

UNIVERSITY OF KOTA

SCHEME OF EXAMINATION

AND

COURSES OF STUDY



Department of Law

LL.M. (Master in Laws)

First Semester Examination, December 2022

Second Semester Examination, June 2023

UNIVERSITY OF KOTA

MBS Marg, Near Kabir Circle, KOTA (Rajasthan)-324 005

INDIA

Edition: 2022

Course Structure with Distribution of Marks:

**Master of Laws
LL.M. (General)**

Semester-I (LL.M.)

S.no	Sub. Code	Course Title	Course Category	Contact Hour per week			Distribution of marks			Mini.pass. marks		EOSE Duration Hrs.	
				L	P	C	Int. Ass.	Sem. Ass.	Total Marks	Int. Ass.	Sem. Ass.	Theory	P
1.	LL.M 1011	Legal Theory-I	CC C	6		6	50	100	150	20	40	3	
2.	LL.M 1012	Indian Constitutional Law: New Challenges-I	CC C	6		6	50	100	150	20	40	3	
3.	LL.M 1013	Legal Education & Research Methodology	CC C	6		6	50	100	150	20	40	3	
4.	LL.M 1014	Elective 1- Law and social transformation in India-I	ECC	6		6	50	100	150	20	40	3	
5.	LL.M 1015	Elective 2- Legislation Principle-I	ECC										
6.	LL.M 1016	Elective 3-Recent Legal Development and Cases-I	ECC										
Total				24		24	200	400	600	80	160		

Semester-II (LL.M.)

S.no.	Sub. Code	Course Title	Course Category	Contact Hour per week			Distribution of marks			Mini.pass. marks		EOSE Duration Hrs.	
				L	P	C	Int. Ass.	Sem. Ass.	Total Marks	Int. Ass.	Sem. Ass.	Theory	P
1.	LL.M 2011	Legal Theory-II	CCC	6		6	50	100	150	20	40	3	
2.	LL.M 2012	Indian Constitutional Law: New Challenges-II	CCC	6		6	50	100	150	20	40	3	
3.	LL.M 2013	Principal and Law Relating to Human Rights	CCC	6		6	50	100	150	20	40	3	
4.	LL.M 2014	Elective 1- Law and social transformation in India-II	ECC	6		6	50	100	150	20	40	3	
5.	LL.M 2015	Elective 2- Legislation Principle-II	ECC										
6.	LL.M 2016	Elective 3-Recent Legal Development and Cases-II	ECC										
Total				24		24	200	400	600	80	160		

Objectives of the Course:

The University of Kota is running most prestigious professional course in the field of law that is Master in Laws (LL.M.) a full time two year postgraduate professional course in semester system there are four semesters viz- two semesters in first year and two are in second year. This course is running on Self Finance Scheme basis (S.F.S.) since 2005. As we all know law is a subject that helps to resolve many issues and various matters in our day to day life. Law is essential for a civilized society and to govern the nation.

This course opens the various doors of carrier advancement for our students to build their carrier. After completion of this course many of our students have been placed in the prestigious jobs like-Judicial Magistrate, Prosecution officer, Legal Assistant in various government and non government sectors and as a Law teacher in various colleges at national level. The Department has earned a good reputation of being an important centre of imparting the quality education in the field of Law. For running of this course we have well qualified and experienced faculties. The Department is actively involved in the research and publishing the research papers in the national and international Journals.

Duration of the Course:

The course LL.M. shall consist of two academic years divided into four semesters.

Eligibility for Admission:

The basic eligibility for admission to the programme is LL.B./BA,LL.B./Diploma in Law with minimum marks for GEN category candidates of Rajasthan-55%; other state-60%; SC/STOBC/SOBC-Minimum 50% Marks. The admission in the course is based on the merit of the percentage obtained in LL.B./BA,LL.B./Diploma in Law course.

Attendance:

Every teaching faculty handling a course shall be responsible for the maintenance of attendance Register for candidates who have registered for the course. The teacher of the course must intimate the Head of the Department at least seven calendar days before the last instruction day in the semester about the attendance particulars of all students. Each student should earn 75% attendance in the courses of a particular semester failing which he or she will not be permitted to appear in the End-Semester Examinations. However, it shall be open to the authorities to grant exemption to a candidate who has failed to obtain the prescribed 75% attendance for valid reasons and such exemptions should not under any circumstance be granted for attendance below 65%.

Teaching Methodologies:

The classroom teaching would be through conventional lectures or power point presentations (PPT). The lecture would be such that the student should participate actively in the discussion. Student seminars would be conducted and scientific discussions would be arranged to improve their communicative skills. In the laboratory, instructions would be given for the experiments followed by demonstration and finally the students have to do the experiments individually.

Maximum Marks:

Maximum marks of each theory paper shall carry 150 marks divided into semester assessment and internal assessment (100+50). Each paper shall carry six hour lecture per week. One hour is equal to 1 credit therefore each theory paper carry six credit per week.

Scheme of Examinations:

The examination shall be divided into two parts in which first part is continuous assessment or internal assessment and second part is semester assessment or external assessment. The schemes for the internal and external examinations shall be as under:

- a) The assessment of the student for theory paper shall be divided into two parts in which first part is continuous assessment or internal assessment (50 marks) and second part is semester assessment or external assessment (100 marks).
- b) The internal assessment for each theory paper shall be taken by the teacher concerned in the Department during each semester. There will be two components of internal assessment; one by test having 20 marks, Assignment & Presentation 20 marks and viva-voce of 10 marks for theory papers in each semester. Internal assessment test shall be of one hour duration for each paper and shall be taken according to academic calendar notified by the University / Departments.
- c) A student who remains absent (defaulter) or fails or wants to improve the marks in the internal assessment may be permitted to appear in the desired paper(s) (only one time) in the same semester with the permission of the concerned Head of the Department. A defaulter / improvement fee of Rupees 250/- per paper shall be charged from such candidates. Duly forwarded application of such candidates by the teacher concerned shall be submitted to HOD who may permit the candidate to appear in the internal assessment after depositing the defaulter/ improvement fee. A record of such candidates shall be kept in the Department.
- d) In semester-IV paper no. 16 is a dissertation paper and shall carry 150 marks which are divided into (100+50) dissertation project and viva-voce. Dissertation project will be examined and viva-voce conducted by external examiner appointed by University of Kota.
- e) The external assessment shall be of three hours duration for each theory paper. The syllabus for each theory paper is divided into five independent units and each theory question paper will be divided into three sections as mentioned below:
 - **Section-A** shall have 01 compulsory question comprising 10 questions (maximum 20 words answer) taking two questions from each unit. Each question shall be of one mark and total marks of this section will be 10. This section will be compulsory in the paper.
 - **Section-B** will carry 50 marks with equally divided into five long answer type questions (answer about in 250 words) and examiners are advised to set two questions from each unit and students are instructed to attempt five questions by selecting one question from each unit.
 - **Section-C** will carry 40 marks. There will be four questions; students have to attempt only two questions out of four questions. Each question shall carry 20 marks with word limit of 500 words.
- f) The pattern of question paper of internal and external shall be as follows:

(A) Internal Assessment: Internal assessment carry 50 marks (30 marks for project file/ assignment and 20 marks viva).

(B) External Assessment: External assessment carries 100 marks.

Duration of Examination: 3 Hours

Max. Marks: 100

SECTION-A: 10x1=10

(Answer all questions)

(Two question from each unit with no internal choice)

Q. No. 1

- | | |
|--------------|---------------|
| (i) | 1 Mark |
| (ii) | 1 Mark |
| (iii) | 1 Mark |
| (iv) | 1 Mark |
| (v) | 1 Mark |
| (vi) | 1 Mark |
| (vii) | 1 Mark |
| (viii) | 1 Mark |
| (ix) | 1 Mark |
| (x) | 1 Mark |

SECTION-B: 10x5=50

(Answer all questions)

(One question from each unit with internal choice)

(Maximum two sub-divisions only)

Q. No. 2.

Or

10 Marks

Q. No. 3.

Or

10 Marks

Q. No. 4.

Or

10 Marks

Q. No. 5.

Or

10 Marks

Q. No. 6.

Or

10 Marks

SECTION-C: 2x20 = 40

(Answer any two questions)

(Maximum four sub-divisions only)

Q. No. 7.

20 Marks

Q. No. 8.	20 Marks
Q. No. 9.	20 Marks
Q. No. 10.	20 Marks

Rules regarding determination of results:

Each semester shall be regarded as a unit for working out the result of the candidates. The result of the each semester examination shall be worked out separately (even if he/she has appeared at the paper of the lower semester along with the papers of higher semester) in accordance with the following conditions:

- a) The candidate shall be declared as pass in a semester examination, if he/she secures at least 40 marks out of 100 marks in each theory paper separately in external. Internal assessment 20 marks out of 50 marks in each practical paper.
- b) A candidate declared as fail/absent in one or more papers at any odd semester examination shall be permitted to take admission in the next higher semester (even semester) of the same academic session.
- c) A candidate may be promoted in the next academic session (odd semester) if he/she has cleared collectively at least 50% of the papers of both semesters of previous academic session with 50% of the aggregate marks. The candidate who does not fulfill the above condition will remain as an ex-student and will reappear in the due papers along with next odd/even semester exams.
- d) If any student who is provisionally admitted in higher odd semester but could not secure prescribed minimum marks in previous semesters will be treated as ex-student and his/her admission fee will be carry forwarded to the next odd semester of forthcoming academic session.
- e) If a candidate, who is declared as pass, wishes to improve his/her performance in the theory papers of previous semester, he/she may re-appear only one time in these papers in next odd/even semester examinations.
- f) Candidate shall not be permitted to re-appear or improve the marks obtained in the external examination of practical / dissertation in any condition.
- g) If the number of papers prescribed in a semester examination is an odd number, it shall be increased by one for the purpose of reckoning 50% of the papers for considering the student pass/fail.
- h) A candidate may be given only two additional chances for passing the semester thus maximum tenure for completing the two years' postgraduate course will be limited to four years, for three years postgraduate programme up to five years and so on.
- i) The grace marks scheme shall be applicable as per University norms.

Classification of Successful Candidates:

The classification of successful candidates after last semester examination shall be as under:

Description of Marks Obtained	Division / Result
• 80% and above marks in a paper.	Distinction in that paper.
• A candidate who has secured aggregate 60% and above marks	First Division
• A candidate who has secured aggregate 50% and above but less than 60% marks	Second Division

LL.M. Semester-I

Total Marks: 150

Theory: 100

Internal Assessment: 50

CCC- Paper-I Legal Theory-I

1. Definition, Scope, Importance and nature of Jurisprudence.
2. Purpose and value of Jurisprudence.
3. Various Schools of Jurisprudence, like:
 - i. Natural Law School,
 - ii. Imperative School,
 - iii. Sociological School,
 - iv. Historical School,
 - v. Realistic School, etc.
4. Sources of Law: Custom, Legislation, Judicial Precedents etc.
(Chief exponents of these schools, background, basic tenets, contribution and Indian context or relevance.)

Suggested Readings:

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in Making
4. Salmond : Jurisprudence
5. Paton : A Text Book of Jurisprudence
6. Julius Stone : The Province and Function of Law
7. Pound : An Introduction to the Philosophy of Law
8. HLA Hart : The Concept of Law
9. Friendmann : Legal Theory
10. Dias : Jurisprudence
11. S. N. Dhyani : Law, Morality and Justice Indian Development
12. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls : Theory of Justice
14. Lluod : Introduction to Jurisprudence
15. Lon Fuller : Morality of Law
16. V.D. Mahajan : Jurisprudence
17. Various relevant Articles, Cases and Law Journals.
18. Fitzgerald : Salmond on Jurisprudence.

CCC- Paper-II Indian Constitutional Law New Challenges-I

1. Historical Background of Indian Constitution, its development and changing system established over decades ago.
2. Characteristics and salient feature of Indian Constitution, Nature of Indian Constitution with changing social order and its adaptability.
3. Preamble of Indian Constitution and its nature.

4. Fundamental Rights, its development and their Judicial Interpretations.
5. Directive Principles, its Judicial Interpretations and their relation with Fundamental Rights.
6. Fundamental Duties.

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. VSN Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentaries on the Constitution of India.
6. Ville Austin : Indian Constitution.
7. Various relevant Articles, Cases and Law Journals.
8. B.K. Sharma : An Introduction to the Constitution of India.

CCC- Paper-III Legal Education and Research Methodology

1. Objective of Legal Education, Methods of teaching, (Lecture method the problem method, discussion method and seminar methods).
2. Student participation in law school/college programmes, organization of seminars.
3. Clinical legal education- legal aid, legal literacy, legal survey and law reforms.
4. Various research methods.
5. Hypothesis Identification of problems, formulation of the research problem and techniques of sampling for research.
6. Collection of relevant historical & comparative materials.
7. Classification and tabulation of data and analysis of these data.
8. Preparation of the research design.
9. Jurimetrics.
10. Presentation.

Suggested Readings:

1. High Brayal, Nigam, Dunnean, and Richard Crimes : Clinical Legal Education : Active Learning in your Law School (1998) Blackstone Press Limited, London.
2. S.K. Agrawal (Ed.) : Legal Education in India (1973) Tripathi Pub., Bombay.
3. N.R. Madhava Menon (Ed.) A Handbook of Clinical Legal Education (1998) Eastern Book Company, Lucknow.
4. M.O. Price : Elective Legal Research (1978)
5. C.R. Kothari : Research Methodology, Methods and Techniques.
6. Jaya Prakash : Research Methodology.
7. Pauling vs Yong : Scientific Social Survey and Research.
8. Erwin C. Surrency : A Guide to Legal Research.
9. ILI Publication, Legal Research and Methodology; S.K. Verma
10. R.M. Deepak Kumar : Social Research Methodology. Etc.
11. mona purohit : Legal education & research methodology

ECC -1 Law and social transformation in India-I

Law and social changes in India: Ancient, Medieval and Modern Period.
Caste system in India. Caste as a divisive sector cast as an integrative sector.
Abolition of Untouchability, Untouchability Act-1955.
SC-ST prevention of Atrocities Act-1989 (Amended up to date).
Law and Religion as the basis of society.
Concept of secularism.
Prohibition of discrimination on the basis of religion.
Religious tolerance in India.

ECC -2 Legislation principles-I

Constitutional principles: Doctrine of Eclipse.
Doctrine Of severability.
Doctrine of waiver Doctrine of Pith & substance.
Doctrine of colorable legislation.
Principle of Harmonious construction.
Legislation procedures: ordinary Bill, money Bill, financial Bill.
Interpretation of statutes. Interpretation and construction: Three rules of interpretation :
Grammatical. Golden and mischief rule.

ECC -3 Recent legal development and cases-I

Agrarian reforms and right to property.
Article 19(i) (f) and Article -31, 31A, 31B, 31C and 9th schedule and related case Laws.
Related amendments 1st, 4th, 17th, 25th, 29th 34th, 39th, 40th, 42nd, 43rd, 44th, read with Article 300A and related recent development relating to right to property.

Cases-

K.K. Kochuni v. State of Madras AIR1960SC1080
Charanjeet Lal Chaudhary v. Union of India AIR 1951 SC41
State of Bihar v. Kameshwar Singh AIR 1952 SC 252
State of West Bangal v. Bela Benargee AIR 1954 SC 170
State of West Bangal v. Subodh Gopal Boss AIR 1954 SC 92
I.C. Gopal Nath v. State of Punjab AIR 1967 SC 1643
State of Gujrat v. Shanti Lal Mangal Das AIR 1969 SC 634

LL.M. Semester-II

Total Marks: 150

Theory: 100

Internal Assessment: 50

CCC- Paper-I Legal Theory-II

1. Administration of Justice : Civil & Criminal;
2. Legal Concept, State, Sovereignty, Law etc.
3. Legal Rights;
4. Legal Duties;
5. Possession;
6. Ownership;
7. Legal Person;
8. Liability.
9. Obligation.
10. Property

Suggested Readings:

1. Holmes : The Common Law
2. Austin : Lecture on Jurisprudence
3. Allen : Law in Making
4. Salmond : Jurisprudence
5. Paton : A Text Book of Jurisprudence
6. Julius Stone : The Province and Function of Law
7. Pound : An Introduction to the Philosophy of Law
8. HLA Hart : The Concept of Law
9. Friendmann : Legal Theory
10. Dias : Jurisprudence
11. S. N. Dhyani : Law, Morality and Justice Indian Development
12. Anirudha Prasad : Vidhi Sastra Ke Mool Shidhant (Hindi)
13. John Rawls : Theory of Justice
14. Lluod : Introduction to Jurisprudence
15. Lon Fuller : Morality of Law
16. V.D. Mahajan : Jurisprudence
17. Various relevant Articles, Cases and Law Journals.
18. Fitzgerald : Salmond on Jurisprudence.
19. Mani Tripath – Jurisprudence.
20. N.V. Paranjpe- Jurisprudence.

CCC- Paper-II Indian Constitutional Law New Challenges-II

- 1.Parliament and Government of Union, legislature & Govt. of States.
2. President of India and Governors in States.
3. Legislative Process and Privileges.
- 4.Supreme Court of India and High Courts.
5. Center-State Relations.
- 6.Emergency and President Rule.

7. Amendment of Constitution.
8. Contractual and Tortious Liability of the states & union.
9. Freedom of Trade and Commerce.
10. Services under Centre and State.
11. Special Provisions.

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India.
2. M.P. Jain : Constitutional Law.
3. M.C.J. Kagzi : The Constitution of India.
4. V.N Sukla : Commentary on the Constitution of India.
5. D.D. Basu : Commentaries on the Constitution of India.
6. G Austin : Indian Constitution.
7. Various Relevant Articles, Cases and Law Journals.
8. B.K. Sharma : An Introduction to the Constitution of India.
9. J.N. Pandey : The constitution n of India (English & Hindi).

CCC- Paper-III Principles and Law Relating to Human Rights

1. Jurisprudence of Human Rights; Nature, Definition, Origin and Theories of Human Rights. Concept of Natural Right.
2. Universal protection of Human Rights; United Nations and Human Rights, Universal Declaration of Human Rights. 1948; International Covenant on Civil and Political Rights, 1966; International Covenant Economic, Social and Cultural Rights, 1966.
3. Protection of Human Rights Laws in India; National Human Right Commission (NHRC); State Human Right Commission (SHRC) and Human Right Courts.
4. Protection of Human Rights at National level; Human Rights and the Constitution, The Protection of Human Rights Act, 1993.
5. Human Rights and Vulnerable Groups; Rights of Women, Children, Disabled, Tribal's, Aged Persons and Minorities – National and International Developments.

Suggested Readings:

1. Henkin Luis: Rights of Man Today.
2. Nagendra Singh: Enforcement of Human Rights in Peace and War and the future of the Humanity.
3. Related Conventions and Act.
4. S.K. Kapoor : International Law and Human Rights.
5. H.O. Agrawal : International Law and Human Rights. Etc.

ECC -1 Law and social transformation in India-II

Language and the Law
Women and the Law
Children and the Law
Decentralization: Panchayati Raj.
Institutions and Local self government.

ECC -2 Legislation principles-II

Construction of Taxing/fiscal statutes
Construction of penal statutes
Beneficial Legislation
Directory and mandatory provisions.
Latin Maxims:
Ejusdem generis,
Noscitur a sociis,
Populi suprema lex,
Pro bono publico,
Nemo debet vis vexari.

ECC -3 Recent legal developments and cases-II

Article 21 and the liberalization at the concept of life and liberty in the light of following issues:

1. Interpretation of life and its various diversions.
2. Interpretation of personal liberty and its various diversions.
3. Procedure establish by Law under Article 21 and due process of Law.
4. Article 21 and protection of environment.
5. Article 21 and right of prisoners:
 - Right to free legal Aid,
 - Right to speedy trial,
 - Right to fair trial,
 - Right against cruel and unusual punishment,
 - Right to compensation,
 - Right against custodial violence,
 - Right to protection of women at Work place,
 - Human Rights.
 - Right to Health.