



**MAULANA ABUL KALAM AZAD UNIVERSITY OF TECHNOLOGY, WEST BENGAL**

**(Formerly WEST BENGAL UNIVERSITY OF TECHNOLOGY)**

**Main Campus: NH 12, Haringhata, Post Office - Simhat, Police Station – Haringhata, Pin - 741249**

**City Campus: BF-142, Sector -I, Salt Lake, Kolkata -700 064**

**Master of Laws (LLM) (Under Choice Based Credit System)**

**Syllabus and Scheme Session (2022-2023)**

**1. Duration of Course:**

The course of the degree of Master of Laws (Two Years Course) shall be spread over two academic years to be called Part-I and Part-II consisting of two semesters each i.e. semesters 1<sup>st</sup>& 2<sup>nd</sup> in Part – I and 3<sup>rd</sup>& 4<sup>th</sup> in Part – II.

**2. Maximum period for passing the Course**

The candidate must pass all the subjects of all the semesters of LLM (TYC) within a period of 4 years from the date of joining the LLM (TYC) course, failing which his/her registration will be cancelled.

**3. Eligibility for admission**

A student shall be admitted to LLM Part – I (1<sup>st</sup> Semester) Two Years course who has passed in LLB (TYC) Degree examination or B.A.LL.B. (Five Years) Degree examination OR in any other equivalent degree of this University/any other recognized University OR as per the criteria notified by this University/UGC from time to time. 5% relaxation in marks shall be given to Schedule Caste/ Schedule Tribe candidates.

**4. Medium of Instructions**

The medium of instruction during the course and examinations shall be English.

**5. Examination Schedule, examination fee and examination forms:**

- The examination of 1<sup>st</sup> and 3<sup>rd</sup> semesters shall ordinarily be held in the month of January/February and that of 2<sup>nd</sup> and 4<sup>th</sup> semesters in the month of May/June, or on such other dates as may be fixed by the competent authority.
- The candidates will be required to pay examination fees as prescribed by the University from time to time.
- The Examination Form must reach in the office of the Controller of Examinations as per the schedule notified by the University from time to time.
- The Examination Forms must be countersigned by the Director/Head of the Department along with the following certificate:--

that he/she has been on the rolls of the University Teaching Department during the

- a. academic term preceding the end semester examination;
- b. that he/she has attended not less than 75% lectures delivered to that class in each paper; and
- c. that he/she has a good moral character.

The shortage in the attendance of lectures of the candidate may be condoned by the Vice-Chancellor, on the recommendations of Head of the Department, as per rules made by the University from time to time.

## **6. Re-admission**

In case name of a student is struck off from the rolls due to non-payment of fee or absence from classes in any subject and he/she will be re-admitted after payment of re-admission fee as prescribed by the University from time to time. However, the student will be allowed to appear in the end semester examination of that paper (s) only after attending the required lectures/practicals delivered to that paper(s). However, if a student falls short of attendance in all courses offered in a semester, he/she shall be required to repeat the semester, along with the next batch of students.

## **7. Scheme of Examinations**

The examination in each semester shall be conducted according to the syllabus prescribed for each semester. The end semester examination for each paper shall be of three hours duration. There will be 25 internal marks, 5 marks for attendance and 70 external marks in paper.

## **8. MISSION OF THE DEPARTMENT**

**M1:** To become a foremost law institution, propagation students focusing on research and community work besides fulfilling their respective ambitions.

**M2:** To create such lawyers and legal professionals, who are well versed in national and trans-national legal systems by developing their skills in core areas such as IPR's, Corporate Law, Business Law.

**M3:** To promote cultural, legal and ethical values with a view top remote and foster the rule of law and the objectives enshrined in the Constitution of India.

**M4:** To organize legal awareness camps in university campus as well as in villages, lectures, seminars, and conferences for dissemination of legal knowledge and to make law and legal process efficient instruments of social development.

## **9. PROGRAM OUTCOMES**

**PO1. Legal knowledge:** Apply the knowledge of Law and its specialization to the solution of complex Legal problems.

**PO2. Problem analysis:** Identify, formulate, research literature, and analyze legal and social problems to arrive at substantiated conclusions using different Legal principles.

**PO3. Design/development of solutions:** Design solutions for complex Socio Legal problems to meet the specifications with consideration for the public health and safety, and the cultural, societal, and environmental considerations.

**PO4. Conduct investigations of complex problems:** Use research-based knowledge including design of experiments, analysis and interpretation of statutes, legal provisions, and synthesis of the information to provide valid conclusions.

**PO5. Modern tool usage:** Create, select, and apply appropriate techniques, resources, and modern legal and IT tools including prediction and modelling to complex legal activities with an understanding of the limitations.

**PO6. The Law and society:** Apply reasoning informed by the contextual knowledge to assess societal, health, safety, legal and cultural issues and the consequent responsibilities relevant to the professional legal practice.

**PO7. Environment and sustainability:** Understand the impact of the professional Legal solutions in societal and environmental contexts, and demonstrate the knowledge of, and need for sustainable development.

**PO8. Ethics:** Apply ethical principles and commit to professional ethics and responsibilities and norms of the legal practices.

**PO9. Individual and team work:** Function effectively as an individual, and as a member or leader in teams, and in multidisciplinary settings.

**PO10. Communication:** Ability to learn the art of communicating and demonstrating their oral advocacy skills. Projecting the facts in a way suitable to the client and power to convince on legal reasoning forms the essence of communication in courts of law.

**PO11. Project management and finance:** Demonstrate knowledge and understanding of Laws and legal principles and apply these to one's own work, as a member and leader in a team. Manage projects in multidisciplinary environments.

**PO12. Life-long learning:** Recognize the need for, and have the preparation and ability to engage in independent and life-long learning in the broadest context of legal change.

## **10. PROGRAMME EDUCATIONAL OBJECTIVES**

**PEO1:** To endow students with a sound understanding of the foundations of legal knowledge and shall contribute to the society in general by becoming sensitive and legal practitioner of the nation.

**PEO2:** To be part of Indian/ International judicial system, International Court of Justice like magistrate, civil judge, presiding officers in different judicial forums and act as Legal Services Director in public, private and government organizations and also pursue higher degrees to work in Colleges, Universities as professors.

**PEO3:** To generate employment by being an entrepreneur such as start their own Law firm and become independent tax consultant, arbitrator and mediator in the process of outside court settlements.

## **11. PROGRAM SPECIFIC OUTCOME**

**PSO1:** Be capable to grasp theoretical practical legal knowledge and prepared for professional challenges.

**PSO2:** Be trained in the basic skills essential for every lawyer, including analysis, research, writing, advocacy and problem-solving and develop sense of social responsibility and commitment.

## **12. Structure of Course:**

The Basic structure/pattern (Framework) of the postgraduate syllabus for the two year LL.M. course Credit system in the MAKAUT University are given below.

### **LL.M in Business Law**

Course code	Title of the Course	Type of Course	Marks				Credits			Total Credits
			Internal	Attendance	Theory	Total	L	T	P	
LLMC-101	Advance Jurisprudence	CC-1	25	5	70	100	3	1	0	4
LLMC- 102	Legal Research Methodology	CC-2	25	5	70	100	3	1	0	4
LLMC-103	Judicial Process	CC-3	25	5	70	100	3	1	0	4
LLME-101	Company Law I	EC-1	25	5	70	100	3	1	0	4
	Total		100	20	280	400	12	4	0	16

## DETAILED SYLLABUS

**Objective:** The course aims at developing and insight into the juristic foundations of a legal system-an understanding of the law as it exists and functions in society. Further, this course gives a clear understanding about the nuances of law and its nature function. It gives a clear understanding about the impact of law on various other branches and its functioning and its relationship to ethics and justice

### PAPER 1: Advance Jurisprudence

#### Module-I

- 1 Nature of Jurisprudence
2. Meaning of Law
3. System of Law- A Comparison

#### Module-II

3. Natural Law Theories
4. Classical Positivism
  - Austin
  - Bentham
  - H L A Hart
5. Pure Theory of Law
6. Analytical School of Law

#### Module-III

7. Sociological School of Law  
Sociological Perceptions of Law
  - a. Ihering
  - b. Duguit
  - c. Rosco Pound
  - d. Durkheim
  - e. Elrich
  - f. Max Weber
  - g. Cortell
8. American Realism

#### Module-IV

9. Scandinavian Realism
10. Historical and Anthropological Jurisprudence
  - Savigny
  - Maine
  - Grotius
  - Kent
  - Marxist Theories of Law and State

#### Module- V

- Post Modern Theories
11. Hart's concept of Law
  12. Rawls theory of Justice
  13. Amartya Sen's theory of Justice

#### Module-VI

14. Feminist Jurisprudence

15. Governance and Economy
16. Jurisprudential Foundations of Liberal democracy

**Suggested Reading**

1. Lloyd's Introduction to Jurisprudence [Chapters 2, 11, 12, 113]
2. Dias Jurisprudence
3. V D Mahajan Jurisprudence [Chapters 1, 3, 4, 5, 6, 7, 8, 9, 10]
4. Bodenheimer Jurisprudence [Natural Law]
5. Wayne Morrison Jurisprudence
6. H L A Hart Concept of Law
7. Julius Stone Social Dimension of Law
8. W Friedman Law in the Changing Society
9. C K Allen Law in the making
10. Books on Constitutional Law in India and Constitutional Jurisprudence
11. Prof. Julius Stone – Human Law and Human Justice.
12. Prof. Julius Stone – Province & functions of Law.
13. Prof. Roscoe Pound – Jurisprudence Vol. I to IV.
14. R. Warrenton – Post modern Jurisprudence.
15. J. M. Balkin – The Legal Subject and the Problem of Legal Coherence.
16. Ronald Dworkin – Laws Empire.
17. Ronald Dworkin – Morality principle.
18. Patton – Text on Jurisprudence.
19. Hohfeld – Fundamental Legal Conceptions.
20. John Rawls – Theory of Justice.
21. John Rawls – Political Liberalism

## Paper 2: Legal Research Methodology

### Objectives

The main objective of this course is to acquaint the student of law with the scientific method of social science research. This course is expected to provide the knowledge of the technique of selection, collection, and interpretation of primary and secondary data in socio-legal research.

Emphasis would be laid on practical training in conducting research in this course.

- I) Introduction
  - a) Significance of Research
  - b) Meaning and concept of research
- II) Scientific Methods & Legal Research.
  - a) The science of research and scientific methodology (Theory, facts, definition and concepts, variables etc. i.e., characteristics of scientific methodology)
  - b) Socio-legal research and legal research models.
  - c) Doctrinal and non-doctrinal research.
  - d) What is a research problem? Formulation of research problem.
- III) Research Design and its components:
  - a) Hypothesis: Its role, definition, criteria of a workable hypothesis and its sources.
  - b) Major steps of preparation of research design.
- IV) Research tools:
  - a) Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)
- V) Research Techniques:
  - a) Observation, Interview, Questionnaire (Utility and limitations and methods of using these tools)
  - a) Use of case studies and surveys.
  - b) Sampling techniques:
    - i. Design of sample
    - ii. Its uses and advantages in research.
    - iii. Random sampling, simple random, stratified random, systematic random.
    - iv. Non-random sampling, haphazard, availability and purposive etc.
  - c) Scaling Techniques – Types, utility, modus operandi (a) Elementary Statistics, design & stages in statistical investigation and interpretation and Preparing Diagrams & graphs.
  - d) Content analysis.
- VI) Data Processing:
  - a) Data Collection, Data processing and analysis and interpretation of data.
  - b) Socio-metrics and Jurimetrics.
  - c) Inductions and deductions.
- VII) Computerized research:
  - a) A study of legal research programmes such as Lexis and west law coding
  - b) Online & offline sources and techniques of e-legal research.
- VIII) Report writing:
  - a) Research report & techniques of writing research work.

b) Citation rules and modes of legal writing.

**Suggested reading:**

- 1) Wilkinson – Bhandarkar – Research Methodology.
- 2) Young, Pauline V. – Scientific Social Survey and Research.
- 3) Berelson B : Content Analysis in Communication Research.
- 4) Jain S. N. : Legal Research and Methodology.
- 5) Earl Babi – Research Methodology.
- 6) Good & Halt : Research Methodology (And relevant Websites)



## **Paper-3: Judicial Process**

### **Objective**

The objective of this paper is to help students understand the importance of judicial process and its impact in our society. Beginning with various notions of justice, the course is structured for analyzing judicial process both its operation and significance. The study will focus in different theoretical formulations on the relation between law and justice. Legal Profession: Appointment of Judges-Transfer of Judges

### **Module I: INTRODUCTION**

1. Evolution of the concept of Justice
2. The concept and theories of justice
3. Justice in religious texts.
4. Contemporary notions of justice.

### **Module II: COMPONENTS OF JUDICIAL PROCESS**

1. Nature of Judicial process, Judicial process in social ordering
2. Legislative intentions and judicial interpretation
3. Debates on the Role of Judges (Supersession, Commitment & Transfer): Socio Economic Background of the Indian Judiciary-Politics of Judiciary-Political Process
4. Doctrine of Stare Decisis, Ratio Decidendi and Obiter Dicta

### **Module III: NATURE OF JUDICIAL PROCESS**

1. Original and Appellate Jurisdiction
2. Inherent power of jurisdiction and limitations
3. Judicial law making and legislative drafting
4. Writ of certiorari, transfer of cases and creation of tribunals
5. Alternatives to Adjudication: Alternative Disputes Redressal Forum-Patterns of Court Management-Current Crises of the Indian Adjudicatory System

### **Module IV: RELATION BETWEEN LAW AND JUSTICE**

1. Legal Theories and Supreme Court: Journey from A.K Gopalan to Maneka Gandhi and after
2. Independence of Judiciary: Appointment, Transfer and Impeachment of judges
3. Contemporary international challenges and jurisdictional dilemma
4. Emerging technologies and jurisdictional issues
5. Jurimetrics: Concept-Conventional-Civil Law and Behavioral Perspective Impact of Public Opinion on the Judicial Process-Role of the Appellate Indian Judges in the Development, Renovation and Retardation of Constitutional

**Suggested books:**

1. Benjamin N. Cardozo, *The Nature of Judicial Process*, Universal Law Publishing Co, 1995
2. H.L.A Hart, *Concept of Law*, Oxford: Oxford University Press, 2012
3. Henry J. Abraham, *The Judicial Process*, Oxford, 1998

**References:**

1. Aharon Barak, *The Judge in a Democracy*, Princeton University Press, 2008
2. Amartya Sen, *The Idea of Justice*, Harvard University Press, 2009
3. Bodenheimer-*Jurisprudence-the Philosophy and Method of the Law*, Universal, New Delhi, 1997
4. Duncan Kennedy, *A Critique of Adjudication*, Harvard University Press, 1998
5. Friedmann, W, *Legal Theory*, Stevens and Sons, 1960
6. J. Stone, *Legal System and Lawyer's Reasoning*, Universal Law Publishing Co., New Delhi, 1999
7. J. Stone, *Precedent and the Law: Dynamics of Common Law Growth*, Butterworths, 1985
8. John Rawls, *A Theory of Justice*, Universal, New Delhi, 2000
9. Julius Stone. *The Province and Function of Law*, Universal Law Publishing Co, 2000
10. Lakshminath, *Precedent in Indian Law: Judicial Process*, Eastern Book, 2009
11. Mauro Cappellletti, *The Judicial Process in Comparative Perspective*, Clarendon Press: Oxford, 1989.

#### **PAPER 4: Company Law I**

1. Nature of company; types, formation.
2. Management of companies by Board; Constitution and functions of Board; powers, duties and liabilities of directors.
3. Nature of company capital.
4. Accounts, audit, and dividend.
5. Rights, duties, and liabilities of shareholders.
6. Borrowing powers, charges

#### **Books:**

1. The Companies Act, 2013
2. Avtar Singh, Lectures on Company Law