

# **Annexure I**

## **LL.M. BRANCH –I : LABOUR LAWS**

### **Semester – I**

Paper 1 : Research Methodology (Common for all Branches)

Paper II : Dispute resolution in Labour management relations

Paper III : Trade union law

### **Semester – II**

Paper IV : Jurisprudence (Common for all Branches)

Paper V : Industrial discipline and punishment process

Paper VI : Collective Bargaining

### **Semester – III**

Paper VII : Law and Environment (Common for all Branches)

Paper VIII : Social security law

Paper IX : Wages and minimum labour standards

### **4<sup>th</sup> Semester:**

Paper X : Dissertation

**LL.M I-SEMESTER BRANCH-I : LABOUR LAWS  
RESEARCH METHODOLOGY (PAPER –I)  
COMMON FOR ALL BRANCHES**

**UNIT – I**

Scientific Methods  
Science, Theory and facts,  
Objectivity, Value, Neutrality and Empiricism  
Purpose of Social Science Research  
Scope of legal research  
Concepts: variables, definitions  
Research Problem  
Formulation of research problems

**UNIT – II**

Hypothesis  
Hypotheses its role, definitions,  
Criteria of good hypothesis and its sources  
Research Design  
Forms of Research Design  
Techniques of Research Design  
Major steps in the preparation of Research Design

**UNIT -III**

Sampling Techniques  
Its uses and advantages in research  
Random sampling, simple random, stratified random, systematic random  
Non-random, sampling hazard, availability and purpose sampling  
Research Tools  
Observation, Participant and non-participant observation,  
Questionnaire,  
Schedule  
Interview.

**UNIT IV**

Survey  
Case Study  
Content Analysis  
Projective Techniques  
Data processing and Analysis  
Use of Statistics in the Analysis and Interpretation of Data

**UNIT V**

Research Report

**Reference Books:**

Myneni S.R., ‘Research Methodology’ Allahabad Law Agency  
Robert Watt, ‘ Concise Legal Research’, Universal law Publishing Co. Pvt. Ltd.,  
Bindrawan Lal, ‘ Research Methodology’ ABD Publishers, Jaipur, India.  
Tiwari H.N., ‘ Legal Research Methodology’, Allahabad Law Agency.,  
Victor Tunkel, ‘ Legal Research’, Universal Law Publishing Co. Pvt. Ltd.,  
Saravanavel. P. ‘Research Methodology’, Kitab Mahal. Allahabad.

# **LL.M. BRANCH-I**

## **LABOUR LAWS**

### **SEMESTER - I**

#### **Paper-II**

#### **Dispute resolutions in Labour Management relations**

##### **UNIT - I**

Governments Policy on Industrial Relations  
Indian Government policy of active intervention in  
industrial relations through conciliation and  
adjudication Compulsory methods  
Voluntary methods of settlement of industrial disputes.

##### **UNIT - II**

Industrial Disputes Act Definitions  
Appropriate government, industry,  
industrial dispute and workman.  
Settlement and award  
Layoff. Retrenchment and Closure

##### **UNIT - III**

Industrial relations machinery and methods of  
settlement of industrial disputes  
Works Committees  
Conciliation  
Investigation Court of Inquiry  
Voluntary Arbitration  
Compulsory Adjudication  
Governments power to refer industrial disputes  
Nature and extent of governments power

##### **UNIT - IV**

Industrial adjudication  
Objectives of industrial adjudication  
Labour courts, industrial tribunals and National  
Industrial Tribunals Constitution and Composition.  
Jurisdiction, powers and functions of adjudicatory authorities  
Awards  
Finality and Judicial review of awards  
Commencement, enforceability and operation of awards.

##### **UNIT - V**

Chapter V A and V B of Industrial Disputes Act  
Restrictions on and compensation for lay-off,

retrenchment transfer and closure of undertakings  
Exit policy  
Unfair Labour Practices ( Schedule V)  
Change of conditions of service  
Section 9A & 9B and Schedule IV of  
Industrial Disputes Act  
Section 33, 33A & 33B of Industrial Disputes Act  
Recovery of money due from employer  
Section 33C(1) of Industrial Disputes Act  
Jurisdiction of Labour Courts  
under Section 33C(2) of Industrial Disputes Act.

**Reference Books:**

- 1.The Law of Industrial Disputes Vol. I & Vol. II O.P. Malhotra
2. Labour and the Law Kahn - Freund
3. Report of National Commission on Labour ( Relevant chapters)

**LL.M. BRANCH-I**  
**LABOUR LAWS**  
**SEMESTER - I**  
**Paper: III**  
**TRADE UNION LAW**

**UNIT - I**

Freedom of Organization  
Negative and positive features  
Position in India, Britain and America  
Scope of Art 19(1)

**UNIT – II**

Development Process  
History of Trade Union Movement  
Brief History of Trade Union movement in Britain  
Evolution of Trade Union Movement Labour Legislation in India  
Definition of Trade Union  
Registration Procedure

**UNIT - III**

Trade Unions and Corporate Status  
Corporate Status  
Immunities of Trade Unions India and Britain  
Trade Union Recognition  
Recognition of Trade Unions in Britain  
Recognition of Trade Unions in India NCL Recommendations.

**UNIT - IV**

Problems facing the Indian Trade Union Movement  
Multi Unionism  
Outsiders in the Unions  
Political affiliation  
Inter-Union Rivalry and Intra-Union Rivalry

**UNIT – V**

Unorganised Labour and Unionizations  
Problems of unorganized labour  
Agricultural Labour  
Child Labour  
Bonded Labour

**Reference Books:**

Citrine Trade Union Law  
Cyril Grunfeld Modern Trade Union Law.  
Richard Kinder Trade union Law  
Kahn-Freund Labour and the Law  
J.N. Mallick Trade union Law  
K.D. Srivastava Trade union Law  
S.C. Jha Indian Trade Union Movement

V.V. Giri Labour Problems in Indian Industry  
C.K. Sharma Labour Movement in India  
N.C.L. Recommendations Relevant Chapters  
Bombay Industrial Relations Act 1946  
Maharashtra Recognition of Trade Unions and PULP Act 1971

**LL.M. - BRANCH-I**  
**LABOUR LAWS**  
**SEMESTER- II**  
**Paper IV: JURISPRUDENCE**  
**(Common paper for all branches)**

UNIT I

Sources of Law

Custom

Precedent

Doctrine of ratio decidendi

Legislation

Rules of Interpretation of Statutes

Literal Rule

Golden Rule

Mischief Rule

Beneficial Rule

UNIT II

Theories of Law

Natural Law School

Positivism

Hart's Concept of Law

Kelsen's pure theory of law

Modern Realism

American and Scandinavian Realists

Marxist theory of Law

Historical and Anthropological approaches

Sociological school

UNIT III

Concept of Right and duties

Characteristics of a legal right

Legal rights in the wider sense

Kinds of legal rights

Concept of Duty

Functions of duty

Structure of duty

Approval and disapproval

Enforceability

Sanction

Conflicting duties

Breach of duty

UNIT IV

Concept of Liability:

The Nature and Kinds of Liability

Theory of remedial liability  
Theory of penal liability  
Acts  
Two classes of wrongful acts  
Damnum Sine injuria  
The place and time of act  
Causation  
Mens rea Intention Motive - Relevance and  
irrelevance of motive Malice Jus necessitatis  
Negligence  
Duty of care  
Standard of care  
Degree of care  
Theory of strict liability  
Mistake of law and Mistake of fact  
Vicarious Liability  
Measure of criminal liability  
Measure of civil liability

#### UNIT V

Persons  
Legal status of persons  
Kinds of persons  
Theories of corporate personality  
Ownership and Possession  
Development of Idea of Ownership  
Kinds of Ownership  
Essentials of Ownership  
Development of concept of possession  
Elements of possession  
Kinds of possession  
Distinction between ownership and possession

#### REFERENCE BOOKS

1. Jurisprudence by Dias
2. Introduction to Jurisprudence by Lloyd
3. Doctrine of Precedent by Rupert Cross
4. Law in the Making by C.K. Allen
5. Interpretation of Statutes by Maxwell
6. Nature of Judicial Process by Cardozo
7. Salmond's Jurisprudence



**LL.M. BRANCH-I**

**LABOUR LAWS**

**SEMESTER - II**

**PAPER - V**

**Industrial Discipline and Punishment Process**

**UNIT - I**

Industrial Discipline

Concept and need for maintaining industrial discipline

Industrial Employment (Standing orders) Act, 1946

And Model standing orders

**UNIT - II**

Misconduct

Different types of misconduct

Punishment appropriate to misconduct

Punishment

Major and minor punishment

Termination of employment

Dismissal

Discharge (Punitive or simple)

Discharge of probationers

Compulsory retirement

Fines

Suspension subsistence allowance during suspension

Reversion or demotion

Withdrawal of increments cumulative or non-cumulative

**UNIT - III**

Domestic Enquiry

Compliance with principles of natural justice

Charge-sheet Requirements of

Enquiry officer Presenting Officer Defence counsel

Enquiry officer report

Final show-cause notice and order of punishment

**UNIT - IV**

Jurisdiction of adjudicatory authorities

Supervisory original or appellate jurisdiction

Section 11 A of Industrial Disputes Act

Section 2A(2) of Industrial Disputes (A.P. Amendment) Act

Protection of civil servants

Doctrine of pleasure Art. 310 of the Constitution

Protection under Art 311 of the constitution

Jurisdiction of Administrative Tribunals and High Courts.

**UNIT - V**

Law Relating to Promotions and Transfer

Comparison of Jurisdiction of Labour Courts

/Industrial Tribunals with the jurisdiction of

Administrative Tribunals on punishments

**Reference Books:**

The Law of industrial disputes Vol I & Vol II O.P. Malhotra

Constitutional Law of India H.M. Seervai (Relevant chapters)

Report of National Commission on Labour (1969) (Relevant chapters)

**LL.M. BRANCH-I**  
**LABOUR LAWS**  
**SEMESTER –II**  
**PAPER - VI**  
**COLLECTIVE BARGAINING**

**UNIT - I**

Collective Bargaining Conceptual and Processual Issues  
Concept of collective bargaining a comparative appraisal  
Methodological aspects

**UNIT - II**

Bargaining process  
2.1 Types of bargaining Plant level, industry level and national level  
2.2. Advantages of collective bargaining over compulsory adjudication

**UNIT - III**

Legal control of collective bargaining endeavours  
Strike as a weapon in the process of collective bargaining (pen-down, go-slow, work to rule, stay-in, picketing  
Gherao  
Lock-out  
Legality and Justifiability of strikes and Lock-outs.  
Disciplinary action for participating in illegal strikes.  
Wages for the period of strike

**UNIT - IV**

Factors affecting collective bargaining  
Multi-Unionism and bargaining Bargaining councils Sole bargaining agent.  
Other factors  
Conditions for successful functioning

**UNIT - V**

Status of collective agreements  
Binding nature of collective agreements.  
Collective Agreement and conciliation settlement  
Workers' participation in Management  
Concept and theories of participation of workers  
Works Committees  
Joint Management Councils  
Worker Director  
Workers' share holders

**Reference Books:**

Gillian S. morris and Timothy J.Archer, Ckollective Labour Law (2000), Oxford  
Nick Humphrey, Trade Union Law (1997), Blackstone, London  
John Bowers and Simon hentyball, Text book on Labour Law (1998), Blackstone,  
London.  
Stephen Dery and Richard Mitchell, Employment Relations - Individualization and

Union Exclusion (1999), Blackston, London  
Roger Blanpain, Chris Engels(Eds.), Comparative Labour Law and Industrial Relations in Industrialised market Economies (1999) Kluwer  
Indian Law Institute - Labour Law and Labour Relations, (1997)  
ILO, Collective Bargaining.  
ILO, Collective Bargaining in Industrialised Market Economies  
Mary Sur, Collective Bargaining (1965)  
10.R.W. Rideout, Principles of Labour Law, Chs. 8,9 and 10 (1983)  
Otto Kahn-Freund, Labour and the Law, (1977)  
A.V. Rajagopalan, Approaches to Collective Bargaining – Intricacies” 1982 Vol. II  
Labour Law Notes P.J. 42.  
B.R. Patil, Sectionalised Bargaining in Textile Industry in Coimbatore” 20 Indian  
Journal of Industrial Relations 44. (1985)  
Elias T. Ramos, Growth of Collective Bargaining in the Philippines, 1953-74”, 14 Indian  
Journal of Industrial Relations 559 (1987)  
T.O. Ekechukwu, Collective bargaining and Process of Settling Industrial  
Dispsutes in Nigeria 18 Indian journal of ndustrial Relations 607 (1983)  
Y.R.K. Reddy, Determination of Collective Bargaining Agency Search for a  
Procedure 14 Indian journal of Industrial Relations 73 (1978)  
Sahab Dayat Revival of Collective Bargaining in India : Some Recent Evidence” Indian  
Journal of Industrial Relations 329 (1982)

**LL.M. BRANCH-I**  
**LABOUR LAWS**  
**SEMESTER -III**  
**PAPER - VIII**  
**SOCIAL SECURITY LAW**

**UNIT - I**

Concept of Social Security  
Meaning  
The Beveridge Report  
Evolution of Social Security  
Labour Welfare  
Distinction with Social Security  
Labour social security as part of the general  
social security in the welfare State  
Modalities  
Social Assistance  
Social Insurance  
Social security in UK, USA and INDIA

**UNIT - II**

International norms for social security of labour  
The ILO measures  
The UNO measures  
Constitutional Perspectives  
Fundamental Rights :  
Right to life, the wider dimensions  
Directive Principles of State Policy :  
Right to adequate means of livelihood,  
Right to public assistance in cases of unemployment,  
old age,  
sickness and disablement,  
maternity relief.

**UNIT - III**

Recommendations of Commissions pertaining Social Security  
Royal Commission on Labour  
I - N.C.L. Recommendations  
II - N.C.L. Recommendations  
Comprehensive and Integrated Social Security Scheme  
As recommended by N.C.L.

**UNIT - IV**

Development of Social Security Legislations in India  
Social Security for Organised Labour:  
Employer's Liability Act, 1936  
Workmen's Compensation Act, 1923  
Personal Injury  
Accident

Arising out of and in the course of employment.

Employees State Insurance Act, 1948

Health care and

Cash benefit in the case of

Sickness,

Maternity and Employment injury

Employees Provident Fund & Miscellaneous Provisions Act, 1952

Employees' Provident Fund Scheme, 1982

Employees' Deposit Linked Insurance Scheme, 1976

Employees' Pension Scheme, 1935

Payment of Gratuity Act, 1972

Payment of Gratuity to employees at the time of termination of service either

On superannuation

On retirement or resignation

On death or disablement due to accident or disease

Maternity Benefit Act, 1961

To promote the welfare of working women

Provide maternity leave and

Payment of certain monetary benefits

#### **UNIT - V**

Social Security for Unorganized Labour:

The Child Labour (Prohibition and Regulation) Act, 1986

The Bonded Labour

Agricultural Labour

#### **Reference Books:**

Harry Calvert Social Security Laws (1978)

S.C. Srivastava- Social Security and Labour Laws (1985)

Reports of the National Commission on Labour (1&2) (Relevant Chapters)

The Laws of Social Security Ogn and Berndt (1978) (Relevant chapters)

**LL.M. BRANCH-I**

**LABOUR LAWS**

**SEMESTER - III**

**PAPER - IX**

**Wages and Minimum Labour standards**

**UNIT – I**

Wages

History of Wage legislation in India

Findings of Royal Commission on Wages 1931

Constitutional Perspectives on wages

Right to living wage

Right to equal pay for equal work

Denial of minimum wages as forced labour

International Standardization on wages

The role of ILO

Conventions and

Recommendations

**UNIT – II**

Theories of wages

Concepts of minimum wage

Fair wage,

Living wage and

Need – based minimum wage.

Fixation and Revision of Wages:

Principles of wage fixation – Industrial Adjudication

Wage boards and fixation of wages

Wage fixation under Minimum Wages Act.

**UNIT - III**

Protection of Wages

Problems relating to payment of wages

Royal Commission and payment of wages

Deductions and the Payment of Wages Act

Payment of Wages under the Payment of Wages Act.1936:

Responsibility for payment of wages.

Wage Periods-Time for payment, deduction ,fines.

Claims arising out of deductions and delay in payment.

**UNIT – IV**

Payment of Bonus:

Bonus concept - as deferred wage

Facets Attendance bonus,

Incentive Bonus, etc.

Concept of Profit Sharing - Desirability.

Difficulties in Implementation.

Interpretation by Indian Courts and Tribunals.

Basis for the calculation of Bonus under the

Payment of Bonus Act, 1965.

Eligibility for Bonus, minimum and maximum bonus.

Set on and Set off of allocable.

Labour Welfare:

Concept

Health, Safety and Welfare

Health, Safety and Welfare of workers in factories

Dearness Allowance

Basic wage and Dearness Allowance

Fixation and Revision of Dearness Allowance

## **UNIT – V**

### **Shops and Establishments**

Definition of ‘Shop’ and ‘Establishment’

Health, safety and leaves

Wages and conditions of employment

### **Reference Books:**

O.P. Malthotra, Law of Industrial Disputes (1999)

R.R. Singh, Labour Economics Chs. 6,7,8 and 9 (1971)

G.L. Kothari, Wages, Dearness Allowances and Bonus (1968)

Y.B. Singh, Industrial Labour in India Part 1, (1960)

V.V. Giri, Labour Problems in Indian Industry Ch.F (1972)

Report of the National Commission on Labour 1969 (Relevant Portions)

International Labour Office, Wages (1968)

International Labour Office, Wage Fixing (1981)

International Labour Office, Minimum Wage Fixing (1981)

Vedula Jagannadha Rao, Law Relating to Shops and Establishments in Andhra Pradesh (1989)

Suresh C. Srivastava, ‘Payment of Dearness Allowance to Industrial Workers in India’ 15 J.I.L. 444(1973)

Suresh C. Srivastava, Machinery for Fixation of Minimum Wage of Sweated Labour in India Problems and Prospects 23 J.I.L.1.495(1981)

R.D. Agarwal, Dynamics of Labour Relations in India (1972)

Sahab Dayal. Wage, Income and Industrial Relations in Modern India : An Evaluation of Selected Empirical Implications. 15 Indian Journal of Industrial Relations 195(1971)

Madhuri G. Seth, Bonus in Equity Perspective, 15 Indian Journal of Industrial Relations 119 (1979)

Deepak Lal, Theories of Industrial Wage Structures : A Review 15 Indian Journal of Industrial Relations 167 (1979)

C. Mani Sastry, Wage Structure and Regional Labour Market, 21 Indian Journal of Industrial Relations 344(1985)

Suresh C. Srivastava, Payment of Dearness Allowance to Industrial Workers in India: The Judicial Approach, 15 J.I.L.1 444(1973).

R.L. Chawla, Wage Policy and Industrial Relations.



**ANNEXURE –I (Cont)**

**LL M – Law of Crimes - Branch –III**

**syllabus**

**I Semester**

- Paper I ----- Research Methodology (common paper)  
Paper II ----- General Principles of Criminal Law - Comparative  
Study with England.  
Paper III ----- Criminal Procedure Code 1973

**II Semester**

- Paper IV ----- Jurisprudence (Common paper)  
Paper V ----- Specific Offences – Comparative study with England  
Paper VI ----- Socio Economic Offences

**III semester**

- Paper VII ----- Law and Environment (Common paper)  
Paper VIII ----- Offences against Weaker sections  
Paper IX ----- Criminology and Penology

**IV Semester**

- Paper X ---- Dissertation

**LL.M I-SEMESTER**  
**RESEARCH METHODOLOGY (PAPER –I)**  
**COMMON FOR ALL BRANCHES**

UNIT – I

Scientific Methods  
Science, Theory and facts,  
Objectivity, Value, Neutrality and Empiricism  
Purpose of Social Science Research  
Scope of legal research  
Concepts: variables, definitions  
Research Problem  
Formulation of research problems

UNIT – II

Hypothesis  
Hypotheses its role, definitions,  
Criteria of good hypothesis and its sources  
Research Design  
Forms of Research Design  
Techniques of Research Design  
Major steps in the preparation of Research Design

UNIT -III

Sampling Techniques  
Its uses and advantages in research  
Random sampling, simple random, stratified random, systematic random  
Non-random, sampling hazard, availability and purpose sampling  
Research Tools  
Observation, Participant and non-participant observation,  
Questionnaire,  
Schedule  
Interview.

UNIT IV

Survey  
Case Study  
Content Analysis  
Projective Techniques  
Data processing and Analysis  
Use of Statistics in the Analysis and Interpretation of Data

## UNIT V

### Research Report

#### Reference Books:

Myneni S.R., 'Research Methodology' Allahabad Law Agency

Robert Watt, ' Concise Legal Research', Universal law Publishing Co. Pvt. Ltd.,

Bindrawan Lal, ' Research Methodology' ABD Publishers, Jaipur, India.

Tiwari H.N., ' Legal Research Methodology', Allahabad Law Agency.,

Victor Tunkel, ' Legal Research', Universal Law Publishing Co. Pvt. Ltd.,

Saravanel. P. 'Research Methodology', Kitab Mahal. Allahabad.

**LL M --- II Semester**  
**Branch –III Law of Crimes**

**Paper II - General Principles of  
Criminal Law – Comparative  
study with England**

UNIT-I

Conception of Crime  
Distinction between crime and other wrongs.  
Applicability of IPC – Territorial, Personal  
Salient features of IPC  
Elements of Criminal liability  
Author of crime – national and legal person  
Actus reas  
Mens rea - evil intent  
Mens rea in statutory offences  
Mens rea – applicability in IPC  
Vicarious liability  
Omission

UNIT-II

Group liability  
Joint liability - common intention  
Abetment  
Instigation, aiding and conspiracy  
Unlawful assembly – common object  
Criminal conspiracy

UNIT-III

Stages of crime  
Guilt intention - mere intention is not punishable  
preparation - not punishable  
Exemptions to preparation  
Attempt – its scope  
Attempt when punishable  
Tests for determining what constitutes attempt.  
Impossible attempt.

## UNIT-IV

Factors negativating guilty intention.

Mistake of fact

Infancy

Insanity

Intoxication ----- involuntary & voluntary

Necessity and compulsion

Accident

consent

Right of private defense - justification and limits

## UNIT-V

Concept of punishment

Kinds of punishment

Death-Social relevance to capital punishment-Alternatives to capital punishment

Imprisonment for life

Imprisonment for term - rigorous and simple

Fine

Discretion in awarding sentence

Theories of punishment

Deterrent theory

Preventive theory

Retributory theory

Expiatory theory

Reformatory theory

## Reference Books

1. K.D. Gour, Criminal Law – cases and materials Butterworths, India
2. Ratanlal and Dherajlal Indian Penal code
3. K.D. Gour A Text book on The Indian Penal Code Universal Delhi.
4. P.S. Achuthan Pillai Criminal Law Eastern Lucknow
5. Kenny Principles of Criminal Law
6. Smith and Hogan on Criminal Law Butterworths
7. Cross and Jones Cases and Statutes on Criminal Law Butterworths
8. Cross and Jones Introduction to Criminal Law. Butterworths.

**LL.M –I Semester -**  
**LAW OF CRIMES (BRANCH-III)**  
**Paper III – Criminal Procedure Code, 1973**

UNIT-I

Organization of Courts and Prosecuting Agency  
Hierarchy of Criminal Courts their Jurisdiction  
Sentencing Powers of Courts  
Territorial Division  
Preventive Measures in India  
Aid to the Magistrate and the Police  
Public to give information of certain offences  
Duty of officers employed in connection with  
the officers of a village to make certain report

UNIT-II

Pre-trial Procedure  
Arrest  
The rights of the accused  
Investigation  
First Information Report  
The evidentiary value of statements/articles/seized/collected by the Police  
Role of Presentor and the Judicial Officer in Investigation  
Search and Seizure  
Process to compel appearance  
Summons  
Service of Summons  
Warrant of arrest  
Proclamation of person absconding

UNIT-III

Provisions as to Bail and Bond  
Bailable offence  
Non-Bailable offence  
When bail may be taken in case of non-bailable offences  
Cancellation of bail and bail bond  
Anticipatory bail  
Trial Procedure  
Trial before Court of Session  
Trial by Magistrate  
Cases instituted on a police report  
Cases instituted otherwise than on police report

## Trial of Summons Cases, Summary Trial

### UNIT-IV

#### Appeal

No appeal in certain cases

When accused pleads guilty in petty offences

Appeals from conviction

Appeal for enhancement of sentence

Summary dismissal of appeal

Power of the appellate Court

Reference & revision

Reference to High Court

Sessions Judge's powers of revision

High Court's power of revision

### UNIT-V

Order of maintenance of Wives Children and Parents

Wife's right

Children's right

Parent's right

Enforcement of Order of maintenance

Procedure

Alteration in allowance

#### Reference Books:

1. Criminal Procedure Code 1973, D.D. Basu Code of Criminal Procedure : S 5 vols.
2. K.N. Chandrasekharan Pillai(ed).
3. S.R.V. Kelkar's Outlines of Criminal Procedure (2000) Eastern.

LL.M- II Semester

**Paper IV: JURISPRUDENCE**  
**(Common paper for all branches)**

UNIT I

Sources of Law

Custom

Precedent

Doctrine of ratio decidendi

Legislation

Rules of Interpretation of Statutes

Literal Rule

Golden Rule

Mischief Rule

Beneficial Rule

UNIT II

Theories of Law

Natural Law School

Positivism

Hart's Concept of Law

Kelsen's pure theory of law

Modern Realism

American and Scandinavian Realists

Marxist theory of Law

Historical and Anthropological approaches

Sociological school

UNIT III

Concept of Right and duties

Characteristics of a legal right

Legal rights in the wider sense

Kinds of legal rights

Concept of Duty

Functions of duty

Structure of duty

Approval and disapproval

Enforceability

Sanction

Conflicting duties

Breach of duty

UNIT IV

Concept of Liability:

The Nature and Kinds of Liability

Theory of remedial liability



Theory of penal liability

Acts

Two classes of wrongful acts

Damnum Sine injuria

The place and time of act

Causation

Mens rea Intention Motive - Relevance and irrelevance of motive Malice Jus necessitatis

Negligence

Duty of care

Standard of care

Degree of care

Theory of strict liability

Mistake of law and Mistake of fact

Vicarious Liability

Measure of criminal liability

Measure of civil liability

## UNIT V

Persons

Legal status of persons

Kinds of persons

Theories of corporate personality

Ownership and Possession

Development of Idea of Ownership

Kinds of Ownership

Essentials of Ownership

Development of concept of possession

Elements of possession

Kinds of possession

Distinction between ownership and possession

## REFERENCE BOOKS

1. Jurisprudence by Dias
2. Introduction to Jurisprudence by Lloyd
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4. Law in the Making by C.K. Allen
5. Interpretation of Statutes by Maxwell
6. Nature of Judicial Process by Cardozo
7. Salmond's Jurisprudence

LL M --- II Semester  
Branch –III Law of Crimes  
Paper V Specific Offences –  
Comparative study with England

UNIT-I

Offences against Unlawful assembly  
Unlawful assembly  
Being a member of unlawful assembly  
Rioting  
Affray

UNIT-II

Offences against Human body  
Causing death of a human being  
Culpable homicide  
Lawful homicide  
Murder  
Distinction between culpable homicide and murder  
Situation justifying treating murder as culpable  
homicide not amounting to Murder  
Grave and sudden provocation  
Exceeding right to private defense  
Public servant exceeding legitimate use of force  
Death in sudden fight  
Death caused by consent of the deceased  
Rash and negligent act causing death  
Hurt and grievous hurt  
Wrongful restraint and wrongful confinement  
Assault and criminal force

UNIT-III

Offences against Property.  
Theft  
Extortion  
Robbery and dacoity  
Cheating  
Mischief  
Criminal misappropriation and criminal breach of trust  
Receiving stolen property  
Criminal Trespass  
House trespass  
House breaking

#### UNIT-IV

Offences relating to documents

Forgery

Making a false document

#### UNIT-V

Defamation

Defamation - publication

exceptions to defamation

#### Reference books

1. K.D. Gour, Criminal Law – cases and materials Butterworths, India
2. Ratanlal and Dherajlal Indian Penal code
3. K.D. Gour A Text book on The Indian Penal Code Universal Delhi.
4. P.S. Achuthan Pillai Criminal Law Eastern Lucknow
5. Kenny Principles of Criminal Law
6. Smith and Hogan on Criminal Law Butterworths
7. Cross and Jones Cases and Statutes on Criminal Law Butterworths
8. Cross and Jones Introduction to Criminal Law. Butterworths.

LL M --- II Semester  
Branch –III Law of Crimes

## Paper VI Socio Economic offences

### UNIT-I

#### Conceptions

Definition of 'White Collar' crimes - Sutherland's analysis, critique of it.  
Applicability of white-collar crimes to Indian conditions  
From Santhanam Committee Report to the Twenty ninth and forty Law  
Commission of India Report; The career of the conception of socio  
Economic offences  
Distinction between social and economic offences.

### UNIT-II

#### Corruption

General conceptions of 'corruption', nepotism  
Concept of corruption under IPC (Secs 161-165) and the Prevention of  
Corruption Act  
Santhanam Committee analysis  
The special legal regime  
Investigation (under Criminal Amendments Act, 1952)  
Sanction for prosecution (under 197 Cr. P. C., Prevention of corruption Act)  
The category of 'Public servants' liable for prosecution for corruption Offences  
Relevant aspects of Antulay case  
Cause of corruption  
Sentencing policies and patterns

### UNIT-III

Crimes against Consumers of goods and services  
Food adulteration  
Drug adulteration  
Offences relating to weights and measures  
Pollution offences  
Medical malpractices

### UNIT-IV

Organized Crimes  
Drug trafficking  
smuggling

Human trafficking  
cyber crimes  
Terrorism  
Money-laundering relevant provisions

#### UNIT-V

Legal regime of investigation and enforcement  
Differentiation of in onus of proof through presumption of guilt and  
Due process problems  
The regime of special court  
Group liability (associational, corporate)  
Strict and vicarious liability  
The quantum of punishment  
Problems of recidivism  
The variety of enforcement mechanism; specialized and general  
Withdrawal from prosecution  
Alternative and additional Strategies

#### Reference Books

1. Upendra Baxi Law and Poverty critical essays
2. Upendra Baxi Liberty and corruptions Antulay case and Beyond
3. P.R. Rajagopal Violence and Response; A Critique of Indian Criminal Justice system
4. Law Commission of India  
(i) 154<sup>th</sup> Report on Cr P C 1973  
(ii) 155<sup>th</sup> Report on I P C 1860
5. Sutherland Criminology and penology

LL M - Branch –III Law of Crimes

**Paper –VII Common Paper**

III Semester

LL M --- III Semester

Branch –III Law of Crimes

Paper VIII -- Offences against Weaker Sections

UNIT-I

Offences against children

Offences against foeticide

Miscarriage

Medical Termination of pregnancy Act 1971

Pre natal Diagnostic Act 1987

Offences against infants

Infanticide (Murder- Explanation 3 of Section 299)

Concealment of birth

Exposure and abandonment of child

UNIT-II

Offences against child

Kidnapping

Kidnapping a minor for purpose of begging

Kidnapping for ransom or murder

Kidnapping in order to subject to slaver

Kidnapping a child with intent to steal from its person

Child marriage restraint Act 1929

Child trafficking

Immoral traffic prevention Act 1956

Selling or buying a minor for the purpose of prostitution

Procurator of a minor girl

Importation of girl from foreign country

Sexual offences against child

Rape

Sexual relation with minor wife

Incest

Unnatural offences

### UNIT-III

Offences against Women

Offences affecting human body

Dowry death

Cruelty by husband or his relatives

Insulting the modesty of women

Assault or criminal force with intent to outrage of modesty of women

Eve teasing

Kidnapping or abducting women to compel her marriage etc.

Rape

Custodial rape

Marital rape

Offences relating to marriage

Fraudulent marriage

Bigamy

Adultery

### UNIT-IV

Offences relating to women in other legislations

Immoral Traffic (Prevention) Act

Prohibition of indecent Representatio0n of women

Domestic violence

Sexual harassment at work place.

### UNIT-V

Offences against SC and ST

SC & ST atrocities Act

### Reference Books

1. K.D. Gour, Criminal Law – cases and materials Butterworths, India
2. Ratanlal and Dherajlal Indian Penal code
3. K.D. Gour A Text book on The Indian Penal Code Universal Delhi.
4. P.S. Achuthan Pillai Criminal Law Eastern Lucknow

LL M - Branch –III Law of Crimes  
Paper –IX - CRIMINOLOGY AND PENOLOGY  
III Semester

**UNIT-I**

Dimensions of Crime in India

Nature and extent of crime in India

General approaches to crime control

Crimes of the powerful

Organised crime – Smuggling, traffic in narcotics.

White collar crime – corruption in public life

Socioeconomic crime: adulteration of foods and drugs; fraudulent trade practices.

Crimes in the professions – medical, legal, engineering

Criminality by agencies of the state

Perpetrators of ordinary crime

The situational criminal.

The chronic offender.

Criminality of women

Young offenders

Criminal gangs.

**UNIT-II**

Causes of Criminal Behaviour

Nature of the problem : Some unscientific theories

The constitutional School of Criminology – Lombroso and dothers (heredity and mental retardation as causes of crime)

Sociological theories Anomies

Modern sociological theories – Sutherland’s differential association theory:

Reckless’s social vulnerable theory.

Economic theories and their relevance.

Environment – home and community influences, urban and rural crimes.

The ghetto, broken homes, the effect of motion pictures, T.V. and video, press, narcotics and alcohol.

Caste and community tensions: caste wards and communal riots –their causes and demoralizing effects; atrocities against scheduled cadres.

Emotional disturbance and other psychological factors.

Multiple causation approach to crime.



### **UNIT-III**

Police and the criminal justice

The police system

Structural organization of police at the center and the states.

Mode of recruitment and training.

Powers and duties of police under the police acts, Criminal Procedure code and other laws.

Arrest, search and seizure and constitutional imperatives.

Methods of police investigation

Third degree methods

Corruption in police

Relationship between police and prosecution.

Liability of police for custodial violence.\

Police public relations.

Select aspects of National Police Commission report

Punishment of Offenders

Some discarded modes of punishment

Corporal punishment: Whipping and flogging: mutilation and branding

Transportation

Public execution

Punishments under the Indian Criminal Law

Capital punishment

Imprisonment

Fine

Cancellation or withdrawal of licenses

### **UNIT-IV**

The Prison System:

Administrative organization of prisons.

Mode of recruitment and training .

The Jail Manual.

Powers of prison officials.

Prisoners classification male, female: juvenile and adult: under trial and convicted prisoners.

Constitutional imperatives and prison reforms

Prison management: prisoners right and security compulsions.

Open prisons.

Prison labour

Violation of prison code and its consequences.

Appraisal of imprisonment as a mode of punishment.  
Treatment of Correction of Offenders  
The need for reformation and rehabilitation of offenders undergoing punishment/imprisonment.  
Classification of offenders through modern diagnostic techniques.  
The role of psychiatrists, psychoanalysts and social workers in the prison.  
Vocational and religious education, and apprenticeship programmes for the offenders.  
Group counseling and resocialisation programmes.  
Prisoners organizations for selfgovernment.  
Participation of inmates in community services.  
An appraisal of reformatory techniques.  
Efficacy of imprisonment as a measure to combat criminality and the search for substitutes.

## **UNIT-V**

Resocialisation processes  
Parole:  
Nature of parole.  
Authority for granting parole.  
Release of the offender:  
Problems of the released offender.  
Attitudes of the community towards released offender.  
Prisoner aid societies and other voluntary organizations.  
Governmental action.  
An appraisal.

### **Reference Books:**

Katherine S Williams, Text Book on Criminology (1997), Blackstone, London  
Loveland, The Frontiers of Criminality (1995), Sweet & Maxwell.  
Martin Wasik, Emmins on Sentencing (1998), Blackstone, London.  
Hall, J. Law, Social Science and Criminal Theory (1992).  
Manheim, H. Comparative Criminology : A Text Book (1965).  
Ross, H. (Lawrence Ed.) Law and Deviance (1981).  
Sutherland, E. and Cressy, Principles of Criminology (1978).  
Waslker, N. crime and Criminology : A Critical INTRODUCTION (19987).  
S.Rao, Crime in Our Society, (1983).  
J.M. Sethna, Society and the Criminal (1980).  
Siddique, Criminology : Problems and Perspectives (1997).  
E. Sutherland, White Collar Crime (1949).  
S. Kaldate, Society, Delinquent and Juvenile Courts (1982).  
W.C.Reckless, The Prevention of Juvenile Delinquency (1972),

D.C. Pandey, Habitual Offenders and the law (1983).

D. Abrahansen, David : Crime and the Human Mind (1979).

Conrad, John. P. : Crime and its Correction: An international survey of Attitudes and Practices.

Krishna Iyer Report on Female Prisoners (1986).

Mulla Committee Report, (1983).

P. Rajgopal, Violence and Response: A Critique of Indian Criminal Justice System (1988).

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**LL.M. - BRANCH**  
**SEMESTER- II**  
**Paper IV: JURISPRUDENCE**  
**(Common paper for all branches)**

UNIT I

Sources of Law

Custom

Precedent

Doctrine of ratio decidendi

Legislation

Rules of Interpretation of Statutes

Literal Rule

Golden Rule

Mischief Rule

Beneficial Rule

UNIT II

Theories of Law

Natural Law School

Positivism

Hart's Concept of Law

Kelsen's pure theory of law

Modern Realism

American and Scandinavian Realists

Marxist theory of Law

Historical and Anthropological approaches

Sociological school

UNIT III

Concept of Right and duties

Characteristics of a legal right

Legal rights in the wider sense

Kinds of legal rights

Concept of Duty

Functions of duty

Structure of duty

Approval and disapproval

Enforceability

Sanction

Conflicting duties

Breach of duty

UNIT IV

Concept of Liability:

The Nature and Kinds of Liability

Theory of remedial liability

Theory of penal liability

Acts

Two classes of wrongful acts

Damnum Sine injuria

The place and time of act

Causation

Mens rea Intention Motive - Relevance and irrelevance of motive Malice Jus necessitatis

Negligence

Duty of care

Standard of care

Degree of care

Theory of strict liability

Mistake of law and Mistake of fact

Vicarious Liability

Measure of criminal liability

Measure of civil liability

## UNIT V

Persons

Legal status of persons

Kinds of persons

Theories of corporate personality

Ownership and Possession

Development of Idea of Ownership

Kinds of Ownership

Essentials of Ownership

Development of concept of possession

Elements of possession

Kinds of possession

Distinction between ownership and possession

## REFERENCE BOOKS

1. Jurisprudence by Dias
2. Introduction to Jurisprudence by Lloyd
3. Doctrine of Precedent by Rupert Cross
4. Law in the Making by C.K. Allen
5. Interpretation of Statutes by Maxwell
6. Nature of Judicial Process by Cardozo
7. Salmond's Jurisprudence

## **Law Relating to Protection of Human Rights**

### **(Non-Core Subject - Semester-II)**

**Unit 1 : Introduction to Human Rights:** Idea of Rights - Human Values - Concept of Human Rights – Theories of Human Rights - Sources of Human Rights – Basic Human Rights of a citizen.

**Unit 2 : International Development of Human Rights:** United Nations and its enforcement - International Bill of Human Rights : Universal Declaration of Human Rights - International Covenant on Civil and Political Rights - International Covenant on Economic, Social and Cultural Rights - Optional Protocols - Convention on Rights of a Child - Human Rights Council.

**Unit 3 : Human Rights and its Enforcement at National Level :** Human Rights and Constitution of India : Preamble, Fundamental Rights, Directive Principles - judicial activism - mechanisms for protection of Human Rights : Supreme Court, High Courts, Human Rights Commissions - Role of Non-Governmental Organizations - Public Interest Litigation - Legal protection of Schedule Castes and Schedule Tribes.

**Unit 4 : Human Rights and Environmental Pollution :** causes of environmental pollution - Air Pollution - Noise Pollution - Water pollution - Development of International Protection of environment – Development of Environmental laws in India – Judicial response on environment.

**Unit 5 : Human Rights and Vulnerable Groups :**

**Women :** Convention on Elimination of All Forms of Discrimination Against Women, Constitutional guarantees of women, Protection under Indian Penal Code, Criminal Procedure, Domestic Violence, Sexual Harassment, National Commission for Women

**Children :** Sex Determination - Child marriage - Child Prostitution - Child Exploitation - Child labour – Juvenile Justice - Rights of unborn child.

#### **Reference Books :**

Basu Palok, ‘ Law Relating to Protection of Human Rights’, Modern Law Publication.

Lohit D. Naikar, ‘ Law Relating to Human Rights’, Puliani & Puliani, Bangalore

Awasthi and Kataria, ‘Law Relating to Protection of Human Rights’, Orient Publications.

Verma J.S., ‘ The New Universe of Human Rights, Universal Law Publications

**Annexure -II**  
**LAW AND ENVIRONMENT**  
**PAPER-VII (COMMON PAPER)**

**Unit 1: Environment Policy, Development :** Meaning of Environment - Ancient Indian Law - Early Environmental legislation - India's Environmental Policy in 1970's - Mid 1980's – Liberalization and economic approach.

**Unit 2: International Law and Environmental Protection :** Environment as a human right - United Nations - Stockholm Declaration - Rio Summit – Vienna Convention - Montreal Protocol - Earth Summit - UNEP- Trail Smelter Arbitration.

**Unit 3 : National Laws and Environmental Protection :** Constitutional perspectives - Legislative strategies: Wild life Act, Water Act, Air Act, Forest Act, The Schedule Tribes and Other Traditional Forest Dwellers Act, Environment Act, The National Environment Tribunal Act.

**Unit 4: Environmental Pollution :** Kinds of pollution – causes of factors of environmental pollution - Remedies under civil law and criminal law.

**Unit 5 : Judiciary and Environmental Regime:** Wholesome environment - Principles of Common Law - Criminal Liability - Judicial Remedies - Judicial Activism - Environment and PIL.

**REFERENCE BOOKS:**

Mohanty S.K., 'Environment and Pollution Law Manual' Universal Law Publications, New Delhi.

Shyam Divan, Armin Rosencranz, ' Environmental law and Policy in India : Cases, Materials and Statutes', Oxford University Press

Maheswara Swamy, N, 'Law Relating to Environmental Pollution and Protection', Asia Law House.

Sahasranaman P.B., 'Law of Environment Protection' Classic Publication, Bangalore.

Mehta M.C., ' Commentary on Water and Air Pollution and Environment ( Protection) Laws, Delhi Law House, New Delhi.

Aruna Venkat, ' Environmental Law and Policy', PHI Learning Pvt. Ltd., New Delhi.

**Annexure IV**  
**WOMEN AND LAW**  
**Non-Core Subject - III-Semester**

**UNIT – I**

Women's Personal Rights:

Right to marry

Right to conceive or not, or of abortion

Right to remain virgin or unmarried

Right to serve in Government or private service or self-employment

Right to vote or be elected on Constitutional positions

Right to form, take part in and conduct associations

Right to make complaint or representation to National Commission for Women

**UNIT – II**

Women's Rights as a Wife

To equal treatment with males in the family

To property

To maintenance

To conjugal relationship

To judicial separation

To divorce/nullity of marriage

To remarry after divorce

**UNIT – III**

Women's Rights as a Mother

Right to custody of minor child

Right to guardianship

Right to adoption

Right to claim maintenance

Right to intestate succession as a class - I heir

**UNIT – IV**

Women's Rights under Labour Laws

Under the International Law

Under the Constitution of India

Under the Factories Act, 1948

Under the Employees' State Insurance Act, 1948

Under the Mines Act, 1952

Under the Equal Remuneration Act, 1976

**UNIT – V**

Women's Protection Rights under Criminal Law

Under the Code of Criminal Procedure, 1973

Under the Indian Penal Code, 1860

Under the Indian Evidence Act, 1872

Under the Indecent Representation of Woman (Prohibition) Act, 1986

Under the Immoral Traffic (Prevention) Act, 1956



Under the Pre-Natal Diagnostic Techniques (Regulation and Prevention) Act, 1994  
Under the Termination of Pregnancy Act, 1971  
Under Dowry Prohibition Act, 1961

**Reference Books:**

Gour's "Empowerment of Women in India" (2004 ) Law Publishers (India) Private Limited  
S.C. Srivastava- Social Security and Labour Laws (1985)  
Anne-Marie Brocas, Anne-Marie Cailloux, Virginie Oget, "Women and Social Security:  
Progress Towards Equality of Treatment" International Labour Office, Geneva (1990) ILO

Edited by Rebecca J. Cook, "Human Rights of Women: National and International  
Perspectives"

University of Pennsylvania Press, 1994

Arthur P. Monahan, McGill "From Personal Duties Towards Personal Rights: Late Medieval  
and Early Modern Political Thought, 1300-1600" Queen's University Press 1994

K. Uma Devi "Women's Equality in India: A Myth Or Reality?" 2000, Discovery publishing  
house, New Delhi

Edited by Bimal N. Patel "India and International Law: Introduction" ( volume -2) Martinus  
Nijhoff Publisher

Bringing International Human Rights Law Home: Judicial Colloquium on the Domestic  
Application of Conventions on the Elimination of All Form of Discrimination against  
Women and the convention on the Right of the Child: United Nations, United Nations  
Publications- 2000

Anjani Kant, S.B. Nangia, "Women and The Law" APH Publishing Corporation

Om Prakash Tewari, "Women's Rights in India" Sri Sai Law Publications, Haryana.