

# COMPARATIVE JURISPRUDENCE

## [Compulsory Paper-II]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### TOPIC 1: THE CONCEPT OF LEGAL SYSTEM

##### Readings:

- J. Raz: *The Concept of a Legal System*, Clarendon Press, Oxford.
- J. Raz: *The Authority of Law: Essays on Law and Mortality*, OUP, Oxford.
- H. L. A. Hart: *The Concept of Law*, OUP, Oxford.
- Chattrpati Singh: *Law from Anarchy to Utopia*, OUP, New Delhi.
- Reading from Austin and Kelsen in D. Lloyd: *Introduction to Jurisprudence*, Sweet and Maxwell, London.
- Harry C. Bredmeir: 'Law as an Integrative Mechanism', in V. Aubert (ed.), *Sociology of Law*, Penguin, London.

#### TOPIC 2: CLASS CHARACTER OF THE STATE AND THE LAW

##### Readings:

- Yash Ghai, R. Luckum and F. Snyder (eds.): *The Political Economy of Law: A Third World Reader*, OUP, New Delhi.
- J. Waldron, *Law and Politics*, OUP, Oxford.
- S. Datta Gupta: *Justice and Political Order in India*, Ferma KL Mukhopadhyaya, Calcutta.

- Parmanand Singh: 'State Market and Economic Reforms', XVII *Delhi Law Review* 100-110 (1996).
- Mohd. Ghouse: 'Poverty Structural Changes and the Constitution', in N. R. M. Menon (ed.) *Social Justice and Social Process in India*, Indian Institute of Social Science, Allahabad.
- Upendra Baxi: 'Law and State Regulated Capitalism in India', in Ghanshyam Shah (ed.) *Capitalist Development: Critical Essays*, Popular Prakashan, Bombay.
- Vidhu Verma, 'Exploitation and Justice: Should we be Interested in a Theory of Exploitation', XXXIII (33 & 34) *Economic and Political Weekly* 115 (1998).

## UNIT-II

### TOPIC 3: FEMINISM AND THE LAW

#### Readings:

- Brenda Cossman and Ratna Kapoor: *Subversive Sites: Feminist Engagements with Law in India*, Sage Publication, New Delhi.
- Flavia Agnes: *Law and Gender Inequality*, Oxford University Press, New Delhi.
- S. P. Sathe: *Towards Gender Justice*, SNDT Women's University, Bombay.
- Kamala Bhasin, *What is Patriarchy?*, Kali for Women, New Delhi.
- Uma Chakravorty: 'Conceptualizing Brahminical Patriarchy in Early India: Gender, Class and State, 28(14) *Economic and Political Weekly* 579-585(1993).

### TOPIC 4: LAW, STATE AND RELIGION

#### Readings:

- A. R. Blackshield: 'Secularism and Social Control in the West: The Material and Ethereal', in G. S. Sharma (ed.) *Secularism: Its Implication for Law and Life in India*, N. M. Tripathi, Bombay.

## Syllabus for LL.M. (Regular) Semester - II

- P. K. Tripathi: 'Secularism, Constitutional Provisions and Judicial Review', in G. S. Sharma (ed.) *Secularism: Its Implication for Law and Life in India*, N. M. Tripathi, Bombay.
- J. D. M. Derette: *Religion Law and the State in India*, OUP, New Delhi.
- D. A. Desai: Relevance of Secularism Today, *Indian Bar Review* 33 (1987).
- John H. Mansfield: 'Religious Speech under Indian Law', in M. P. Singh (ed.), *Comparative Constitutional Law*, Eastern Book Company, Lucknow.

### UNIT-III

#### TOPIC 5: EQUALITY

##### Readings:

- K. K. Mathew: *Democracy, Equality and Freedom*, Eastern Book Company, Lucknow.
- Marc Galanter: *Competing Equalities*, Oxford University Press, New Delhi.
- M. P. Singh: 'Jurisprudential Foundations of Affirmative Action', 10 & 11 *Delhi Law Review* 39 (1981-82).
- Parmanand Singh: 'Equality and Compensatory Discrimination', in C. Raj Kumar & K. Chockalingam (eds.) *Human Rights, Justice and Constitutional Empowerment*, Oxford University Press, New Delhi.
- Ratna Kapoor and Brenda Cossman: 'On Women, Equality and the Constitution: Through the Looking Glass of Feminism', 1 *National Law School Journal* 1-61 (1993).
- B. Errabbi: 'Protective Discrimination: Constitutional Prescriptions and Judicial Perception', 10 & 11 *Delhi Law Review* 94 (1981-1982).

TOPIC 6: LIBERTY

**Readings:**

- K. K. Mathew: *Democracy, Equality and Freedom*, Eastern Book Company, Lucknow.
- V. K. Dixit: 'Personal Liberty and Social Relations', 15 *Marxist Miscellany* 85-104 (1974).
- F. A Hayek: *The Constitution of Liberty*, The University of Chicago Press, Chicago.
- R. P. Wolf: *The Poverty of Liberalism*, Beacon Press, New York.
- John Rawls: 'The Justification of Civil Disobedience', in John Rawls, *Collected Paper*, Harvard University Press, Cambridge.

UNIT - IV

TOPIC 7: THEORIES OF JUSTICE

**Readings:**

- J. Stone: *Human Law and Human Justice*, Stanford University Press, California.
- W. K. Frankena: 'The Concept of Social Justice', in R. B. Brandt (ed.) *Social Justice*, Englewood Cliffs, NJ.
- J. Rawls: *A Theory of Justice*, Belknap Press (Harvard University Press), New York.
- N. R. Madhava Menon (ed.): *Social Justice and Social Process*, Indian Academy of Social Science, Allahabad.
- S. Datta Gupta: *Justice and Political Order in India*, K. P. Bagchi, Calcutta.

TOPIC 8: BASIC NEEDS AND HUMAN RIGHTS

**Readings:**

- D. Conrad: 'The Human Rights to Basic Necessities of Life', 10 & 11 *DLR* 51-75 (1981-82).

## Syllabus for LL.M. (Regular) Semester - II

- B. B. Pande: 'The Constitutionality of Basic Human Needs: An Ignored area of Human Discourse', (1988) 4 SCC 1016.
- U. Baxi: 'From Human Right to the Right to be Human: Some Heresies', 13(3-4) *India International Centre Quarterly* 185-200 (1986).
- Parth Dasgupta: 'Well-Being and the Extent of its Realization in Poor Countries', 100(400) *The Economic Journal* 1-32 (1990).
- Malim Karakal & S. Irudaya Rajan: 'Progress in Provisions of Basic Needs in India, 1961-1981', 26 (8) *EPW* 443-451 (Feb. 23<sup>rd</sup> 1991).
- C. J. G Sampford & D. J. Galligan (eds.): *Law Rights and Welfare State*, Croom Helm, London.

### **Suggested Readings:**

1. A. M. González (ed.): *Contemporary Perspectives on Natural Law*, Ashgate, Aldershot.
2. B. Markesinis & J. Fedtke: *Engaging with Foreign Law*, Hart Publishing, Oxford.
3. B. Markesinis: *The Gradual Convergence*, Clarendon Press, Oxford.
4. C. Mallat: *Introduction to Middle Eastern Law*, OUP, Oxford.
5. D. B. Goldman: *Globalisation and the Western Legal Tradition: Recurring Patterns of Law and Authority*, Cambridge University Press, Cambridge.
6. E. Örüçü: *The Enigma of Comparative Law*, Martinus Nijhoff Publishers, Leiden.
7. G. Teubner (ed.), *Global Law Without a State*, Dartmouth, Aldershot.
8. G. Yu (ed), *The Development of the Chinese Legal System: Change and Challenges*, Routledge, New York.
9. H. P. Glenn: *Legal Traditions of the World*, OUP, Oxford.
10. J. Colelan and S. Shapiro (eds.), *The Oxford Handbook of Jurisprudence & Philosophy of Law*, OUP, Oxford.
11. J. Finnis: *Natural Law and Natural Rights*, Clarendon Press/OUP, Oxford.
12. J. Goldsworthy: *Interpreting Constitutions: A Comparative Study*, OUP, Oxford.

13. J. Gordley and A. T. Von Mehren, *An Introduction to the Comparative Study of Private Law*, Cambridge University Press, Cambridge.
14. J. W. Harris: *Legal Philosophies*, OUP, Oxford.
15. J. W. Head: *Great Legal Traditions: Civil Law, Common Law, and Chinese Law in Historical and Operational Perspective*, Carolina Academic Press, Durham, North Carolina.
16. K. Zweigert and H. Kötz: *An Introduction to Comparative Law*, Clarendon Press, Oxford.
17. M. Gagarin and D. Cohen (eds.), *The Cambridge Companion to Ancient Greek Law*, Cambridge University Press, Cambridge.
18. M. Gagarin, *Writing Greek Law*, Cambridge University Press, Cambridge.
19. M. Reimann and R. Zimmermann (eds.), *The Oxford Handbook of Comparative Law*, OUP, Oxford.
20. M. Reimann and R. Zimmermann (eds.), *The Oxford Handbook of Comparative Law*, OUP, Oxford.
21. M. D. A. Freeman: *Lloyd's Introduction to Jurisprudence*, Sweet & Maxwell, London.
22. N. Davies, *Europe: A History*, OUP, Oxford.
23. N. MacCormick: *Institutions of Law: An Essay in Legal Theory*, OUP, Oxford.
24. P. De Cruz: *Comparative Law in a Changing World*, Cavendish, London.
25. P. du Plessis: *Borkowski's Textbook on Roman Law*, OUP, Oxford.
26. R. Cotterrell: *Law, Culture and Society*, Ashgate Publishing Ltd., Aldershot.
27. R. David and J. E. C. Brierley: *Major Legal Systems in the World Today*, Stevens, London.
28. R. Domingo: *The New Global Law*, Cambridge University Press, Cambridge.
29. R. Youngs: *English, French & German Comparative Law*, Routledge-Cavendish, London.
30. R. P. George (ed.): *Natural Law, Liberalism and Morality*, OUP, Oxford.

**Syllabus for LL.M. (Regular) Semester - II**

31. R. W. Lee: *The Elements of Roman Law*, Thompson/Sweet & Maxwell, London.
32. T. J. Hochstrasser and P. Schröder (eds.): *Early Modern Natural Law Theories*, Kluwer, Berlin.
33. U. Mattei: *Comparative Law and Economics*, University of Michigan Press, Ann Arbor
34. W. Menski: *Comparative Law in a Global Context: The Legal Systems of Africa and Asia*, Cambridge University Press, Cambridge.
35. W. Twining: *General Jurisprudence: Understanding Law from a Global Perspective*, Cambridge University Press, Cambridge.
36. W. Twining: *Globalisation & Legal Theory*, Cambridge University Press, Cambridge
37. W. B. Hallaq: *An Introduction to Islamic Law*, Cambridge University Press, Cambridge.
38. W. B. Hallaq: *Shari'a: Theory, Practice, Transformations*, Cambridge University Press, Cambridge.
39. W. W. Buckland: *The Main Institutions of Roman Private Law*, Cambridge University Press, Cambridge.



**CRIMINAL LAW  
STREAM**



# PENOLOGY: REHABILITATIVE & CORRECTIONAL TECHNIQUES

## [Optional Paper-I]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT - I

#### INTRODUCTION

- Penology: Correctional Science-Notion of Punishment in Law-Difference between Crime Prevention and Control
- Theories of Punishment: Retribution-Utilitarian-Prevention-Deterrence-Intimidation-Behavioural Prevention-Incapacitation-Behavioural Prevention-Rehabilitation-Classical Hindu and Islamic Approaches to Punishment

### UNIT - II

#### TECHNIQUES

- Genesis and Development of Rehabilitative and Correctional Techniques: Humanitarianism and Modern Notions of Justice to the Criminals-Twentieth Century Invention of Various Scientific Techniques of Treatment-Reform of Offenders accepted at International Level-U.N. Standard Minimum Rules
- Capital Punishment: History-Constitutionality-Judicial Attitude-Law Reform Proposals

**UNIT - III**

**SENTENCING**

- Sentencing: Principal Types of Sentences in Penal Code and Special laws-The Problems of Default Sentence-Imprisonment for Non-Payment of Fine; Pre-sentencing Hearing-Sentencing of Habitual Offenders-Summary Punishment-Guilty Plea-Plea Bargaining- Sentencing Process and Marginalised Accused- Approaches to Sentencing
- Alternatives to Imprisonment: Probation-Corrective Labour-Fines-Collective Fines-Compensation to Victims of the Crime-Publish Censure Community Service-Disqualification from Holding Office etc.-Making the Offender Accountable to the Victim

**UNIT - IV**

**PRISONS AND RIGHTS OF PRISONERS**

- Imprisonment: Status of Indian Jail-Disciplinary Regime of Indian Prison
- Classification of Prisoners: Rights of Prisoners and Duties of Custodial Staff- Deviance by Custodial Staff-Open Prisons-Agenda of Reform

**Suggested Readings:**

1. Abadinsky Howard: *Probation & Parole*, Simon & Schuster Company, New Jersey.
2. Alan J. Harland: *Choosing Correctional Options that Work*, Sage Publications, New Delhi.
3. Bartollas Clemens: *Correctional Treatment-Theory and Practice*, Prentice Hall, New Jersey.
4. George S. Bridges, Joseph G. Weis & Robert D Crutchfield: *Criminal Justice*, Pine Forge Press, New Delhi.
5. Harold E. Williamson: *The Corrections Profession*, Sage Publications, New Delhi.

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6. James Vadaekumchery: *Crime Police & Corrections*, APH Publishing House, New Delhi.
7. Louis P. Carney: *Corrections, Treatment & Philosophy*, Prentice Hall, New Jersey.
8. Mahendra P. Singh: *Crime Redemption of Criminals: Probation of Offenders*, Deep & Deep Publications, New Delhi.
9. N. K. Chakrabarti: *Institutional Corrections*, Deep & Deep Publications, New Delhi.
10. N. V. Paranjape: *Criminology & Penology*, Central Law Publications, Allahabad.
11. R. Deb: *Criminal Justice*, Law Book Company Pvt. Ltd, Allahabad.
12. Rani Dhavan Shankardass: *Punishment and the Prison-Indian and International Perspectives*, Sage Publications, New Delhi.
13. Richard W. Snarr: *Introduction to Corrections*, Brown and Benchmark, Chicago.
14. Robert M. Carter, Daniel Glaser & Leslie T Wilkins: *Correctional Institutions*, Harper & Row Publishers Inc., New York.
15. Robert M. Carter, Daniel Glaser & Leslie T. Wilkins: *Probation, Parole and Community Corrections*, Prentice Hall, New Jersey.
16. Tara Gray: *Exploring Corrections*, Allyn and Bacon, Boston.

**Syllabus for LL.M. (Regular) Semester - II**

# CRIMINAL JUSTICE ADMINISTRATION

## [Optional Paper-II]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT - I

#### INTRODUCTION

- Historical Background of Criminal Justice System in India: Main Features and Problems and Latest Interventions-Growth and Development of Criminal Justice Administration in India: Assumption of the System of Criminal Justice Administration-Models of Criminal Justice Administration-Its Response and the Coping Mechanism
- Components of Criminal Justice System: Police, Prosecution, Judiciary and Correction-Their Interlinkages

### UNIT - II

#### POLICE, PRISONS & PROBATION

- Police System in India: Prison System in India-Open Jails-Criminal Courts-Prosecuting Agency
- Probation System and the Prisons: Probation and Parole-Nature-Characteristics-Principles and Their Distinctions-After Care-Correctional and Rehabilitative Services-Juvenile Homes and *Nari Niketans*-Role of Forensic Science

**UNIT - III**

**CRIME AND CRIMINAL BEHAVIOUR**

- Typology of Crime and Criminal Behaviour: Conventional Crimes-Privileged Class Deviance: Conceptions of Privileged Class Deviance-Indian Approaches to Socio-Economic Offences-Notions of Privileged Class Deviance as providing a wider Categorization of Understanding Indian Development-Typical Forms of Such Deviance
- Drug Abuse and Society: Concept & Definition-Causes of Drug Addiction-Impact of Drug Abuse on Society

**UNIT - IV**

**COLLECTIVE VIOLENCE**

- Collective Violence against Women: Problems Pertaining to Women-Prostitution-Female Criminality-Female Victimization
- Collective Violence against Children: Problems Pertaining to Children-Destitution-Delinquency-Child Labour-Child Prostitution-Child Marriage-Child Abuse-Collective Violence against the Underprivileged Class

**Suggested Readings:**

1. Obi N. Ignatius Ebbe: *Comparative and International Criminal Justice System: Policing, Judiciary and Corrections*, Butterworth, Boston.
2. Maniyar Mridula: *Women Criminals and their Life-Style*, Kaveri Books, New Delhi.
3. Mehraj-ud-din Mir: *Crime and Criminal Justice System in India*, Deep & Deep Publications, New Delhi.
4. Mike Brogden: *Crime, Abuse and the Elderly*, Lawman (Inc) Pvt. Ltd., New Delhi.
5. Mrinmaya Choudhuri: *Languishing for Justice: Being a Critical Survey of the Criminal Justice System*, Datt Sons, Nagpur.
6. Nirmal Kant Chakrabarti: *Probation System in the Administration of Criminal Justice*, Deep & Deep Publications, New Delhi.

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7. P. K. Atri: *Policy and Planning in Criminology*, Anmol Publications, New Delhi.
8. Prabhat Chandra Tripathy: *Crime against Working Women*, APH Publishing Co., New Delhi.
9. Roger Hopkins Burke: *Introduction to Criminological Theory*, Lawman (Inc.) Pvt. Ltd., New Delhi.
10. S. S. Srivastava: *Criminology and Criminal Administration*, Central Law Agency, New Delhi.
11. S. Saxena: *Crimes against Women and Protective Laws*, Deep & Deep Publications, New Delhi.
12. Victor Jupp, Pamela Daries & Peter Francis: *Doing Criminological Research*, Sage Publications, New Delhi.

# FORENSIC SCIENCE & LAW

## [Optional Paper-III]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### INTERACTION OF SCIENCE AND LAW

Nature and Need of Forensic Science: Forensic Science in Criminal Investigation- Forensic Science in Trials-Use of Forensic Science in Crime Control and Due Process Models of Criminal Justice-Relevant Indian Laws-Ethical Concerns in using Forensic Evidence

### UNIT-II

#### LAW RELATING TO DOCUMENTS AND FORGERY

Documentary Evidence: Expert Evidence and Forensic Document Examination- Handwriting Examination-Examination of Paper and Ink-Identification of Forgery in Signature-Examination of Disputed Documents-Law relating to Fingerprints

### UNIT-III

#### ADVANCED FORENSIC SCIENCE IN CRIMINAL TRIALS

DNA Profiling: Admissibility of DNA Evidence-Ethical, Legal and Social Concerns about DNA Data Banking-Human DNA Profiling Bill 2015-Digital Image Forensic and Detection of Forgery by Editing-Cell Phone Forensics-Voice Analysis-Digital Signature-Forensic Psychology-Psychological Detection of Deception-Narco

Analysis Interrogation-Criminal Profiling in Forensics-Forensic Anthropology-  
Forensic Odontology-Forensic Entomology

**UNIT-IV**

**LAW RELATED TO SCENE OF OCCURRENCE**

Scene of Crime: Track Marks-Tool Marks-Firearms-Explosives and Explosion-Fires-  
Motor Vehicles-Micro Traces-Poisons-Narcotics-Alcohol-Hair-Body Fluids-  
Elementary Forensic Medicine

**Suggested Readings:**

1. B. S. Nabar: *Forensic Science in Crime Investigation*, Asia Law House, Hyderabad.
2. B. L. Saxena [A. K. Singla (ed.)]: *Saxena's Law & Techniques Relating to Finger Prints, Foot Prints & Detection of Forgery*, Central Law Agency, Allahabad.
3. B. R. Sharma: *Forensic Science in Criminal Investigation & Trials*, Universal Law Publishing-An Imprint of LexisNexis, New Delhi.
4. B. R. Sharma: *Handwriting Forensics*, Universal Law Publishing-An Imprint of LexisNexis, New Delhi.
5. B. R. Sharma: *Scientific Criminal Investigation*, Universal Law Publishing-An imprint of LexisNexis, New Delhi.
6. H. J. Walls: *Forensic Science-An Introduction to Scientific Crime Detection*, Universal Law Publishing Co. Pvt. Ltd, New Delhi.
7. James Morton: *Forensics-The History of Modern Criminal Investigation*, Overlook Press, New York.
8. Joytsna William Shana: *Medical Jurisprudence -The Principles of Medicine as Applied in Law*, PAL Publishing House, Delhi.
9. Jyotirmoy Adhikary: *DNA Technology in Administration of Justice*, LexisNexis India, Gurgaon.

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10. Manoobhai G. Amin & Dr. Jai Shanker Singh: *Forensic Science in Criminal Investigation*, Unique Law Publications, Delhi.
11. R. Saferstein: *Forensic Science Handbook*, Prentice-Hall, Upper Saddle River, NJ.
12. Wilson R. Harrison: *Suspect Documents -Their Scientific Examination*, Universal Law Publishing Co. Pvt. Ltd, New Delhi.



**CORPORATE LAW  
STREAM**



# INTERNATIONAL ECONOMIC INSTITUTIONS

## [Optional Paper-I]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### INTRODUCTION

- Introduction -International Economic Institutions. Philosophical and Political Origin and Development of Bretton Wood's Conference, 1944.
- Philosophical and Political Origin and Development of International Economic Institutions of Worldwide Dimension -International Monetary Fund (IMF), World Bank {WB comprised of International Bank for Reconstruction and Development (IBRD 1944)} and International Development Association (IDA 1960), and General Agreement of Tariffs and Trade (GATT, 1947). Linkages and Coordination among the Institutions.

### UNIT -II

#### INTERNATIONAL MONETARY FUND & MULTILATERAL TRADING SYSTEM

- Legal Frameworks of IMF -membership, members' obligation, organization and management of Fund, legal framework of Special Drawing Rights (SDRs).
- Legal Framework of GATT, 1947.

### UNIT -III

#### WTO & MULTILATERAL TRADING SYSTEM

- Philosophical and Political Origin and Development of Uruguay Round of GATT Negotiation culminating into WTO Final Act, 1994 (i.e., WTO Agreement 1994).

- World Trading Organization
  - WTO Agreement Establishing WTO -scope, functions, structure, membership, operation and management of WTO.
  - WTO Dispute Settlement 1994 -rules and procedures governing settlement of disputes.

#### **UNIT -IV**

##### **UNITED NATIONS CONFERENCE ON TRADE AND DEVELOPMENT**

- United Nations Conference on Trade and Development (UNCTAD, 1964) -Its economic and political setting, philosophical and political origin, evolution of philosophy and programmes, and progress towards universalism.
- Transitional Corporations (TNCs) -concept, history and development, UN code of conduct (1983) to UN Global Compact 1999, activities of and treatment by governments of TNCs.

##### **Suggested Readings:**

1. B. Colas (ed.): *Global Economic Cooperation: A Guide to Agreements and Organisations*, UN Univ. Press, Tokyo.
2. C. F. Amerasinghe: *Principles of the Institutional Law of International Organizations*, Cambridge University Press, Cambridge.
3. D. Rodrik: *One Economics, Many Recipes-Globalization, Institutions and Economic Growth*, Princeton University Press, NJ.
4. J. E. Spero and J. A. Hart: *The Politics of International Economic Relations*, Wadsworth Cengage Learning, Boston.
5. M. N. Jovanovic: *The Economics of European Integration: Limits and Prospects*, Edward Elgar, UK.
6. Spyros Economides and Peter Wilson: *The Economic Factor in International Relations: A Brief Introduction*, I. B. Tauris Publishers, New York.

7. M. A. Van Meerhaeghe: *International Economic Institutions*, Kluwer Academic Publishers, Netherlands.
8. Harihara Das: *Principles of International Law and Organization*, Vikas Publishing House Pvt. Ltd., New Delhi.
9. A. K. Koul: Developing Countries in the GATT/WTO-Their Obligations and the Law, 44 *Indian Journal of International Law* 451-487 (2004).
10. Kenneth W. Dam: *The GATT: Law and International Economic Organization*, University of Chicago Press, Chicago.
11. Christper Arup: *The New World Trade Organisation Agreements*, Cambridge University Press, Cambridge.
12. Robert E. Hudec: *The GATT Legal System and World Trade Diplomacy*, Butterworth, New Hampshire.
13. Upendra Baxi: The New International Economic Order, Basic Needs and Rights: Notes towards Development of the Right to Development, 23 *Indian Journal of International Law* 225 (1983).
14. Sachin Chaturvedi and S. K. Mohanty: The WTO and Trade in Electronically Delivered Software: Emerging Challenges and Policy Options-An Indian Perspective, 42(5) *Journal of World Trade* 927-951 (2008).
15. B. S. Chimni: The World Trade Organization, Democracy and Development: A View from South, 40(1) *Journal of World Trade* 5-36 (2006).
16. Sandeep Gopalan: Transitional Commercial Law: The Way Forward, 18(4) *American University International Law Review* 803-849 (2003).

# INTERNATIONAL TRADE LAW

## [Optional Paper-II]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### INTRODUCTION

- Introduction to the Concept of International Trade Law: The Concept of Transnational and Commercial Law-Evolution of International Trade
- The Law Relating to Carriages: Carriage by Land-Carriage by Sea-Carriage by Air-Multimodal Transportation

### UNIT-II

#### INTERNATIONAL SALES OF GOODS

- International Sales: Vienna Convention on International Sales-UNIDROIT Principles of International Commercial Contracts, 2004-Hague Convention relating to Uniform Law on the International Sale of Goods, 1964-Special Trade Terms in International Sales Contract-Incoterms-International Agency
- Formation of the Contract: Meaning and Formation of Contracts for International Sale of Goods Performance of the Contract-Delivery of Possession-Passing of property-Passing of Risk-Frustration of Contracts

### UNIT-III

#### INTERNATIONAL INSTRUMENTS

- International Payments: Letters of Credit-Meaning- Principles-Autonomy of LOC-Strict-Compliance-Uniform Customs and Practices Documentary Credit-Financing Procedure--Indian Position

- International Negotiable Instruments: Electronic Fund Transfers-Bank Guarantee- Collection Arrangements

#### UNIT-IV

#### DISPUTE SETTLEMENT MECHANISM

- Settlement of Disputes: Various Methods of Settling Disputes-World Trade Organization (WTO)-International Court of Commercial Arbitration-International Convention on Settlement of Investment Disputes
- International Arbitral Conventions: Enforcement of Foreign Arbitral Awards in India-Indian Law of Arbitration-Procedure-Enforcement of Arbitral award

#### **Suggested Readings:**

1. A. K. Kaul: *Guide to the WTO and GATT: Economics, Law and Politics*, Kluwer Law International, Netherlands.
2. Carole Murray, David Holloway and Daren Timon-Hunt: *Schmitthoff-The Law and Practice of International Trade*, Sweet and Maxwell, London.
3. Dinesh Sabat: *International Trade Law (An Essential Revision Aid for Law Students)*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
4. Indira Carr: *International Trade Law*, Routledge-Cavendish, London.
5. Jason C. T. Chuah: *Law of International Trade: Cross Border Commercial Transactions*, Sweet and Maxwell, London.
6. John H. Jackson: The Changing Fundamentals of International Law and Ten Years of the WTO, 8(1) *Journal of International Economic Law* 3-15 (2005).
7. Mitsuo Matsushita *et. al.*: *The World Trade Organization: Law Practice and Policy*, OUP, Oxford.
8. Patrick F. J. Macrory *et. al.*: *The World Trade Organization: Legal, Economic and Political Analysis*, Springer, New York.

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9. Peter Van den Bossche: *The Law and Policy of the WTO*, Cambridge Publications, UK.
10. Petros C. Mavroidis: *The General Agreement on Tariffs and Trade*, OUP, Oxford.
11. Raj Bhalla: *International Trade Law: Theory and Practice*, Lexis Nexis India, Gurgaon.
12. Ravindra Pratap: *India at the WTO Dispute Settlement System*, Manak Publications, New Delhi.
13. S. R. Myneni: *International Trade Law*, Allahabad Law Agency, Allahabad.
14. Simone Schnitzer: *Understanding International Trade Law*, Universal Law Publishing Co Pvt. Ltd., New Delhi.
15. Sydney M. Cone III: The Appellate Body, the Protection of Sea Turtles and the Techniques of Completing the Analysis, 33(2) *Journal of World Trade* 51-62 (1999).

# CORPORATE LAW

## [Optional Paper-III]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### CONCEPTS

- Concept and Nature of Companies: Advantages and Disadvantage of Company-Lifting of Corporate Veil-Kinds of Companies
- Concept and Nature of Limited Liability Partnership: Formation, Registration and Incorporated Documents-Limited Liability Partnership Agreement-Partners and Their Mutual Rights and Liabilities-Designated Partners
- Promotion of Companies and Pre-Incorporation Contracts
- Corporate Social Responsibility of Companies: Its Importance and Relevance-Emerging Trends in Corporate Social Responsibility

### UNIT-II

#### DOCUMENTS OF COMPANIES

- Documents of Companies: Memorandum of Association-Clauses of Memorandum of Association-Article of Association-Efficacy Binding Force and Alteration of Memorandum of Association and Articles of Association-Relationship between Memorandum and Article of Association-Doctrine of *ultra vires*-Constructive Notice-Indoor Management and Their Efficacy
- Prospectus: Content-Statement in lieu of Prospectus-Red Herring Prospectus-Remedies for Misrepresentation-Civil and Criminal Liability
- Borrowing and Lending by Companies: Inter-Corporate Loans

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- Investigation into the Affairs of Companies: Criteria of Investigation- Investigation by Serious Fraud Investigation Office-Appointment Power and Duties of Inspectors

### UNIT-III

#### RULE OF MAJORITY POWERS AND MINORITY RIGHTS

- Rule of Majority Powers and Minority Rights-Representation Action-Derivative Action-Individual Membership Rights-Corporate Membership-Rights of Shareholders
- Prevention and Relief in case of Oppression and Mismanagement-Class Action
- Board of Directors: Appointments-Position & Powers-Rights and Duties
- Reconstruction-Mergers & Amalgamation and Take-Over of Companies

### UNIT-IV

#### WINDING UP OF COMPANIES

- Winding Up of Companies: Its Kinds Ground of Winding Up-Conduct and Process of Winding Up
- National Company Law Tribunal National Company Law Appellate Tribunal: Constitution-Appointment and Working
- Foreign Exchange Management Act, 1999: Dealing and Holding of Foreign Exchange-Current Account and Capital Account
- Role of RBI: Transactions-Control of Joint Ventures-Investment in India-Reparation of Project

#### **Suggested Readings:**

1. Andrew Lidbetter: *Company Investigations and Public Law*, Bloomsbury Acad. & Prof., London.
2. Avtar Singh: *Company Law*, Eastern Book Company, Lucknow.
3. Brenda Hannigan: *Company Law*, Oxford University Press, UK.

4. Charles Wild & Stuart Weinstein: *Smith and Keenan's Company Law*, Pearson, London.
5. David Kershaw: *Company Law in Context*, Oxford University Press, UK.
6. Geoffrey Morse: *Palmer's Company Law*, Sweet and Maxwell, London.
7. J. C. Verma: *Corporate Mergers, Amalgamations & Takeovers*, Bharat Law House, New Delhi.
8. J. Charlesworth & Geoffrey Morse: *Charlesworth and Morse: Company Law*, Sweet & Maxwell, London,
9. J. P. Sharma: *Corporate Laws*, Ane Books Pvt. Ltd., New Delhi.
10. K. S. Anantharaman: *Lectures on Company Law*, LexisNexis India, Gurgoan.
11. L. C. B. Gower: *Principles of Company Law*, R. Cambay & Co. Pvt. Ltd., Kolkata.
12. Laurence Gower: *Principles of Modern Company Law*, Stevens Publishing, London
13. Munish Bhandari: *Professional Approach to Corporate Laws and Practice*, Bharat Law House, New Delhi.
14. S. Kannal & V. S. Sowrirajan: *Company Law Procedure*, Taxman's Allied Services (P) Ltd., New Delhi.
15. Saleem Sheikh & William Rees: *Corporate Governance & Corporate Control*, Cavendish Publishing, London.
16. Suman Gupta: *Shareholder's Democracy: Fact or Fiction*, Publication Division, University of Delhi, New Delhi.
17. T. Ramappa: *Competition Law in India-Policy, Issues and Development*, Oxford University Press, New Delhi.



**PERSONAL LAW  
STREAM**



# HINDU RELIGIOUS AND CHARITABLE ENDOWMENTS [Optional Paper-I]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

## UNIT-I

### CONCEPT OF RELIGIOUS & CHARITABLE ENDOWMENTS

- Hindu Religious Beliefs and Practices: Concept and Meaning-Origin and Development of Hindu Religious and Charitable Endowments
- Essentials of Valid Religious and Charitable Endowments
- Charity: General Rules-Doctrine of *Donatio Mortis Causa*; Relief of Poverty-Objects of General Public Utility-Advancement of Religion-Education-Universities, and Institutions including Research, Charitable Hospitals and Convalescent Homes, Welfare of Animals

## UNIT-II

### RELIGIOUS AND CHARITABLE GIFTS

- Hindu Concept of Religious and Charitable: Gifts-*Ishta* & *Purta*-Applicability of English Law to Hindu Religious and Charitable Endowments
- Doctrine of *Cypress*: Origin and Concept in Courts of Equity
- Statutory Provisions: Religious Endowment Act, 1863-Religious Societies Act, 1880-Charitable and Endowment Act, 1890-Charitable and Religious Endowment Act, 1920-Section 92, Code of Civil Procedure, 1908-Religious Institutions (Prevention of Misuse) Act, 1988

**UNIT-III**

**HINDU SHRINES AND PILGRIMAGE**

- Hindu Shrines and Pilgrimage: Religious Trust in Favour of Idols-Juristic Personality of Idol-Bequest to Idol
- Management of *Debutter* Property: Legal Position of a *Shebait* and *Mahant*-Ownership of Office *Shebait* and *Mahant*-Removal of *Shebait* & *Mahant*
- Mortgage and Alienation of *Debutter* Property: Transfer of the Right of Management-Alienation of Religious Office-Founder's Power of Disposition over *Shebait's* Rights.

**UNIT-IV**

**TRANSFER OF PROPERTY**

- Religious and Charitable Endowment with reference to Transfer of Property
- Endowment and Rule against Perpetuity-Limitations relating to Trust Property
- Constitutional Policy and Taxation of Religious and Charitable Endowments

**Suggested Readings:**

1. B. K. Mukherjea (revised by A. C. Sen): *The Hindu Law of Religious and Charitable Trusts (Tagore Law Lectures)*, Eastern Law House, Kolkatta.
2. Dr. U. P. D. Kesri: *Modern Hindu Law*, Central Law Publications, Allahabad.
3. R. Prakash: *V. K. Varadachari's Hindu Religious and Charitable Endowments*, Eastern Book Co., Lucknow.
4. R. K. Aggarwal: *Hindu Law*, Central Law Agency, Allahabad.
5. R. P. Remesan: *Madras Hindu Religious and Charitable Endowments Act, 1951*, Em Tee En Publications, Kochi.
6. S. N. Aggarwal: *The Law on Religious and Charitable Endowments*, Khurana Law Agency, Chandigarh.

**Syllabus for LL.M. (Regular) Semester - II**

7. S. Rajaratnam, M. Natarajan & C. P. Thangaraj: *Law and Procedure on Charitable Trusts and Religious Institutions*, Snow White Publications Pvt. Ltd, Maharashtra.
8. Satyajeet A. Desai: *Mulla's Principles of Hindu Law*, Vol. I & II, LexisNexis India, Gurgaon.

# MARRIAGE AND DIVORCE IN CONFLICT OF LAWS

## [Optional Paper-II]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT - I

#### DOMICILE

Introduction: Theories of Private International Law-Characterization-Renvoi;  
Domicile: General Rules-Domicile of Origin-Domicile of Choice-Domicile of Married  
Woman-During Coverture-After Judicial Separation-After Divorce-After  
Annulment-After Death of Husband

### UNIT -II

#### MARRIAGE

Marriage: Nature, Concept and Meaning of Marriage-Governing Law-Choice  
between Law of the Place of Celebration and Law of Domicile-Validity of Marriage-  
Classification of Rules of Marriage into Formal and Essential Conditions-Formal  
Validity-Governing Law-General Rule-Law of the Place of Celebration and  
Exception to the Rule; Essential Validity or Capacity to Marriage-Governing Law-  
Law of Domicile-Theories-Dual Domicile Theory-Intended Matrimonial Home  
Theory-Alternate Approaches

### UNIT - III

#### DIVORCE

Divorce: Jurisdiction-Applicable Law-Recognition of Foreign Divorce/Decrees of  
Nullity-Position in India-General Rules laid down in Section 13 and 44A of CPC-The

Rule of Real and Substantial Connection-Position in England-Development under Common Law-Current Position under Part II of the Family Law Act, 1986

**UNIT - IV**

**CONVERSION & CONFLICT OF LAWS**

Effect of Matrimonial Rights-Effect of Dissolution of Marriage

**Suggested Readings:**

1. Atul M. Setalvad: *Setalvad's Conflict of Laws*, LexisNexis India, Gurgaon.
2. C. G. J. Morse and David McClean: *Dicey, Morris & Collins on the Conflict of Laws*, Sweet & Maxwell, London.
3. Flavia Agnes: *Family Law and Constitutional Claims*, Oxford University Press, New Delhi.
4. Kumud Desai: *Indian Law of Marriage and Divorce*, LexisNexis India, Gurgaon.
5. Laura E. Little: *Conflict of Laws*, Wolters Kluwer Law & Business, New York.
6. Lennart Palsson: *Marriage and Divorce in Comparative Conflict of Laws*, Springer, Netherlands.
7. Martin George & Andrew Dickinson: *Statutes on the Conflict of Laws*, Hart Publishing, UK.
8. Paras Diwan: *Indian and English Private International Law*, Deep & Deep Publication, New Delhi
9. Pearl, David: *Inter-Personal Conflict of Laws – India, Pakistan and Bangladesh*, N.M. Tripathi, Bombay.
10. Robert A. Leflar: *The Law of Conflict of Law*, The Bobbs-Merrill Co. Inc., Indianapolis.

# LAW OF TRUSTS & WAQFS IN INDIA

## [Optional Paper-III]

*(The entire syllabus is divided into four units. Eight questions shall be set in all with two questions from each unit. The candidate shall be required to answer four questions in all, selecting one from each unit. All questions carry equal marks)*

### UNIT-I

#### CONCEPTS

Concept and Historical Development of Law of Trusts in India: Definition of Trust under the Indian Trusts Act, 1882 and Official Trustee under the Official Trustees Act, 1913-Classification of Trusts, Public, Private and Religious Trusts under the Indian Trust Act, 1882-Creation of Trust, Rule of Three Certainties-Rectification of Instrument of Trusts

### UNIT - II

#### TRUSTEES

Trustee: Rights and Power, Duties and Liabilities of Trustee-Breach of Trusts-Remedies for Beneficiaries, Extinction of Trusts-Endowment and Rule against Perpetuity-Rights and Liabilities of Beneficiaries under the Indian Trust Act, 1882

### UNIT - III

#### LAW OF WAQFS- I

*Waqfs*: Meaning, Origin-Creation-Subjects of *Waqf*, Constitutional Position-Kinds of *Waqf*-*Waqf inter vivos*-*Waqf* Testamentary-Conditional-Contingent-*Waqf* of *Mushaa*-*Waqf Alal Aulad*-Legal Incidents and Characteristics of *Waqfs*-Beneficiaries of *Waqfs*-Objects of *Waqfs*-*Waqfs* with Uncertain Objects-Doctrine of Cypres

**UNIT - IV**

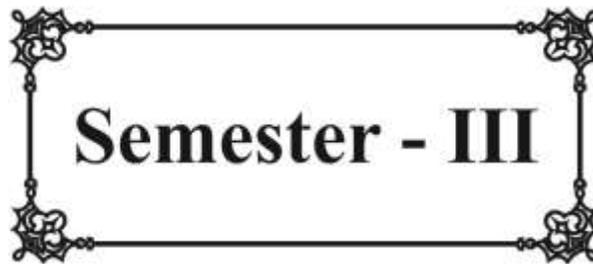
**LAW OF WAQFS- II**

*Waqfs* for Muslims Religious Institutions: Mosques-Qabristan-Dargah-Khanqah-Takia-Idgah-Imambara; Administration of *Waqfs*-Central *Waqf* Council and State *Waqf* Boards Appointment and Removal of *Mutawalli*, *Naib Mutawalli* & *Sajjadanashin*; Taxation of *Waqf* Properties; The Sachar Committee Report-Encroachment on *Waqf* Properties, Applicability of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971, Cadre for *Waqfs*, the Ancient Monuments and Archaeological Sites and Remains Act, the *Thika* Tenancy Act

**Suggested Readings:**

1. Geraint Thomas & Alastair Hudson: *The Law of Trusts*, Oxford University Press, Oxford.
2. Gregory C. Kozlowski: *Muslim Endowments and Society in British India*, Cambridge University Press, Cambridge.
3. Hamid Harasani: *Toward the Reform of Private Waqfs: A Comparative Study of Islamic Waqfs and English Trusts (Brill's Arab and Islamic Laws)*, Martinus Nijhoff Publishers, Netherlands.
4. J.N.D. Anderson: *Waqfs in East Africa*, 3 *Journal of African Law* 152-64 (1959).
5. James Penner: *The Law of Trusts (Core Text)*, Oxford University Press, Oxford.
6. Kahkashan Y. Danyal- *Muslim Law of Waqfs in India*, Regal Publication, New Delhi.
7. M. Reza Pirbhai: British Indian Reform and Pre-colonial Trends in Islamic Jurisprudence, 42(1) *Journal of Asian History* 36-47 (2008).
8. Mohammed Ahmad Qureshi: *Waqfs in India: A Study of Administrative and Legislative Control*, Gyan Publishing House, New Delhi.

9. S. Athar Husain and Syed Khalid Rashid: *Wakf Laws and Administration in India*, Eastern Book Co., Lucknow.
10. Syed Khalid Rashid: *Wakf Administration in India: A Socio-legal Study*, Vikas Publishing House, New Delhi.
11. Tauqir Mohammad Khan: *Law of Waqf in Islam*, Pentagon Press, New Delhi.



**Syllabus for LL.M. (Regular) Semester - II**