

NAME OF THE DEPARTMENT: LAW

LL.M. SYLLABUS

PROGRAMME OBJECTIVES:

The LL.M. curriculum has been formulated to train students with the essential dexterity and proficiency needed to exhibit these learning developments in colleges, profession and corporate precinct. After accomplishing the LL.M. degree, every student should be competent to counter the subsequent conditions:

The student should exhibit to ascertain and acknowledge the fundamental ideas in the Indian substantive law and be capable of applying its core concepts to the provided assortment of facts, ingenuity of legal evaluation, cogitating and decoding problems. The pupil should corroborate the information of the model, use on the provided facts and exhibit the honed acuity to the legal research. They should have an awareness of the international law, execute international research, exhibit sociable ability, including client interviewing and consulting, critical study, neutrality in legal drafting and cogent skills. They should exhibit expert judgement, morals and competency through actions compatible with the proficient values, standard and discipline. The pupil should be capable of comprehending, associating and retaining people from varied backgrounds and experiences in a variety of legal settings. The pupil should possess the knowledge and familiarity to the options available in the profession and employment routes obtainable by a legal professional.

PROGRAMME SPECIFIC OUTCOME:

A programme in legal education is one of the ingenious and methodical techniques of progressive education. Its metiers are to establish governance, decipherer, counsellor, adjudicator, legal culturist and value maker. It can be summed up as:

Assessment of a case verdict from different viewpoint: e.g., utilizing precedent, eloquence and ratiocinate; dependence on political, historic or economic sources and social or cultural ethics. Contrive an amalgamation of multitudinous case holdings to appropriately study, recognize and utilize statutes and other authorized rules to expound legal issues or form legal justifications. Acknowledge the cardinal theories and practice of legislative sanction and definition, association between statutes and cases, conventional and suitable use of clarification in legal issues. Prognosticate the likely judicial purpose of simulated legal arguments. Recognize and classify pertinent material facts in situations and incorporate pertinent rules of law from one or more predominant legal authorities. Recognize and assess similitude and variance between facts in the sources of the rules and in scenario facts.

COURSE OUTCOME:

Equip students to accomplish professional calibre, devotion to impartiality, solicitude and the highest moral standard of ethical values. Legal education forms the scope for career maturing, community service, management, self-confidence; acclimatize in global society and versatile approach to research. After accomplishing the course on legal education, students will be proficient in the vital and palmary evaluation of social issues. A course in legal education shall help in: *First:* suitability in the knowledge of law and legal profession. *Second:* suitability in regard to professional abilities. Fundamentals of Course outcome is as follows: *Careers:* To evolve the academic capabilities of students so as to enhance legal knowledge and competencies. A career in law would help students to achieve success in every scope of their careerlike, administration, social reformer, self-employer, motivator, mediator, conciliator, legal advisor and the ideal part, creating a society. *Service:* Equip students to preserve and safeguard blended culture, secular principles, national development, serve community, provide legal service and contribute in dispute resolution mechanism. *Leadership:* Legal education would avail opportunities to students in their professional skills for collaboration, counselling and requirements for competent and ethical participation as leaders of the legal profession. Faith on own capacity: LL.M. students will exhibit a rudimentary understanding of global law, function in verbal communication and verbal arguments, elemental doctrine of administrative law, intellectual property laws and logical structure for observing functions of crucial legal system of the country. *Fine-tuning with the global society:* The students shall exhibit understanding of the universal principles of law including capacity of project management. *Inter-disciplinary approach of research:* Students normally work towards undertaking legal research and analysis, by acquiring quality legal education. It helps them to develop methodological skills to undertake interdisciplinary legal studies.

COURSE DETAIL

Two Year 4 Semester LL.M. Degree Course of Study

First Semester: 400 marks

Compulsory: 1. Indian Constitutional Law: 100 Marks

2. One Group from the optional Groups I to XVIII: Three Papers- 100 marks each paper

Second Semester: 400 marks

1. Compulsory: Legal Education and Research Methodology: 100 marks

2. One Group other than the one offered and in I Semester from the optional Groups I to XVIII.: Three Papers – 100 marks each paper.

Third Semester: 400 marks

1. Compulsory: Law and Social Transformation in India: 100 Marks
2. One Optional Group other than the one offered in First Semester and Second Semester from the optional Groups I to XVII.: Three Papers: 100 marks each Paper
3. Dissertation:

Fourth Semester: 400 marks

1. Compulsory: Judicial Process: 100 marks
2. Dissertation (continued): 200 marks
3. Viva – Voce: 100 marks

Note:

1. With the prior permission of the Dean of the School/Head of the Department, candidates shall be allowed to offer one of the optional groups in one semester for which teaching facilities are made available.
2. The provision for the teaching of an optional group shall not be available in both the semesters of the same Academic Year.

LL.M (Current) Course Structure**SEMESTER -I**

Course No./ Code	Title of Course	Credit(s)
LLM- 0101	Indian Constitutional Law (Compulsory paper)	6
LLM- 0102	General Principles of Contract	6
LLM- 0103	Specific Contracts	6
LLM- 0104	Insurance Law	6

SEMESTER-II

Course No./ Code	Title of Course	Credit(s)
LLM- 0201	Legal Education and Research Methodology (Compulsory paper)	6

LLM- 0202	Constitutionalism and Constitutional Development in India and England	6
LLM- 0203	Comparative and Cooperative Federalism	6
LLM- 0204	Civil and Political Rights - Comparative Study of Select Constitutions	6

SEMESTER-III

Course No./ Code	Title of Course	Credit(s)
LLM- 0301	Law and Social Transformation in India (Compulsory paper)	6
LLM- 0302	Development of Law of Torts and Tort Actions Generally	6
LLM- 0303	Specific Torts I	6
LLM- 0304	Specific Torts II	6

SEMESTER-IV

Course No./ Code	Title of Course	Credit(s)
LLM- 0401	Judicial Process (Compulsory paper)	6
LLM -0402	Dissertation	18

SEMESTER –I

Compulsory Paper: Indian Constitutional Law

1. Making of the Indian Constitution: Demand for a Constitution framed by a Constituent Assembly; The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B. R. Ambedkar's contribution in the making of the Constitution; Salient features of the Constitution of India.
2. Indian Federalism: Constitutional Law: Constitutionalism; Meaning and Nature of Federalism, Features of a Federal Polity, Mode of Formation of Federation, Forms of Governments: Unitary, Federal and Confederation, Their Features, Merits, De-Merits and Distinction between them; Historical Evolution of Federal Features in India; Nature of Indian Federalism. Co-operative Federalism: Challenges before the Indian Federalism.
3. Distribution of Legislative Powers: Scheme of Distribution of Legislative Powers between Union and States; Principles of Interpretation of Lists: Doctrine of Territorial Nexus; Doctrine of Pith and Substance; Doctrine of Colourable Legislation; Doctrine of Harmonious Construction; Ancillary Legislation; Residuary Powers; Parliament's Power to Legislate on the State List; Repugnancy between Laws passed by Parliament and State Legislature.
4. The Judiciary: The Structure, Role/ Function of Indian Judiciary; Constitutional Provisions to Ensure Judicial Independence; Security or Tenure of Judges; Salaries and Allowances of Judges; Powers and Jurisdiction of Supreme Court; Power to punish on contempt of Court.
5. Right to Equality: Scope of the right to Equality. New approach of Article 14. Equality of opportunity in matters of public employment and in admission to educational institutions.
6. Freedom of Speech and Expression: The area of freedom and its limitations. Freedom of the press and challenges of new scientific development: Freedom of speech and right to broadcast and telecast, Right to strike, Hartal and Bandh.
7. Emerging regime of new Fundamental Rights: The changing dimension of right to life and Personal Liberty. Reading Directive Principles and Fundamental Duties into Fundamental Rights; Right to education, Commercialization of education and its impact.
8. Right to Freedom of Religion: The Scope of the Freedom and the State Control. Secularism and religious fanaticism.
9. Working of the Constitution: Achievements and failures; Areas of concern and challenges before the Constitution. The perception of National Commission to Review the Working of the

Constitution (NCRWC). Emergency and Division of powers; Article 356 and the Role of Governor; Sarkaria Commission's Report, 1987.

Paper I: General Principles of Contract.

1. Formation of contract: A critical study of offer and acceptance.
2. Doctrine of consideration and Privity of Contract
3. Capacity to contract: Nature of minor's agreements and the doctrine of restitution.
4. Consent: Meaning, importance and the factors vitiating free consent with special reference to Fraud and Misrepresentation.
5. Standard form Contracts.
6. Void Agreements: With special reference to agreements relating to restraint of trade and wagering agreements.
7. Discharge of contracts with special reference to the doctrine of frustration.
8. Relations resembling those created by contract.
9. Remedy in the form of compensation.

Paper II: Specific Contracts

1. Contract of Indemnity.
 - (a) Definition and nature of contract of indemnity
 - (b) Extent and commencement of liability
2. Contract of Guarantee
 - (a) Meaning and Essentials of Contract of Guarantee
 - (b) Extent of Surety's Liability
 - (c) Discharge of Surety's Liability
 - (d) Rights of Surety
3. Contract of Bailment & Pledge

(a) Meaning and Essentials of Contract of Bailment. (b) Duties of Bailer and Bailee (c) Rights of Bailee.

(d) Meaning and Essentials of Pledge and persons entitled to pledge.

4. Contract of Agency

(a) Nature and Essentials of Contract of Agency.

(b) Creation of Agency: Implied Agency and Agency of Necessity. (c) Agency by Ratification. (d) Termination of Agency.

Paper III: Insurance

1. Nature and definition of Contract of Insurance. (a) Definition of Contract of Insurance.

(b) Contract is “Aleatory”

(c) Contract of utmost good faith. (d) Contract of indemnity.

(e) Contract of Wager.

2. Insurable interest:

(a) Nature of insurable interest

(b) Time or duration of interest

(c) Insurable interest and Life insurance. (d) Insurable interest and Fire insurance.

3. The Risk:

a) Meaning of risk b) Scope of risk

c) Application of rule in various classes of insurance d) The elements of risk e) The alteration of the risk

4. The Insurance Regulatory and Development Authority:

a) Establishment b) Composition

c) Duties, powers and functions.

SEMESTER-II

Compulsory Paper: Legal Education and Research Methodology. Part-A: Legal Education. (25%)

- 1.Objectives of Legal Education.
- 2.Lecture method of teaching. Merits and Demerits.
- 3.Discussion method and Seminar method of Teaching.
- 4.Examination system and problems in evaluation.

Part B: Research Methodology (75%)

- 1.Meaning and objectives of Research. Importance of Research Kinds of Research. Criteria of good research. Problems of Researchers in India.
- 2.Importance of Research Methodology. Procedural guidelines regarding the Research Process. Formulation of the Research problem. Different Steps. 3. Survey of literature. Working Hypothesis. Determination of Sample Design. Collection of Data and its analysis. Test of Hypothesis.
- 4.Different Steps in writing of Research Report. Layout of Research Writing. Preliminary. Main Test. Conclusion and Observation.
- 5.Mechanics of writing a Research Report. Practical aspect. Physical design. Treatment of quotation. Footnotes. Documentation style. Abbreviations. Bibliography. Index etc.

Constitutional Law

Paper I: Constitutionalism and Constitutional Development in India and England

- 1.What is Constitution, Constitutional Law and Constitutionalism? The Conventions of Constitutionalism- Law and conventions. Limited Government - Concept - Limitations on Government Power. Development of a democratic government in England - Historical evolution of constitutional government in India and England. Essential Principles of Constitutionalism; Constitutionalism in the Indian Legal Order.
- 2.Rule of Law. Concept and new horizons; Functions of Rule of Law and Constitutionalism Separation of powers. Concept and its applicability in India and England.

3.Sovereignty of British Parliament, Powers and Functions Privileges of the Parliament and Courts- Indian and British position; Concept, Origin, Object of Parliamentary Privileges, Kinds of privileges; Comparison with Parliamentary Privileges (in UK) and the Fundamental Rights; Parliamentary Privileges and the Courts; Codification of Privileges.

4.The King of England. Prerogatives of the Crown. Position of the Kind in England. The Crown Proceeding Act 1947; Cabinet System of Government in India and England.

5.The Judicial system in England. Judicial Review and Constitutionalism in India & U.K. Prerogative writs.

Paper II: Comparative and Cooperative Federalism.

1.Introduction to Federalism: Meaning and Concept; Theories of Federalism; Federalism in India and Characteristics of Indian Federalism; Sources of Indian Federalism; Comparative and co-operative Federalism.

2.Indian Federal Constitution and its present shape: Democracy and Federalism; Challenges of Indian Federalism; State Autonomy and Centre Dominance; Administrative Relations; Financial Relations.

3.Modern Federal Constitution: The changing dimension of modern federal Constitutions; New trends in federalism; National supremacy, asymmetric federalism.

4.Legislative Relations: The scheme of the distribution of legislative powers in India and a comparative study of the scheme of U.S.A. and Australia; The specific legislative powers: Defence & External affairs.

5.Emergency provisions: Effect of Emergency on the federal structure; Centre-State Relations: National Emergency; State Emergency; Financial Emergency; Judicial Responses Indian and American experiences.

6.Judicial Review: Role of Judiciary in Safeguarding Federal Features of Indian Constitution; Scope of judicial review in the federal Constitutions; The approach of Indian & American Supreme Court.

7.Amendment Power and Federalism: Scope of Constituent power; Amending process and process in action; The direction of the Indian constituent power; Power of Parliament to Amend the Constitution.

Paper III: Civil and Political Rights: Comparative Study of Select Constitution (India, United States of America and United Kingdom)

1. Constitutional basis for protection of Individual rights: Balance between individual liberty and social needs. To whom and against whom Rights are available. Suspension of Rights.

2. Right to Equality: General principles; Protective discrimination with special references to emerging judicial response to the problems of group inequalities; Comparative study of India, U.K and U.S.A.
3. Freedom of Speech and Expression: Special attention will be paid to the liberty of Press as interpreted by the Indian Supreme Court and to the interpretation of the freedom guaranteed by the First Amendment of the American Constitution.
4. Right to life and Personal Liberty: Judicial determination of the scope of the term “personal liberty”, “procedure established by law” and the American expressions “liberty” and “due process”. Radical changes in judicial thinking in this area
5. Freedom of Religion: Judicial interpretation of the freedom under the Constitution of India and of the United States.
6. Amendments: (UK, USA and India) Necessity and Mode of Amendments; Formal and Informal Methods of Amendment of the Constitutions; Basics Features in the Amendment of the Constitution; Misuse and safeguard of the amending Provision under the Constitution of India.
7. Elections and the Franchise: (UK, USA and India) Constitutional foundation of the right to vote; Mode of Election; Constitutional Provisions; Judicial supervision of Elections.

SEMESTER-III

Compulsory Paper: Law and Social Transformation in India

1. Interaction of Law and Social Sciences: A Theoretical Perspective: Relationship of Law with social change. Law as the product of traditions & culture.
2. Impact of Social Development of the Law: Caste System in Indian Society; Caste: Socio-Cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste; Acceptance of caste as a factor to undo past injustices: An Analysis; Protective discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation Policy: Statutory Commission Statutory Provisions.
3. Law as an instrument of Social Change: Women and the Law: Position and role of women in Indian society, Crimes against women, Gender injustice and its various forms, Women’s Commission. Empowerment of women: Constitutional and other legal provisions.
4. Legal Idealiser and the Sociological approach to Law: Society and Law.
5. Social Morality and Legal Order: The relationship between law and morality, effects on society.

6.Role of Law, the Individual and the Welfare State: The role of the Judiciary for the society, the role of the individual and welfare organisations for the society.

7.Role of Law and the function of Lawyer: The significance and the perspectives on the role of Advocates for the society.

8.Economic, Social and Political Reforms and the Law: Modernization and the Law: Modernization as a value: Constitutional perspectives reflected in the fundamental duties. Modernization of social institutions through law, Reform of family law, Industrial reform, Industrialization v. environmental protection, Reform of court processes, Criminal Law: Plea bargaining, Civil Law; (ADR) Confrontation v. consensus; mediation and conciliation, Prison reforms.

Law of Torts

Paper I: Development of Law of Torts and Tort Actions Generally.

- 1.Evolution of Law of Torts
- 2.Definition, nature, scope and objects
- 3.Principles of liability in torts
- 4.Justification in Tort
- 5.Extinguishment of liability in certain situations
- 6.Standing
- 7.Vicarious liability
- 8.Doctrine of sovereignty and its relevance in India
- 9.Absolute Strict liability
10. Legal Remedies

Paper II. Specific Torts- I

- 1.Assault, batter, mayhem False imprisonment
- 2.False imprisonment
- 3.Defamation
- 4.Malicious prosecution
- 5.Trespass to land, trespass to goods, detinue, conversion. 6.Injurious falsehood, misstatements, passing off

Specific Torts II

1. Negligence:
 - (a)Basic concepts
 - (b)Theories of negligence
 - (c)Standards of care, duty to take care carelessness, inadvertence

- (d) Doctrine of contributory negligence
- (a) Res ipsa loquitur and its importance in contemporary law
- (b) Liability due to negligence-different professionals. (c) Liability of common causes for negligence.
2. Nervous shock.
3. Nuisance: definition, essentials and types.
4. Acts which constitute nuisance-obstructions of highways, pollution of air, water, noise, and interference with light and air.
5. Liability due to negligence- different professions- under the consumer protection Act.
6. Liability of manufacturers and business houses for their products under the Consumer Protection Act.

SEMESTER-IV

Compulsory Paper: Judicial Process

1. The concept of Justice and relation between Law and Justice. The concept of Dharma in Indian thought. Dharma as the foundation of legal ordering. Various theories of justice in the Western thought.
2. The nature of Judicial Process. Judicial process as an instrument of social ordering. Judicial process and creativity in law. The tools and techniques of judicial creativity and precedents.
3. Judicial Process in India. Indian debate of the notions of Judicial Review. New Challenges before the Indian Judiciary.
4. Independence of judiciary and the nature of judicial process. Provisions of the Indian Constitution guaranteeing Independence of judiciary. Attitude of confrontation with the Legislature & Executive. Appointment and transfer of judges and its effect on independence of judiciary.
5. Judicial Activism and Constitutional obligations of the court. Evolution of the concept. Reasons in defense of judicial activism. Constitution of India and judicial activism. Role played by the Supreme Court of India. Judicial overreach- Need for care and caution.

6. Decision making in the Supreme Court of India: Nature of participation -Dissent, Concurrence, unanimity and voted with majority etc.

Dissertation

The Course include Study Tours and Court Visits components.

Approved in the 31 Meeting of the Academic Council, Nagaland University 2nd December 2020. Minor modification
approved in the 37 Academic Council Meeting held on 12 December 2023.

SCHEDULE A: COMPULSORY PAPERS

First Semester: Indian Constitutional Law

Second Semester: Legal Education and Research Methodology

Third Semester: Law and Social Transformation in India

Fourth Semester: Judicial Process

SCHEDULE B: OPTIONAL GROUPS

Group I: Constitutional Law:

Paper I: Constitutionalism and Constitutional Development in India and England

Paper II: Comparative and Cooperative Federalism

Paper III: Civil and Political Rights - Comparative Study of Select Constitutions

Group II: Family Law:

Paper I: Hindu Law including Hindu Jurisprudence

Paper II: Muslim Law including Muslim Jurisprudence

Paper III: Christian and Parsi Laws and Jews Laws

Group III: Law of Torts:

Paper I: Development of Law of Torts and Tort actions generally

Paper II: Specific Torts I

Paper III: Specific Torts II

Group IV: Law of Crimes:

Paper I: Criminology and Penology/ Drug Addiction Criminal Justice and Human Rights

Paper II: Criminal Law in India/ Privileged Class Deviance

Paper III: Crimes against Social and Economic Security and Problems of their Control/ Cyber Crimes/

Collective Violence and Criminal Justice System.

Group V: International Law:

Paper I: Law of Treaties/ Diplomatic and Consular Relations/ Law Relating to Outer Space

Paper II: International Court of Justice / Law of Seas/ International Arbitration

Paper III: India and International Law

Group VI: Contract and Insurance:

Paper I General Principles of Contract/ Law of Export & Import Regulation

Paper II: Specific Contracts/ Corporate Finance

Paper III: Insurance/ Banking Law

Group VII: Administrative Law:

Paper I: Administrative Law in India I

Paper II: Administrative Law in India II/ Local Self Government Law

Paper III: Comparative Administrative Law

Group VIII: Business Administration:

Paper I: Business Organization

Paper II: Business Management (Company Management & Administration)

Paper III: Law Relating to Multinational Corporation.

Group IX: Labour Management Relations:

Paper I: Regulation of Labour Management Relations/Comparative Study of the Law Relating to Trade Unions

Paper II: Law Relating to Employment and Non-Employment

Paper III: Law Relating to Terms of Employment and Conditions of Service

Group X: Law of Taxation:

Paper I: Constitutional and Administrative Law Problems relating to Taxation

Paper II: Tax on Business and Industry

Paper III: Current Tax Problems/Tax Accountancy

Group XI: Regulated Economy

Paper I: Legal Regulation of Economic Enterprise

Paper II: Regulation of Labour Management Relations

Paper III: Corporate Finance/Tax Accountancy

Group XII: Administration of Justice

Paper I: Law relating to Jurisdiction and Systems of Courts in India

Paper II: Law relating to Procedure and Proof

Paper III: Law relating to Relief

Group XIII Human Rights

Paper I: International Law of Human Rights

Paper II: International Humanitarian Law/ Human Rights and the Refugees

Paper III: Human Rights in India

Group XIV: Environmental Law

Paper I: International Environmental Law

Paper II: Natural Resources and the Law in India

Paper III: Pollution Control Law in India

Group XV: Intellectual Property

Paper I: Copy Right: National and International Perspective

Paper II: Trade Marks, Designs and Geographical Indications

Paper III: Patents and Protection of Plant Varieties and Farmers' Rights

Group XVI: Law, Science and Technology

Paper I: Law, Technology, Biotechnology and Medicine

Paper II: Information Technology and Legal Order

Paper III: Nuclear Technology: Dilemmas of Legal Controls.

Group XVII: Jurisprudence and Legal Theory

Paper I: Theories of Law (including Feminist Theory)

Paper II: Theories of Justice

Paper III: Theories of Rights

Group XVIII: New Economic Law: WTO in Context

Paper I: Development and Regulation of International Trade

Paper II: Legal Regulations of Economic Enterprises

Paper III: Legal Regulations of International Trade

Group XIX: Alternate Dispute Resolution System

Paper I: Domestic and International Commercial Arbitration.

Paper II: Enforcement of Foreign Award and Conciliation in India.

Paper III: Mediation, Lok Adalats and Consumer forum.
