

### Scheme of L.L.M. Course Examination (Semester System)

L.L.M. Course shall consist of four semesters of two years duration, Semester-I and II for First Year and Semester-III and IV for Second Year.

In semester-I, there shall be three compulsory theory papers of 100 marks each and of 3 hours duration. In semester-II, there shall be one compulsory paper and two optional papers of 100 marks each and of 3 hours duration. In Semester-III, there shall be one compulsory paper and two optional papers of 100 marks each and of 3 hours duration. In Semester-IV, there shall be two optional papers of 100 marks each and of 3 hours duration and dissertation of 100 marks.

#### Semester – I

Code	Paper No.	
101	Paper-I	Law, Social Transformation and Judicial Process in India
102	Paper-II	Indian Constitutional Law and the New Challenges
103	Paper-III	Principles of Statutory Interpretation

#### Semester – II

Code	Paper No.	
201	Paper-I	Legal Theory
202	Paper-II	Paper No. I of the Optional Group offered
203	Paper-III	Paper No.-II of the Optional Group offered

#### Semester – III

Code	Paper No.	
301	Paper-I	Research Methodology
302	Paper-II	Paper No. III of the Optional Group offered

303 Paper-III Paper No. IV of the Optional Group offered

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Semester – IV

Code	Paper No.	Paper No. V of the Optional Group offered
401	Paper-I	Paper No. V of the Optional Group offered
402	Paper-II	Paper No. VI of the Optional Group offered
403	Paper-III	Dissertation

The student may offer any optional group out of the prescribed groups. It shall not be necessary in LL.M. Part-II to offer the same group of LL.M. Part-I.

Note:

- Only those groups shall be opened by the department in which there is arrangement in teaching in the department of law.
- Eight questions shall be set with two questions from each unit. The candidate shall be required to attempt four questions in all, selecting one question from each unit. All questions shall carry equal marks.

101-Paper-I: Law, Social Transformation and Judicial Process in India

Max. Marks: 100  
Time: 3 Hours

- Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.
- (2) All questions shall carry equal marks.

Unit-I

Principle of Legislation

- Principles of Utility
- Principles of Civil Code
- Principles of Penal Code
- Constitutional Utilitarianism, modern Trends

Unit-II

Legislative Process in India

- Procedure in the House, Committees of the House, need for reforms.
- Delegated Legislation-Need for delegated legislation, classification of delegated legislation, Constitutionality of delegated legislation and control mechanism of administrative rule making in India.
- Failure of the executive/Administration to enforce the law, civil disobedience of law.

Unit-III

- Law and Social Transformation-Law as an instrument of social change- law as the product of tradition and culture.
- Responses of law to social institutions
  - Religion and Law
  - Language and Law
  - Community and Law
- Women and Law
- Children and Law
- Modernization trends in different areas
  - Family Law
  - Local Self government
  - Court processes-civil law and criminal law

Unit-IV

Judicial Process

- Judicial Legislation as an instrument of social ordering
- Power of Judicial Review under the constitution of India, Judicial activism, Dworkin's Theory of Adjudication.
- Concept of Justice, Relation between law and justice, Equivalence theories, Dependence theories, Independence of Justice theories.

Select Bibliography :

Galanter, March(Ed). : Law and Society in Modern India (1997), Oxford.

Lingat, Robert : The Classical Law of India (1998).

Baxi, U. : The Crisis of the Indian Legal System (1982), Vikas, New Delhi.

Baxi, U.(Ed.) : Law and Poverty Critical Essay (1988), Tripathi, Bombay.

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Derret, Duncan : The State, Religion and Law in India (1999), Oxford University Press, New Delhi.

Seervai, H.M. : Constitutional Law of India (1996) Tripathi.

Basu, D.D. : Shorter Constitution of India (1996) Prentice-Hall of India(P) Ltd, New Delhi.

Deshta, Sunil and Destha, Kiran : Law and Menace of Child Labour (2000), Annol Publications, Delhi.

Gunasekhre, Savitri : Children, Law and Justice(1997), Sage. Indian Law Institute, : Law and Social Change: Indo-American Reflections, Tripathi (1988).

Kripalani, J.B. : Gandhi: His Life and Thought (1970), Ministry of information and Broadcasting, government of India.

Jain, M.P. : Outlines of Indian Legal History (1993).

Flavia, Agnes : Law and Gender Inequality: The Politics of women's right in India (1999), Oxford.

**102-Paper-II: Indian Constitutional Law and the New Challenges**  
Max. Marks: 100  
Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.  
(2) All questions shall carry equal marks.

**Unit-I**

1. The Executive – Union & States
  - 1.1 Parliamentary/Presidential from Governments-Suitability.
  - 1.2 President/Governor & Council of Ministers-Relationship.
  - 1.3 Coalition government, Power Politics.
2. Parliament & State Legislatures
  - 2.1 Composition of Legislature, Elections, Corrupt Practices.

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- 2.2 Role of the legislature, Elections, Corrupt Practices.
- Judiciary In India
  - 3.1 Independence of Judiciary, Appointment, Removal of the judges, code of conduct for judges
  - 3.2 Power of judicial review, writ jurisdiction & other powers of the court judicial activism
  - 3.3 Separation of powers, relationship of executive, legislature & courts.

**Unit-II**

1. Fundamental Rights, Definitions of State and Law.
2. Right to Equality, reverse discrimination
3. Political freedoms of the citizen reasonableness of restrictions.
4. Right to life & personal liberty, various dimensions of the right to life and personal liberty.

**Unit-III**

1. Secularism, right of the minorities.
2. Socio-economic rights, Directive principles of state policy-enforcement by the state relationship between directive principles & fundamental rights
3. Doctrine of eminent domain, right to property.
4. Parliamentary, privileges & fundamental rights.
5. Fundamental duties of the citizen.

**Unit-IV**

1. Federalism, Co-operative federalism.
2. Legislative and Administrative relations.
3. Distribution of financial resources. Inter-State trade and Commerce.
4. Amendment of the Constitution, Basic structure theory.

**Bibliography :**

Seervai, H.M. : Constitutional Law of India (3 volumes)  
: Indian Constitutional Law.

Jain, M.P. : Constitution of India.

Shukla, V.N. : Constitution of India.

Basu, D.D. : Constitution of India.

Bar Council of India : Constitution of India.  
Edited by Hidayatulla  
Ex. C.J. of India) : Centre-State Relation and Co-operative Federalism.

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Kurukshetra University  
Dr. Pal, Chander : Centre-State Relation and Co-operative Federalism.  
Gupta, R.K. : Centre state fiscal relation under the Indian constitutional of Law.  
Wheare, K.C : Federal Government (1963)

103-Paper-I: Principles of Statutory Interpretation  
Max. Marks: 100  
Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidate shall be required to attempt four questions in all selecting one question from each unit.  
(2) All questions shall carry equal marks.

Unit-I

1. Basic Principles of Interpretation:  
Meaning of Interpretation, Interpretation and Construction, Intention of Legislature, Statute must be read as a whole in its context, Presumption in favour of constitutionality of a statute. If meaning plain, effect must be given to it irrespective of consequences.
2. Rule of Literal Construction.
3. Golden Rule of Construction.
4. Mischief Rule of Construction.

Unit-II

1. Internal Aids to Construction:  
Short Title, Long title, Preamble, Headings, Marginal Notes, Punctuations, Illustrations, Interpretations Clause, Proviso, Explanation, Schedules.
2. Maxims  
(i) Ejusdem Generis  
(ii) Expressio Unius Est Exclusio Alterius  
(iii) Noscitur A Sociis
3. Interpretation of Constitution.

Unit-III

1. External Aids to Construction  
Parliamentary History, Historical Facts and Surrounding Circumstances, Dictionaries, Text-books, Use of foreign Decisions, Statutes in pari-materia.

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2. Codifying and Consolidation Statutes.
3. Mandatory and Directory Provisions.
4. Commencement and Repeal of Statutes.

Unit-IV

1. Beneficial and Liberal Construction.
2. Construction of Remedial and Penal Statutes.
3. Construction of taxing Statutes.
4. Presumption as to Jurisdiction of the Courts.
5. Construction to Prevent, Evasion and Abuse.

Select Bibliography :

1. Maxwell : Interpretation of Statutes.
2. Craies : Statute Law.
3. Sutherland : Statutory Construction.
4. Singh, G.P. : Principles of Statutory Interpretation.
5. Swarup, Jagdish : Legislation and Interpretation.
6. Sarathi, V.P. : Interpretation of Statutes.
7. Bindra : Interpretation of Statutes.

201: Paper-I: LEGAL THEORY

Max. Marks: 100

Time: 3 Hours

Note: (1) Eight questions shall be set with two questions from each unit. The candidates shall be required to attempt four questions in all, selecting one question from each Unit.  
(2) All questions shall carry equal marks.

Unit-I

1. Nature, Value and province of Jurisprudence
2. Positivism.  
(a) Bentham and Positivism  
(b) John Austin and Analytical Jurisprudence
3. Modern Positivism  
(a) Kelsen's Pure Theory of Law  
(b) Hart's concept of Law  
(c) Dworkin's Criticism of Positivism and his theory of Law

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