

<b>School: School of Law</b>	<b>Programme: LL.M. Business Law</b>
<b>Year : First Year</b>	<b>Semester - II</b>
<b>Course: Judicial Process</b>	<b>Course Code: PLB201</b>
<b>Theory: 4 Hrs/Week</b>	<b>Max. University Theory Examination: 50 Marks</b>
<b>Max. Time for Theory Exam.: 3Hrs</b>	<b>Continuous Internal Assessment: 50 Marks</b>

<b>Objectives</b>	
	Students should be able to analyse and evaluate the legal process from a broader juristic perspective.
	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.
	To expose the intricacies of judicial creativity and the judicial tools and techniques employed in the process.
	To understand that the ultimate aim of any legal process or system is pursuit of justice, a systematic study of the concept of justice and its various theoretical foundations is required.
	To familiarize the students with various theories, different aspects and alternative ways, of attaining justice.

<b>Unit Number</b>	<b>Details</b>	<b>Hours</b>
<b>1.</b>	<b>Nature of judicial process:</b> 1.1 Judicial process as an instrument of social ordering. 1.2 Judicial process and creativity in law - common law model – Legal Reasoning and growth of law - change and stability. 1.3 The tools and techniques of judicial creativity and precedent. 1.4 Legal development and creativity through legal reasoning under statutory and codified systems.	<b>8</b>
<b>2.</b>	<b>Special Dimensions of Judicial Process in Constitutional Adjudications :</b> 2.1 Notions of Judicial review. 2.2 'Role' in constitutional adjudication - various theories of judicial role. 2.3 Tools and techniques in policy-making and creativity in constitutional adjudication. 2.4 Varieties of judicial and juristic activism. 2.5 Problems of accountability and judicial law-making.	<b>8</b>
<b>3.</b>	<b>Judicial Process in India:</b> 3.1 Indian debate on the role of judges and on the notion of judicial review. 3.2 The "independence" of judiciary and the "political" nature of judicial process. 3.3 Judicial activism and creativity of the Supreme Court - the tools and techniques of creativity. 3.4 Judicial process in pursuit of constitutional goals and values – new	<b>8</b>

	dimensions of judicial activism and structural challenges. 3.5 Institutional liability of courts and judicial activism - scope and limits.	
4.	<b>The Concept of Justice:</b> 4.1 The concept of justice or Dharma in Indian thought 4.2 Dharma as the foundation of legal ordering in Indian thought. 4.3 The concept and various theories of justice in the western thought. 4.4 Various theoretical bases of justice: the liberal contractual tradition, the liberal utilitarian tradition and the liberal moral tradition.	8
5.	<b>Relation between Law and Justice:</b> 5.1 Equivalence Theories - Justice as nothing more than the positive law of the stronger class. 5.2 Dependency theories - For its realization justice depends on law, but justice is not the same as law. 5.3 The independence of justice theories - means to end relationship of law and justice - The relationship in the context of the Indian constitutional ordering. 5.4 Analysis of selected of the Supreme Court where judicial process can be seen as influenced by theories of justice.	8
	<b>Total</b>	<b>40 Hrs</b>

Resources	
<b>Recommended Books</b>	<p><b>Julius Stone</b>, <i>The Province and Function of Law, Part II</i>, Chs, I, 8-16 (2000), Universal, New Delhi.</p> <p><b>Cardozo</b>, <i>The Nature of Judicial Process</i> (1995), Universal, New Delhi.</p> <p><b>Henry J. Abraham</b>, <i>The Judicial Process</i> (1998), Oxford.</p> <p><b>J. Stone</b>, <i>Precedent and the Law: Dynamics of Common Law Growth</i> (1985), Butterworths.</p> <p><b>W. Friedmann</b>, <i>Legal Theory</i> (1960), Stevens, London.</p> <p><b>M.D.A. Freeman</b>, <i>Lloyd's Introduction To Jurisprudence</i></p> <p><b>Bodenheimer</b>, <i>Jurisprudence - the philosophy and Method of the Law</i> (1997), Universal, Delhi.</p> <p><b>Upendra Baxi</b>, <i>The Indian Supreme Court and Politics</i> (1980), Eastern, Lucknow.</p> <p><b>Rajeev Dhavan</b>, <i>The Supreme Court of India - A Social-Legal Critique of its Juristic Techniques</i> (1977), Tripathi, Bombay.</p> <p><b>John Rawls</b>, <i>A Theory of Justice</i> (2000), Universal, New Delhi.</p> <p><b>Edward H. Levi</b>, <i>An Introduction to Legal Reasoning</i> (1970), University of Chicago.</p>
<b>Reference Books</b>	

<b>School: School of Law</b>	<b>Programme: LL.M. Business Law</b>
<b>Year : First Year</b>	<b>Semester - II</b>
<b>Course: Legal Education And Research Methodology</b>	<b>Course Code: PLB202</b>
<b>Theory: 4 Hrs/Week</b>	<b>Max. University Theory Examination: 50 Marks</b>
<b>Max. Time for Theory Exam.: 3Hrs</b>	<b>Continuous Internal Assessment: 50 Marks</b>

<b>Objectives</b>	
<b>1</b>	A post-graduate student of law should get an insight into the objectives of legal education. He should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.
<b>2</b>	Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers with better competence and expertise, it is imperative that the student should familiarise himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and a combination of all these methods. The student has to be exposed to these methods so as to develop his skills.
<b>3</b>	Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.
<b>4</b>	The following syllabus prepared with this perspective will be spread over a period of one Semester.

<b>Unit Number</b>	<b>Details</b>	<b>Hours</b>
<b>1.</b>	<b>A. Theory</b> 1. Objectives of Legal Education 2. Lecture Method of Teaching - Merits and Demerits 3. The Problem Method	<b>20</b>

	<p>4. Discussion method and its suitability at postgraduate level teaching  5. The Seminar Method of teaching  6. Examination system and problems in evaluation - external and internal assessment.  7. Clinical legal education - legal aid, legal literacy, legal survey and law reform.</p> <p><b>B. Practical</b>  <i>The following portion should be covered under the head of Internal Assessment</i></p> <p>8. Student participation in law school programmes - Organisation of Seminars, publication of journal and assessment of teachers.</p>	
2.	<p><b>A. Theory</b></p> <p><b>9. Research Methods:</b>  9.1 Socio Legal Research  9.2 Doctrinal and non-doctrinal  9.3 Relevance of empirical research  9.4 Induction and deduction</p> <p><b>10. Identification of Problem of Research</b>  10.1 What is a research problem?  10.2 Formulation of the Research problem</p> <p><b>11. Preparation of the Research Design</b>  11.1 Devising tools and techniques for collection of data: Methodology  11.1.1 Methods for the collection of statutory and case materials and juristic literature.  11.1.2 Use of Historical and Comparative research materials.  11.1.3 Use of Observation studies.  11.1.4 Use of Questionnaires / Interviews.  11.1.5 Use of Case Studies  11.1.6 Sampling procedures - design of sample, types of sampling to be adopted.  11.1.7 Use of Scaling techniques.  11.1.8 Jurimetrics.  11.2 Computerized Research - A study of legal research programmes such as Lexis and West law coding.  11.3 Classification and tabulation of data - use of cards for data collection Rules for tabulation. Explanation of tabulated data.  11.4 Analysis of data.</p> <p><b>B. Practical (Home Assignment)</b>  <b>The following portion should be covered under the head of Internal Assessment</b></p> <p>12. Survey of available literature and bibliographical research:  12.1 Legislative materials including subordinate legislation, notification and policy-statement.  12.2 Decisional materials including foreign decisions: methods of discovering the "rule of the case" tracing the history of important cases and</p>	20

	<p>ensuring that these have not been overruled; discovering judicial conflict in the are pertaining to the research problem and the reasons thereof.</p> <p>12.3 Juristic writings - a survey of juristic literature relevant to select problems in India and foreign periodicals.</p> <p>12.4 Compilation of list of reports or special studies conducted relevant to the problem.</p>	
	<b>Total</b>	<b>40 Hrs</b>

Resources	
<b>Recommended Books</b>	<p><b>High Brayal, Nigel Dunean and Richard Crimes</b>, <i>Clinical Legal Education: Active Learning in your Law School</i>, (1998) Blackstone Press Limited, London.</p> <p><b>S.K. Agrawal</b>(Ed.) <i>Legal Education in India</i> (1973), Tripathi, Bombay.</p> <p><b>N.R. Madhava Menon</b>, (ed) <i>A Handbook of Clinical Legal Education</i>, (1998) Eastern Book Company, Lucknow.</p> <p><b>M.O. Price, H. Bitner and Bysiewicz</b>, <i>Effective Legal Research</i> (1978)</p> <p><b>Pauline V. Young</b>, <i>Scientific Social Survey and Research</i> (1962)</p> <p><b>William J. Grade and Paul K. Hatt</b>, <i>Methods in Social Research</i>, Mc Graw-Hill Book Company, London.</p> <p><b>H.M. Hyman</b>, <i>Interviewing in Social Research</i> (1965).</p> <p><b>Payne</b>, <i>The Act of Asking Questions</i> (1965).</p> <p><b>Erwin C. Surrency</b>, B. Fielf and J. Crea, <i>A Guide to Legal Research</i> (1959)</p> <p><b>Morris L. Cohan</b>, <i>Legal Research in Nutshell</i>, (1996), West Publishing Co.</p> <p><b>Havard Law Review Association</b>, <i>Uniform System of Citations</i>.</p> <p><b>ILI Publication</b>, <i>Legal Research and Methodology</i>.</p>
<b>Reference Books</b>	

<b>School: School of Law</b>	<b>Programme: LL.M. Business Law</b>
<b>Year : First Year</b>	<b>Semester - II</b>
<b>Course: Law Of Export Import Regulation</b>	<b>Course Code: PLB203</b>
<b>Theory: 4 Hrs/Week</b>	<b>Max. University Theory Examination: 50 Marks</b>
<b>Max. Time for Theory Exam.: 3Hrs</b>	<b>Continuous Internal Assessment: 50 Marks</b>

**Objectives**

	<p>Greater and greater emphasis is placed on increase of production in both industrial and agricultural sectors. Besides, there was the ever-pressing need for raising capital for investment in certain basic and key industries. All these required a considerably high rate of investment of capital. This, in turn, needed foreign exchange which could be earned by the increased exports of goods and raw materials from India. The need for accelerating the export trade of India's developing economy can hardly be over emphasized.</p>
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<b>Unit Number</b>	<b>Details</b>	<b>Hours</b>
<b>1.</b>	<p><b>Introduction</b></p> <p>1.1. State control over import and export of goods - from rigidity to liberalisation.</p> <p>1.2. Impact of regulation on economy.</p> <p><b>The Basic Needs of Export and Import Trade</b></p> <p>1.3. Goods</p> <p>1.4. Services</p> <p>1.5. Transportation</p>	<b>8</b>
<b>2.</b>	<p><b>International Regime</b></p> <p>2.1. WTO agreement</p> <p>2.2. WTO and tariff restrictions</p> <p>2.3. WTO and non-tariff restrictions</p> <p>2.4. Investment and transfer of technology</p> <p>2.5. Quota restriction and anti-dumping</p> <p>2.6. Permissible regulations</p> <p>2.7. Quarantine regulation</p> <p>2.8. Dumping of discarded technology and goods in international market</p>	<b>8</b>
<b>3.</b>	<p><b>General Law on Control of Imports and Exports</b></p> <p>3.1. General scheme</p> <p>3.2. Legislative control</p> <p>3.3. Power of control : Central government and RBI</p> <p>3.4. Export-Import formulation : guiding features</p> <p>3.5. Control under FEMA</p> <p>3.6. Foreign exchange and currency</p> <p>3.7. Import of goods</p>	<b>8</b>
<b>4.</b>	<p><b>Control of Exports</b></p> <p>4.1. Quality control</p> <p>4.2. Regulation on goods</p> <p>4.3. Conservation of foreign exchange</p> <p>4.4. Foreign exchange management</p> <p>4.5. Currency transfer</p> <p>4.6. Investment in foreign countries</p>	<b>8</b>

5.	<b>Regulation on Investment</b> 5.1. Borrowing and lending of money and foreign currency 5.2. Securities abroad - issue of 5.3. Immovable property - purchase abroad 5.4. Issue of derivatives and foreign securities GDR(global depositories receipts), ADR (American depository receipts) and Uro 5.5. Investment in Indian banks 5.6. Repatriation and surrender of foreign securities	8
		40 Hrs

<b>Resources</b>	
<b>Recommended Books/ Reference Books</b>	Government of India, Handbook of Import Export Procedures, (Refer to the latest edition) Government of India Import and Export Policy (1997 - 2002) The Students should consult the relevant volumes of the Annual Survey of Indian Law, Published by the Indian law Institute, New Delhi. Foreign Trade Development and Regulation Act 1992 and Rules Foreign Exchange Management Act 1999 Marine Products Export Development Authority Act 1972

<b>School: School of Law</b>	<b>Programme: LL.M. Constitutional Law</b>
<b>Year : Second Year</b>	<b>Semester - IV</b>
<b>Course: Doctrinal and Non-doctrinal Research</b>	<b>Course Code: PLB401</b>
<b>Course: Dissertation</b>	<b>Course Code: PLB402</b>
<b>Theory: Hrs/Week</b>	<b>Max. University Examination:</b>
This comprises of 4/8 credits having weightage of 100/200 marks.	<b>Continuous Internal Assessment: 100/200 Marks</b>

<b>Objectives</b>	
	The legal research is assuming great importance because of relevance and reflection of law in the society. The law has close proximity with the society as law operates in the society not in the vacuum. The legal research in law gives solutions to many complex legal issues, hence doctrinal and non-doctrinal research becomes incumbent to understand and make scientific and systematic enquiry in law.

<b>Unit Number</b>	<b>Details</b>	<b>Hours</b>
<b>1.</b>	<b>Doctrinal and Non- Doctrinal Research Project –</b> 4 credits are allotted to Doctrinal and Non Doctrinal Research Project. Each student has to select a topic from his / her specialization. In doctrinal research students have to rely upon textual material including books, periodicals and law reports, whereas, for non-doctrinal research the students have to collect the data from the society. Based on the collected material every student has to prepare a doctrinal and non-Doctrinal Research Project Report under able guidance of project supervisor. The doctrinal and non-doctrinal report carries 100 marks, will be supervised and evaluated by the Supervisor/ Guide.	
	<b>Dissertation :</b> 8 credits are allotted to Dissertation. Each student has to select a topic from his / her specialization. In doctrinal research students have to rely upon textual material including books, periodicals and law reports, whereas, for non-doctrinal research the students have to collect the data from the society. Based on the collected material every student has to prepare a Dissertation under able guidance of project supervisor. The Dissertation carries 200 marks, will be supervised and evaluated by the Supervisor/ Guide.	