

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.

LL.M 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. **Indian Federalism:** Conceptual position of Federalism. Nature of the Indian Constitution. Cooperative Federalism. Relationship of trust and faith between center and state. Challenges before the Indian Federalism.
2. **Distribution of Legislative Powers:** The Scheme of the distribution of legislative powers in India the judicial approach and the present position. Recommendation of Sarkaria Commission & Venkatachaliah Commission.
3. **The Judiciary:** The Supreme Court of India. Jurisdiction and Powers. Its role as guardian of the Constitution.
4. **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.
5. **Freedom of Speech and Expression:** The area of freedom and its limitation. Freedom of Press and challenges of new scientific development.
6. **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.
7. **Right to Freedom of Religion:** The scope of the freedom and the State Control. Secularism and religious fanaticism.
8. **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.

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 Bailor and Bailee
 - (c) Rights of Bailee.
 - (d) Meaning and Essentials of Pledge and persons entitled to pledge.
4. Contract of Agency
 - (d) Nature and Essentials of Contract of Agency.
 - (e) Creation of Agency: Implied Agency and Agency of Necessity. (f) Agency by Ratification.
 - (g) 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 the 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 a Constitution? Constitution, Constitutional Law and Constitutionalism. Concept of Limited Government and limitations on government power. Conventions of constitutionalism- Law and conventions. Historical evaluation of constitutional government in India and England.

2. Rule of Law. Concept and new horizons; 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.
4. The King of England. Prerogatives of the Crown. Position of the King in England. Cabinet System of government in India and England.
5. The Judicial system in England. Crown Proceeding Act 1947. Judicial Review and Constitutionalism in India. Prerogative writs.

Paper II: Comparative and Cooperative Federalism.

1. Concept of Federalism. Requisite conditions of federalism Patterns of federal government of U.S.A. and Australia. Federal Control v. State autonomy.
2. Indian Federal Constitution and its present shape.
3. The changing dimension of modern federal Constitutions New trends in federalism. National supremacy. Cooperative Federalism.
4. 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. Judicial approach. Indian and American experiences.
6. Judicial Review for federal Umpiring. Scope of judicial review in the federal Constitutions. The approach of Indian & American Supreme Court.
7. Scope of Constituent power. Amending process and process in action. Judicial response. The direction of the Indian constituent power.

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 the decisions of the Indian and American courts.
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. Amendment of Rights: Adaptability of the Constitutional law to the changing needs of the society. Power and Procedure for amendments of these rights under the American and Indian constitution.
7. Elections and the Franchise: Constitutional foundation of the right to vote. The voting rights Acts. Judicial supervision of Elections.

SEMESTER-III

Law and Social Transformation in India (Compulsory paper)

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.

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, 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 on the role of judges and on the notion of judicial review. Danger signals and 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 & 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. The tools and techniques of the judicial activism. 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.

ⁱApproved 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.