



**UNIVERSITY OF RAJASTHAN
JAIPUR**

SYLLABUS

Faculty of Law

LL.M (General)

Semester Scheme

I/II Semester Examination 2016-2017

III/IV Semester Examination 2017-2018


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University of Rajasthan
JAIPUR



UNIVERSITY OF RAJASTHAN
DEPARTMENT OF LAW
JALMALA CAMPUS, JAIPUR

Master of Laws

Semester Scheme

2016-17 & 2017-18

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


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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.
11. 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).


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Master of Laws

LL.M. (General)

SEMESTER - I (LL.M.)

S. No.	Sub. Code	Course Title	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	LLM1011	Legal Theory - I	CCC	6	6	2		3	
2.	LLM1012	Constitutional Law of India : New Challenges - I	CCC	6	6	2		3	
3.	LLM1013	Legal Research Methodology - I	CCC	6	6	2		3	
4*	LLM1014	Elective 1 - Law and social transformation in India - I	ECC	6	6	2		3	
5.	LLM1015	Elective 2 - Legislation Principle - I	ECC	6	6	2		3	
6	LLM1016	Elective 3 - Recent Legal Development and Cases - I (Viva-Voce Exam. & Project work)	ECC	6			6		4

* New Elective Paper Introduced

SEMESTER - II (LL.M.)

S. No	Sub. Code	Course Title	Course Category	Credit	Contact Hours Per Week			EOSE Duration Hrs.	
					L	T	P	Thy.	P
1.	LLM2011	Legal Theory - II	CCC	6	6	2		3	
2.	LLM2012	Constitutional Law of India : New Challenges - II	CCC	6	6	2		3	
3.	LLM2013	Legal Research Methodology - II	CCC	6	6	2		3	
4*	LLM2014	Elective 1 - Law and social transformation in India - II	ECC	6	6	2		3	
5.	LLM2015	Elective 2 - Legislative Methods and Interpretation- II	ECC	6	6	2		3	
6.	LLM2016	Elective 3 - Recent Legal Development and Cases - II (Viva-Voce Exam. & Project work)	ECC	6			6		4

* New Elective Paper Introduced

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Syllabus

LL.M. (General) Semester -I

Paper I : 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

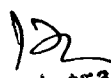
- (i) Definitions : Austin, Salmond, Holland, Gray, Hart

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
6. Paton : A Text Book of 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
11. Jethre Brown : The Austinain Theory of Law
12. Goodhart : English Law and the Moral Law
13. Friendmann : Legal Theory
14. Jaipur Law Journal from Volume I to Latest-Articles concerning Jurisprudence
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
20. Bodinheimer E Jurisprudence, 1962
21. Julious Stone : Human Law and Human Justice
22. Julious Stone : Social Dimensions of Law and Justice
23. Julious Stone : Legal System and Lawers Reasoning
24. Llyod : Introduction to Jurisprudence
25. John Rawls : Theory of Justice
26. Finch : Introduction to Legal Theory
27. Dworkin : Taking Rights seriously


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Paper II : LLM- 1012- Constitutional Law of India: New Challenges -I

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:

1. Kesavananda Bharati v. State of Kerala, A.I.R. 1973 S.C.146 : (1973) 4 S.C.S. 225
2. Indira Gandhi V. Raj Narain, A.I.R. 1975 S.C. 2299

II. Quasi Federalism :

1. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361
2. State of Karnataka v. Union of India A.I.R. 1978 S.C. 58
3. M. Karunanidhi v. Union of India, A.I.R. 1979 S.C. 898

III. Fundamental Rights, Duties and Directive Principles:

1. I.C. Goak Nath v. State of Punjab, A.I.R. 1967, S.C. 1643
2. Kesavanand Bharti v. State of Kerala, A.I.R. 1973, S.C. 1461
3. R.C. Cooper v. Union of India, A.I.R. 1970, S.C. 564

Equality

1. Indira Gandhi v. Raj Narain, A.I.R. 1975 S.C. 2299
2. In-re-Reference Special Bill, A.I.R., 1979, S.C. 585
3. R.K. Dalmia v. Justice Tendokkar, A.I.R. 1958, S.C. 538
4. Budhan Chaudhary v. State of Bihar, A.I.R. 1955, S.C. 191
5. Lachmandas Kawlalaram v. State of Bombay, A.I.R. 1952 S.C. 235
6. D.N. Chanchala v. State of Mysore, A.I.R. 1971 S.C. 1762
7. M.R. Balaji v. State of Mysore, A.I.R. 1963 S.C. 649
8. M. Thomasa v. State of Kerala, A.I.R. 1976 S.C. 490

Freedom of Speech, Expression (Press)

1. Bennet Coleman v. Union of India A.I.R. 1973 S.C. 186
2. K.A. Abbuse v. Union of India A.I.R., S.C. 481
3. E.M.S. Namboodripad v. T.N. Nembiar, A.I.R. 1971 S.C. 2115

Personal Liberty :

1. Maneka Gandhi v. Union of India A.I.R. 1978 S.C. 597
2. Bhut Nath v. W.B., A.I.R. 1974 S.C. 806
3. S.N. Sarkar v. W.B., A.I.R., 1973 S.C. 1425
4. Fagu Shah v. W.B., A.I.R. 1974 S.C. 613
5. Sunil Batra v. Delhi Administration, A.I.R. 1978 S.C. 1675

Religious Freedom :

1. Commr. Of Hindu Religious Endowment D.L.T. Swamiar, A.I.R. S.C. 282
2. Durgah Committee v. Syed Hussain Ali, A.I.R., 1961 S.C. 1402
3. Syodna Tahee Saifuddin v. State of Bombay, A.I.R. 1962, S.C. 853
4. Yulitha Myde v. State of Orissa, A.I.R. 1973 Orissa 116

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Minority Rights : Cultural & Educational

1. Bombay v. Bombay Education Society, A.I.R. 1954 S.C. 561
2. Pradeep Jain v. Union of India, A.I.R. 1984 S.C. 1420
3. Azeez Basha v. Union of India, A.I.R. 1968 S.C. 662
4. St. Xavier's College v. State of Gujarat, A.I.R., 1974, S.C. 1389

Property :

Article 300A

Suggested Readings:

1. H.M. Seervai : Constitutional Law of India (2nd Edition 1975) N.M. Tripathi Ltd.
2. Jain M.P. : Constitutional Law, N.M. Tripathi Ltd.
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Jagzi, M.C.J. : Segregation and Untouchability Abolition, Metropolitan Book Co.
5. Shukla, V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book Co.
6. D.D. Basu : Commentaries on the Constitution of India
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 Willams : Working a Democratic Constitution-The Indian Experience

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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 hand book 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 :

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
2. Robert Lingat, The Classical Law of India, 1998
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. Duncan Derret, The State, Religion and Law in India, 1999
5. H.M.Seervai, Constitutional Law of India, 1996. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
7. P. Ishwar Bhat, Law and Social Transformation, EBC (2009)
8. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
9. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
11. Shyam S. Agarwal, Religion and Caste Politics, (1998)

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Paper V : I.I.M 1015- Legislation Principles -I

I. 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. Dacey 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
- 2. Jethrow Brown : Underlying Principles of Modern legislation
- 3. Dacey : Law and Public Opinion in England
- 4. Illbert : Legislative methods and Forms
- 5. Illbert : Mechanism of Law making
- 6. Ginsberg : Law and Public Opinion in England in the 20th Century

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Paper VI : LLM 1016- Recent Legal Development and Cases -I (Viva-Voce Examination and Project Work)

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
6. Paton : A Text Book of 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. Vinogradoff : Common sense in Law
11. Jethre Brown : The Austinian Theory of Law
12. Goodhart : English Law and the Moral Law
13. Friendmann : Legal Theory
14. Jaipur Law Journal from Volume I to Latest-Articles concerning Jurisprudence
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
20. Bodinheimer E Jurisprudence, 1962
21. Julious Stone : Human Law and Human Justice
22. Julious Stone : Social Dimensions of Law and Justice
23. Julious Stone : Legal System and Lawers Reasoning
24. Llyod : Introduction to Jurisprudence
25. John Rawls : Theory of Justice
26. Finch : Introduction to Legal Theory
27. Dworkin : Taking Rights seriously

Paper II : LLM 2012-Constitutional Law of India: New Challenges -II

I. Union/State Constitution

In re-The Gujarat Legislative Assembly, A.I.R. (1974) 2 S.C. 33

1. The President and the Council Minister :

- i. S.K. Singh v. V.V. Giri, A.I.R., 1970 S.C. 2097
- ii. U.N. Rao v. Indira Gandhi, A.I.R. 1971 S.C. 1002
- iii. Shamsher Singh v. State of Punjab, A.I.R. 1974 S.C. 2192
- iv. Mahabir Prasad v. P.C. Ghose A.I.R. 1969 Cal. 198

2. Parliament

- i. In re-Reference, (UP Assembly, Allahabad, H.C.) A.I.R. 1965 S.C. 745
- ii. M.S.M. Sharma v. Sri Krishan A.I.R. 1959 S.C. 1574
- iii. T.K. Jain v. S. Reedy etc. A.I.R. 1970 S.C. 1574
- iv. In re-Delhi Laws Act, A.I.R. 1951,332

3. The Judiciary, Supreme Court :

- i. Union of India v. Jyoti Prakash, A.I.R. 1971 S.C. 1093
- ii. ART 131 State of Bihar v. Union of India, A.I.R. 1970, S.C. 1446
- iii. ART 132-State of Kerala v. Union of India, A.I.R. 1978 S.C. 54
- iv. ART 134- Tarachand Pemu v. State of Maharashtra, A.I.R. 1962 S.C. 130
- v. 136- Dhakeshwari Cotton Mills Ltd. v. C.I.T. A.I.R. 1965 S.C. 65
- vi. Pritam Singh v. State of Punjab, A.I.R. 1960 S.C. 160
- vii. Mangal Das v. State of Maharaashtra, A.I.R. 1966 S.C. 2156
- viii. Reghubir Singh v. State of U.P. A.I.R., 1971, S.C. 2156

4. Inter-state Trade, Commerce :

- i. Automobile Transport Rajasthan Ltd. v. State of Rajasthan, A.I.R., 1962 S.C. 1406
- ii. Ariabari Tea Co. Ltd. v. State of Assam, A.I.R. S.C. 232

5. Emergency :

- i. Rao Birendraa Singh v. Union of India, A.I.R. 1958, P & H 441
- ii. State of Rajasthan v. Union of India, A.I.R. 1977 S.C. 1361
- iii. Makhan Singh v. State of Punjab, A.I.R. 1964 S.C. 381
- iv. A.D.M. Jabalpur v. State of M.P., A.I.R. 1976 S.C. 1207

6. Creation of New States, Democratic Process:

- i. Nexus of Politics with criminals and business
- ii. Electoral reforms
- iii. Coalition Government, Stability, Durability, Corrupt practices
- iv. Grass-root democracy

7. Constitutional Power : Amendments

Suggested-Readings:-

1. H.M. Seervai : Constitutional Law of India (2nd Edition 1975) N.M. Tripathi Ltd.
2. Jain M.P. : Constitutinal Law, N.M. Tripathi Ltd.
3. Kagzi, M.C.J. : The Constitution of India, Metropolitan Book Co.
4. Shukla, V.N. : Commentaries on the Constitution of India (Ed. D.K. Singh 1972) Eastern Book Co.
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 Austin : Indian Constitution
9. Ville Austin : Cornerstone of a Nation
10. Anville Willams : Working a Democratic Constitution-The Indian Experience

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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
- iii. Research report-Legal thesis writing-Steps in thesis writing-Layout of thesis-chapter arrangement.

Suggested Readings:

1. S.K. Agarwal, Legal Education in India (1973)
2. N.P. Madhava Menon, A hand book 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 : LLM2014- Law and Social Transformation in India- II

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

Suggested Readings :

1. Marc Galanter (ed.) Law and Society in Modern India, 1977 Oxford.
2. Robert Lingat, The Classical Law of India, 1998
3. U. Baxi, The Crisis of the Indian Legal System, 1982
4. Duncan Derret, The State, Religion and Law in India, 1999
5. H.M.Seervai, Constitutional Law of India, 1996. U. Baxi(Ed.), Law and Poverty : Critical Essays (1988).
7. P. Ishwar Bhat, Law and Social Transformation, EBC (2009)
8. Savitri Gunasekhare, Children, Law and Justice (1997), Sage
9. M.P.Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay.
10. A.S. Anand, Justice for women concern and expression, (2002)
11. Shyam S. Agarwal, Religion and Caste Politics, (1998)

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Paper V : LLM -2015-Legislative Methods and interpretation-II

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. Wigmore : Panorama of World Legal System
6. Eraskine May : Parliamentary Practice
7. Prof. T. Bhattacharya : Interpretation of Statutes
8. Kaul & Shakhthar : Practice and Procedure of Parliament
9. Subhash Kashyap : Parliamentary Procedure-Law, Privileges, Practice and Precedents
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)

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