

SYLLABUS

MASTER OF LAWS (LL.M.)

(TWO YEARS POST GRADUATE DEGREE PROGRAMME)

(Effective from Academic Year 2021-22)



FACULTY OF LEGAL STUDIES

**KHWAJA MOINUDDIN CHISHTI
LANGUAGE UNIVERSITY
LUCKNOW**



Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM CC-201

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: LEGAL PHILOSOPHY-II

Course Outcome

- C.O. 1:** To analyze the changing nature of Law in the 21st century.
- C.O. 2 :** To analyze and interpret the impact of international social movements on law .
- C.O. 3 :** To understand and interpret the new approaches to law.
- C.O. 4 :** To analyze the concepts of justice and rights as applicable in the 21st century.

Program Outcomes

- To inculcate an inter disciplinary approach in order to understand the nature of law.
- To assess the changing nature of law.
- To assess the changing nature of Law , State , Sovereignty and Justice.

UNIT I : Law in a Post Modern World

(12 Lectures)

- 1.1 Law and Post Modernism: Critical Legal School, Ideas of Roberto Unger, Duncan Kennedy , Michel Foucault, Jacques Derrida .
- 1.2 Queer Jurisprudence.
- 1.3 Feminist Jurisprudence.
- 1.4 Law and Ideology.

UNIT II : Law , State and Sovereignty in a Contemporary world.

(12 Lectures)

- 2.1 Challenges to Sovereignty in the 21st century :Subsidiarity , Sovereignty as Responsibility,
- 2.2 Chunk theory of Sovereignty , Globalization , The concept of Fail / Weak State.
- 2.3 Post 9/11 world and State : Philosophy of Carl Schmitt , Giorgio Agamben , The concept of Bio Politics.
- 2.4 Cosmopolitanism and Globalization as an alternate to the State system.
- 2.5 The concept of Demosprudence .


UNIT III : Changing notion of Justice in a contemporary world

(12 Lectures)

- 3.1 Rawlsian Difference Principle and the ideas of Nozick and Sen
- 3.2 Global Distributive Justice : Views of Peter Singer , Thomas Pogge , Kok Chor Tan , Martha Nussbaum, Refugee justice ,
- 3.3 Anti Globalization Movement : Meaning , Nature and Scope .


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UNIT IV : Minorities & Governance

(12 Lectures)

- 4.1 Right of Self-determination and the Minorities.
- 4.2 Ethnic Minorities and Governance
- 4.3 Sustainable Development, Inclusive Governance

UNIT V: Recent Global Trends

(12 Lectures)

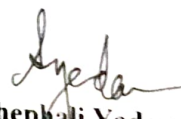
- 5.1 TWAIL scholarship.
- 5.2 Importance of Legal monism in establishing international peace.
- 5.3 Global Administrative Law : Meaning , Nature and Scope .
- 5.4 Global Governance. Post Secularism and Public Reason
- 5.5 Linguistic Philosophy, Wittgenstein, Interpretation of Law,

Bibliography

1. Encyclopedia of Global Justice ,Deen Chatterjee (ed) , Springer.
2. Global Governance by Thomas Weiss , Polity .
3. Global justice : The basics by Huw . L. Williams and Carl Death , Routledge.
4. Jurisprudence : from the Greeks to Post Modernism by Wayne Morrision , Lawman (India) , Private Limited .
5. Globalization and After by Dasgupta and Kelly ,Routledge.
6. Legality and legitimacy by David Dyzenhaus , Cambridge publication.
7. Sovereignty as Responsibility by Luke Glanville , Chicago university press.
8. International Law from Below by Balakrishna Rajagopal , Cambridge .

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Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM CC-203

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: COMPARATIVE CONSTITUTIONAL LAW

Course Outcomes:

C.O. 1 : Comparative study of constitutions

C.O. 2 : Constitutional Borrowings.

C.O. 3 : Constitutional Interlinkage.

Program Outcomes The paper introduces the understanding about Comparative Constitutions.

UNIT I: Constitutional Governance

(12 Lectures)

- 1.1 Federal & Unitary Governance
- 1.2 Constitution, Constitutionalism & Governance
- 1.3 Features of Constitutionalism
- 1.4 Comparison of Federal Governance in Indian, UK & USA

UNIT II: Rule of Law

(12 Lectures)

- 2.1 Rule of Law & Constitutional Governance
- 2.2 Equality & Rule of Law
- 2.3 Equality & Affirmative Action
- 2.4 Discrimination & Equality

UNIT III: Judicial Review


(12 Lectures)

- 3.1 Judicial Review & Constitutional Governance
- 3.2 Judicial Review & Interpretation of Constitution
- 3.3 Writs & Remedies
- 3.4 Judicial Accountability

UNIT IV: Separation of Power & Division of Power

(12 Lectures)

- 4.1 Separation of powers
- 4.2 The Doctrine of Checks and Balances
- 4.3 Rule of Law and Separation of Powers in the Indian Constitution
- 4.4 Division of Powers & Judiciary


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UNIT V: Contemporary Constitutional Governance

(12 Lectures)

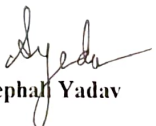
- 5.1 Privacy & Digital Rights
- 5.2 LGBTQ Rights
- 5.3 Indigenous People & Minority Rights
- 5.4 Displaced Persons & Refugee, Vulnerables & Migrant

BOOKS

1. H.M. Seervai, Constitutional Law of India
2. M.P. Jain, Constitutional Law of India,
3. John B. Howard, The Social Accountability of Public Enterprises,
4. Rajeev Dhavan, On the Law of the Press in India, 26 JILI 288 (1984)
5. Soli Sorabjee, Law of Press Censorship in India
6. Justice E.S. Venkaramiah, Freedom of Press : Some Recent Trends,
7. D.D. Basu, The Law of Press of India
8. Rajeev Dhavan, Legitimizing Government Rhetoric : Reflections on Some Aspects of the Second Press Commission, 26 JILI 391, 1984

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Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM CC-204

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: Law and Justice in Globalized World

Course Outcomes:

- C.O. 1:** Grasp the fundamentals of philosophical and analytical skills including close reading, logical analysis and exemplary modes of problem solving;
- C.O.2:** Understand the concept of justice as a political and legal ideal and appreciate the different motivations and assumptions behind key conceptions of justice;
- C.O.3:** Apply their understanding of justice in adopting a critical perspective on the nature of the law and legal systems;
- C.O.4:** Identify and analyze problems of justice within and beyond national communities with a special emphasis on the distinction between national, international, global and cosmopolitan justice; and **C.O.5:** To appreciate the institutional and practical dimensions of securing a just and equitable society.

Program Outcomes

- P.O.1:** Demonstrate the ability to extract rules and policy from cases, statutes, and administrative regulations and analyzing, interpreting and arguing differing interpretations of rules and statutes;
- P.O.2:** Demonstrate the ability to conduct investigation of facts and to construct a coherent narrative based on that investigation;
- P.O.3:** Identify legal issues in facts and applying rules and policy to facts;
- P.O.4:** Perform comprehensive legal research;
- P.O.5:** Demonstrate the ability to solve problems in light of a client's objectives: anticipating consequences and assessing risks;

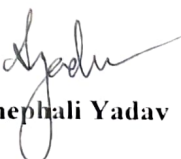
Unit I : Legal Philosophy & Utilitarianism

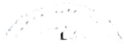
(12 Lectures)

- 1.1 Legal and Philosophical Analysis
- 1.2 Utilitarian Justice
- 1.3 Non-Utilitarian Theories of Justice


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Unit II: Law & Justice

(12 Lectures)

- 2.1 Law and Justice
- 2.2 Rawls & Nozick, Sen and Justice
- 2.3 The Separation of Law and Morals
- 2.4 The Unity of Law and Morals

Unit III: Economic Justice & Rights & Governance

(12 Lectures)

- 3.1 Rights Based Theory of Justice
- 3.2 Economic Analysis of Law and Justice
- 3.3 Justice in Critical Legal Studies

Unit IV: Socialism & Communism

(12 Lectures)

- 4.1 Marx, Law and Justice
- 4.2 Communitarian Justice
- 4.3 Economic State & Laissez
- 4.4 Faire State

Unit V: Feminism & Global Justice

(12 Lectures)

- 5.1 Feminist Theories of Justice
- 5.2 Cosmopolitan Justice
- 5.3 Global Justice

Resources:

1. Aristotle. Nicomachean Ethics, OUP Oxford, 2009. (Excerpts)
2. Simmonds, N.E. Central Issues in Jurisprudence, Justice, Law and Rights, Second Edition (Sweet & Maxwell) pp. 1-15.
3. Bix, Brian. Jurisprudence: Theory and Context, Carolina Academic Press, 1999, Chapter 1.
4. Williams, Bernard. Philosophy as a Humanistic Discipline, Princeton University Press, 2006.
5. Mill, JS. Utilitarianism, Chapters 1 & 2
6. Smart, J.J.C and Williams, Bernard. Utilitarianism: For and Against, Cambridge University Press, 1973.
7. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press, 2002, pp. 23-52.
8. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge: Cambridge University Press, 1982, Chapter 1.
9. Rawls, John. A Theory of Justice, Harvard University Press, 2009, Chapter 1.
10. Kymlicka, Will. Contemporary Political Philosophy: An Introduction, Oxford University Press 2002, Chapter 3.
11. Sen, Amartya. The idea of justice. Harvard University Press, 2011. Chapter 1, 2, 10
12. Cohen, G.A. Rescuing Justice and Equality, Harvard University Press, 2008.
13. Hart, Herbert Lionel Adolphus. The Concept of Law. OUP Oxford, 2012, Chapter 6
14. Coleman, Jules. „Beyond Inclusive Legal Positivism“, Ratio Juris, 22(3)2009.

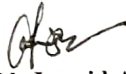
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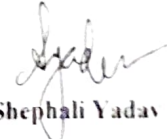
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15. Hart, Herbert Lionel Adolphus. The Concept of Law, OUP Oxford, 2012, Chapters 1, 5, 8 & 9.
16. Fuller, Lon. "Positivism and Fidelity to Law", Harvard Law Review, 71(4), 1958.
17. Dworkin, Ronald. Taking rights seriously. Harvard University Press, 1978, Chapters 2 & 3. 6, 10
18. Dworkin, Ronald, Law's Empire, Belknap Press, 1986, Chapter 2.
19. Guest, S. "Integrity, equality and justice", Revue Internationale de Philosophie, 59(3), 2005
20. Posner, Richard A. The Economics of Justice, Harvard University Press, 1981, Chapter 3.
21. Dworkin, Ronald. A Matter of Principle, OUP Oxford, 2001, Chapter 12.
22. Marilyn Baskin, et. al, v. Penny Bogan, et. Al, 766 F.3d 648 Kennedy, Duncan. "Form and substance in private law adjudication", Harvard Law Review, 89(8), 1976.
23. Unger, Roberto Mangabeira. The Critical Legal Studies Movement: Another Time, a Greater Task. Verso Books, 2015.
24. Waldron, Jeremy. "Did Dworkin Ever Answer the Critics?" in Scott Hershovitz (ed), Exploring Law's Empire: The Jurisprudence of Ronald Dworkin OUP Oxford, 2006.
25. Sypnowich, Christine, The Concept of Socialist Law, Oxford: Clarendon, 1990.
26. Cohen, G.A. Self-Ownership, Freedom and Equality, Cambridge University Press, 1995.
27. Cohen, G.A. If You're An Egalitarian How Come You're So Rich?, Harvard University Press, 2001 (Revised edition).
28. Okin, Susan Moller. "Justice and Gender", Philosophy and Public Affairs, 16(1), 1987.
29. Putnam, Ruth Anna. "Why not a Feminist Theory of Justice?" in M Nussbaum and J Glover (ed.) Women, Culture and Development: A Study of Human Capabilities, Oxford University Press, 1995.
30. Walzer, M. Spheres of Justice, Basic Books New York, 1983.
31. Sandel, Michael. Liberalism and the Limits of Justice, Cambridge University Press, 1982.
32. Rawls, John. The Law of Peoples, Harvard University Press, 2001.
33. Pogge, Thomas W. "An egalitarian law of peoples", Philosophy & Public Affairs 23(3), 1994.
34. Pogge, Thomas, "What is global justice?" (2003).
35. Nagel, Thomas, "The problem of global justice", Philosophy & Public Affairs 33 (2), 2005.
36. Miller, David. National Responsibility and Global Justice, Oxford University Press, 2007.


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Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM CC-205

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: ALTERNATIVE DISPUTE RESOLUTION

Course Outcomes:

- C.O. 1 : To analyse the efficaciousness of ADR.
- C.O. 2 : To evaluate ADR its types, tools and techniques.
- C.O. 3 : To critically evaluate the existing legal structure of ADR in the backdrop of emerging trends.
- C.O. 4 : To evaluate the ADR legal order in India.
- C.O. 5 : To understand the critical legal issues in International Commercial Arbitration.

Program Outcomes

- To foster an alternative approach in order to resolve legal disputes.
- To assess the Mediation and Conciliation as an ADR Technique.
- To encourage a Critical assessment of Dispute Resolution Processes.
- To assess the social impact of dispute resolution.

Unit I: Alternative Dispute Resolution

(12 Lectures)

- 1.1 Historical Development of ADR
- 1.2 Arbitration and Conciliation Act, 1996: Object, Development and Salient features
- 1.3 Arbitration: Definition, Sources, Kinds, Scope and Differences to Court
- 1.4 Arbitration Agreement, Composition of Arbitral Tribunal
- 1.5 Jurisdiction of Arbitral Tribunal,

Unit II Arbitral Tribunal & Procedure

(12 Lectures)

- 2.1 Conduct of Arbitral Proceeding,
- 2.2 Fast Track Arbitration, Regime for Cost
- 2.3 Making of Arbitral Award
- 2.4 Termination of Proceedings
- 2.5 Recourse against Arbitral Award, finality and Enforcement of Arbitral Award, Appeal

Unit III Institutional Arbitration

(12 Lectures)

- 3.1 Deposit & Lien on Arbitral Award & Deposit of Costs

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- 3.2 Insolvency & Arbitration
- 3.3 Institutional Arbitration vis-à-vis Ad Hoc Arbitration
- 3.4 Arbitration Council of India

Unit IV International Arbitration

(12 Lectures)

- 4.1 International Commercial Arbitration
- 4.2 Enforcement of Certain Foreign Awards,
- 4.3 New-York and Geneva Convention
- 4.4 UNCITRAL: International Arbitration, LCA, ICC, SIAC, MCIA
- 4.5 Investment Arbitration

Unit V Conciliation & Mediation

(12 Lectures)

- 5.1 Conciliation, Lok-Adalat & Permanent Lok-Adalat, Negotiation, Med Arb.
- 5.2 Media, Summary trials, Family Court, Gram Nyayalaya, Commercial Courts
- 5.3 Negotiation Theories, Development and its types, Collective Bargaining, Plea Bargaining
- 5.4 Qualities of Negotiator and Process for Negotiation, International Negotiation
- 5.5 Mediation & Good Offices
- 5.6 Commercial Mediation & Indian Scenario

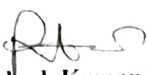
Acts:

- 1. Arbitration and Conciliation Act, 1996
- 2. Legal Service Authority Act, 1987
- 3. Code of Civil Procedure, 1908
- 4. Family Courts Act, 1984
- 5. Gram Nyayalaya Act, 2008
- 6. Commercial Courts Act, 2015

Books

- 1. B.P. Saraf & M. Jhunjhunwala, Law of Arbitration & Conciliation, Snow White, Mumbai
- 2. Gerald R. William (ed.), The New Arbitration & Conciliation Law of India
- 3. P.C. Rao & William Sheffield, Alternative Disputes Resolutions, Universal, Delhi
- 4. Johari, Commentary on Arbitration and Conciliation Act. Universal, Delhi
- 5. G.K. Kwatra, The Arbitration & Conciliation Law of India, Universal, Delhi
- 6. Banshi Dhar Singh, ADR System, CLP, Allahabad
- 7. J. G. Merrills, International Dispute Settlement. U.K : Cambridge University Press.
- 8. Robert J. Niemic, Donna Stienstra and Randall E. Ravitz, Guide to Judicial Management of Cases in ADR, Federal Judicial Centre, 2001
- 9. J. Auerbach, Justice Without Law? Oxford University Press, 1983
- 10. Abraham P. Ordoover and Andrea Doneff, Alternatives to Litigation : Mediation, Arbitration, and the Art of Dispute Resolution, Notre Dame: National Institute for Trial Advocacy, 2002


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Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM CC-206

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: ADMINISTRATIVE LAW

Course Outcomes:

- C.O. 1 :To introduce Administrative Law.
- C.O. 2 :To introduce rule of law.
- C.O. 3 :To introduce judicial review Program Outcomes

Program Outcomes

To inculcate the value of Administrative Law and Good Governance.

Unit I :

(12 Lectures)

- 1.1 Evolution and significance of Administrative Law in various systems of governance-from ancient to modern.
- 1.2 England and USA
- 1.3 France
- 1.4 Other systems

Unit II :

(12 Lectures)

- 2.1 Doctrine of Separation of Powers:
- 2.2 Comparative survey-Common Law and Continental System:
- 2.3 England, USA, France and India from Rigidity to Flexibility.
- 2.4 Rule of Law : Changing dimensions, Regulation of administrative process.

Unit III :

(12 Lectures)

- 3.1 Delegated Legislation :Problems,
- 3.2 Process and Control,
- 3.3 Judicial Review of delegated legislation.

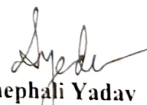
Unit IV :

(12 Lectures)

- 4.1 Procedural Fairness : Evolution and Significance of Natural Justice,
- 4.2 England : Judicial Process,

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- 4.3 Doctrine of fairness and doctrine of legitimate expectation.
- 4.4 U.S. : Due process and judicial decision.
- 4.5 India : Through judicial decision-Doctrine of Fairness (Art.14, 19, 21)-Doctrine of Legitimate Expectation,
- 4.6 Privilege against disclosure, official secrecy, Access to information and Right to Information Act.

Unit V :

(12 Lectures)

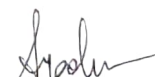
- 5.1 Control on Maladministration :Ombudsman,
- 5.2 Commissions of Inquiry,
- 5.3 Vigilance Commissions,
- 5.4 Investigative Agencies : The CBI,
- 5.5 Inquiries by Legislative Committee,
- 5.6 Legislative control, Judicial Inquiries.

Select Bibliography

1. Pater H. Schunk, Foundation of Administrative Law
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
5. De Smith, Judicial Review of Administrative Action,
6. D.D.Basu, Comparative Administrative Law,
7. K.S.Shukla and S.S.Singh, LokAyukta : A Socio-Legal Study,
8. Jain & Jain, Principles of Administrative Law


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Master of Laws LL.M.

Semester – II

Paper: Core

Course Code: LLM VNC-201

Credit- 4

Marks: 30 Internal + 70 End Sem

Course Title: Environmental Law

UNIT-I: Introduction

(12 Lectures)

- Environment: Meaning. Environment Pollution: Meaning and Issues
- Constitutional Guidelines Right to Wholesome Environment: Evolution and Application, Environment Protection & Public Interest Litigation
- Environmental Laws: India and International; Law of Torts; Law of Crimes; Public Nuisance;
- Emergence of Environmental Legislations

UNIT-II:

(Lectures-12)

- The Legal regime of pollution control-water pollution and air pollution control-specific legislations, Environment (Protection) Act, 1986,
- National Green Tribunal Act, 2010.
- Noise pollution regulation. Nuclear and Radiation Pollution, Judicial Response and environment protection.
- Central and State Pollution Control Boards: Constitution, Powers and Functions. Air Pollution Control Areas. Consent Requirement: Procedure, Grant/Refusal, Withdrawal. Sample of Effluents: Procedure; Restraint Order.

UNIT-III: Environmental Law, Forest & Wildlife

(Lectures-12)

- Environmental (Protection) Act, 1986: Environment, Environment Pollutant, Environment Pollution
- Powers and Functions of Central Govt.
- Important Notifications U/s 6: Hazardous Substance Regulation, Bio Medical Waste Regulation and Coastal Zone Management, Environment Impact Assessment, Public Participation & Citizen Suit Provision
- Laws Related to Forest: Forest Act, 1927. Kinds of forest – Private, Reserved, Protected and Village Forests The Forest (Conservation) Act, 1980 iv. Forest Conservation vis-a vis Tribals' Rights
- The Wild Life (Protection) Act, 1972: Authorities to be Appointed and Constituted under the Act. Hunting of Wild Animals. Protection of Specified Plants. Protected Area. Trade or Commerce in Wild Animals, Animal Articles and Trophies; Its Prohibition

UNIT-IV: International Environment Law & Issues

(Lectures-12)

- Historical development of International Environment Law.
- Soft Law and Hard Law, Global Environmental Organizations.
- Environmental Summits: Stockholm Conference to Rio+1 20
- Principles of international environment law: Intergenerational equity, Polluter pays Principles
- Precautionary Principles. Public Trust Doctrine.
- World Commission on Environment and Development. Our Common Future, 1987 Notion of Sustainable Development and Sustainable Development Goals, 2030

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UNIT-IV:

(Lectures-12)


- i. Regulation of hazardous wastes.
- ii. Problem of Climate Change in its broader context.
- iii. Trade and Environment WTO and TRIPS Agreement.
- iv. Conservation on Wetlands (Ramsar Convention).
- v. Convention on International trade in endangered Species (CITES)
- vi. Conservation of Biological Diversity (CBD) Intellectual property rights and biodiversity conservation, Cartagena Protocol on Bio safety.

Books:

1. Shyam Diwan & Armin Rosencranz, Environmental Law and Policy in India, Oxford University Press, 2nd Edition.
2. P. Leelakrishnan, Environmental Law in India, Lexis Nexis.
3. S. C. Shastri, Environmental Law, Eastern Book Company.
3. Gurdip Singh, Environmental Law in India, MacMillan Publisher.
4. Benny Joseph, Environment Studies, Tata McGraw Hill, New Delhi.


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