UNIVERSITY OF RAJASTHAN
JAIPUR

SYLLABUS

Faculty of Law

LL.M (General)

Semester Scheme

I/II Semester Examination 2017-2018
III/IV Semester Examination 2018-2019

Dr. Registrar
Academic
University of Rajasthan, Jaipur
Master of Laws
Semester Scheme
2017-18 & 2018-19

Course Category:
CCC: Compulsory Core Course
ECC: Elective Core Course

Abbreviations:
L: Lecture
T: Tutorial
P: Practical & Other
EoSE: End of Semester Examination
C.A.: Continuous Assessment

Dr. Registrar
Academic
University of Rajasthan, Jaipur
Program Administration

1. The medium of instruction and examinations is English & Hindi both.
2. There will be a component of continuous assessment (C.A.) as per University rules. this will be conducted by the Department under supervision of the Head. The SGPA for this continuous evaluation will be determined as per University rules and guidelines.
3. No candidate shall be considered to be eligible to pursue End of Semester Examinations (EoSE) unless he/she passes the Continuous Internal Assessment with 25% marks. Continuous Internal Assessment will consist of Written Test (weightage 70 marks) and Viva-Voce (weightage 30 marks).
4. The rules of passing, readmission and EoSE (end of semester examination) will be as per University rules and guidelines.
5. No candidate shall be considered to have pursued a regular course or study unless he/she is certified by the Head of the Department to have attended 75% of the total number of lectures, tutorials, seminars and case discussions in each year during the course of study.
6. Promotion from one semester to another will be as per University rules.
7. The CGPA (of EoSE) will be determined as per University rules and guidelines.
8. Each paper carries maximum 100 marks.
9. In I and II Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC).
10. In III and IV Semester three papers are compulsory papers (CCC) and three papers are Elective Paper (ECC) in every branch. Students will be allotted one branch from available branches in Semester III.

A candidate has to earn minimum 30 credits per semester course (i.e. 120 credits in four semesters), but he/she cannot earn more than 60% credits in Compulsory Core Courses (CCC) and has to secure rest of 40% credits from the Elective Core Courses (ECC) (i.e. minimum 72 credits from Compulsory Core Courses in four semesters and minimum 48 credits from Elective Core Courses in four semesters out of total 144 credits).
# Master of Laws

**LL.M. (General)**

## Semester - I (LL.M.)

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<th>S. No.</th>
<th>Sub. Code</th>
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* New Elective Paper Introduced

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* New Elective Paper Introduced

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Dr. Registrar
Academic
University of Rajasthan, Jaipur
Syllabus

LL.M. (General) Semester - I

Paper 1 : LLM 1011-Legal Theory - I

1. Jurisprudence:
   (i) Definitions, Nature and Scope
   (ii) Importance of Jurisprudence
   (iii) Relation between Law and Morality
   (iv) Schools of Jurisprudence:
       - Positivism
       - Analytical School - John Austin, Kelsen - Pure Theory of Law, H.L. Hart
       - Historical School - Von Savigny, Henry Maine
       - Sociological school - Ihering, Ehrlich, Roscoe Pound - Social engineering
       - American Realism - Justice Cardozo, Justice Holmes
       - Natural School - Theological school to revival of nature law.
       - Feminist Jurisprudence.

2. Nature of Law
   (i) Definitions. Austin, Salmond, Holland, Gray, Hart

3. Sources of Law and its Meaning
   (i) Custom, Kinds, Tests of particular legal custom; importance of customs, theories of customary laws.
   (ii) Precedent, kinds, Ratio decidendi, Obiter dicta; declaratory theory of precedent, judge-made law theory - Article 141 - Constitution of India
   (iii) Legislation: kinds, comparison between legislation and other sources of law

Suggested Readings:
1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in the Making
4. Holland : Jurisprudence
5. Salmond : Jurisprudence
7. Julius Stone : The Province & Function of Law
8. Pound : An Introduction to the Philosophy of Law
9. Goodhart : Modern Theories of Law
10. Vinegradoff : Common sense in Law
12. Goodhart : English Law and the Moral Law
13. Friendmann : Legal Theory
15. Henry Maine : Ancient Law
16. Dias : Jurisprudence
17. Dhyani, S.N. : law, Morality and Justice Indian Development
18. Lon Fuller : Morality of Law
19. Hart HLA : The Concept of Law, 1961
22. Julius Stone : Social Dimensions of Law and Justice
23. Julius Stone : Legal System and Lawyers Reasoning
24. Lloyd : Introduction to Jurisprudence
25. John Rawls : Theory of Justice
26. Finch : Introduction to Legal Theory
27. Dworkin : Law and Revolution

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Academic
University of Rajasthan, Jaipur

The Constitution of India is an organic, developing and changing system established over five decades ago. Through the years it has been in force the constitutional law enacted through the Constitution has shown adaptability to the changing new social order and the institutions of national life. The processes of judicial interpretation precedents, amendment, conventions, political change have interacted to provide necessary catalysts for growth of the constitutional jurisprudence. The paper encourages the post graduate student to study, analyze and articulate the essential features and principles, rules of the basic frame work of the constitutional system.

I. Basic Framework : Essential features:
   2. Indira Gandhi V. Raj Narain, A.I.R. 1975 S.C. 2299

II. Quasi Federalism :

III. Fundamental Rights, Duties and Directive Principles:

Equality
   2. In-re-Reference Special Bill, A.I.R., 1979, S.C. 585

Freedom of Speech, Expression (Press)
   2. K.A. Abbuse v. Union of India A.I.R., S.C. 481

Personal Liberty :

Religious Freedom :
Minority Rights: Cultural & Educational


Property:

Article 300A

Suggested Readings:

2. Jain M.P.: Constitutinal Law, N.M. Tripathi Ltd.
7. Kagzi M C J: Kesavananda's Case
8. Basu: Shorter Constitution of India
9. Ville Austin: Indian Constitution
10. Ville Austin: Cornerstone of a Nation
11. Anville Williams: Working a Democratic Constitution-The Indian Experience

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University of Rajasthan, Jaipur
Paper III: LLM 1013-Legal Research Methodology - I

Part I General
i. Nature and Scope of Legal Research
ii. Formulation of research problem
iii. Survey and legal research
iv. Research design: Facts and hypothesis, problem of objective

II Methodology
i. Methodological orientation and logic of enquiry
ii. Dialectic materialism
iii. Comparative Methods
iv. Historical method
v. Analytical method
vi. Field work
vii. Inductive and deductive methods
viii. Other research methods

Suggested Readings:

1. S.K. Agarwal, Legal Education in India (1973)
2. N.P. Madhava Menon, A handbook of clinical legal education
3. M.O. Price, Elective legal research
4. Pauline V.Y., Scientific social survey and research
5. Payne, The art of asking questions
6. Erwin C. Surrency, A guide to legal research
7. Morris L. Cohan, Legal research in nutshell
8. ILI Publication, Legal research and methodology
9. R.M. Deepak Kumar, Social Research Methodology
10. Jaya Prakash, Research Methodology
11. H.N. Tiwari, Legal Research methodology
12. C.R. Kothari Research Methodology, Methods and Techniques

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Paper IV : LLM 1014 Law and Social Transformation in India - I

1. Law and Social Change
   (a) Law as an instrument of social change: A jurisprudential discussion
   (b) Law as a mean of social change: A theoretical perspective
   (c) Relation of Law with social change
   (d) Impact of social movements on social changes

2. Religion and the Law
   (a) Religion: Meaning and Relationship with Law
   (b) Religion as an integrative or divisive factor
   (c) Secularism: Meaning and its contribution in Indian Society
   (d) Religious minorities and the Law
   (e) Concept of National Integrity and brotherhood

3. Language and the Law
   (a) Language as an integrative or divisive factor
   (b) Formation of Linguistic States and its impact on policy in Governance
   (c) Language policies and the Constitution
   (d) Constitutional Protection to the Linguistic minorities
   (e) Non-discrimination on the ground of language

4. Community System and the Law
   (a) Caste system in Indian society
   (b) Caste as an integrative or divisive factor
   (c) Non-discrimination on the basis of Caste
   (d) Reservation policy for Schedule Caste, Schedule Tribes and other backward classes as a protective discrimination

Suggested Readings:

4. Duncan Derret, The State, Religion and Law in India, 1999
7. Savitri Gunasekhare, Children, Law and Justice (1997), Sage

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1. Benthamite Approach

1. Principles of Legislation:
   (a) The Principle of Utility
   (b) The Different Kinds of Pleasure and Pain.
   (c) Pain and Pleasures considered as Sanctions.

2. Principles of the Civil Code
   (a) Rights and Obligations
   (b) Ends of Civil Law.

3. Rights and Obligations attached to several private conditions
   (a) Master and Servant
   (b) Of Slavery
   (c) Guardian and Ward
   (d) Father and Child
   (e) Of Marriage

4. Principles of the Penal Code
   (a) Classification of Offences
   (b) The Influence of Motives upon the Greatness of Alarm
   (c) Ground of Justification

5. Of Punishment
   (a) The Kinds of Punishments
   (b) Justification of Variety in Punishment
   (c) Of the Pardoning power

6. Indirect Means of Preventing Offences
   (a) Indirect means of preventing the Wish to Commit Offences
   (b) To Satisfy certain desires without injury or with the Least Possible Injury
   (c) To Facilitated Knowledge of the Fact of an Offence
   (d) To Prevent Offences by giving to many Persons an Interest to Prevent them.
   (e) Employment of the Motive of Honour or the Popular Sanction
   (f) Means of Diminishing the bad effects of Offences

II. Dicey on Legislation and Public Opinion
   (a) Relation between Law and Public Opinion
   (b) Democracy and Legislation
   (c) Three Main Currents of Public Opinion
   (d) The Period of Benthamism and Individualism
   (e) Counter-Currents and Cross-Currents of Legislative Opinion
   (f) Judicial Legislation

Suggested Readings:

1. Bentham : Theory of Legislation
3. Dicey : Law and Public Opinion in England
4. Illibert : Legislative methods and Forms
5. Illibert : Mechanism of Law making
Syllabus
LL.M. (General) Semester -II

Paper I : LLM 2011- Legal Theory - II

Concept of Law
1. Rights and Duties:
   Rights and Duties : Nature of rights and duties, correlation of rights and duties, kinds of Rights and Duties,

2. Property
   Property : definition and kinds

3. Negligence
   Negligence : Criminal liability

4. Ownership and Possession
   (i) Meaning of Ownership, kinds, definitions ; Austin and Salmond
   (ii) Relation between Ownership and Possession
   (iii) Importance of Possession : Elements of Corporeal possession and problems.
   (iv) Theories of Possession : Salmond and Savigny

5. Person
   (i) Nature of Personality : Kinds, corporate personality and its kinds.
   (ii) Theories of Corporate personality
   (iii) Problems of legal persons and punishment.

6. Administration of Justice
   Civil and Criminal justice system

Suggested Readings:

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in the Making
4. Holland : Jurisprudence
5. Salmond : Jurisprudence
7. Julius Stone : The Province & Function of Law
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24. Ulyod : Introduction to Jurisprudence
25. John Rawls : Theory of Justice

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1. Union/State Constitution

2. The President and the Council Minister:
   i. S.K. Singh v. V.V. Giri, A.I.R., 1970 S.C. 2097

3. Parliament
   iv. In re-Delhi Laws Act, A.I.R. 1951,332

4. The Judiciary, Supreme Court:

5. Inter-state Trade, Commerce:

6. Emergency:
   i. Rao Birendra Singh v. Union of India, A.I.R. 1958, P & H 441

7. Constitutional Power : Amendments

---Suggested Readings---

5. D.D. Basu: Commentaries on the Constitution of India
6. Kagzi M C J. Kesavananda's Case
7. Basu: Shorter Constitution of India
8. Ville Amst. Indian Constitution
9. Ville Amst: cornerstone of a Nation
10. A.P. & N. Basu: Writing the Constitution : The Indian experience
Paper III: LLM 2013-Legal Research Methodology-II

Part I Techniques of Data Collection
i. Types
ii. Sources
iii. Techniques of data collection observation, interview, questionnaire interview schedule
iv. Case study method
v. Content analysis
vi. Data analysis: Classification, tabulation, graphic representation

Part II
i. Analysis of data-Processing of data-classification of data
ii. Interpretation of data-Necessity of interpretation-Methods of interpretation

Suggested Readings:

1. S.K. Agarwal, Legal Education in India (1973)
3. M.O. Price, Elective legal research
4. Pauline V. Y., Scientific social survey and research
5. Payne, The art of asking questions
6. Erwin C. Surrency, A guide to legal research
7. Morris L. Cohan., Legal research in nutshell
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11. H.N. Tiwari, Legal Research methodology
12. C.R. Kothari Research Methodology, Methods and Techniques

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1. Nationalism, Regionalism and the Law
   (a) Concept of Nationalism and Regionalism and Nationality
   (b) Regionalism as an integrative or divisive factor
   (c) Concept of India as one unit
   (d) Concept of Citizenship : Ways to gain and loss the citizenship

2. Children, Women and the Law
   (a) Status of Children and Women in Indian Society
   (b) Crime against Children and Women
   (c) Gender Justice : Forms, causes and remedies
   (d) Constitutional Provisions for Children and Women
   (e) Sexual exploitation of Children and Women

3. Modernization and the Law
   (a) Modernization of social institutions through Law
   (b) Reforms of Family Law
   (c) Environmental Protection through Modernization
   (d) Reforms of Court Process
      (i) Criminal Law : Plea bargaining, compounding and payment of compensation to the victim
      (ii) Civil Law : (ADR) Confrontation v. Consensus, mediation and conciliation and Lok Adalat

4. Alternative Approaches to Law
   (a) Modern Indian Approaches : Swami Vivekanand, M.K. Gandhi, Dr. B.R. Ambedkar and Jai Prakash Narain
   (b) Indian Marxist critique of Law and Justice
   (c) Nexalite movement : Causes and cure

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7. Savitri Gunasekare, Children, Law and Justice (1997), Sage
I. Legislative Methods:

II. Interpretation:

1. Law Making Roles of the Legislature and the Judiciary
   - Interpretation as Complementary Law Making
   - Reconstructing and Constructing the Law
2. Relation between the Executive and the Legislature
3. Techniques, Tools and Rules of Interpretation
   - Presumptions
   - Rules of Interpretation
   - Internal Aids to Interpretation
   - Retrospective Operation of Statutes
   - Maxims Used to aid Interpretation
   - External Aids to Interpretation
4. The Contextual Dimension of Interpretation
   - General and Special Statutes
   - Interpretation of Fiscal Statutes
   - Interpretation of Penal Statutes
   - Interpretation of Constitution
5. Precedents and Interpretation

Suggested Readings

1. Maxwell : The interpretation of Statutes
2. Beal : Rules of Interpretation
3. Odges : Interpretation of Statutes
4. Narasimhan : Interpretation of States in British, India
5. Wignore : Panorama of World Legal System
6. Eraskine May : Parliamentary Practice
7. Prof. T. Bhattacharya : Interpretation of Statutes
10. Caries : Statute Law
11. G.P. Singh : Principles of Statutory interpretation
12. Bindra, N.S. : Interpretation of Statutes
13. Swaroop Jagdish : Legislation and Interpretation

Paper VI : LLM 2016 - Recent Legal Development and Cases -II
(Viva-Voce Examination and Project Work)
Master of Laws

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# Specialization Clusters

A. CONTRACT, BUSINESS & CORPORATE LAW (CBC)
B. TORT & CRIME (TC)
C. PERSONAL LAW (PL)
D. CONSTITUTIONAL LAWS (CL)
E. INTERNATIONAL LAW (IL)
F. LABOUR LAW (LL)

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<td>Contemporary forms of Crime</td>
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<td>LLM B 1004</td>
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<td>LLM V 1001</td>
<td>Labour Law and Labour Management in India and Industrial Adjudication Part I</td>
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<td>International Labour Organization, Central Organization of Trade Unions: Indian Tripartite System-I</td>
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<td>Recent Legal Developments in Labour Law (Viva-Voce Exam. &amp; Project work)</td>
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<td>LLM F 1007</td>
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<td>International Labour Organisation, Central Organisation of Trade Unions: Indian Tripartite System-II</td>
<td>ECC</td>
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<td>LLM F 1012</td>
<td>Industrial Psychology</td>
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Syllabus
LL.M. (General) Semester -III

Branch-I : Corporate, Business and Contractual Laws

Paper I - (LLM A1001) General Principles of Contract-I

Section 1 to 36 - Indian Contract Act, 1872

Suggested Readings:
1. Leake : Contract
2. Pollock: Indian Contract and Specific Relief Acts
5. Odgers : Introduction to the Law of Contract
7. Pollock & Mulla : Indian Contract and Specific Relief Acts
8. Treitel-Law of Contracts
11. Avtar Singh - Law of Contract

Paper II - (LLM A1002) Special Contracts-I

(a) Indian Contract Act, 1872 Section 124 to end
(b) Indian Partnership Act, 1932

Suggested Readings:
2. Blackburn : On Sale
3. Beal : The Law of Bailments
4. Story : Bailments
6. Lindley : partnership
8. Desai : Contracts Sale of Goods and partnership
10. Dutt : Law of Contract

Paper III (LLM A1003) Corporate Law-I

Corporate Personality, Registration & Incorporation Memorandum of Association, Articles of Association, Prospectus, Promoters, Shares, Share Holders & Members, Share Capital Dividends, Accounts & Audit, Borrowing, Lending, Investments and Contracts, Debentures.

Suggested Readings:
1. K.M. Gosh : Indian Companies
2. Palmer on Company Law
3. Gower : Principles of Company Law
4. Dutt : Company Law
Paper IV (LLM A1004) Law Relating to Negotiable Instrument

Negotiable Instrument Act, 1881

Suggested Readings:
1. Byles : Bill of Exchange
2. Chalmers: Negotiable Instrument
3. Bhashyam and Adiga : The Negotiable Instrument Act
4. Legal and e-commerce Environment Today
5. Sen Gupta : Negotiable Instrument Act

Paper V - (LLM A1005) Commercial Arbitration

Objective: To provide the knowledge of procedure of commercial arbitration and arbitral award, and to train students in handling arbitration issues.

Historical Background of the Arbitration
Existing justice delivery system in India: effectiveness and weaknesses, Reform in the legal system for achieving effective and speedy resolution of disputes. Historical background of the arbitration and arbitration agreements.

Conduct of Arbitral Proceeding
Composition and jurisdiction of arbitral tribunal, Conduct of arbitral proceeding, Making of arbitral award and termination of proceedings.

Arbitral Award and Appealable Awards
Recourse against arbitral award, Finality and enforceability of arbitral award, Appealable orders and miscellaneous provisions.

Foreign Arbitral Awards
Provisions regarding foreign awards and their enforcement.

International Commercial Arbitration
Meaning and development
Types of Laws applicable in ICA
Autonomy of Arbitration Agreement
Recognition and enforcement

Act and Statute (As Amended)
1. The Arbitration and Conciliation Act, 1996
2. The Arbitration and Conciliation (Amendment) Act, 2015
3. UNCITAL modal law on International Commercial Arbitration

Reference Books
3. Malik, S.B.; Commentary on Arbitration and Conciliation Act; Universal Publication
4. Mustill, Michael J.; Commercial Arbitration; LexisNexis
5. Acharya N.K.; Law Relating to Arbitration and ADR; Asia Law House
7. Markanda, P.C.; Law relation to Arbitration and Conciliation; Wadhwa Publication
8. Paranjohe, Dr. N.V.; Law Relating to Arbitration and Conciliation in India; Central Law Agency
10. शेख अज़ादर: माध्यम, सुलह एवं अनुकूलित विवाद निपटान विधि, इंस्ट्रुक्टर बुक कंपनी
11. लाहौरी, रमेश चन्द्र, न्यायमूर्ति: माध्यम एवं सुलह विधि, वाशवा प्रकाशन
LL.M. (General) Semester - IV

Paper I - (LLM A1007) - General Principles of Contract-II

Section 37 to 75 of Indian Contract Act, 1872.

Suggested Readings:
1. Leake : Contract
2. Pollock : Indian Contract and Specific Relief Acts
5. Ogders : Introduction to the Law of Contract
7. Pollock & Mulla : Indian Contract and Specific Relief Acts
8. Treitel : Law of Contracts

Paper II - (LLM A1008) Corporate Law II


Suggested Readings:
1. K.M. Gosh : Indian Companies
2. Palmer on Company Law
3. Gower : Principles of Company Law
4. Dutt : Company law

Paper III - (LLM A1009) Dissertation

Paper IV - (LLM A1010) Special Contract II

(a) Limited Liability Partnership Act, 2008
(b) Sale of Goods Act 1930

Suggested Readings:
2. Blackburn : On Sale
3. Beal : The Law of Bailments
4. Story : Bailments
6. Lindley : partnership
8. Desai : Contracts Sale of Goods and partnership
10. Dutt : Law of Contract
Paper V - (LLM A1011) Law Relating to Bankruptcy

Origin and History of Bankruptcy Law in India, Definitions; Basic Principles, Applications: Insolvency Resolution and Bankruptcy Process for Corporate Persons, Partnership Firm. Individuals; Insolvency and Bankruptcy Board of India, Regulation of Insolvency Professionals, Agencies and Information utilities.

Act : The Insolvency and Bankruptcy Code, 2016

Suggested Readings :

1. Khatavkar Pranav ; Commentary on the Insolvency and Bankruptcy Code, 2016 (CURRENT PUBLICATIONS).
3. Mulla ; The Law of Insolvency in India (Lexis Nexis).

Paper VI - (LLM A1012) Competition and Consumer Protection Laws

Objective: To impart the basic knowledge of competition law and anti-competitive practices adopted in the commercial world.

SYLLABUS
Basic Principles of Competition Law
Definition of Competition and Competition Law, Relevant provisions of Sherman’s Act, Aims and objects of the Competition Act, 2002 and its relationship with the Monopolies and Restrictive Trade Practices Act, 1969, Raghavan Committee Report, Definition and meaning of acquisition, agreement, consumer, enterprise, person, and service, WTO Agreements and the Competition Act.

Anti-Competitive Agreements, Abuse of Dominant Position and Regulation of Combinations

Competition Commission of India
Establishment, Composition, Powers, Duties and functions, Distribution of business amongst Commission and benches, Jurisdiction of benches and procedure for adjudication, Penalties for offences under the Competition Act, 2002.

Other Related Issues
Competition Advocacy, Advertisement and Competition law, IPRs and Competition, Educational initiative and other contemporary issues.

Consumer Protection Act, 1986 and its Applicability to Competition Law
Definition of Consumer, Definition of Service, Deficiency in Service, Unfair Trade Practices, Overlapping Areas

Acts and Statutes (As Amended)
1. The Sherman Antitrust Act, 1890
2. The Clayton Antitrust Act, 1914
4. The Competition Act, 2002
5. The Reports of Competition Commission of India

Text Books
1. Aggarwal, V K; Consumer Protection: Law and Practice; Bharat Law House
2. Dugar, S M; Commentary on the MRTP Law, Competition Law and Consumer Protection Law; Lexis Nexis

Reference Books
1. Ramappa, T; *Competition Law in India: Policy, Issues and Development*; Oxford University Press
2. Viswanathan, Suresh T; *Law and Practice of Competition Act, 2002*; Bharat Law House
4. Talati, Adi P. and Mahala, Nahar S.; *Competition Act, 2002: Law, Practice and Procedure*; Commercial Law Publisher

**Select Case Laws**

1. Competition Commission of India v. Steel Authority of India Ltd. [Civil Appeal No.7779 of 2010, decided on 9th September 2010]
5. Hoffmann-La Roche and Co. AG v. Commission [(1979) 85/76 ECR 461]

**Note**: The above list is illustrative and not exhaustive. The updated case laws will be discussed.
Syllabus

Branch-II : Tort and Crime
(Semester - III)

Paper I - (LLM B1001) General Principles of Torts

Definition and nature; foundation of tortuous liability; general conditions of liability in tort: mental elements in law of torts; general exceptions to liability in tort; discharge of tort; remedies for torts; doctrine of remoteness of damages and nervous shock; joint tort feasors and vicarious liability.

Suggested readings:

2. Street : Torts
3. Pollock: on Torts
4. Salmond: The law of Torts
7. Restatement of the Law of Torts
9. Ramaswami Iyer: The Law of Torts
11. Dias & Markensisis : Tort Law
13. Row C.M. : Lawa of Damages and Compensation
15. Charlesworth: Negligence
16. Daret: Laaw of Nuisance
Elements of Crime: Mens rea; Actus reus
Stages of Crime: Mental and Physical
General Explanations: Section 6 to 52A
Of Punishment: Section 53 to 75
General Exceptions: Section 76 to 106
Of Abetment: Section 107 to 120
Criminal Conspiracy: 120A and 120 B
Offences against State: Section 121 to 124A of I.P.C.
Offences against Public Tranquillity and Joint Liability: Section 34 to 38, 141, 142, 143 and 149, 146, 147, 156, 159
Counterfeiting of coins and currency: Section 230, 231, 232
Offences against Morality.

Suggested Readings:

1. Bhattacharya T.B. Indian penal Code
2. Harris: Principles & Practice of the criminal Law
5. Raghvan: Law of Crimes
7. Gaur: Penal Law of India
8. Gaur K.D.: Criminal Law Cases and Material
Paper III - (LLM B1003) Contemporary forms of Crime

White Collar Crime
(i) Definition, Nature and Scope
(ii) Theories of White-Collar Crimes
(iii) Causes of White-Collar Crimes
(iv) Types of White-Collar Crime
(v) Combative Measures

Organized Crime
(i) Definition, Scope & Characteristics of Organized Crime
(ii) Classification of Organized Crimes
   - International Perspective
   - Indian Perspective
(iii) Legislative Provisions
   - Indian Laws
   - International Laws
(iv) Prevention and control strategies

POCSO, 2012
(i) Prevention of Children from Sexual Offences Act, 2012

Suggested Readings:
- C.K. Gandhirajan : Organised Crime
- P.M. Nair : Combating Organized Crime
- Girish Mishra : White-Collar Crimes
- N.V. Paranjpe : Criminology
Paper IV - (LLM B1004) Comparative Criminal Procedure

Organization of Courts and Prosecuting Agencies: Hierarchy of Criminal Courts and their Jurisdiction, Nyaya Panchayats in India, Panchayats in tribal areas, Organization of Prosecuting agencies for prosecuting criminal cases: prosecutors and the police, withdrawal of prosecution.

Preventive Measures in India: Provisions in the Criminal Procedure Code, Special enactments, Public Interest Litigation: Directions for Criminal Prosecution.

Pre-trial Procedures: Arrest and questioning of the accused. The rights of the accused. The evidentiary value of statements/articles and the judicial officer in the Police, Right to counsel, Roles of the prosecutor system of trial and the inquisitorial system, role of the judge, the prosecutor or and defense attorney in the trial. Admissibility and inadmissibility of evidence, expert evidence, Appeal of the Court awarding appropriate punishment, plea-bargaining.

Suggested Readings:

1. Ceylia Hampton: Criminal Procedure
2. Wikins and Cross : Outline of the Law of Evidence
4. Sankar : Law of Evidence
5. K.N. Chandrasekhran Pillai (ed): R.V. Kelkar’s : Outlines of Criminal Procedure
6. Patric Devlin : The Prosecution in England
   Joel Samaha
Paper - V (LLM B1005) Law Relating to Rehabilitation and Treatment of Offenders-I


Suggested Readings:

5. Law Commission of India, Forty-Second Report, Ch. 3 (1971)

Paper - VI (LLM B1006) Recent Legal Development in Tort & Crime
(Viva-Voce Examination and Project Work)
LL.M. (General) Semester - IV
Paper - I (LLM B1007) Specific Wrongs

1. Negligence, Contributory Negligence
2. Defamation
3. Strict and Absolute liability
4. Nuisance
5. Assault Battery False imprisonment
6. Tort of Malicious Abuse of Legal Process
7. Tort Relating to immovable
8. Tort Relating to Movable Property
9. Tort Affecting contractual and Business Relations
10. Tort of Injurious falsehood.

Suggested readings:

2. Street : Torts
3. Pollock: on Torts
4. Salmond: The law of Torts
7. Restatement of the Law of Torts
9. Ramaswami Iyer: The Law of Torts
11. Dias & Markensisis : Tort Law

Paper - II (LLM B1008) Law Relating to Specific Offences under the Indian Penal Code

Offences against human body, offences against human property; offences against marriage; offences relating to defamation.

Suggested Readings:

1. Bhattacharya T.B. Indian penal Code
2. Harris : Principles & Practice of the criminal Law
5. Raghvan : Law of Crimes
7. Gaur : Penal Law of India
8. Gaur K.D. : Criminal Law Cases and Material

Paper - III (LLM B1009) Dissertation
Paper-IV (LLM B1010) Law Relating to Rehabilitations and Treatment of Offenders-II

Punishment: Constitutionality of Capital Punishment, Judicial Attitudes through the statute law and case law towards capital punishment in India-An inquiry, Law Reforms Proposals.

Approaches to Sentencing: Alternatives to Imprisonment Probation, Corrective Labour, Fines, Collective fines, Reparation of the offenders by the court.

Sentencing: Principle to sentencing, Main types of sentences in the Panel Code and Special laws, sentencing for white collar crime, Pre-sentence hearing, sentencing for habitual offender, summary punishment, plea bargaining.

Suggested Readings:

12. Law Commission of India, Forty-Second Report, Ch. 3 (1971)

Paper-V (LLM B1011) Law Relating to Special Penal Legislations Relating to Women

- Dowry Prohibition Act,
- Protection of Women on Domestic Violence Act,

Dr. Registrar
Academic
University of Rajasthan, Jaipur
Cyber Crime
(i) Meaning, Definition, Nature of Cyber Crimes
(ii) Classification of Cyber Crimes
(iii) Statutory Laws pertaining to Cyber Crimes in India
(iv) Cyber Crime Prevention measures and Data Safety.

Contemporary Investigative Techniques and Evidence
(i) Deception Detection Tools
   a. Narco-Analysis Test
   b. Brain Mapping
   c. Polygraph Test
(ii) DNA Profiling
(iii) Fingerprint Analysis
(iv) Electronic Evidences
(v) Evidentiary Value

Suggested Readings
- M. Rakesh : Computer Crimes : Concept, Control and Prevention
- Karnika Seth : Computers, Internet and New Technology Laws.
- Anirudh Rastogi : Cyber Law
- Garima Tiwari : Understanding Cyber Laws and Cyber Crimes
- R.K. Chaubey : Cyber Crime and Cyber Law
- B.R. Sharma : Forensic Science in Criminal Investigation and Trials.
- Modi & K. Kannan : A Textbook of Medical Jurisprudence and Toxicology
Syllabus

Branch-III : Personal Law
(Semester - III)

Paper-I (LLM C1001) Hindu Jurisprudence and Law Relating to Joint Family

Sources, Schools and Application of Hindu Law; Coparcenary, Coparcenary Property, its Incidents, Management and Alienation – Karta and its Powers; Partition; and Religious and Charitable Endowments.

Suggested Reading:
1. Raghvachariar : Hindu Law
2. Sahary H.K. : Law of Marriage and Divorce
3. Paras Diwan : Modern Hindu Law
4. Mitra Principles of Hindu Law
5. Mulla : The Principles of Hindu Law
6. G.S.S. Sastri and Bhular : Hiindui Law
7. Manu's Institutes : Chapter i, III, VII, VIII and IX (Sacred Books of the East)
8. Yagnavalkya Smriti with Mitakshara, Book I, II, III
9. Vyasahara Majukha
10. Smriti Chandrika
11. The Dayabagha
12. P.V. Kane : History of Dharmasastras
13. Ganganath Jha : Hindu Law in its Sources
14. Maynes : Treatise on Hindu Law and Usage
15. West and Bhuler : Hindu Law
17. Sharma B.K. : Law of Divorce
18. Kesri U.P.D. : Hindu Law

Paper-II (LLM C1002) Gender Justice Hindu Law Relating to Adoption and Maintenance

Adoption: Its meaning, nature and essential conditions and effects.


Suggested Reading:
1. Paras Diwan : Modern Hindu Law
2. Mitra : Hindu Law
3. Mulla : The Principles of Hindu Law
4. Dattak Mimansa
5. Dattak Chandrika
6. G.S.S. Sastri and Bhular : Hindu Law
7. Ganganath Jha : Hindu Law in its sources
8. Mynes : Treatise on Hindu Law & Usage
9. West & Bhuler : Hindu Law
10. Derrett Duncan : Essay on classic and Modern Hindu Law
11. V. A. Venkatachalam : Hindu Law and Practice in Marriage, Adoption and Stray
Paper-III (LLM C1003) Muslim Jurisprudence and Matrimonial Laws

Various phases and development of Muslim Law; sources, schools and application of Muslim Law. Marriage; Dower; Dissolution of marriage; Guardianship and Custody of minor children; Acknowledgement of paternity and Legitimacy of Children.

Suggested Reading:

1. Tyabji: Mohammedan Law
2. Ameer Ali: Mohammedan Law
3. Abdur Rahim: The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar: Mohammedan Law
5. B.R. Verma: Mohammedan Law
6. Mulla: Mohammedan Law
7. Fyze AAA: outlines of Mohammedan Law
8. Schacht: Islamic Jurisprudence
9. Tahir Mehmood: Muslim Law

Paper-IV (LLM C1004) Personal Laws relating to Indian Christian, Parsi and Jews

The Indian Christian Marriage Act, 1872; Indian Divorce Act, 1869; Parsi Marriage and Divorce Act, 1936. Customary Laws of the Jews relating to marriage and Matrimonial causes.

Suggested Reading:

1. Commentaries and cases of the Supreme Court and High Court of India
3. Desai Kumud: Indian Law of Marriage and Divorce
4. Beri B.P.: Law of Marriage and Divorce in India
5. Relevant Legislative Enactments

Paper-V (LLM C1005) Contemporary Laws, Issues & Comparative Muslim Law - I

I. Contemporary Laws and their relevancy in Personal Law.
   (i) Anand Marriage Act, 1959
   (ii) Arya Marriage Validation Act, 1937
   (iii) The Prohibition of Child Marriage Act, 2006
   (iv) Dowery prohibition Act, 1961

II. Contemporary Issues and their relevancy in Personal Law.
   (i) Live-in-Relationship.
   (ii) Uniform Civil Code
   (iii) Marriage Offences in Foreign countries.

III. Comparative Muslim Law: South Asia (India, Pakistan, Bangladesh) and Britain
   (i) Application of Muslim Law.
      Definition of Muslim and legal strategies in South Asia and Britain
      Women's Rights
(iii) Polygamy
- Muslim Polygamy in South Asia
- Polygamy in Britain

(iv) Dissolution of Marriage
- Muslim divorce Law in South Asia
- Muslim and divorce in Britain

Suggested Reading:

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyze AA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law
10. David Pearl & Werner Menski : Muslim Family Law.
11. Prof. Kusum : Family Law Lectures
12. Prof. Poonam Pradhan : Family Law Lectures
13. Raj Bhala : Islamic Law

Paper-VI (LLM C1006) Recent Legal Development in Personal Law
(Viva-Voce Examination and Project Work)
LL.M. (General) Semester - IV

Paper-I (LLM C1007) Un-Codified and Codified Hindu Law relating to Marriage

Nature of Hindu Marriage; Essential Conditions and Solemnization of a valid Hindu Marriage; Nullity of Marriage Restitution of Conjugal Rights, Judicial Separation and Divorce- its various theories and grounds; Maintenance a pendent and Permanent Alimony.

Suggested Reading:

1. Raghvachair : Hindu Law
2. Saharary H.K. : Law of Marriage and Divorce
3. Paras Diwan : Modern Hindu Law
4. Mitra : Principles of Hindu Law
5. Mulla : The Principles of Hindu Law
6. G.S.S. Sastri and Bhular : Hindu Law
7. Manu’s Institutes : Chapter I, III, VII, VIII and IX (Sacred Books of the East)
8. Yagnavalkya Smriti with Mitakohara; Book, I, II, III
9. Vyarahara Majukha
10. Smriti Chandrika
11. The Dayabhaga
12. P.V. Kane : History of Dharmasastras
13. Ganganth Jha : Hindu Law in its sources
14. Sankhla U.C. Fundamental of Divorce Law
15. Majnes : Treatise on Hindu Law and Usage
16. West & Bhuller: Hindu Law
17. Derrett Ducan : Essays on Classic and Modern Hindu law; and Death of a Marriage Law
19. Tagore Law Lecture on Marriage, Adoption and Stridhana
20. Sen, P.N. : Hindu Jurisprudence
23. Kesri UPD : Hindu Law

Paper-II (LLM C1008) Hindu Law relating to Minority, Guardianship and Succession

Minority and Guardianship- Definition of Hindu Minor and Guardianship; Kinds and Powers of Guardians

Succession, Meaning of Succession, Devolution of Mitakshasa Coparcener Property. Succession in respect of the separate property of a Male Hindu during intestate- Heirs and Distribution of property among them. Hindu Women Property; Succession in respect of Female Hindu during intestate. Heir and Distribution of Property among them; General Rules relating to succession and Disqualification of heirs.

Suggested Reading:

1. Paras Diwan : Modern Hindu Law
2. Mitra : Hindu Law
3. Raghvachair : Hindu Law
4. Dattak Mimansa
5. Dettak Chandrika
6. G.S.S. Sastri and Bhular: Hindu Law
7. Ganganath Jha: Hindu Law in its sources
8. Majnes: Treatise on Hindu Law and Usage
9. West & Bhuller: Hindu Law
10. Derrett Duncan: Essays on classic and Modern Hindu Law
11. All Acts of the Indian Legislature
12. Tagore Law Lectures on Marriage Adoption and Stridhana

Paper-III (LLM C1009) Dissertation

Paper-IV (LLM C1010) Muslim Law relating to Property

Pre-Emption; Hiba; Will; Wakf; Inheritance

Suggested Reading:

1. Tyabji: Mohammeden Law
2. Ameer Ali: Mohammedan Law
3. Abdur Rahim: The Principles of Mohammedan Jurisprudence
4. Sharma Bharan Sarkar: Mohammedan Law
5. B.R. Verma: Mohammedan Law
6. Mulla: Mohammedan Law
7. Fyzee AAA: outlines of Mohammedan Law
8. Schacht: Islamic Jurisprudence
9. Tahir Mehmood: Muslim Law

Paper-V (LLM C1011) Laws relating to Civil Marriages, Foreign Marriages and Will

Special Marriage Act, 1954;
The Foreign Marriage Act, 1969;
Indian Succession Act, 1925 relating to Will

Suggested Readings:

1. Commentary and cases of Supreme Court and High Court of India
2. Diwan paras: Family Law Vol. I & II
3. Desai Kumud: Indian Law of Marriage and Divorce
4. Ben B.P.: Law of Marriage and Divorce in India
5. Relevant legislative Enactments.
I. Contemporary Laws and their relevancy in Personal Law.
   (i) The Shariat Act, 1937
   (ii) The Family Courts Act, 1984
   (iii) Guardian and wards Act, 1890
   (iv) The Protection of Women from Domestic Violence Act, 2005

II. Contemporary Issues and their relevancy in Personal Law.
   (i) Surrogacy
   (ii) Inter-Country Adoption
   (iii) Inter-Religious Adoption

III. Comparative Muslim Law : South Asia (India, Pakistan, Bangladesh) and Britain.
   (i) Legitimacy
   (ii) Adoption
   (iii) Custody of Children
   (iv) Guardianship
   (v) Maintenance
   (vi) Law of inheritance
      - Compulsory succession
      - South Asian Muslim law of inheritance
      - Muslim Law of Succession in Britain

Suggested Reading:

1. Tyabji : Mohammedan Law
2. Ameer Ali : Mohammedan Law
3. Abdur Rahim : The Principle of Mohammedan Jurisprudence
4. Sharma Bharu Sarkar : Mohammedan Law
5. B.R. Verma : Mohammedan Law
6. Mulla : Mohammedan Law
7. Fyzea AAA : outlines of Mohammedan Law
8. Schacht : Islamic Jurisprudence
9. Tahir Mehmood : Muslim Law
10. David Pearl & Werner Menski : Muslim Family Law.
11. Prof. Kusum : Family Law Lectures
12. Prof. Poonam Pradhan : Family Law Lectures
13. Raj Bhala : Islamic Law
16. Dr. Aneesh V. Pillai : Surrogate Motherhood & the Law.
17. Anil Malhotra, Ranjit Malhotra : Surrogacy in India.
Branch-IV: Constitutional Law
(Semester - III)


The Concept of Constitutionalism
Essential Principles of Constitutionalism, Constitutionalism and Rule of Law, Functions of Rule of Law and Constitutionalism, Constitutionalism in the Indian Legal Order.

Federalism as an aspect of Constitutionalism

New challenges to Constitutionalism: some social issues

Justice Delivery System in India
PIL movement : Promises and Perils.
Independence of Judiciary.
Judicial Reforms.

Suggested Readings:
6. V.N. Shukla Constitutional Law of India

Paper-II (LLM D1002): Administrative Law: Basic Principles and Comparative Analysis

Evolution and significance of Administrative Law in various systems of governance from ancient to modern.
   a) England and USA
   b) France
   c) Other systems

Rule of Law: Changing dimensions, Regulation of administrative process.

Suggested Readings:
1. Pater H. Schunk, Foundation of Administrative Law, 1994
2. Friedman, The State and Rule of law in a mixed Economy.
3. Ivor Jennings, Law & the Constitution
4. Schwartz and Wade, Legal Control of Government
8. Jain & Jain, Principles of Administrative Law

Paper-III (LLM D1003): Judicial Process

Objectives:
A lawyer, whether academic or professional, is expected to be competent to analyse and evaluate the legal process from a broader juristic perspective. Hence a compulsory paper on Judicial Process is essential in the LLM. curriculum. The objective of this paper is to study the nature of judicial process as an instrument of social ordering. It is intended to highlight the role of court as policy maker, participant in the power process and as an instrument of social change.

I. NATURE OF JUDICIAL PROCESS
- Judicial Process as an Instrument of Social Ordering.
- Judicial process and creativity in law with special reference to the common law model.
- The tools and techniques of judicial creativity and precedent.
- The authority of precedents

II. JUDICIAL PROCESS IN INDIA
- The notion of Judicial review.
- The “Political” nature of Judicial process.
- Accountability in Judicial Law making.
- Constitutional goals and values - New Dimensions of Judicial activism and structural challenges.
- Ratio decidendi - Method of determining the ratio decidendi.

III. THE CONCEPTS OF JUSTICE
- Dharma in Indian thought - A regulator of Justice.
- The Theories of Justice and its relevance in the administration of Justice
- Judicial Activism and the Supreme Court of India.

IV. JUDICIAL PRONOUNCEMENT AND THEIR IMPACT.

Suggested Readings:

Paper-IV (LLM D1004) : Media And Law- I

Objectives:
Mass communication from the days of printing press has played a very important role on the formation of the public opinion. Advancement in science and technology has changed the scope and dimensions of mass communication. ICT has created digital era for us. While there are definite benefits from these technologies, the experience shows that these technologies can be abused to harm the interests of the society. The course aims to provide basic understanding of the evolution of mass and media and its regulation.

FREEDOM OF SPEECH AND EXPRESSION
- Freedom of speech as a human right – Philosophical justification for the protection of Free speech right – Constitutional guarantee for Free Press – reasonable restrictions on Free speech
- Impact of films as visual media – censorship of films – judicial view on film censorship – standards of censorship
- Role of media in law making process.

PROTECTION OF REPUTATION

Dr. Registrar
Academia
University of Benaulim
Decent speech – indecent speech – hate speech – racial speech – obscenity on mass media – regulation and control
Libel in press – regulation and control – Slander through Broadcasting audio-video defamation
Internet as a platform of free speech – regulation of content on Internet self-regulation v Government regulation
Media - Judiciary and Legislature.

Suggested Readings:
1. D D Basu, Law of the Press (Delhi, LexisNexis)
2. Madhavi Diwan, Facets of Media Law (Lucknow, EBC)
3. Ram Jethmalani, Media Law (Thomson Reuters)
4. Ursula Smartt, Media and Entertainment Law (Routledge)
5. Perry Keller, European and International Media Law (Oxford)
6. Frank Leishmann, Policing and the Media (Lawman)
7. Roger L Sadler, Electronic Media Law (Sage)

Paper-V (LLM D1005) Constitutional Law of United States of America


Suggested Readings:
2. Wade and Phillips : Constitutional law
3. Hood and Phillips : Constitutional Law
4. Keir and Lawson : Cases on Constitutional Law
6. Jenning : Law and Constitution
8. Antieau : Commentaries on Constitution of USA.

Paper-VI (LLM D1006) Recent Legal Development in Constitutional Law
(Viva-Voce Examination and Project Work)
LL.M. (General) Semester - IV

Paper-I (LLM D1007) : Constitution, Constitutionalism and Rule of Law : Principles and Applications-II

Federalism: Creation of new states, Allocation and share of resources -distribution of grants-in-aid. The inter-state disputes on resources, Rehabilitation of internally displaced persons. Centre's responsibility and internal disturbance within states, Direction of the Centre to the State under Article 356 and 365, Federal Comity-Relationship of trust and faith between Centre and State.

The Statehood In Indian Constitution The Executive: Constitutional status, Powers and functions of the President vis-a-vis form of Government.
The Judiciary: Status, Power, functions and contemporary developments, Power of judicial review

Emerging regime of new rights and remedies. Reading Directive Principles and Fundamental Duties into Fundamental Rights. Secularism: Religious freedom and right of minorities to establish and administer educational institutions of their choice. Implementation of International Obligation: Human Rights, Environmental protection and International trade,

Suggested Readings :
1. H.M. Seervai: The Constitutional law of India

Paper-II (LLM D1008) : Administrative Process and Judicial Control

Administrative process: Nature and Meaning, the role of civil service, the role of administrative agencies, Constitutional standards: Doctrine of Police Power, Doctrine of Eminent Domain, taxing power. Responsibility and accountability

Judicial Review of Administrative action in India: Historical development, power of Supreme Court. Powers of High Courts, Role of Subordinate Courts. Jurisdiction

Ground of Judicial Review: Doctrine of Ultra vires, Unreasonable discretionary power: discretion and Justifiability, violation of fundamental rights, Extraneous consideration and/or irrelevant ground. delegation acting under dictation, Malafides and Bias, Lack of rationality and proportionality. overpressing decision.

Limits of Judicial Review: Locus standi and PIL, Laches, Res judicata, alternative remedies. Remedies Writs, injunction and declaration

Suggested Readings :
2. The role of Administrative law in a mixed Economy
Paper-III (LLM D1009) Dissertation

Paper-IV (LLM D1010) : Media And Law- II

MEDIA AND PRIVACY
- Obscenity and pornography – historical background - Hicklin Test – contemporary standards in Miller v California - Child pornography
- Blasphemy – historical overview- censorship of stage productions - violence - legal regulation of blasphemy
- Privacy – historical development of private and confidential information – media practices and human rights – photo journalism in public places – child right to privacy
- Information privacy and reputation - personal data protection – abuse of personal information – marketing of personal information- internet privacy
- Press and Public access to the judicial processes, records, places and meetings – Right to information Act.

MEDIA, ETHICS AND ADJUDICATION
- Copyright issues in mass media – protection for copyrighted work – plagiarism - pirated music - remedies for infringement
- Corporate and commercial speech – development of commercial speech doctrine - commercial speech for professionals and corporations – Art.19(1)(a) protection for unsolicited mail advertising – regulation of commercial speech
- Ethical dilemmas, issues and concerns in mass communication – foundation of ethics- different aspects of journalism”s ethical issues- Reporters privileges and protection of media sources
- Extra- judicial regulation of media content – press complaints and editors” code of practice -Broadcasting standards commission – codes for advertisement standards - Film censorship board - Internet Corporation for Assigned Names and Numbers (ICANN)

Suggested Readings :
1. D D Basu, Law of the Press (Delhi, LexisNexis)
2. Madhavi Diwan, Facets of Media Law (Lucknow, EBC)
3. Ram Jethmalani, Media Law (Thomson Reuters)
4. Ursula Smartt, Media and Entertainment Law (Routledge)
5. Perry Keller, European and International Media Law (Oxford)
6. Frank Pakenham, Press and the Media (Harranow)
Paper-V (LLM D1011): British Constitutional Law

- House of Commons : Composition, Method of Election, Tenure, Privileges of the members, Speaker of the House, Powers and Functions of the House of Commons, British Judicial System, Salient Features, organization of Courts, Position of Rule of Law,
- Supreme Court : Composition and Jurisdiction.

Suggested Readings :

Paper-VI (LLM D1012): Protection Of Human Rights Under Indian Constitution

Objectives:
The purpose of the study of this course is to expose the students to the regime of human rights in a comprehensive way. It is the endeavour of this course to appraise both theoretical and practical study. The course comprises of the following four Modules

PROTECTION AND ENFORCEMENT OF HUMAN RIGHTS IN INDIA
- Introduction-Human rights in ancient India- History and the development of human rights under the Indian Constitution- Constitutional philosophy of human rights- Obligation of State to comply with international human rights norms- Articles 51 and 253 of the Constitution requiring to conform to international obligations- Constitutional status of the Preamble, the Fundamental Rights, the Directive Principles of State Policy and the Fundamental Duties

- Human rights and their enforcement under the Indian Constitution and the role of the Supreme Court, high courts and civil and criminal courts- Role of the institution of public interest litigation in protecting human rights- Right to legal aid as human right.

HUMAN RIGHTS PROTECTION FOR VULNERABLE AND DISADVANTAGED GROUPS:

- Concept of human rights of vulnerable and disadvantaged groups and the philosophy of human rights of vulnerable and disadvantaged groups- Development of jurisprudence to accord special protection to vulnerable and disadvantaged groups:
- Issues and challenges concerning protection to vulnerable and disadvantaged groups- Women’s rights- Rights of Children- Rights of indigenous people, SCs and STs,
- Enforcement of human rights of vulnerable and disadvantaged groups- Future perspectives of the human rights of the disadvantaged groups.

Suggested Readings:

7. Ashish Kumar Das and Prasant Kumar Mohanty, HUMAN RIGHTS IN INDIA (2007)
8. HUMAN RIGHTS IN INDIA: ISSUES AND PERSPECTIVES (Dr. S. Mehartaj Begum ed., 2000).
Branch-V : International Law  
(Semester - III)  

Paper-I (LLM E1001) Public International Law-I  
Definition, Nature and History of International Law  
Sources of International Law, Subjects of International Law  
The Relation between International Law and Municipal Law  
Recognition of States and Governments  
Territory of States,  
Jurisdiction of States,  
The Law of the Sea,  
The Law of Air and Space  
International Environmental Law,  
The Law of Treatise.  

Suggested Readings:  
- Brownlie, Principles of Public International Law (Oxford University Press)  
- S. K. Verma, Public International Law (Satyam International)  
- Harris, Cases and Materials on International Law (Sweet and Maxwell)  
- K. C. Joshi, Public International Law and Human Rights (Eastern Book Company)  
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)  

Leading Cases:  
- Reparation for Injuries Suffered in the Services of the UN, 1949, ICJ Rep.  
- Reservations to the Genocide Convention, 1951, ICJ Rep.  
- France v. Turkey, 1927, PCIJ  
- Attorney General of the Govt. of Israel v. Eichmann, 1961  

Paper-II (LLM E1002)-International Organization-I  
Origin and Development of International Organisations,  
Classification of International Organisation, Legal Personality,  
Law-making by International Organization,  
The League of Nations  
The United Nations : Origin, The preamble, Purpose and Principles, Doctrine of  
Soeverign Equality, The Obligations of Non-Members,  
Principles of Domestic Jurisdiction, Membership of the U.N., Organs of the U.N., The  
General Assembly, The Security Carnival, The Economic and Social Council, The  
International Court of Justice, The Secretariat.  

Suggested Readings:  
- Bowett, Law of International Institutions (Sweet and Maxwell)  
- Harris, Cases and Materials on International Law (Sweet and Maxwell)  
- H. O. Agarwala, Public International Law and Human Rights (Central Law Agency)  
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)
INTRODUCTION TO INTERNATIONAL HUMANITARIAN LAW (IHL):

Meaning, IHL in world religions, historical development of IHL, interplay among IHL. International Human Rights Law, International Criminal Law and Public International Law; Scope of IHL in international armed conflict, non-international armed conflict and internal conflict; principle of military necessity, principle of reciprocity, principle of proportionality and principle of distinction, *jus ad bellum*, *jus in bello* and sources of IHL.

COMBATANTS AND NON-COMBATANTS:

Meaning, status and law applicable to member of armed forces, persons accompanying armed forces, militias, guerrilla fighters, "Levee En Mosse", spies, mercenaries, terrorists, private military contractors and "unlawful combatants".

MEANS AND METHODS OF WARFARE:

Law relating to prohibited and restricted weapons- Dum-dum bullets, mines, boobytraps, blinding laser, chemical, gaseous, biological, nuclear and bacteriological weapons. Prohibited and emerging methods of war- Order of "No Quarter", perfidy, siege warfare, pillage, cyber warfare, targeted killings and drone warfare.

Protection of civilians during armed conflict and belligerent occupation, status and treatment of prisoners of war, and treatment of wounded, sick and shipwrecked soldiers.

Protection of Cultural Property and environment during armed conflict, and ecocide.

IHL and Non-International Armed Conflict: Common Article 3, Additional Protocol II and the Tadic judgment.

Suggested Readings:

- Dieter Fleck, International Humanitarian Law (Oxford University Press)
- Beck, Azizur Rahman, et. al., International Humanitarian Law (LexisNexis)
- V. S. Mani, Handbook of International Humanitarian Law in South Asia (Oxford University Press)
- U. C. Jha, International Humanitarian Law, (Vij Books)
- Crawford and Pert, International Humanitarian Law (Cambridge University Press)
- Krieger, Inducing Compliance with International Humanitarian Law (Oxford University Press)

Leading cases:

- Prosecutor v. Delalic, 1998 ICTY
- US v. Wilhelm List, 1948 US
- Prosecutor v. Galic, 2003 ICTY
- Prosecutor v. Kunarac, 2001 ICTY
I. HUMAN RIGHTS:
Meaning, concept, classification, historical evolution and theories

II. HUMAN RIGHTS OF FIRST GENERATION:

III. HUMAN RIGHTS OF SECOND GENERATION:

IV. HUMAN RIGHTS OF THIRD GENERATION:
Concept of collective rights and solidarity rights, relevant provisions in Stockholm Declaration, 1972, Rio Declaration, 1992, Declaration on the Right to Development, 1986 and Millennium Development Goals; UNEP, UNDP, enforcement and challenges

V. HUMAN RIGHTS AND THE UNO:
Provisions in the UN Charter and role of UN Organs and bodies.

Suggested Readings:
- Robertson and Merrills, Human Rights in the World (Universal Law Publishing Co., Indian Reprint)
- JanuszSymonides, Human Rights, International Protection, Monitoring and Enforcing (UNESCO and Rawat Publication)
- S. K. Verma, An Introduction to International Law (Satyam International Publication)
- UpendraBaxi, Human Rights in a Posthuman World (Oxford University Press)
- H. O. Agarwal, Human Rights (Central Law Publications)
- Kapoor, ManavAdhikar (Central Law Agency)
- Manoj Kumar Sinha, Implementation of Basic Human Rights (LexisNexis)

Leading cases:
- Bosnia and Herzegovina v. Serbia and Montenegro, 2007
- Casanovas v. France, HRC 441/1990
- Agizav. Sweden, 2005 IHRHR
- Filartigav. Pena Irala, 1980 US Circuit Court of Appeals
Definitions, Nature and scope of Private International Law,
Historical Development and current theories,
Classification, the Incidental questions,
Renvoi.
Application and Exclusion of Foreign Law
Domicile, Nationality and Residence,
Jurisdiction of Courts,
Enforcement of Judgement

Suggested Readings:
- Atul M. Setaivad, Conflict of Laws (LexisNexis)
- Cheshire, North & Fawcett, Private International Law (Oxford University Press)
- Lakshmi Jambolkar, Private International Law (Universal Law Publishing)
- Morris, The Conflict of Laws (Sweet and Maxwell)
- Paras Divan, Private International Law (Deep and Deep Publications)

Leading Cases:
- Ogden v. Ogden, 1908
- Cohn v. Cohn, 1945
- Bahrein Petroleum Co. Ltd. v. P. J. Pappu, AIR 1966 SC
- Satya v. Teja Singh, AIR 1975
- Vishvanathan v. Syed Abdul Wajid, AIR 1963

Paper-VI (LLM E1006) Recent Legal Development in International Law
(Viva-Voce Examination and Project Work)
LL.M. (General) Semester - IV

Paper-I (LLM E1007) Public International Law - II

I. STATE SUCCESSION
Meaning, kinds, theories, consequences of succession, rights & liabilities arising out of succession, related cases.

II. INTERVENTION
Meaning, kinds, grounds of intervention, doctrines relating to intervention, related cases.

III. EXTRADITION
Meaning, purpose, essentials, exceptions, related cases.

IV. ASYLUM
Meaning, kinds, principle of Non-Refoulment, related cases.

V. NATIONALITY
Meaning, essentials or determination of Nationality, modes of acquiring nationality, Difference among nationality, citizenship and domicile, loss of nationality, double nationality, statelessness, aliens, related cases.

VI. SETTLEMENT OF DISPUTES BY PEACEFUL MEANS
Diplomatic methods, Negotiation, Good Offices, Mediation, Inquiry, Conciliation, related cases.

VII. LAW OF RESPONSIBILITY
Meaning, nature, essentials of state responsibility, determinants of state responsibility (theories), Kinds of state responsibility, Defences for breach of state responsibility.

VIII. Diplomatic and Consular Relations and International Economic and Trade Law

Suggested Readings:

- Brownlie, Principles of Public International Law (Oxford University Press)
- S. K. Verma, Public International Law (Satyam International)
- Harris, Cases and Materials on International Law (Sweet and Maxwell)
- K. C. Joshi, Public International Law and Human Rights (Eastern Book Company)
- Kapoor, Antarrashtriya Vidhi Aur Manav Adhikar (Central Law Agency)

Leading Cases:

- Mubaraq Ali Ahmad v. State of Bombay, AIR 1957
- Alabama Claims Arbitration, 1872
Paper-II (LLM E1008) International Organization - II

I. WORLD TRADE ORGANIZATION (WTO)

- Background, establishment, structure, GATT, membership, bodies, ministerial conferences so far.
- Dispute Settlement Mechanism under Dispute Settlement Understanding, Dispute Settlement body, Ad Hoc Panels and Appellate Body: Composition, Jurisdiction, Procedure and Rules of Conduct
- Most Favoured Nation Clause and National Treatment Clause
- Trade Related Aspects of Intellectual Property Rights (TRIPS) [General Aspects]
- India and the World Trade Organization

II. SPECIALIZED AGENCIES OF THE UNITED NATIONS

(i) International Labour Organization (ILO)

(ii) International Monetary Fund (IMF)
    Background, formation, functions and organs

(iii) World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO)
    Establishment, objectives, functions and composition

(iv) World Intellectual Property Organization (WIPO)
    Background, structure, functions, about Intellectual Property (in general), recent developments in Intellectual Property

Suggested Readings:

- Bowett, Law of International Institutions (Sweet and Maxwell)
- Mattoo and Stern, India and WTO (Asia Law House)
- Myneni, WTO (Asia Law House)
- S. N. Dhyani, India in ILO (Metropolitan)
- B. D. Rawat, Indian in ILO (RBSA)
- H. O. Agarwal, Public International Law and Human Rights (Central Law Agency)
- Kapoor, Antarashtriya Vidhi Aur Manav Adhikar (Central Law Agency)
- Websites of the organisations

Paper-III (LLM E1009) Dissertation

Dr. Pragnesh K. M. Registrar
Academic
University of Rajasthan, Jaipur
I. REGIONAL PROTECTION OF HUMAN RIGHTS:

(2) Inter-American Convention on Human Rights, 1969- Rights and implementation mechanism under Inter-American Commission of Human Rights and Inter American Court of Human Rights.

II. HUMAN RIGHTS OF DISADVANTAGED GROUPS:

(3) Refugees: Statute of the Office of the UN High Commissioner for Refugees, 1950- Scope (Article 6A) and role of UNHCR; Convention on the Status of Refugees, 1951- Definition of refugee and obligation of the states; definition of refugees under the Protocol Relating to the Status of Refugees, 1967; principle of non-refoulement; climate refugees and internally displaced persons.

Suggested readings:

- B. Krishnamurthy, European Convention on Human Rights (New Century Publications)
- Philip Leach, Taking a Case to the European Court of Human Rights (Oxford University Press)
- Robertson and Merrills, Human Rights in the World (Universal Law Publishing Co., Indian Reprint)
- K. C. Joshi, International Law and Human Rights (Eastern Book Company)
- S. K. Kapoor, International Law and Human Rights (Central Law Agency)
- Guy S. Goodwin-Gill, The Refugee in International Law (Oxford University Press)
- Tripathi, ManavAdhikar (Allahabad Law Agency)

Leading cases:

- Brogan v. UK, 1988 HECHR
- Lingens v. Austria, 1986 ECHR
- Velasquez-Rodriguez v. Honduras, 1988 IACHR
- INS v. Stevic, 1984 US

Paper-V (LLM E1011) Private International Law-II

Family Law: Marriage, Matrimonial Causes, Legitimacy and Legitimation, Adoption, Guardianship and Custody of Children.

Law of Property: The Distinction between movables and immovable Property, the Transfer of Tangible and Movables, the Assignment of Intangible Movables, Insolvency, Succession.

Suggested Readings:
- Atul M. Setalvad, Conflict of Laws (LexisNexis)
- Cheshire, North & Fawcett, Private International Law (Oxford University Press)
- Lakshmi Jambholkar, Private International Law (Universal Law Publishing)
- Morris, The Conflict of Laws (Sweet and Maxwell)
- Paras Divan, Private International Law (Deep and Deep Publications)

Leading Cases:
- Re Claim By Helbert Wagg & Co. Ltd. 1956
- Brook v. Brook, 1861
- Christopher Neelkantam v. Annie Neelkantam, AIR 1959 Raj.
- Indyka v. Indyka, 1969
- Ogden v. Ogden, 1908

Paper-VI (LLM E1012) International Criminal Law

I. INTERNATIONAL CRIMINAL LAW

(i) Sources of International Criminal Law- Treaties, customary law, general principles of law and precedents of ICC.


(iii) International Crimes- Genocide, crimes against humanity, war crimes, aggression, transnational crimes, terrorism and torture (definition and analysis of elements).

(iv) International prosecutions: Nuremberg International Military Tribunal, Tokyo International Military Tribunal, International Criminal Tribunals for Yugoslavia and Rwanda, special adjudicating arrangements in Sierra Leone, Cambodia, Lebanon, Kosovo, East Timor, Bosnia and Herzegovina, Iraq, Serbia and Lockerbie, and International Criminal Court (ICC).

(v) International Criminal Court- Background, composition, jurisdiction, law applied by the court, grounds of admissibility and inadmissibility of a case including complementarity, national proceedings, unwillingness or inability of the state, voluntary relinquishment by the state, amnesties, truth and reconciliation commissions, ne bis in idem and case not of sufficient gravity; initiation of proceedings by state parties, Security Council and prosecutor.

Suggested Readings:
- Crawford and Pert, International Humanitarian Law (Cambridge University Press)
- Theodor Meron, The Making of International Criminal Justice (Oxford University Press)
- Cassese's International Criminal Law (Oxford University Press)
- Ilias Bantekas and Susan Nash, International Criminal Law (Hart Publishing)
- Michael Bryant, A World History of War Crimes (Bloomsbury)
- Kapoor, International Law and Human Rights (Central Law Agency)
Leading cases:

- Prosecutor v. Jokic, 2004 ICTY
- Prosecutor v. Tadic, 1995 ICTY
- Bosnia and Herzegovina v. Serbia and Montenegro, 2007 ICJ
- Nicaragua v. US, 1986 ICJ
- ICJ Advisory opinion on Legality of the Threat or Use of Nuclear Weapons, 1996 ICJ
- Attorney General for the Govt. of Israel v. Eichmann, 1968 Isr. SC
- Prosecutor v. Kupreskić, 2001 ICTY
Branch-VI: Labour Law
(Semester - III)

Paper-I (LLM F1001) Labour Law and Labour Management in India and Industrial Adjudication-Part I

- Concept and aspects of Industrial Relations
- Definition of Industrial Relations – Aspects, Content and Objectives of I.R. – Historical View of I.R. – Indian outlook
- Participants in IR – Change in the Role – Management organizations, worker’s Union and the Government – Requirements of Successful IR – Nature of employment organizations – The Hawthorne Studies.

Suggested Readings:
1. A.N.Charles: Industrial Relations in India.
2. H.L.Kumar: Practical guide to labour management.
3. Indian Law Institute: Law and Labour Management relations in India.
6. O.P.Malhotra: The law of Industrial Disputes VOL. I and II.
9. S.L.Aggarwal: Labour relations in India.
10. V.B.Singh: Climate for Industrial Relations.
11. V.V.Giri: Labour problems in Indian Industry


Suggested Readings:
2. A.M. Sharma: Aspects of labour welfare and social security.


Suggested Readings:
1. Dr. N. Maheshwara Swamy: Impact of I.L.O standards on Indian labour law.
2. G.A. Johnston: The I.L.O.
4. Harry Welton: The Trade Unions the employers and the state.
5. ILO: International Labour Codes Volume I and II.
8. Prof. S.N. Dhyani: Trade Unions and the right to strike.

Paper-IV (LLM F1004) Comparative Labour Law and Labour Management-I


Suggested Readings:
1. Alvin L. Goldman, Roberto L. Corrada: Labour Law in the U.S.A. (Kluwer law international)
3. Benjamin A. Aaron and Katherine V. W. Stone: Rethinking comparative labour: Bridging the past and the future (Vandeplas Publishing)
Paper-V (LLM F1005) Labour Jurisprudence

I. Concept and growth of Labour Jurisprudence
   - Historical Background
   - Industrial Revolution
   - Modern Socialism

II. Evolution of industrial jurisprudence in India
   - Concept of Employment, contract labour system
   - Social security legislations

III. Theories of Labour Jurisprudence
   - Theory of value
   - Conflict theory

IV. Concept of Social-Economic Justice, Natural Justice and the Labour
   - Constitutional provisions relating to labour law and social justice

V. Legislative and Judicial Perspective
   - Industrial Adjudication and judicial trends

VI. Labour and Judicial Process and Public Interest legislation
   - Constitutional Validity of Labour Legislation
   - PIL for vindication of rights of labour

Suggested Reading:

1. David Miller: Social Justice
2. N. D. Sharma: Labour and Industrial Jurisprudence
3. E. M. Rao: Industrial Jurisprudence- a critical commentary
4. Govt. of India Report of National commission on Labour
5. H. H. Marshall: Natural Justice
6. Mahesh Chandra: Industrial Jurisprudence
7. R. G. Chaturvedi: Natural and Social Justice
8. S. N. Johri: Industrial Jurisprudence
9. S. R. Samant: Industrial Jurisprudence
11. Gulab Gupta: Our industrial Jurisprudence
12. हृ. एन. ही. शर्मा: औद्योगिक एवं भ्रम विविधतावत

Leading Cases:

3. People Union for Democratic Rights & Others v. Union of India, 1982 II L.L.J. 454 (S.C.)
5. Gujarat Steel Co. v. Gujarat Steel Tube Co. Majdoor Sabha, 1980 I L.L.J. 137 (SC)*
7. The Delhi Cloth & General Mills Ltd. v. Sambhunath Mukerjee, 1935 L.L.J. 36 (S.C.)
9. Randhir Singh v. Union of India, AIR 1982 SC 879

Paper-VI (LLM F1006) Recent Legal Development in Labour Law
(Viva-Voce Examination and Project Work)
LL.M. (General) Semester - IV

Paper-I (LLM F1007) Labour Law and Labour Management in India and Industrial Adjudication Part II

- Definition - Principles, Significance, objective and functions of Trade Unions. History of Trade Union in Indian Context.
- Meaning of worker’s participation in Mgt- Forms of participation – Objectives of worker’s participation – worker’s participation in Mgt. in India
- Employee Grievances – causes & its effects – Handling Grievances – steps – Do’s and Don’ts in Grievance Handling.

Suggested Readings:
3. O.P. Malhotra: The law of Industrial Disputes.

Paper-II (LLM F1008) Legislation and Practice Relating to Social Security, Labour Welfare and Wages-II

- The Payment of Wage Act, 1936: Applications of the Act-Definitions-Rules for payment of wages-Deduction from Wages-penalty for offences
- The Workmen Compensation Act, 1923: Scope and coverage of the Act-Rules regarding the workmen’s compensation-Amount of compensation-Distribution of compensation.

Suggested Readings:
1. A.M. Sharma: Aspects of labour welfare and social security.
2. Avtar Singh: Introduction to Labour and industrial law welfare and wages
3. Dr. Goswami: Labour and industrial laws
4. G.M. Kothari: A study of industrial laws
7. K.D. Srivastava: Workmen’s Compensation Act, 1923
9. S.N. Mishra: Labour and Industrial laws
11. Sinha and Sinha: Industrial relations and labour legislations
12. Smith: Labour Law, Cases and materials

Dr. Registrar
Academic
University of Rajasthan, Jaipur
Paper-IV (LLM F1010) Comparative Labour Law and Labour Management-II


Suggested Readings:
1. Dr. N. Maheshwara Swamy: Impact of I.L.O standards on Indian labour law.
2. Harry Welton: The Trade Unions the employers and the state
4. Prof. S.N.Dhyani: Trade Unions and the right to strike.

Paper-V (LLM F1011)-International Labour Organisation, Central organisation of Trade Unions: India Tripartite System-II

Central Trade Union's Organisation: Aims and Objectives, Philosophies and their role in Trade Union Movement in India : Role of ILO Industrial Democracy, Indian Tripartite Systems, Human Rights, Environmental protection etc.

Suggested Readings:
1. Alvin L. Goldman, Roberto L.Corrada: Labour Law in the USA (Kluwer law international)
3. Benjamin A. Aaron and Katherine V.W.Stone: Rethinking comparative labor: Bridging the past and the future (Vandeplas Publishing)
4. Frederic Jesup Stimpson: Handbook to the Labour Law in the United States
5. Mathew W.Finkin; Gai Mundlak: Comparative labour law (Edward Elgar Publishing, Cheltenham, U.K)
6. Matthew W. Finkin and Guy Mundlak: Comparative Labour law
8. Professor Pittard, Richard Naughton: Australian Labour and employment Law (LexisNexis Butterwords)
9. Roger Blanpain:Comparative Labour law and industrial relations in industrialized market economies (Kluwer Law International)
Introduction

Nature and Meaning of Industrial Psychology, Definitions & Scope, Role of Industrial Psychology, Organizational Attitude

Major influences on Industrial Psychology

Scientific Management and Human relations -Hawthorne Experiments. Implications of Industrial Psychology on Modern Industries

Organizational Design & Structure

Key organizational design process, Structural differentiations, Forces reshaping organizations

Individual in Workplace

Motivation and Job satisfaction, Stress management, Organizational culture, Leadership and Group dynamics

Work Environment & Engineering Psychology

Fatigue-Monotony-Boredom, Accidents and Safety, Job Analysis, Recruitment, Selection and Interview—Reliability & Validity of recruitment tests.

Suggested Readings:

7. S. K. Shriastava: Industrial Psychology
8. S. N. Dhyan: Industrial Relations