

Department of Law
Punjabi University, Patiala

Schemes of Studies
Masters of Laws (One year Course)
(First and Second Semester)
For 2016-17 and 2017-18

Compulsory Papers

1. Jurisprudence
2. Comparative Public Law

Option-I: Criminal Law Group

1. General Principles of Criminal Law
2. Emerging Areas of Criminality
3. Criminal Justice & Human Rights

Option-II: Family Law Group

1. Law of Marriage in India
2. Law of Matrimonial Reliefs in India
3. Law of Maintenance

Semester-II

Compulsory Papers

1. Interpretation of Statutes

Option-I: Criminal Law Group

1. Administration of Criminal Justice
2. White Collar Crimes
3. International Criminal Law

Option-II: Family Law Group

1. Hindu Law of Joint Family and Inheritance
2. Law of Adoption and Guardianship
3. Problems of Family in Contemporary Indian Society

LL.M. First Semester (One Year Course)

Compulsory Paper

Paper- I- Jurisprudence

Unit-I

Meaning, Nature and Scope of Jurisprudence

Definition of Law – Analysis and Criticism of Austin’s, Holland’s, Gray’s, Salmond’s, H.L.A Hart’s, Lon L. Fuller’s definitions of Law, Definition of Law - New Indian Trends.

Recent Development in the field of Jurisprudence- Feminist Jurisprudence and Post-Modernist Jurisprudence

Natural Law: Historical evolution, its Characteristics and Critical Appraisal, Natural Law in Indian System

Analytical School-Critical analysis of Bentham’s approach, Austin’s Analytical Positivism, Kelson Pure Theory of Law, Hart’s Contribution to Positivistic Jurisprudence, Analytical Positivism- Indian Perspective

Custom as a Source of Law

Legislation as a Source of Law

Judicial Precedent

Unit-II

Historical School- Background, Savigny’s theory of volksgeist and its criticism. English historical School and Sir Henry Maine’s view’s on development of Law, Indian Perspective.

Sociological School: Background, Main Pioneers of Sociological Jurisprudence, Roscoe Pound’s theory of Sociological Engineering, Sociological School- Indian Perspective

Legal Right- Meaning, Components and elements of Legal Right, Legal Duty, Right-Duty Conflict, Kinds of Rights, Difference between Fundamental Rights and Legal Rights.

Legal Personality: Meaning and Kinds of Person. Theories of Corporate Personality

Property: Meaning, Nature and Kinds of Property, Acquisition and Loss of Property, An Appraisal of Right to Property in India

Ownership: Meaning, Incidents, Forms, Subject Matter and Acquisition of ownership, Ownership in Indian Law

Possession: Meaning, Elements, Theories, Importance and Kinds of Possession, Possession-Ownership distinguished, Possession and Indian Law

SUGGESTED READINGS

| | | |
|--------------|---|----------------------------------|
| Holmes | : | The Common Law |
| Paton | : | A Text Book of Jurisprudence |
| Julius Stone | : | The Province and Function of Law |
| Friedmann | : | Legal Theory |
| Dias | : | Jurisprudence |
| Keeton | : | Jurisprudence |
| Rolles | : | Theory of Jurisprudence |

Paper- II : Comparative Public Law

Unit-I

Comparative Study of Public Law

- Meaning and significance of Comparative Public Law
- Sources of the English Constitution
- Salient Features of English Constitution
- Conventions of the Constitution
- Rule of Law – Exceptions to the Rule of Law

British Parliament

- Sovereignty of Parliament
- Limitations on Parliamentary sovereignty
- House of Commons
- House of Lords

Salient Features of American Constitution

- Amendment to the Constitution
- The American Presidency: Election, Procedure, Powers and Functions of President,
- Comparison of American President with British King British Prime Minister and Indian President
- The Congress: The House of Representatives : Speaker and his Powers: Senate and its special Powers
- Comparison of Senate with House of Lords and Rajya Sabha
- Weaknesses of Senate
- Supreme Court of America and Power of Judicial Review

Unit II

Constitutional Institutions

- Nature and Salient Features of Indian Constitution
- Preamble
- Composition and Functioning of Parliament
- Position and Powers of Union Executive
- Independence of Union and State Judiciary under the Constitution
- Power of Judicial Review
- Power and Procedure to Amend the Constitution
- Rules of Natural Justice (With special reference to Article 14 and 21 of the Constitution)
- Constitutional Remedies for the Enforcement of Fundamental Rights

BOOKS RECOMMENDED

| | | |
|--------------------------------------|---|--|
| Muro W.B. | : | The Government of the United States |
| Laski, H.J. | : | The American Democracy |
| J.C.Johari | : | Select World Constitutions |
| Vishnoo Bhagwan | : | World Constitution: A Comparative Study |
| Basu D.D. | : | Commentary on the Constitution of the India |
| Basu D.D. | : | Comparative Constitutional Law |
| Jain M.P. | : | Indian Constitutional Law |
| Allen, Michael and Thompson Brian | : | Cases and Materials on Constitutional and Administrative Law, Oxford University Press |

LL.M. First Semester (One Year Course)

Group-I : CRIMINAL LAW

Paper- I- General Principles of Criminal Law

Unit-I

Historical Background of Criminal Law

Principle of Legality

Nature and Elements of Crime

Concept and Relevance of *Mens rea*

Recent Trends to Presume Culpable Mental State in Fixing Criminal Responsibility

Stages in Commission of Crime

Impossible Attempts

Unit-II

Abetment

Criminal Conspiracy

Jurisdiction with Special Reference to Expanding Horizons of Technology in Crime Causation

Vicarious Liability in Criminal Law with Reference to Ss 34-38, 149,376-D, 396 & 460 of the I.P.C.

Theories of Punishment

Types of punishment

Sentencing of Offenders

BOOKS RECOMMENDED

| | | |
|---------------------|---|------------------------------------|
| Shamsul Huda | : | General Principles of Criminal Law |
| R.C.Nigam | : | Principles of Criminal Law |
| Williams, Glanville | : | A Text Book of Criminal Law |
| Kenny's | : | Outlines of Criminal Law |
| Andrew Ashworth | : | The Criminal Process |

LL.M. First Semester (One Year Course)

Group-I : CRIMINAL LAW

Paper- II: Emerging Areas of Criminality

Unit-I

Cyber Crimes- Meaning, Nature and Kinds of Cyber Crimes
Human Trafficking – Definitions and Meaning, Distinction between ‘Trafficking in Persons’ and ‘Smuggling of Persons’ Human Trafficking as an Organized Crime
Money Laundering – Meaning, Definition and Nature, Money Laundering as a Process, Money Laundering and Related Offences
Domestic Violence – Meaning, Definition and Nature, Remedies and Reliefs from Domestic Violence
Violence Against Schedule Castes and Schedule Tribes
Communal Violence
Terrorism

Unit-II

Sexual offences against Women and Sexual harassment at Workplaces
Live in Relationship
Homosexuality
Law relating to Abortion in India
Protection of Children from Sexual offences
Acid Attack
Honour Killings

BOOKS RECOMMENDED

Immoral Trafficking (Prevention) Act 1956 and Relevant Provision of the Indian Penal Code, 1860
United Nation Convention Against Transnational Organised Crime, 2000 and Related Protocols.
The Protection of Women from Domestic Violence Act, 2005
The Prevention of Money Laundering Act, 2002
Anti Money Laundering and Combating the Financing of Terrorism – India Report of Asia Pacific Group (APG) on Money Laundering (2010)
The Protection of Children from Sexual Offences Act, 2012
The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2012
The Unlawful Activities (Prevention) Act, 1967
The Information Technology Act, 2000.

LL.M. First Semester (One Year Course)

Group-I : CRIMINAL LAW

Paper- III: Criminal Justice and Human Rights

Unit-I

Administration of Justice: Meaning Purpose and Division of Administration of Justice, Difference between Administration of Civil Justice and Criminal Justice

Criminal Justice Administration: concept, Historical Perspective and Organs of Criminal Justice System in India

Human Rights: Concept, Origin and Development of Human Rights

Role of National Human Rights Commission and State Human Rights Commission in Protecting Human Rights

Human Rights and Criminal Justice System in India

Right against Self incrimination

Right against Torture

Unit II

Right to Legal Aid

Right to Speedy Trial

Justice to Victims of Crime: A Human Rights Approach

Human Rights of Prisoners

Child Rights and Criminal Justice System

Women Rights and Criminal Justice System

Death Penalty: Human Rights Perspectives on Future of Capital Punishment

BOOKS RECOMMENDED

- | | | |
|---------------------|---|---|
| Dr. K.I.Vibhute | : | Criminal Justice : A Human Rights Perspective of the Criminal Justice Process in India |
| S.K. Pachauri | : | Prisoners and Human Rights |
| Harry W. More | : | Principles and Procedure in the Administration of Justice |
| Ashwani Kant Gautam | : | Human Rights and Justice System |
| Mamta Rao | : | Law Relating to Women and Children |

LL.M. First Semester (One Year Course)
GROUP - II : FAMILY LAW

Paper- I : Law of Marriage in India.

Unit-I

Ancient Sources of Hindu Law.
Modern Sources of Hindu Law
Sources of Muslim Law.
Schools of Law, Migration, Domicile
Residence and Problem of Conflict of Personal Laws,
Concept of Uniform Civil Code.

Unit-II

The following topics in Unit II comprises the study under The Hindu Marriage Act, 1955; Muslim Law ; The Indian Christian Marriage Act, 1872; The Parsi Marriage and Divorce Act, 1936 and The Special Marriage Act, 1954.
Application of Law
Evolution of Institution of Marriage.
Kinds of Marriage
Conditions/ Requisites of Marriage.
Solemnization and Ceremonies of Marriage.
Registration of Marriage.
NRI Marriages.

BOOKS RECOMMENDED

| | | |
|-----------------|---|--------------------------------------|
| Paras Diwan | : | Indian Personal Laws. |
| Paras Diwan | : | Family Law |
| Beri, B.P. | : | Law of Marriage and Divorce in India |
| Paras Diwan | : | Modern Hindu Law |
| Mayne's | : | Hindu Law and Usage |
| Raghvachariar's | : | Hindu Law |
| Derrett | : | A Critique of Modern Hindu Law |
| Mulla | : | Principles of Hindu Law |
| Mulla | : | Principles of Mohammedan Law |
| Kusum | : | Family Law. |

LL.M. First Semester (One Year Course)

GROUP - II : FAMILY LAW

Paper- II : Law of Matrimonial Reliefs in India.

The following topics comprises the study under The Hindu Marriage Act, 1955 ; Muslim Law ; The Divorce Act, 1869 ; The Parsi Marriage and Divorce Act, 1936 and The Dissolution of Muslim Marriage Act, 1939 and The Special Marriage Act, 1954.

Unit-I

Restitution of Conjugal Rights and its Constitutionality
Choice of Matrimonial Home
Judicial Separation
Nullity of Marriage:
 Void Marriage
 Voidable/ Irregular Marriage
 Difference between Void and Voidable Marriages

Unit-II

Theories of Divorce:
 Fault Theory
 Breakdown Theory
 Irretrievable Breakdown Theory
 Consent Theory
 Difference between Judicial Separation and Divorce
Grounds of Divorce/ Dissolution of Marriage
Fair Trial to Marriage Rule
Alternative Relief in Divorce Proceedings
Remarriage of Divorced Persons

BOOKS RECOMMENDED

| | | |
|-------------|---|--------------------------------------|
| Aggarwala | : | Matrimonial Remedies |
| Paras Diwan | : | Indian Personal Laws. |
| Paras Diwan | : | Family Law |
| Paras Diwan | : | Modern Hindu Law |
| Fyzee | : | Mohammedan Law |
| Aqil Ahmed | : | Mohammedan Law |
| B.P. Beri | : | Law of Marriage and Divorce in India |
| Kumud Desai | : | Law of Marriage and Divorce in India |
| M.S. Nijjar | : | Nullity of Marriage under Hindu Law |
| D.K. Singla | : | Judicial Separation under Hindu Law. |
| Kusum | : | Family Law. |

LL.M. First Semester (One Year Course)

GROUP - II : FAMILY LAW

Paper- III: Law of Maintenance

Unit-I

Concept of Maintenance :

Maintenance Under Chapter IX (Ss 125 to 128) of the Criminal Procedure Code, 1973.

Maintenance and Welfare of Parents and Senior Citizens Act, 2007.

Maintenance Under :

The Hindu Marriage Act, 1955

The Hindu Adoption and Maintenance Act, 1956.

The Protection of Women against Domestic Violence Act, 2005

Unit-II

Maintenance Under :

The Parsi Marriage and Divorce Act, 1936

The Divorce Act, 1869

The Special Marriage Act, 1954

Muslim Law of Maintenance,

The Muslim Women (Protection of Rights on Divorce) Act, 1986

BOOKS RECOMMENDED

| | | |
|-------------|---|--------------------------------------|
| Paras Diwan | : | Indian Personal Laws |
| Paras Diwan | : | Family Law |
| B.P. Beri | : | Law of Marriage and Divorce in India |
| Derrett | : | Introduction to Modern Hindu Law |
| Paras Diwan | : | Muslim Law in Modern India. |

LL.M. Second Semester (One Year Course)
Compulsory Paper

Paper- I: Interpretation of Statutes

Unit-I

Legislation and its types
Commencement, Extent and Duration of Statutes
Retrospective Operation of Statute
General Principles of Statutory Interpretation:
Primary or Literal Rule of Interpretation
Mischief Rule of Interpretation
Golden Rule of Interpretation
Harmonious Rule of Interpretation
Beneficial Construction
Strict or Liberal Construction

Unit II

Internal Aids to Interpretation of Statute
External Aids to Interpretation of Statute
Mens rea in Statutory Offences
Subordinate Principles of Interpretation
 Contemporanea expositio
 Ejusdem generis rule
 Construction of Words in Bonam Partem
Interpretation of Constitution
 Harmonious Construction
 Doctrine of Pith and Substance
 Doctrine of Implied, Incidental and ancillary Powers

SUGGESTED READINGS

| | | |
|---------------|---|---|
| Maxwell | : | Interpretation of Statutes |
| Sarathi | : | Interpretation of Statutes |
| G.P. Singh | : | Principles of Statutory Interpretation |
| Swarup | : | Legislation and Interpretation |
| Craies | : | Statute Law |
| W. Twining | : | How to do things with rules |
| Indian Law | : | A Primer of Interpretation |
| P.M. Bakshi | : | The Drafting of Laws |
| Bentham | : | Legislative Drafting |
| Dicey | : | Theory of Legislation |
| Ruthnaswamy | : | Law and Public Opinion |
| Bindra | : | Legislation Principles and Practice |
| P.K. Tripathi | : | Interpretation of Statutes |
| U. Baxi | : | Spotlights on Constitutional Interpretation |
| M. Imman | : | The Indian Supreme Court and Politics |
| Edgers | : | Indian Supreme Court and the Constitution : A Study of the Process of Construction |
| | : | Construction of Deeds and Statutes General Clauses Act, 1897. |

LL.M. Second Semester (One Year Course)
Group-I : CRIMINAL LAW

Paper- I : Administration of Criminal Justice

Unit-I

Investigation of Criminal Cases
Bail and Personal Liberty
Rights of the accused
Components of Fair Trial
Plea Bargaining
Inherent Powers of the High Court
Commutation, Suspension and Remission of Sentences

Unit II

Admission and Confession
Dying Declaration
Expert Evidence
Admissibility and Inadmissibility of Evidence
Prison Administration in India
Problems of Prisons and Prison Reforms
Probation and Parole

BOOKS RECOMMENDED

| | | |
|----------------------|---|--|
| Sohni | : | Code of Criminal Procedure |
| RattanLal Dhiraj Lal | : | Code of Criminal Procedure |
| R.V.Kelkar | : | Code of Criminal Procedure |
| M.Monir | : | Law of Evidence |
| Ahmad Siddiqui | : | Criminology and Penology |
| | | Report of Committee on Reforms of Criminal Justice System, 2003. |

Group-I : CRIMINAL LAW

Paper- II- White Collar Crimes

Unit-I

Genesis of White Collar Crime
Nature and Scope of White Collar crime
Growth of White Collar Crime in India and Western Countries
Mens rea and White Collar Crime
Vicarious Liability in White Collar Crime
Strict Liability in White Collar Crime
Essential Commodities Act, 1955:
Powers to Control Production, Supply, Distribution etc. of Essential Commodities
Confiscation of Essential Commodities
Penalties
Offences of Companies
Cognizance of Offences
Prosecution of Public Servants
Customs Act, 1962:
Key Words
Powers of Prohibit Importation and Exportation of Goods
Search, Seizure and arrest
Offences and Prosecutions
Penalties
The conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974
Definitions
Detention Under the Act

Unit II

The Narcotic Drugs and Psychotropic Substance Act, 1985:
Definitions and Objective of the Act
Investigative Procedure Under the Act
Prevention of Corruption Act, 1988:
Definitions
Appointment of Special Judges
Offences and Penalties
Sanction for Prosecution
The Foreign Exchange Management Act, 1999:
Definitions
Regulations and Management of Foreign Exchange Authorized Person
Adjudication and Appeal
Penalties
The Food Safety and Standards Act, 2006
Definitions
Food Safety Standard Authority of India
General Principles of Food Safety
Prohibition of Import of Certain Articles of Food
Offences and Penalties

SUGGESTED READINGS

| | |
|---------------------|---|
| Mahesh Chandra | Socio-Economic Crimes. |
| S.K.Ghosh | Economic Offences |
| Jaspal Singh | Socio-Economic Offences |
| Walter C. Reckless | The Crime Problem |
| Rarold J. Vetter | Criminology and Crime. |
| Marshall B. Clinard | Crime in Developing Countries |
| Baxi Upendra | Law and Poverty |
| | Essential Commodities Act, 1955. |
| | Prevention of Food Adulteration Act, 1954. |
| | Prevention of Corruption Act, 1988 |
| | Customs Act, 1962 |
| | The Food Safety and Standards Act, 2006 |
| | 47 th Report of Law Commission of India. |
| | Trial and Punishment of Socio-Economic Offences |
| | Crime in India, Annual Report |
| | Relevant provisions of I.P.C. and Cr.P.C |
| | Criminal Law Review |
| | Report of Committee on Reforms of Criminal Justice System |

LL.M. Second Semester (One Year Course)

Group-I : CRIMINAL LAW

Paper- III : International Criminal Law

Unit-I

Concept of International Criminal Law
Development of International Criminal Law
Sources of International Criminal Law
Principle of Liability and Participation in International Criminal Law
Evolution of the Concept of Individual Criminal Responsibility
Grounds of Excluding Criminal Liability
International Crimes: Meaning and Scope

Unit II

Establishment of International Military Tribunals, Nuremberg and Tokyo Tribunal
Origin and Establishment of International Criminal Court
Constitution and Composition of International Criminal Court
Jurisdiction of International Criminal Court
Grounds of inadmissibility of Cases in International Criminal Court
Rights of Accused and Protection of Victims and Witnesses
Obligation of State Parties and Non Party States to International Criminal Court

BOOKS RECOMMENDED

Ilias Bankekas & Susan Nash : International Criminal Law
Dipankar Banerjee : International Criminal Court
Knut Dormann and Beck : Elements of War Crimes under the Rome Statute of International
Criminal Court : Sources and Commentary
S.K. Kapoor : International Law

LL.M. Second Semester (One Year Course)

GROUP - II : FAMILY LAW

Paper - I : Hindu Law of Joint Family and Inheritance

UNIT - I

Mitakshara Joint Family.

Mitakshara Coparcenary, its formation and incidents, Classification of Property under Mitakshara.

Coparcenary Property.

Separate Property.

Dayabhaga Coparcenary, Its Formation and Incidents, Concept of Property under Dayabhaga Law.

Karta of the Joint Family, his Position, Powers, Privileges and Obligations

Alienation of Property.

Separate Property.

Coparcenary Property.

Partition.

Subject Matter of Partition.

Indivisible Properties.

Deductions and Provisions.

Persons who have a right to partition and entitled to a share.

Persons who are Entitled to a Share if Partition takes place.

How Partition is Effected.

Severance of Joint Status or Interest.

Mode of Partition.

Division of Property by Metes and Bounds.

Taking of Accounts.

Rules Relating to Division of Property.

Re-opening of Partition.

Re-union in.

UNIT - II

The Hindu Succession Act, 1956.

Application of the Act.

Definitions.

Overriding Effect of Act.

Intestate Succession.

Devolution of Interest in Coparcenary Property.

Succession to Property of a Hindu Male Dying Intestate.

Concept of Women's Property.

Succession of the Property of a Hindu Female Dying Intestate.

General Rules of Succession.

Special Provisions Respecting Dwelling Houses.

Disqualifications Relating to Succession.

Class I Heirs.

Class II Heirs.

Escheats.

Testamentary Succession (Under the Hindu Succession Act, 1956) (Sec. 30).

BOOKS RECOMMENDED

- Mayne's : Hindu Law and Usage.
Paras Diwan : Hindu Law of Succession.
Paras Diwan : Indian Personal Law.
Gill, Kulwant : Hindu Women's Right to Property in India.
N.R. Raghavachariar's : Hindu Law.
Paras Diwan : Hindu Law of Succession.
Poonan Pradhan : Family Law
Nijjar M.S. and Manpreet Kaur : Law Relating to Property Rights of Hindu Women.

LL.M. Second Semester (One Year Course)

GROUP - II : FAMILY LAW

Paper- II - Law of Adoption and Guardianship

Unit-I

Adoption under the Hindu Adoptions and Maintenance Act,1956. Application of Act. Requisites of a valid adoption. Capacity of a male Hindu to take in adoption. Capacity of a female Hindu to take in adoption. Persons capable of giving in adoption. Persons who may be adopted.

Conditions for a valid adoption. Effects of adoption. Rights of adoptive parents to dispose of their property. Determination of adoptive parents in certain cases. Valid adoption not to be cancelled. Presumption as to registered documents relating to adoption. Prohibition of certain payments. Position of adoption under other personal laws. Inter-country adoptions.

Unit-II

Guardianship under personal laws. Definitions. Natural Guardian. Powers of Natural Guardian, Testamentary Guardian, Powers of Testamentary Guardian.

Defacto Guardian, Powers of Defacto Guardian, Incapacity of a minor to act as a Guardian. Custody/Hizanat, welfare of minor to be paramount consideration. Procedure of appointment of Guardian under the Guardian and Wards Act, 1890.

Suggested Readings :

| | | |
|--------------------|---|--------------------------|
| Paras Diwan | : | Family Law |
| G.M. Divekar | : | Hindu Law |
| Acharya Shuklendra | : | Hindu Law |
| D.C. Manooja | : | Law of Adoption in India |
| R.C. Nagpal | : | Modern Hindu Law. |

LL.M. Second Semester (One Year Course)

GROUP - II : FAMILY LAW

Paper- III - Problems of Family in Contemporary Indian Society

Unit-I

Dowry Prohibition Act, 1961 : Definition of Dowry, Distinction between Dowry and Dower, Dowry offenders. Transfer of Dowry to the bride, Dowry offences, Trial of Dowry offenders. Authorities under Dowry Prohibition Act, 1961. Punishment under the Act.

Dowry death, Dowry and criminal breach of trust. Husband or relative of husband of a women subjecting her to cruelty, Evidence in Dowry offences.

Unit-II

Infanticide, Female-foeticide, The Pre-conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, Bigamy, Homo-Sexuality. Live-in-Relationship, Surrogacy.

The Commission of Sati (Prevention) Act, 1987. Definitions, Punishment for offences relating to Sati. Power to prevent offences relating to Sati. Special Courts. Burden of Proof. Disqualifications. The Prohibition of Child Marriage Act, 2006.

Suggested Reading :

| | | |
|------------------|---|---|
| R. Dayal | : | Law Relating to Dowry |
| Aiyar & Tripathi | : | Dowry Prohibition Act |
| V.K. Upadhyay | : | Dowry Death |
| Paras Diwan | : | Dowry and Protection to the Married Women |
| Bhatnagar's | : | Dowry Prohibition Act |
| Manjula Batra | : | Women and Law |
| H.S. Gaur | : | Penal Law of India |
| I.K. Magoo | : | Law Relating to Sexual Offences and Homosexuality in India. |