

Master of Laws
LL.M. Two Year (Four Semester), Master Degree Course
General Rules Regular Admission, Examination and Curriculum

1. Only those Candidates shall be eligible for admission to Master of Laws Ist semester (First Year) who have obtained their Bachelor of Laws Degree from any recognized University established by Law. Applicable from session 2015-16
2. Admission of LL.M. First Semester course shall be through entrance examination or as per university rules.
3. In order to be eligible to appear in the entrance examination for admission a candidate has to be Law Graduate with minimum 55% marks provided that those students who have appeared in the final examination of Bachelor of Laws Degree may also appear in the admission entrance examination but on the date of admission the candidate have to produce mark sheet of his final result. 5% Relaxation will be given to SC/ST Candidates.
4. Only those candidates will be admitted to Master of Laws course who qualify in the entrance examination and are also otherwise eligible under the admission rules of the University.
5. LL.M. Course comprised of two year (Four Semester) i.e. Ist, IInd, IIIrd & IVth semesters.
6. In Ist, IInd & IVth semester all the papers are compulsory. In IIIrd semester every student will be required to opt. for one Group which shall consist of three papers following one compulsory paper.
7. A student shall be required to submit a dissertation of 100 marks before the last paper of the IVth semester examination. The submitted dissertation shall be evaluated by external and Internal examiners appointed by University.
8. Every student shall be examined in viva-voce examination of 100 Marks.

Rules of Promotion, Back Papers and Improvement :-

1. A students who appeared in the Ist Semester Examination shall be automatically promoted to IInd Semester, Similarly IInd to IIIrd and IIIrd to IVth. But he/she shall be declared passed if he/she has secured 45% marks in each paper and 50% marks in aggregate in each semester.
2. A Student who has secured pass marks i.e. 45% in each paper but failed to secure aggregate of 50% marks will be allowed to appear in back paper examination held in the next year as according to para 4, 5, 6.
3. A student will be allowed to appear in back paper examination in only one paper in each Semester.
4. A student who has secured more than 45% marks in each paper but not secured 50% marks aggregate he shall be eligible to appear in one back paper if he/she obtained 47% marks in aggregate in each semester.
5. A student who has not appeared or failed either in one paper in each semester has got 47% marks as an aggregate shall be eligible to appear in back paper examination.
6. Improvement LL.M. Ist to IVth semester will be held as per university rules.

Re-admission Rules:-

1. There shall be no re-admission in the LL.M. Ist, IIIrd semester
2. A student who has failed in the examination or failed to appear in the examination and who is otherwise eligible to appear in the examination as an ex-students shall not be admitted as regular student.

Division:-

1. The Division shall awarded on the basis of aggregate marks obtained in LL.M. Ist IIrd, IIIrd, and IVth semester examination. A candidate having obtained 60% or above marks shall be placed in first division and candidate having obtained 50% or less then 60% of the aggregate marks in Ist IIrd, IIIrd, and IVth semester examination taken aggregate shall be place in IInd division.
2. In order to appear in the examination 75% attendance shall be compulsory.

Course of LL.M. Ist to IV semester
FACULTY OF LAW
MAHATMA GANDHI KASHI VIDYAPITH, VARANASI
SYLLABUS OF LL.M COURSE IN SEMESTER SYSTEM

Ist Semester

1. Constitutional Law of India – I	-		100 Marks	}	Compulsory
2. Legal Philosophy	-		100 Marks		
3. Human Rights Law	-		100 Marks		
4. Law and Social Transformation in India	-		100 Marks		

IInd Semester

1. Constitutional Law of India – II	-		100 Marks	}	Compulsory
2. Interpretation of Statutes	-		100 Marks		
3. Humanitarian and Refugee Law	-		100 Marks		
4. Natural Resources and Pollution Control Laws in India	-		100 Marks		

IIIrd Semester

One compulsory & there are three Optional Groups in IIIrd Semester consisting three papers in each –

Compulsory Paper - Privileged Class Deviance - - 100 Marks

Groups -

- ❖ Criminal Law (Group - A)
- ❖ Administrative Law (Group - B)
- ❖ Contract and Insurance Law (Group - C)

Criminal Law Group -A

1. General Principles of Criminal Law	-		100 Marks
2. Criminology, Treatment of offenders and victimology	-		100 Marks
3. Crimes against Social and Economic Security and Problems of their Control	-		100 Marks

OR**Administrative Law Group -B**

1. Administrative Law in India – I	-		100 Marks
2. Administrative Law in India – II	-		100 Marks
3. Administrative Process and Judicial Control	-		100 Marks

OR

Contract and Insurance Law Group -C

- | | | | |
|----|--------------------------------|---|------------|
| 1. | General Principles of Contract | - | -100 Marks |
| 2. | Specific Contracts | - | -100 Marks |
| 3. | Insurance | - | -100 Marks |

IVth Semester

- | | | | | |
|----|----------------------|---|------------|--------------|
| 1. | Research Methodology | - | -100 Marks | } Compulsory |
| 2. | Judicial Process | - | -100 Marks | |
| 3. | Dissertation | - | -100 Marks | |
| 4. | viva-voce | - | -100 Marks | |

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FACULTY OF LAW
MAHATMA GANDHI KASHI VIDYAPITH, VARANASI
SYLLABUS OF LL.M COURSE IN SEMESTER SYSTEM

First Semester

Paper - I

Constitutional Law of India -I

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. 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.
3. 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.
4. Personal Liberty :Rights of an accused-double jeopardy-self incrimination, retroactive punishment Right to life and personal liberty; preventive detention-constitutional policy
5. Secularism : Concept, Constitutional provision, freedom of religion,and state and minority rights.
6. Fundamental Duties.
7. Concept of welfare State and Directive Principles and State Policy.

II Paper

Legal Philosophy

1. Definition, nature scope and value of Jurisprudence
2. Schools of Jurisprudence
 - (a) Natural Law
 - (b) Analytical
 - (c) Historical
 - (d) Sociological
 - (e) Realist School
 - (f)Economic Theory.
 - (g) Feminist Approach
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.

Paper III

Human Rights Law

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, Tribes and Minorities - National and International Legal Development.
6. Enforcement of Human Rights - International, Regional and National Mechanism.
7. Human Rights Council
8. Human Rights Commission in India.

Paper IV

Law and Social Transformation in India

1. Interaction of Law and Social Sciences
2. Impact of Social Development of Law
3. Law as an instrument of Social Change
4. Legal Idealism and the Sociological approach to Law
5. Social Morality and Legal Order
6. Role of Law, the individual and the welfare state
7. Role of Law and the function of lawyer
8. Economic, Social and Political Reforms and the Law. Modernization and the Law

Second Semester

Paper- I

Constitutional Law of India -II

1. 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.
2. Union-State Relations.
3. Judiciary Under the Constitution : The Supreme Court and High Courts, Judicial review- nature and scope.
4. Trade, Commerce and intercourse.
- 5.. 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; Coalitio Government:Anti-defection Law.

6. 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.
7. Emergency : Meaning and scope, proclamation of emergency-conditions-effect of emergency on Union -State relations; Emergency and suspension of fundamental rights.

II Paper

Interpretation Of Statutes

1. Interpretation of Statutes : Meaning of term statute, commencement, operation and repeal of statutes and purpose of interpretation of statutes.
2. Aids to Interpretation : Internal aids-Title, Preamble, headings, marginal notes, section and subsections, punctuation marks, illustrations exceptions, provisos, saving clauses, schedules and non obstinate clause.
External aids : Dictionaries, statutes in para materia, contemporanea expositio, debates,inquiry commission reports and law commission reports.
3. 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.
4. Presumption in statutory interpretation :Statutes are valid, statutes are territorial inoperation, 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.
5. Subordinate Principles - Maxims of statutory Interpretation : *Delegatus non potest delegare*, *Expressio onius excleusio alterius*.
6. Principles of Constitutional Interpretation - Harmonious construction, Doctrine of pith and substance, colourable legislation, Ancillary powers, occupied field, Residuary power,Doctrine of repugnancy.
7. Contemporary Judicial Approach

Paper III

Humanitarian and Refugee Law

1. International Humanitarian Law –
 - (a) Definition, Origin & Development,
 - (b) Relational between humanitarian Law & Human Right Law
2. 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.
3. Refugee Law and Human Rights –
 - (a) Definition, Origin & Development,

Paper - IV
Natural Resources and Pollution Control Laws in India

1. Protection of Wild Life- with special reference to authorities, sanction and remedies under Wild Life (Protection) Act, 1972.
2. Protection and conservation of Forest-with special reference to Authorities, sanctions and remedies under Forest Act.1927 and Forest Conservation Act.1980.
3. Conservation of Fresh water and Ground water. Coastal Zone Management under the Environment (Protection)Act, 1986 and other relevant Statutes.
4. Constitutional Mandate and Environment with special reference to Article 32 and 226 (emphasis shall be given on use of PIL as a tool to provide environmental justice)
5. Comparative Study of Water Act, 1974, the Air Act, 1981 and the Environment (Protection) Act, 1986 with special reference to authorities, mechanism and sanctions
6. Efficacy of Remedies- Section 133 Criminal Procedure Code, Public Liability Insurance Act, 1991, National Green Tribunal Act, Citizens Suit provisions, remedies under Civil Procedure code, 1908.
7. Specific Environmental Problems and Legal Responses- special emphasis shall be placed on rules and notification framed under the Environment (Protection) Act, 1986. (Rules and Notifications shall be prescribed each year).
8. Environment Impact Assessment and People's Participation, EIA and Public Hearing

Third Semester
Compulsory Paper
Paper I
Privileged Class Deviance

- 1- Introduction-
Conception of white color crimes, Indian approaches to Socio-economic offences, Notions of privileged class deviance as providing a wider categorization of understand Indian development.
- 2- Police Deviance-
Police Atrocities: Encounter killing and the plea of superior's orders, Structure of legal restraint on police power in India, Unconstitutionality of 'Third Degree' method and use of fatal force by Police.
- 3- Professional Deviance-
Unethical practices by the Lawyers/ the Indian Bar, Unethical practices by the Doctors, Unethical practices by the Media Persons / unethical Journalism
- 4- Response of Indian Legal order to the Deviance of Privileged Classes-
Prevention of Corruption Act, 1988, Vigilance Commission, Commission of Inquiry, Ombudsman.

Student have to opt one Group in Third Semester

Criminal Law (Group –A)

Paper I

General Principles of Criminal Law

1. Introduction :
 - (a) Definition of Crime
 - (b) Elements of Crime
 - (c) Stages of Crime
 - (d) Mens rea
 - (e) Crimes of Strict Liability
 - (f) Vicarious Liability
 - (g) Joint Liability
 - (h) Principles of Legality
 - (i) 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, Treatment of Offenders and Victimology

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. Theories of Punishment: Retribution, Utilitarian prevention: Deterrence; Utilitarian: Intimidation; Behavioural prevention: Incapacitation, Behavioural prevention: Rehabilitation-Expiation, Classical Hindu and Islamic approaches to punishment

7. Alternatives to Imprisonment, Probation, Corrective labour, Fines, Collective Fines, Reparation by the offender/by the court, Capital Punishment.
8. The Prison System in India, Classification of prisoners, Right of prisoner and duties of custodial staff, Deviance by custodial staff, Open prisons, Judicial Surveillance-basis - development reforms
9. Status of victim in Criminal Justice System, Rights of Victim, Compensation to victims of crime, UN Declaration on Rights of victim of crime and abuse of power, recommendations of Malimath Committee and Law Commission of India.

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 of 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.

OR
Administrative Law (Group-B)

Paper - I
Administrative Law In India-I

The Course shall comprise of the following:

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
 - d. Procedural Control
5. Ombudsman in India
6. The Commission of Inquiry Act, 1952
7. Comparative Study of Administrative Laws – France, Canada, U.S.A & U.K

Paper II
Administrative Law In India-II

The Course shall comprise of the following:

1. Judicial Review of Discretionary Power;
2. Writ of Habeas Corpus
3. Writ of Mandamus;
4. Writ of Certiorari;
5. Writ of Prohibition;
6. Writ of Quo-warranto
7. Natural Justice: Bias; Opportunity of Hearing;
8. Administrative Tribunals;
9. Domestic Inquiries;
10. Administrative Finality;
11. Role of Declaratory Decree as Public Law Remedy;
12. Role of Injunction as Public Law Remedy;

Paper-III
Administrative Process and Judicial Control

1. Administrative process - Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, Responsibility and accountability.
2. Judicial Review of Administrative action in India - Historical development, power of Supreme Court, Powers of High Courts, Role of Subordinate Courts. Jurisdiction: Finality Clause, Conclusive evidence Clauses, Law Fact distinction, Exclusionary Clause. Ground of Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: From liver sidge to pad field, discretion and Justifiability, violation of fundamental rights, Extraneous consideration and /or irrelevant ground, delegation acting Under dictation, Malafides and Bias, Lack of rationality and proportionality, oppressing decision.
3. Limits of Judicial Review - Locus standi and PIL, Laches, Resjudicata, alternative remedies, Remedies Writs, injunction and declaration.

OR
Contract And Insurance (Group – C)

Paper -I

General Principles Of Contract

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

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, Lein- General and Particular.
5. Contract of Pledge - Definition, Difference between Bailment and Pledge, Rights and Liabilities of Pledge and Pledgee.

Paper - III

Insurance

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.

Fourth Semester
Paper-I
Research Methodology

1. Socio-legal research, Doctrinal and non-doctrinal research, Computerized research., Relevance of empirical research.
2. Legislative research material.
3. Decisional research material, Ratio decidendi and obiter dicta, Juristic writing.
4. Formulation of research problem, Tools and techniques of data collection, use of questionnaire and interview, Use of case study.
5. Sampling procedure-design of sample, types of sample to be adopted, Classification and tabulation of data, Analysis of data.
6. Art of thesis writing.

Paper II
Judicial Process

1. Nature of judicial process – Different approaches; ratio-decidendi and obiter dicta; techniques to find out ratio of a case.
2. Special Dimensions of Judicial Process in Constitutional Adjudications.
3. Judicial Process in India – Nature, Dissenting opinion etc.
4. The Concepts of Justice – Theories of justice; Indian approach and concept of justice.
5. Relation between Law and Justice.

Paper – III
Dissertation

Dissertation to be submitted by the student on any topic approved by the department before the final examination.

Paper – IV
viva-voce

There shall be viva-voce of 100 marks.