I and LL.M. Part II examination taken together shall be placed in second division.
6. In order to pass in LL.M. Part I or LL.M. Part II Class a student shall be required to secure at least 40% percent marks in each paper separately and an aggregate of 50 percent of the total marks in each part separately.
7. In order to be eligible to appear in the examination 75% percent attendance shall be compulsory.
8. Only a student having successfully passed LL.M. Part I examination shall be eligible for admission in LL.M. Part II class.
9. Rules relating to backpaper & improvement are as per University rules.

### **COURSE OF LL.M. Part-I**

Master of Laws degree shall be divided in two parts. There shall be five compulsory papers in LL.M. Part I class and each paper shall be of 100 marks.

Paper I Constitutional Law

Paper II Jurisprudence

Paper III Principles of Legislation and Interpretation of Statutes

Paper IV Human Rights

Paper V Legal Essay (on any of the subjects relating to paper I to Paper IV above)

### **COURSE OF LL.M. Part - II**

Only a student having passed LL.M. Part-I examination shall be admitted to LL.M. Part-II class. A student shall be required to appear in four written papers and one Viva-Voce examination in LL.M. Part-II. One of such papers shall be compulsory and the rest three papers shall belong to any one specialised group offered by a student. Every student will be required to opt for one particular group which shall consist of three papers. Every student shall be examined in viva-voce examination of 100 marks. The viva voce examination shall be based on the papers of a specialised group offered by a student and written assignment submitted by him/her in each paper, thereof. The student will be compulsorily required to secure at least 40% marks in viva-voce examination separately. The viva-voce examination shall be conducted by a Board of examiners consisting of one internal and one external examiners.

## LL.M. Part-II

### Paper - I (Compulsory) - RESEARCH METHODOLOGY

A student shall be required to opt any one of the following specialised groups -

Paper II, III, and IV

#### Group - A - Criminal Law

- I. General Principles of Criminal Law
- II. Criminology & Penology
- III. Crimes against Social and Economic Security and Problems of their control.

#### Group - B Contract and Insurance

- I. General Principles of Contract
- II. Specific Contract
- III. Insurance

#### Group - C Business Organisation.

- I. Business Organization (Company Law excluding Management)
- II. Business Management (Company Management & Administration)
- III. Regulation of Labour Management Relations.

#### Group - D Administrative Law

- I. Administrative Law in India I
- II. Administrative Law in India II
- III. Comparative Administrative Law : U.K., U.S.A., & France.

## LL.M. PART-I

### Paper-I CONSTITUTIONAL LAW

Marks : 100

1. Historical Foundation : Constitutional development since 1858 to 1947; Gandhi Era-1919-1947 : Social, political, economic and spiritual influence; Making of Indian constitution; Nature and special features of the constitution.
2. Federalism. : Principles, comparative study; Indian Federalism, -identification of federal features, Legislative relations, Administrative Relation, Financial Relation, Governor's Role, Centre's power over the states-emergency, J&K- Special status & Challenges to Indian constitution.
3. Parliamentary Government : Westminster model-Choice of parliamentary government at the centre and states. President of India-election, qualification, salary and impeachment; Powers-legislative, executive and discretionary; Council of Ministers; Fundamental Rights and Directive Principles. Governor and State government-constitutional relationship; Prime Minister-cabinet system-collective responsibility-individual responsibility ; Coalition Government : Anti-defection Law.
4. Fundamental Duties.
5. Equality and Social Justice ; Equality before the law, Classification for differential treatment- constitutional validity, Gender justice, Justice to weaker sections of society : Scheduled castes, scheduled tribes and other backward classes.

6. Freedoms and Social Control : Speech and Expression, media, press and information, contempt of court, freedom of assembly, association, movement, profession, business, property and freedom to reside and settle.
7. Personal Liberty : Rights of an accused-double jeopardy-self incrimination, retroactive punishment; Right to life and personal liberty; preventive detention-constitutional policy.
8. Secularism : Concept, Constitutional provision, freedom of religion, and state and minority rights.
9. Union-State Relations.
10. Constitution Process of Adaptation and Alteration : Methods of constitutional amendment, limitations upon constituent power, development of the Basic structure : Doctrine of Judicial Activism and restraint.
11. Emergency : Meaning and scope, proclamation of emergency-conditions-effect of emergency on Union -State relations; Emergency and suspension of fundamental rights.
12. Judiciary Under the Constitution : The Supreme Court and High Courts, Judicial review-nature and scope.
13. Trade, Commerce and intercourse.

### **Paper - II JURISPRUDENCE**

**Marks : 100**

1. Definition, nature scope and value of Jurisprudence
2. Schools of Jurisprudence
  - (a) Natural Law
  - (b) Analytical

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- (c) Historical
- (d) Sociological
- (e) Realist School
- (f) Economic Theory.
3. Definition of Law and its scope
4. Sources of Law - (a) Custom (b) Precedent and (c) Legislation
5. Administration of Justice and Theories of Punishment.
6. Law and Morality
7. Law and Society.
8. Concepts of Law
  - (a) Right and Duty
  - (b) Legal Person
  - (c) Possession
  - (d) Ownership
  - (e) Property
  - (f) Liability
  - (g) Obligation

### **Paper - III PRINCIPLES OF LEGISLATION AND INTERPRETATION OF STATUTES**

**Marks : 100**

1. Principles of Legislation : Law making-the legislature, executive and judiciary; Principle of utility, Pleasure and pain theory, Asectic principle Relavance of John Rawls and Robert Nowzick individual interest to community interest, impact of these principles upon legislation, distinction.

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2. Interpretation of Statutes : Meaning of term statute, commencement, operation and repeal of statutes and purpose of interpretation of statutes.
3. Aids to Interpretation : Internal aids-Title, Preamble, headings, marginal notes, section and subsections, punctuation marks, illustrations exceptions, provisos, saving clauses, schedules and non obstante clause.  
External aids : Dictionaries, statutes in para materia, contemporanea expositio, debates, inquiry commission reports and law commission reports.
4. Rules of Statutory Interpretation : Primary Rules Literal rule, Golden rule, Mischief rule, rule of harmonious construction; Secondary Rules-Noscitur a sociis, Eiusdem generis, Reddendo singula singulis.
5. Presumption in statutory interpretation : Statutes are valid, statutes are territorial in operation, presumption as to jurisdiction, presumption against what is inconvenient or absurd, presumption against intending injustice, presumption against impairing obligation or permitting advantage from one's own wrong, prospective operation of statutes.
6. Subordinate Principles : Maxims of statutory Interpretation : *Delegatus non potest delegare, Expressio unius excludit alterius.*
7. Principles of Constitutional Interpretation : Harmonious construction, Doctrine of pith and substance, colourable legislation, Ancillary powers, occupied field, Residuary power, Doctrine of repugnancy.

### Paper - IV Human Rights

Marks : 100

1. Concept - Human Rights
2. The United Nations and Human Rights
3. (a) Universal Declaration of Human Rights  
(b) International Covenants on Human Rights  
(c) International convention and Conference on Human Rights.  
(d) Regional conventions on Human Rights.
4. International Covenants and the Indian Constitution.  
(a) Civil and Political Rights with special reference to Part III of the Indian Constitution.  
(b) Social and Economic Rights - International Instruments and Part IV of the Indian Constitution.
5. Human Rights and Vulnerable Groups - Right of Women, Children, Disabled, Aged, Tribals and Minorities - National and International Legal Development.
6. Enforcement of Human Rights - International, Regional and National Mechanism.
7. Human Rights Commission in Indian.
8. International Humanitarian Law
9. Refugee Law and Human Rights.
10. International Humanitarian Law  
(a) Protection of Defenceless in war  
(b) Protection of wounded, sick and shipwrecked  
(c) Prisoners of war and Human Rights.  
(d) Status and treatment of protected Persons.

### Paper - V LEGAL ESSAY

(On any of the topics relating to Paper I to Paper IV above)

Marks : 100



## LL.M Part-II

### Paper-I (Compulsory) RESEARCH METHODOLOGY

Marks : 100

1. Introduction : Meaning and objective of Research, kinds of research, Importance of Research; Criteria of good research, Problems of Researchers in India.
2. Formulation of the Research Problem :  
Selection of the problem, different steps in formulating the problem; illustrations.
3. Research Methodology :  
Importance of Research methodology : procedural guidelines regarding the research process; defining the research problem; survey of the literature; working hypothesis; preparation of research design; determination of sample; design collection of data; observation; personal interviews; questionnaires and schedules; analysis of data; test of hypothesis; preparation of the report.
4. Thesis Writing : Importance of Report Writing;
  - (a) Different steps in writing research report; Layout of research writing; Preliminary; Main text conclusion and observation.
  - (b) Mechanics of writing a Research Report;  
Practical Aspect, Physical design; Treatment of quotation, Footnotes; Documentation style; Abbrevia-

tions; Bibliography, Index etc.

## Group - A

### CRIMINAL LAW

#### Paper-I GENERAL PRINCIPLES OF CRIMINAL LAW

Marks : 100

1. Introduction :
  - (a) Definition of Crime
  - (b) Elements of Crime
  - (c) Mens rea
  - (d) Crimes of Strict Liability
  - (e) Vicarious Liability
  - (f) Joint Liability
  - (g) Principles of Legality
  - (h) Protection of Life and Liberty
2. General Defences : Sections 76-106 IPC
  - (a) Mistake
  - (b) Insanity
  - (c) Intoxication
  - (d) Necessity
  - (e) Accident
  - (f) Infancy
  - (g) Consent
  - (h) Private Defence
3. Inchoate Offences :
  - (a) Abetment
  - (b) Conspiracy
  - (c) Attempt.

#### Paper-II CRIMINOLOGY & PENOLOGY

Marks : 100

1. Definition nature, scope and importance of Criminology.
2. Methods of studies in Criminology.
  - (a) Statistical

- (b) Case Study
- (c) Study of the criminal "in the open".
- (d) Experimental.

3. Schools of Criminology :

- (a) Classical
- (b) Typological
- (c) Cartographic
- (d) Sociological
- (e) Socialist
- (f) Feminist Approach
- (g) Multiple Factor Approach.

4. Causes of Crime :

- (a) Lombrosian Theory
- (b) Psycho-analytical Theory
- (c) Social Disorganisation and Anomie
- (d) Differential Association Theory
- (e) Delinquent Sub-Culture Theory.

5. Juvenile Delinquency-Causes, prevention & treatment.

6. Penology :

- (a) Theories of Punishment
- (b) Capital Punishment
- (c) Victimology and compensation to the victims of crime.
- (d) Concept of treatment with reference to :
  - (i) Prison

- (ii) Probation
- (iii) Parole.

**Paper-III CRIMES AGAINST SOCIAL AND ECONOMIC SECURITY AND PROBLEMS OF THEIR CONTROL.**

1. Concept of Socio-Economic Offences.
2. Distinction between Traditional and Socio-Economic Offences.
3. White Collar Crime
4. Requirement of mens rea
5. Dowry Prohibition Act, 1961 as amended in 1984, 1986 etc.
  - (i) Definition of Dowry
  - (ii) Offence of taking/giving dowry and penalties.
  - (iii) Offences of Demanding Dowry and Penalties
  - (iv) Dowry to be for the benefit of Bride and penalties for non-transfer of Dowry.
  - (v) Agreement for giving and taking Dowry to be void.
  - (vi) Cognizance of the Offences.
  - (vii) Offences to be cognizable for certain purposes and nature of offences and the act-non-bailable and non-compoundable.
6. Prevention of Food Adulteration Act, 1954.
  - (i) Definitions.
  - (ii) Machinery for implementation
  - (iii) Penalties.
  - (iv) Defences available on prosecution.
  - (v) Cognizance and trial of offences.

- (vi) Application of Probation of Offenders Act, 1958 and Section 360 of Criminal Procedure Code.
  - (vii) Power of Central Government to give direction.
7. Prevention of Corruption Act, 1988
- (i) Offences and penalties
  - (ii) Appointment of special judges
  - (iii) Investigation into cases under the Act.
  - (iv) Sanction for prosecution and other miscellaneous provisions
  - (v) Law relating to Trap
  - (vi) Accomplice
8. Offences against SC and ST.

### **Group - B**

#### **CONTRACT AND INSURANCE**

##### **Paper - I GENERAL PRINCIPLES OF CONTRACT**

**Marks : 100**

1. Formation of Contract : A critical study of offer and acceptance, communication, acceptance and revocation of the terms of offer and acceptance.
2. Standard form Contracts.
3. Doctrine of Consideration and Privity of contract, Controversy regarding the abolition of consideration.
4. Capacity to contract, Nature of minor's agreements and the doctrine of restitution.
5. Importance of Consent : Its existence and absence.
6. Public Policy and contractual Agreements relating to restraint

- in trade and wagering agreements.
7. Discharge of contracts with special reference to the doctrine of Frustration.
  8. Implied Contracts.
  9. Breach of contract and Remedies available with special reference to the general principles of the assessment of damages.

##### **Paper- II SPECIFIC CONTRACT**

**Marks : 100**

1. Contract of Agency : Definition, Nature, Creation, Ratification, Rights and Duties, Termination, Liability of Principal for misrepresentation and Fraud by agent. Agent's personal liability.
2. Contract of Indemnity : Definition, Characteristic, Contract of Insurance as contract of Indemnity.
3. Contract of Guarantee : Definition, Characteristics, Difference between indemnity & guarantee, Surety Rights and Liabilities & Discharge of Surety.
4. Contract of Bailment : Definition, Rights and Liabilities of Bailor and Bailee, Lien-General and Particular.
5. Contract of Pledge : Definition, Difference between Bailment and Pledge, Rights and Liabilities of Pledger and Pledgee.

##### **Paper - III INSURANCE**

**Marks : 100**

1. Nature and definition of the Contract of Insurance, distinction

between Life, Fire and Marine Insurance contracts.

2. Insurance and Wagering Contracts.
3. Insurance interest : Its essentials
4. Indemnity as the controlling principle of insurance laws.
5. An insurance contract is a contract of Uberrime fidei, i.e. of utmost good-faith.
6. Doctrine of subrogation, its essentials. Subrogation as a necessary corollary of the principle of Indemnity.
7. Meaning, Scope and Elements of Risk, proximate cause under Insurance Contracts.
8. Double insurance and Re-insurance.
9. Meaning of the term "Fire", "Loss of Fire", in fire insurance policies.
10. Meaning, Form, Characters and kinds of warranties, effect of breach of Warranty, Difference between Warranty and Representation.
11. Nationalisation and Regulation of Insurance Business.

### **Group-C**

#### **BUSINESS ORGANISATION**

##### **Paper-I BUSINESS ORGANISATION**

##### **(Company law excluding Management)**

**Marks : 100**

1. Company as a legal person, Lifting the veil of corporate personality.
2. Legal position of the promoters of company, Pre-incorporation contracts vis-a-vis, promoters.
3. Prospectus - Definition, contents and liability in case of false

representation in the prospectus.

4. Memorandum and Articles of Association - Contents, Alteration and Legal effects.
5. The Object clause of Memorandum of Association and doctrine of ultravires.
6. Share Capital, Kinds of share Capital : Procedure for increase and reduction of share capital.
7. Charge : Floating charge and fixed charge.
8. Protection of the interests of minority share holders.

### **Paper II BUSINESS MANAGEMENT**

#### **(Company Management & Administration)**

**Marks : 100**

1. Structure of corporate management in India with comparative study of England and Continental countries.
2. Division of powers between company in General meeting and Board of Directors.
3. Legal position of directors and criminal liability of the officers of the company.
4. Judicial and Administrative remedies in the case of mismanagement.
5. Appointment, Removal and Remuneration of Directors, Managing Director and Manager.
6. Secretary of the Company : appointment, his qualification, duties and legal position.
7. Investigation, Special Audit, Cost Audit.
8. Borrowing powers of a company and its directors, Effects of

doctrine of Constructive Notice and Indoor Management.

9. Company Law Board-Composition and Powers.

**Paper- III REGULATION OF LABOUR MANAGEMENT  
RELATIONS**

**Marks : 100**

1. Industrial Concepts under the Industrial Disputes Act. 1947.  
Such as Industry, Workman, Industrial Dispute, Award.
2. Reference Mechanism of disputes under Industrial Disputes Act. 1947.
3. Industrial Adjudication under industrial Disputes Act, and Collective Bargaining.
4. Regulation of Management's Prerogatives during pendency of disputes before the authorities under the Industrial Disputes Act. 1947.
5. Constitution and functions of Industrial Tribunal and Labour Court and Conciliation Officer.
6. Strike and Lock-out :
  - Concept, Nature and Statutory regulation of Strikes and Lock-outs.
  - Right to Strike.
7. Arbitration.
8. The Trade Union Act, 1926 :
  - Registration of Trade Union and its cancellation.
  - Rights and Liabilities of Trade Unions.
  - Immunities of Trade Unions.
9. Industrial Employment (Standing Orders) Act, 1946

- Standing Orders and Certification.

- Modification of Standing orders.

- Nature of Standing Orders certified under the above Act.

**Group - D  
ADMINISTRATIVE LAW**

**Paper - I ADMINISTRATIVE LAW IN INDIA - I**

**Marks : 100**

- (1) Importance and Scope of Administrative Law :
- (2) Rule of Law
- (3) Separation of Powers
- (4) Delegated Legislation
  - (a) Constitutionality
  - (b) Judicial Control
  - (c) Parliamentary Control
- (5) Ombudsman in India
- (6) The Commission of Inquiry Act-1952.

**Paper - II ADMINISTRATIVE LAW IN INDIA - II**

**Marks : 100**

- (1) Judicial Review of Discretionary Power
- (2) Writ of Mandamus
- (3) Writ of Certiorari
- (4) Natural Justice; Bias, Opportunity of Hearing
- (5) Administrative Tribunals
- (6) Domestic Inquiries
- (7) Administrative Finality

- (8) Role of Declaratory Decree as Public Law Remedy
- (9) Role of Injunction as Public Law Remedy.

**Paper - III COMPARATIVE ADMINISTRATIVE LAW**

**Marks : 100**

- (1) Merits of French Administrative Law; Remedies available under French Administrative Law
- (2) Judicial Control of Administrative Discretion in Britain
- (3) Judicial Control of Subordinate Legislation in Britain
- (4) Availability of Judicial Review in the United States of America-
  - (i) Doctrine of Primary Jurisdiction,
  - (ii) Doctrine of Exhaustion of Administrative Remedies,
  - (iii) Doctrine of Standing,
  - (iv) Doctrine of Ripeness,
- (5) Governmental liability for torts committed by its employees in Britain, France and India
- (6) Promissory Estoppel in Britain and India
- (7) Right to Information -
  - (a) State Privilege to Refuse Production of documents in Courts in Britain and India
  - (b) The Official Secrets Act, 1923 (India)
  - (c) Right To Information Act., 2005

