PONDICHERRY UNIVERSITY

LL.M.

REGULATIONS AND SYLLABUS

2010-2011 ONWARDS
Eligibility for admission:

A candidate who has passed the LL.B. Degree examination of the Pondicherry University or an examination of any other university accepted by this university as equivalent thereto and has secured not less than 45% of the marks in the aggregate in all the 3 years / 5years of the LL.B. Degree course together shall be eligible for admission to the LL.M. Degree course in the University Department or in an affiliated college of this University.

Admission procedure:

The admission to the above course shall be made following such procedure as may be prescribed by the Government of Puducherry from time to time.

Reservation:

The rule of reservation set in force by the Government of Puducherry shall be followed.

Examination:

(a). The course of LL.M. Degree shall be of two year duration comprising of four semesters with internal assessment. Candidate admitted into the LL.M. Degree programme shall register himself with this University or the affiliated Law College prior to the commencement of the course in the beginning of the academic year after paying the prescribed fee. No student admitted to this programme will be eligible for award of LL.M. degree unless he or she successfully completes all the four semesters.

(b). The Pondicherry University to which this college is affiliated holds examination at the end of each semester and a student will be permitted to appear for the said examinations only if he/she satisfies the following:

(i) He/she secures not less than not less than 75% of attendance arrived at by taking into account the total number of periods engaged in each and every paper of semester

(ii) He/she earns a progress certificate from the head of the institution for having satisfactorily completed the course of study in all subjects of the semester concerned.

(iii) His/her conduct is found to be satisfactory as certified by the head of the institution.
(c). Passing minimum for each theory paper shall be 50 out of 100 marks. Out of 75 marks a candidate has to secure a minimum of 35 marks there is no minimum for internal 25 marks. Dissertation carries 200 marks of which 50 are earmarked for the viva voce. The passing minimum for the dissertation is 75 out of 150 marks and the overall passing minimum (both evaluation of dissertation and viva) is 100 out of 200 marks. Viva voce is mandatory but there is no passing minimum for the viva. Where any student fails to attend the said viva, he shall be treated as absent for the said paper (dissertation) and he should be required to undergo the same as and when it becomes due subsequently.

However, where a student who is not declared successful in the whole examination of a semester but obtains not less than 50% in any paper of the concerned semester examination, he will be exempted from re-examination of the said paper.

(d). Candidates who secure 60% and above in the aggregate and pass all the papers within the duration of the course i.e. two years of joining the course shall be placed in the First Class and all those who pass the whole examination shall be placed in the Second Class.

(e). Candidates who join the regular stream of two year LL.M. Degree programme should pass all the papers prescribed for the course within the following time frame prescribed by the Pondicherry University.

It is the duration of the course (i.e. 2 years) and two years thereafter totally four years from the academic year in which a student joins the first year of the LL.M. Course.
COURSE OF STUDY AND SCHEME OF EXAMINATION

LL.M. degree programme is offered in the following subjects of specialization and the Intake of the students shall be ten in each of these subjects.

Branch – I  Labour Law and Administrative Law  
Branch – II Criminal Law and Criminology  
Branch – III International Law and Human Rights Law
Branch – IV Business Law

The curriculum is revised in accordance with the UGC syllabus. There are altogether nine papers and one dissertation for the entire programme. The first three semesters shall have three papers each and in the fourth, there will be a dissertation. According to the UGC syllabus, a candidate choosing any subject of specialization specified above has to study four papers which are compulsory and submit one dissertation. The first and second semester shall have two compulsory papers each. The rest five papers shall be from the subject of specialization.

The papers which are common for all four branches are:

- Paper – I: Law and Social Transformation in India
- Paper – IV: Legal Education and Research Methodology
- Paper – V: Judicial process
- Paper – X: Dissertation

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<tr>
<th>BRANCH – I: LABOUR LAW AND ADMINISTRATIVE LAW</th>
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<td><strong>First Year – First Semester</strong></td>
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<td>Paper – I Law and Social Transformation in India</td>
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<td>Paper – III Labor Management Relation</td>
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**First Year – Second Semester**

| Paper – IV Legal Education and Research Methodology | 3 | 75+25 | 35 |
| Paper – V Judicial process | 3 | 75+25 | 35 |
| Paper – VI Administrative Law – I | 3 | 75+25 | 35 |
| | | | 300 |

**Second Year – Third Semester**

| Paper – VII Wages and other Monetary Benefits | 3 | 75+25 | 35 |
| Paper – VIII Administrative Law – II | 3 | 75+25 | 35 |
| | | | 200 |

**Second Year – Fourth Semester**

| Paper – IX Social Security Law | 3 | 75+25 | 35 |
| Paper – VII Dissertation | -- | 150 | 75 |
| | Viva on dissertation | -- | 50 | - |
| | | | 300 |

**BRANCH – II: CRIMINAL LAW AND CRIMINOLOGY**
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<td>Paper – I Law and Social Transformation in India</td>
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<td>Paper – III Criminology, Penology &amp; Treatment of offenders</td>
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<td>Paper – IV Legal Education and Research Methodology</td>
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<td>Paper – V Judicial process</td>
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<td>Paper – VI Juvenile Delinquency &amp; Collective Violence</td>
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<td>Paper – VIII Privileged Class Deviance &amp; International Crimes</td>
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<td>Paper – IX Comparative Criminal Law</td>
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<td>Paper – VII Dissertation</td>
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<tr>
<td>Paper – II Indian Constitutional Law: New Challenges</td>
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<td>Paper – V Judicial process</td>
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<td>Paper – VI International Relations and Law of Treaties</td>
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### BRANCH – IV: BUSINESS LAW

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<td>Paper – I Law and Social Transformation in India</td>
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<td>Paper – III Corporate Law</td>
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<td>Paper – IV Legal Education and Research Methodology</td>
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<td>Paper – V Judicial process</td>
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<td>Paper – VI International Trade Law</td>
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<td>Paper – VII Business Transactions &amp; Economic Legislations</td>
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<td>Paper – VIII Intellectual Property Law</td>
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<td>Paper – IX Cyber Law</td>
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SYLLABUS

COMMON PAPERS AND PAPERS OF SPECIALISTION
PAPERS COMMON FOR ALL BRANCHES
First Year – First Semester
PAPER – I: Law and social Transformation in India

1. Law and social change – Law as the traditions and culture – Criticism and evaluation in the light of colonization and the introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

2. Community and the law- Caste as a ‘divisive factor’ – Non-discrimination on the ground of caste – Caste as a factor to undo past injustices – Protective discrimination – Reservation – Constitutional provision.

3. Regionalism and the law – Regionalism as a ‘divisive factor’ – Concept of India as one unit – Right of movement, residence and business – Equality in matters of employment – Admission to educational institutions and preference to residents of a State.


Select Bibliography:

First Year – Second Semester
PAPER – II: Indian Constitutional Law: The New Challenges

1. Federalism – Allocation and share of resources – Distribution of grants – in – aid
   The inter – state dispute on resources – Centre’s responsibility and internal
disturbance within states – Directives of the Centre to the State under Article 356
   and 365 – Federal comity – Relationship of trust and faith between Centre and
state – Special status of certain states.

2. State - need for widening the definition in the wake of Liberalization – Right to
equality- Privatization and impact on affirmative action – Empowerment of women.

3. Freedom of press and challenges of new scientific development – freedom of
speech and right to broadcast and telecast- right to strike – hartal and bundh.

4. Emerging regime of new rights and remedies – Reading Directive Principles and
Fundamental Rights into Fundamental Duties- Compensation jurisprudence –
Right to Education – commercialization of Education and its impact – Right of
Minorities to establish and administer Educational institutions and state control.

5. Separation of Powers – stresses and strain – Public interest litigation – strength
and weakness- Judicial independence – Accountability – Executive and Judiciary
Status – Electoral Reforms.

Select Bibliography:

No specific bibliography is suggested for this paper since the course materials
obviously depends upon latest development. These developments in the areas
prescribed for the paper can be gathered from the recent materials such as case law,
changes and amendments of laws, critical comments, studies and reports, articles and
research papers and lastly contemporary emerging ethos impaction on constitutional
values
6. Preparation of research report.

Select Bibliography:

5. Pauline V. Young – Scientific Social Survey and Research (1962)
First Year – Second Semester  
PAPER – V: Judicial Process


2. Logic and growth in law both under code system and common law – judicial discretion in judicial reasoning – varieties of judicial and juristic activism – problem of accountability and judicial law making.


4. The judge as legislator – conscious and sub conscious elements in the judicial process social philosophy of the judges and its impact on judicial divisions – committed judiciary.


Select Bibliography:


2. Collective bargaining – Concept – Collective bargaining and constructive industrial relations – Essential requisites of collective bargaining – Freedom of association, recognition of trade union and freedom of industrial action – Attitude of the state in India towards collective bargaining and its theory and practice – Policy of State on collective bargaining and its responsibility to provide and sustain the requisites through legislative support – Efficacy of the collective bargaining for better industrial relations and factors affecting the growth of collective bargaining – Position relating to multi-unionism and problem of outsiders in the union and legal control of collective bargaining endeavors namely strike, gherao and lock out.


4. Trade unionism in India – Affiliation of unions to political parties and its impact on the emergency of strong and powerful trade union – Rationale behind the immunities and privileges and their contribution to the growth of trade union movement and collective bargaining – Functioning of the trade union towards protection and promotion of interest of its members and accountability of the union to its members and the society.


Select Bibliography:
1. Indian Law Institute – Labour Law and Labour Relations (1987)
2. ILO – Collective Bargaining
5. Mzlhotra – The Law of Industrial Disputes

First Year – Second Semester

Paper-VI: Administrative Law – I

2. Liability of state – Tortious liability – Sovereign immunity – Commercial and non-commercial function – Contractual liability – Personal accountability and compensatory jurisprudence vis-a-vis right to life.


Select Bibliography:

1. Friedman – The State and the Rule of Law in Mixed Economy
2. Dicey – Introduction to the Law of the constitution
3. Davis – Discretionary Justice
4. Jain & Jain – Principles of Administrative Law

Second Year – Third Semester

Paper – VII: Wages and Other Monetary Benefits


4. Minimum wage law in India – Minimum wage protection and responsibility of State – State as legal sovereign and as employer – Fixation and revision of minimum wage and enforcement of the same – Procedure for fixation and revision of minimum wage.

5. Payment of wages – Delay and deduction – Statutory regulation.


7. Wage differentials – Problems and perspectives.


Select Bibliography:

1. G.I. Khothari – Wages, Dearness Allowance and Bonus (1968)
2. V.V. Giri – Labour Problems in Indian Industry (1972)
7. J.N. Malik – The Payment of Wages Act
8. D.S. Chopra – Payment of Bonus Act

Second Year – Third Semester
Paper-VIII Administrative Law – II

1. Concept of judicial review in common law countries and French system – Judicial review in India – Jurisdiction of Supreme Court and High Court.

2. Grounds of review – Doctrine of ultra vires – Unreviewable discretionary powers – Discretion and justifiability – Violation of fundamental rights-
Extraneous consideration – Delegation – Acting under dictation – Malafides and bias – Lack of rationality and proportionality.

3. Procedural fairness – legitimate expectation – Natural justice and duty to act fairly – Bias and personal interest – Fair hearing.


5. Limits of judicial review – Locus standi and public interest litigation – Latches-Resjudicata and alternative remedies.

Select Bibliography:

1. Friedman – The State and the Rule of Law in Mixed Economy
2. Dicey – Introduction to the Law of the Constitution
3. Davis – Discretionary Justices

Second Year – Fourth Semester
Paper – IX: Social Security Law

1. Meaning – Significance of social security – Modality – Social prescription, social assistance and insurance.

2. Origin and development of social security schemes in Western countries and India.

3. International standards on social security for labour – ILO Conventions and Recommendations on social security.


Select Bibliography:

5. Munkamm – Employers; Liability (1985) [Chapters 1, 2, 3, 22 and 23]
7. Reports of the First and Second National Commission on Labour [Relevant chapters].
2. Penology – Theories of punishment – Classical Hindu and Islamic approaches to punishment – Capital punishment – judicial attitude towards capital punishment in India.


Statutory Materials:

1. Probation of Offenders Act, 1958

Select Bibliography:

2. Sutherland – Principles of Criminology  
3. Sethna – Society and Criminal  
4. Barnes & Teeters – New Horizons in Criminology  
5. Vold – Theoretical Criminology  
6. Gillin – Criminology and Penology  
7. Hans Von Henting – Criminal and his Victim  
9. Siddique – Criminology  
10. Alf Ross – On Guilt, Responsibility and Punishment  
11. Law Commission of India -42nd Report, 1971 (Chapter 3)
3. Types of offences committed – judicial approach – land mark judicial decisions.


5. Approaches to violence in India – Religiously sanctioned structure – caste and gender based – Ahimsa in Hindu, Jain, Buddhist, Christian and Islamic traditions in India Gandhi’s approach to non – violence - violence against scheduled caste and women – Incidence of atrocities, use of criminal law to combat atrocities – Incidence and course of communal violence and role of police and para military system in dealing with communal violence.

Statutory Materials:

1. Tamil nadu Borstal Schools Act, 1925
2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act,

Select Bibliography:

1. K.S. Shukla – Adolescent Offender
2. Myron Weiner – The Child and State in India
3. Upendra Baxi – Dissent, Development and Violence
4. Upendre Baxi – Law and Poverty
5. A.R. Desai – Violation of Democratic Rights in India
6. T. Honderich – Violence for Equality
8. United Nations Declarations on the Right oc Child

Second Year – Third semester

Paper- VII: Drug Addition, Criminal Justice and Human Rights

1. Basic conceptions – Drugs, narcotics, psychotropic substance – Dependence, addition - Crimes without victims - Trafficking in drugs – Primary drug abuse.


Treatment, after care and rehabilitation of drug addicts – Human rights aspects – Problem of juvenile drug use and legal approaches – Role of educational system, medical profession and mass media – Initiatives for compliance with regulatory system – Law reform initiatives.

Statutory Materials:


Select Bibliography:

1. J.A. Incard – Drugs and Criminal Justice System.

Second Year – Third semester
Paper – VIII: Privileged Class Deviance and International Crimes

1. Concepts of white collar – Sutherland’s definition – Critical analysis of the definition – Indian approach to socio–economic offences – Notions of privileged class deviance as providing a wider categorization of understanding Indian development – Forms of deviance – Official, professional and police deviance.


5. Crime against peace, crime against humanity and war crimes – Nuremberg trial, Tokyo trial and Eichmann’s trial – Principles evolved – international conventions.


Statutory Materials:

2. Indian Legislation relation to untouchability and suppression of immoral Traffic.
3. Documents relating to International Criminal Court.

Select Bibliography:

3. Surendra Nath & Bhargava – Political Corruption in India
5. Sutherland – White Collar Crime
7. Muller & Wise – International Criminal Law
8. Bassioni – A Treatise on International Criminal Law

Second Year – Fourth semester
Paper – IX: Comparative Criminal Law


Note: countries to be studied: India, England. U.S and France.

Select Bibliography:

1. Substantive Criminal Law
2. R.V. Kelkar – Criminal Procedure Code, 1973
3. Devlin – Criminal Prosecution in England
4. Esmein – History of Continental Procedure (Chapter 1 & II)
5. Coffey (Alam) – An Introduction to Criminal Justice System and Process
7. 14th & 41st Report of the Law Commission of India
8. Anglo American Criminal Justice – Karlon Delmov


Select Bibliography:

1. Oppenheim – International Law (Vol.1)
2. Oppenheim – Law of Peace
3. O’ Connel – International Law (Vols. 1 & 2)
5. Sorensen – A Manual of Public International Law
6. Brownlie – Principles of International Law

First Year – Second Semester
Paper – VI: International Relations and Law of Treaties

1. Sovereignty – Nationalism – Their evolution and operation.

2. Elements of national power – Geographic element, demographic element – Historical, Sociological, Psychological and economic element – Organization, administrative element – Military element and diplomacy as an element of power.


Select Bibliography:

1. L.F.R. Hartman – The Relations of Nations
2. H.J. Morgenthau – Politics among Nations
3. O. Wright – A Study of International Relation
4. Oppenheim – Law of Peace
5. O’ Connel – International Law (Vols. 1 & 2)
6. Brownlie – Principles of International Law

Second Year – Third Semester
Paper – VII: International Human Rights Law


5. Asian scenario – Need for a convention.
Select Bibliography:

1. Louis B. Son and Thomas Buergenthal – International Protection of Human Rights
2. A.H. Robertson – Human Rights in the World
3. Vallet – An Introduction to the Study of Human Rights
5. Moses Markowitz – The Politics and Dynamics of Human Rights
6. A.H. Robertson (ed.) – Human Rights in National and International Law
8. Alice Henkin – Himan Dignity: The Internationalization of Human Rights
12. Jorgel Domuguezetal – Enhancing Global Rights

Second Year – Third Semester
Paper – VIII: Human rights and the Indian Legal System

1. Human rights and the Indian Constitution & Human Rights and law enforcement agencies like officials of police, customs etc.
5. International move for protection of aboriginal rights – State and human rights Problems and perspectives & Human rights and higher judiciary.

Select Bibliography:
1. Louis B. Son and Thomas Buergenthal – International Protection of Human Rights
2. A.H. Robertson – Human Rights in the World
3. Vallet – An Introduction to the Study of Human Rights
5. Moses Moskowitz – The Politics and Dynamics of Human Rights
6. A.H. Robertson (ed.) – Human Rights in National and International Law
8. Alice Henkin – Himan Dignity: The Internationalization of Human Rights
12. Jorgel Domuguezetal – Enhancing Global Rights
13. Ayyar & Raja – Fundamental Rights

Second Year – Fourth Semester
Paper – IX: Comparative Constitution

The study of the Constitution of U.K., France and U.S.A. will be confined to The following areas:

1. Form of government
2. Executive, Legislative and judicial powers
3. Due process of law
4. Rights of the individual

Select Bibliography:
1. A.V. Dicey – An Introduction to the Study of the Constitution
2. Wade & Philips – Constitutional Law
3. G. Hood Philips – Leading Cases in Constitutional and Administrative Law
5. Dorothy Pickles – French Fifth Republic
8. Emerson & Haber – Political & Civil Rights in the United States
9. Sir Ivor Jennings – Law and the Constitution
10. William Finer – Comparative Governments
11. J.W. Peltasen – Understanding the Constitution

BRANCH – IV: BUSINESS LAW

First Year – First Semester=
Paper – III: Corporate Law

1. Impact of globalization liberalization and privatization upon Indian corporate laws - Scope of corporate laws in regulation the development of Indian economy – Principles of corporate governance and purpose of good corporate Governance – Corporate accountability – Corporate social responsibility – Scope of securities market in the development of Indian economy – Investment environment in India – Primary market, Secondary mutual funds, foreign Institutional Investors, venture capilists portfolio managers, Private Equity intermediaries, Regulatory institutions.

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3. The Depositories Act, 1996 – Meaning of depositories, depository participants, Beneficial owner, dematerialization of securities – Certificate of commencement of business under the Act – Rights and obligations of depositories, depository participants, issuers and beneficial owners – Powers of SEBI – Appeals to securities Appellate Tribunal and the Supreme Court.


Select Bibliography:

1. Data – On Company Law
2. Taxman’s – Companies Act
3. Pennington’s – Company Law
4. Avatar Singh – Company Law
6. K.S. Anandaraman’s Lectures – On Company Law and Competition Act
First Year – Second Semester

Paper – VI: International Trade Law


Statutory Materials:
Relevant UN Conventions, Protocol UNCITRAL texts.

Statutory Materials:

1. Schwarzberger – Economic World Order, Manchester University Press
3. Bandari Surendra – World Trade Organization and Developing Countries, Universal, New Delhi
4. Arun Goel – WTO in the New Millennium, Academy of Business Studies, New Delhi
7. Materials of AALCC, Regional Seminar on International Trade Law

Second Year – Third Semester

Paper – VII: Business Transactions & Economic Legislations


5. Sales Promotion, selling costs and law on advertising & Restrictive trade and unfair practice and the law.

Statutory Materials:
Second Year – Third Semester
Paper – VIII: Intellectual Property Law


Statutory Materials:

1. Patents Act, 1970
2. Patents (Amendment) Act, 1999
3. Trade and Merchandise Marks Act, 1958
4. Copyright Act, 1911
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1. W.R. Cornish – Intellectual Property
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Second Year – Fourth Semester
Paper – IX: Cyber Law


5. E – Commerce and contract through internet – Validity, scope, process and effect.

6. Cyber law and intellectual property.


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1. Information Technology Act, 2000
2. Information Technology (Certifying Authorities) Rules
3. The Cyber Regulations Appellate Tribunal (Procedure) Rules
4. Relevant provisions of IPC, IEA & Cr, P.C
5. Communications Convergence Bill

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