



SunRise University Alwar

LLM - Corporate & Commercial Law (1 Year)

Code	Paper	Internal (40)	Extrnl (60)	Total
Semester-I				
LLM1001	Legal Theory	40	60	100
LLM1002	Constitutional Law of India :New challenges	40	60	100
LLM1003	Legal Research Methodology	40	60	100
LLM1004	Law and social Transformation in India	40	60	100
				400
Semester-II				
LLM-03	Opt.: Banking Law	40	60	100
LLM-04	Opt.: Corporate Social Responsibility	40	60	100
LLM-05	Opt.: Insurance Law	40	60	100
LLM-06	Opt.: Cyber Law	40	60	100
LLM-C4	Dissertation			200
				600
				1000

Semester-I

LEGAL THEORY

UNIT - I

Positivism - Relation between Law and Morality, Analytical Positivism, Imperative Theory of Law, Pure theory of Law, the concept of Law.

UNIT - II

Historical and Sociological approach to Law: Theory of Volkgeist, Anthropological approach to law, purpose theory, living law theory, social engineering;

UNIT - III

Post sociological approach realism, Justice Cardozo: Judicial process, Justice Holmes, critical legal studies, Feminist Philosophy;

UNIT - IV

Justificatory theories in shaping the concept of Human Rights, Theology, Natural law and natural rights, Utilitarianism - Right based theory and collective rights;

UNIT - V

Modern theories of Human Rights, Rawls Theory of Justice: Nozick - Ronald Dworkin, Right to Solidarity, Global Justice: meaning and application;

SUGGESTED READINGS :

I. Bodenheimer – Jurisprudence : The Philosophy and Method of Law

II. Dennis Lloyd - Jurisprudence

III. Dias – Jurisprudence

IV. Friedman – Legal Theory

V. G.W. Paton – Jurisprudence

VI. Rawls: Theory of Justice

VII. Robert Nozick – Anarchy, State and Utopia

VIII. Ronald Dworkin – Taking Rights Seriously

IX. S.C. Kashyap, Human Rights and Parliament (1978)

X. Salmond – Jurisprudence

XI. U. Baxi, The Crisis of the Indian Legal System (1982), Vikas Publishing House, New Delhi.

XII. Upendra Baxi, "Law, Democracy and Human Rights": 5 Lokayan Bulletin 4 (1987)

XIII. V.D. Mahajan – Jurisprudence

CONSTITUTIONAL LAW OF INDIA AND NEW CHALLENGES

UNIT - I

Making of the Constitution :Demand for a Constitution framed by a Constituent Assembly; The Cripps' offer of 1942; The Wavell Plan of 1945; The Cabinet Mission Plan, 1946; The Mountbatten Plan, 1947; The Indian Independence Act, 1947; Constituent Assembly in India and framing of the Constitution; Formation of the Constituent Assembly of India; The issues before the Constituent Assembly; Passing of the Constitution; Dr. B. R. Ambedkar's contribution in the making of the Constitution; Date of Commencement of the Indian Constitution; Concepts of Constitutional Law and Constitutionalism; Forms and characters of various models of Constitution; Salient features of the Constitution of India;

UNIT - II

Preamble - Meaning of the Preamble; Object, Purpose and Scope of the Preamble; Contents of the Preamble; Utility of Preamble in interpretation of the Constitution; Whether Preamble is part of the Constitution?

Citizenship (Articles 5-11) including relevant provisions of Citizenship Act, 1955(Sections 3 – 10); Union & State Executive (Articles 52-78 & 152-167); Union Judiciary, State Judiciary &

Subordinate Judiciary (Articles 124-147 & 214-237); Writs (Article 32); Union and its Territory (Articles 1-4); Union & State Legislature (Article 79-123 & 168-213);

UNIT - III

Legislative Relations between Union and States (Articles 245-255); State: Creation and Demand of new states; Need for widening the definition of State in the wake of liberalization; Accountability of State: Joint Parliamentary Committee & Public Account Committee; Emergency Provisions (Articles 352-360); Amendment of the Constitution (Article 368) with special reference to the Basic Structure Theory.

Temporary provision (Article 370): Reorganization of Articles 370 and 35-A by the Constitution (Application to Jammu and Kashmir) Order 2019 and Re-Organization of Jammu and Kashmir through The Jammu And Kashmir Reorganization Act, 2019. (Basic Concepts and Future Effects);

UNIT - IV

Fundamental Rights; General (Articles 12 & 13); Right to Equality (Articles 14-18); Right to Freedom (Article 19); Fundamental Duties (Article 51A); Right to Freedoms (Articles 20-22) Right against Exploitation (Articles 23 & 24); Freedom of Religion (Articles 25-28); Democratic Process-Grass Root Democracy: Democratic Decentralization and Local Self Government; Election: Mechanism and Procedure; Election Commission: Constitution and Status; Electoral Reforms: Transparency, Free, fair and fearless election; Coalition Government, Stability, Durability; Corrupt Practice; Nexus of politics with criminals and the business;

UNIT - V

Cultural and Educational Rights (Articles 29 & 30); Right to property as constitutional right (Articles 31A-31D & 300A); Right to Constitutional Remedies (Articles 32- 35A); Directive Principles of State Policy (Articles 36-51); Trade, Commerce and Intercourse within the Territory of India (Articles 301-307); Safeguards to Civil Servants (Articles 309-311); Public Service Commission's (Article 315-323); Election Commission (Articles 324-329);

SUGGESTED READINGS :

- I. Bakshi, P.M. : Constitution of India- 8th Edition, Universal Law Pub., 2017.
- II. Basu, D.D. : Introduction to the Constitution of India (English & Hindi)
- III. Basu, Durga Das : Shorter Constitution of India, 13th Edition, Wadhwa, 2012.
- IV. Constitution of India as amended up to-date
- V. Constitution (Application To Jammu And Kashmir) Order 2019
- VI. Granville Austin, Working of a Democratic Constitution- The Indian Experience, Oxford University Press.
- VII. H. M. Seervi, Constitutional Law of India, N.M. Tripathi.
- VIII. H.R. Khanna, Making of India's Constitution, Eastern Book Co., Lucknow Harper Collins Publication, India. 2019.
- IX. Jain, M.P. : Indian Constitutional Law- 5th Edition, Wadhwa, 2015.
- X. Kashyap Subhash C., Constitutional Law of India, Universal Law Publishing Co. Pvt. Ltd., 2015
- XI. M.P. Singh, V.N. Shukla's Constitution of India, Eastern Book Company, (2013).
- XII. Seervai, H.M. : Constitutional Law of India- 4th Edition, Universal Law Publishing Co. Pvt. Ltd., 2012.
- XIII. The Jammu and Kashmir Reorganisation Act, 2019
- XIV. Various Amendments made to the Constitution of India

LEGAL RESEARCH METHODOLOGY

UNIT - I

Legal Education: Methods & Objective: Lecture Method of Teaching: Merits and Demerits; The problem method; Discussion method and its suitability at postgraduate level teaching; The seminar method of teaching;

Examination system and problems in evaluation external and internal assessment; Student participation in law school programmes, organizations of seminars, publication of journal and assessment of teachers; Clinical legal education – legal aid, legal literacy, legal survey and law reform;

UNIT - II

Research Method:

Socio-Legal Research; Doctrinal and non-doctrinal research; Relevance of empirical research; Induction and deduction; Identification problem of research – what is a research problem; Survey of available literature and preparation of bibliography; Legislative materials including subordinate legislation, notification and policy statements;

UNIT - III

Research Materials:

Decisional materials including foreign decisions; methods of discovering the —rule of the case; Juristic writings: A Survey of juristic literature, its relevance in selection of problems in India and foreign periodicals; Compilation of list of reports or special studies conducted relevant to the problems; Formulation of the Research Problem, hypothesis; Devising tools and techniques for collection of data; Methods for the collection of statutory and case material and juristic literature; Use of historical and comparative research material; Use of observation studies; Use of the Case Studies; Use of questionnaires/interview; Sampling procedures, design of sample, types of sampling to be adopted; Use of scaling techniques; Jurimetrics;

UNIT - IV

Data Collection:

Computerized Research: A study of legal research programmes such as lexis and West law coding; Classification and Tabulation of Data: use of cards for data collection, Rules for tabulation, Explanation of tabulated data; Analysis of Data – Qualitative and Quantitative;

UNIT - V

Report Writing; Research report & techniques of writing research work; Citation rules and modes of legal writing, Case Analysis, Impact of Decisions of the Court;

PAPER 1.5.(b)

NON-DOCTRINAL RESEARCH AND VIVA-VOCE EXAMINATION (PRACTICAL)

(20 marks)

Here the students are asked to go out of the class room and library and make an empirical study of a problem which has social, economic, moral or political dimension. Field data can be collected through any model of data collection. The results are to be assessed internally by a designated faculty member who are engaging LL.M. Classes regularly;

SUGGESTED READINGS:

I. High Brayal, Nigel Dunean and Richard Crimes, Clinical Legal Education: Active Learning in your Law School, (1998) Blackstone Press Limited, London.

II. S. K. Agrawal (Ed.), Legal Education in India (1973), Tripathi, Bombay.

III. M.O. Price, H.Bitner and Bysiewicz, Effective Legal Research (1978)

IV. William J. Grade and Paul K. Hatt, Methods in Social Research, Mc Graw-Hill Book V. Company, London

VI. H. M. Hyman, Interviewing in Social Research (1965)

VII. Payne, The Art of Asking Questions (1965)

VIII. Erwin C. Surrency, B. Fielf and J. Crea, A Guide to Legal Research (1959)

IX. Morris L. Cohan, Legal Research in Nutshell, (1996), West Publishing Co.

X. Harvard Law Review Association, Uniform System of Citations.

XI. I.L.I. Publication, Legal Research and Methodology.

LAW AND SOCIAL TRANSFORMATION IN INDIA

UNIT - I

Law and Social Change: A Theoretical Perspective:

Relationship of Law with social change; Law as an instrument of social change; Law as the product of traditions & culture: Evaluation in the light of colonization & common law system; Impact of Social movements on social change.

Religion and the Law: Religion: Meaning, relationship with law; Religion as an integrative or divisive factor;

Secularism: meaning and its contribution in Indian society, Freedom of religion and non-discrimination on the basis of religion; Religious minorities and the law;

UNIT - II

Languages and the Law:

Formation of linguistic States and its impact on policy in governance; Constitutional guarantees to linguistic minorities; Language policy and the Constitution: Official languages, multi language system; Non-discrimination on the ground of language.

Community and the Law: Caste System in Indian Society; Caste: Socio-Cultural reality as a divisive and integrative factor; Non-discrimination on the ground of caste; Acceptance of caste as a factor to undo past injustices: An Analysis; Protective discrimination: Scheduled Castes, Tribes and Backward Classes; Reservation Policy: Statutory Commission Statutory Provision;

UNIT - III

Regionalism and the Law:

Regionalism: A Divisive or an integrative factor; Concept of India as one Unit; Freedom of movement, residence and business, impermissibility of state or regional barriers; Equality in matters of employment: the slogan 'son of the soil' and its practice; Admission to educational institutions: preference to residents of a State;

UNIT - IV

Modernization and the Law:

Modernization as a value: Constitutional perspective reflected in Fundamental Duties; Modernization of Social Institution through Law; Reform of Family Law; Agrarian Reform; Industrial Reforms: Free Enterprise v. State Regulation, industrialization v environmental protection; Reform of Court Processes: i. Criminal Law : Plea Bargaining, Compounding & Payment of Compensation to Victim ii. Civil Law:(ADR)Confrontation iii. Consensus, Mediation & Conciliation, Lok Adalats Women, Children and the Law:

Status of Women in Indian Society; Crimes against Women; Gender injustice: forms, causes and remedies; Women's Commission; Empowerment of Women: Constitutional and other legal provisions; Child Labour; Sexual Exploitation; Adoption, maintenance and related problems; Child and Education;

UNIT - V

Alternative approaches to Law: Jurisprudence of Sarvodaya, Gandhiji, Vinoba Bhave, Jai Prakash Narain; Socialist thought on Law & Justice: An enquiry through Constitutional debates on the right to property; Indian Marxist Critique of Law & Justice; Naxalite movement: Causes & Cure;

SUGGESTED READINGS:

- I. Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.
- II. D.D. Basu, Shorter Constitution of India (1996), Prentice – Hall of India(P) Ltd., New Delhi.
- III. H.M. Seervai, Constitutional Law of India (1996), Tripathi.
- IV. India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)
- V. J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting,
- VI. M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay
- VII. Manushi, A Journal about Women and Society.
- VIII. Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford.
- IX. Robert Lingat, The Classical Law of India (1988), Oxford.
- X. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.
- XI. U. Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay.
- XII. U. Baxi, The Crisis of the Indian Legal System (1982), New Delhi.

Semester-II		
Opt.: Banking Law		36
	Objectives To familiarize student with banking system and and banking laws.	
Unit - I	Introduction Nature and Development of Banking. Functions of Banking Global Banking Institutions The Banking (Regulation) Act, 1949. Its main provisions, social control, nationalization of Banks.	
Unit - II	Central Bank, Evolution, Characteristics and Functions. (ii) Reserve Bank of India and Its Role. (iii) Securitization and Reconstruction of Financial assets, (iv) Cash reserve and Statutory Liquidity ratios in Bank.	
Unit - III	Bank as borrowers: Forms of borrowing, Types of Deposit, Accounts, Electronics, Withdrawal, Money Transfer and e-Banking. Deposit Insurance Corporation Act, 1962.	
Unit - IV	Bank and Customer Relationship. Banking Operations (i) Lending by Banks, (ii) Collection and Payments of Cheques. (iii) Negotiable Instrument & their characteristics, Cheques, Dishonor of Cheques, Appropriation of payments. Interference by third parties. (i) Attachment, Mareva Injunctions, Bank and Garnishee, set off.	
Unit - V	Social Banking Basal II norms Letter of Credit Recovery of Debts Due to Banks. Banking Ombudsman Scheme 2002. Debt Recovery Tribunal Act. Recent Trends of Banking System in India.	

	<p>Text Books</p> <ol style="list-style-type: none"> 1. Basu, A. : Review of Current Banking Theory and Practice (1998) Mac Miilan 2. K.C. Shekhar : Banking Theory and Practice (1998), UBS Publisher Distributors Ltd.. NewDelhi <p>Reference Books</p> <ol style="list-style-type: none"> 1. R.S. Narayanna : The Recovery of Debts due to Banks and Financial 2. Institution Act, 1993 (51 of 1993), Asia Law House, Hyderabad 	
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Opt.: Corporate Social Responsibility		36
Unit - I	Corporate social responsibility-concepts, conflicts & contemporary thinking; Role of corporation as part of community-basic human rights, constitutional obligations, social practice—Social Accounts Matrix—Social Indicators (SA 8000, GRI)	
Unit - II	Sustainable value addition to corporate culture-global driver of sustainability, interconnecting the unconnected, repositioning by clean technology	
Unit - III	Corporate strategy for prosperity-creative destruction, disrupted potential, global abstractions & local solutions—Concept of Corporate Governance: Perspectives and Practices	
Unit - IV	Calibration to gain from corporate social responsibility-centrality, specificity, proactively,voluntarism, visibility, value creation; UN global contact-global corporate citizenship, compact framework, mission.	
Unit - V	Ethical responsibility-business & ethics interface, ethical theories, planning, organizing and communicating with ethics; Ethics compliance management system ECS 2000; Ethics compliance standard 2000.	
	<p>Text Books</p> <ol style="list-style-type: none"> 1. Mathur and Agrawal, Responsibilities of Business Community to Indian Society and Social Institution. 2. Corporate Social Responsibility – Philip Kotler and Nancy Lee <p>Reference Books</p> <ol style="list-style-type: none"> 1. Corporate Social Responsibility in India – Sanjay K Agarwal 2. Corporate Social Responsibility Concepts and Cases – The Indian Experience C.V Baxi, Ajit Pras 	

	Opt. Insurance Law	36

	<p>Objectives To familiarize student with insurance concepts and legal framework of insurance sector.</p>	
Unit - I	<p>Introduction; Nature of insurance contract, various kinds of insurance, proposal, policy, parties consideration, need for utmost good faith, insurable interest. Indemnity, Insurance policy, law of contract and law of torts - future of insurance : need, importance and place of insurance, Constitutional perspective- the Entries 24, 25, 29, 30, 47 of List 1 Union List: 23, 24 of List III, General Principles of Law of insurance: Definition. nature and history. The risk commencement, attachment and duration, Assignment alteration, Settlement of claim and subrogation, Effect of war upon politicians, Indian Insurance Act 1938.</p>	
Unit - II	<p>Insurance Regulatory Authority Act, 2000: Mutual Insurance Companies and cooperative life insurance societies, Double insurance and re-insurance, Life Insurance: Nature and scope, Event- insured against life insurance contract, Circumstances affecting the risk Amounts recoverable under life policy. Persons entitled to payment, Settlement of- claim and payment of money</p>	
Unit - III	<p>Marine Insurance: Nature and Scope. Classification of marine policies, The Marine insurance Act, 1963, Marine Insurance, Insurable interest, insurable value, Marine insurance policy-condition-express warranties construction of terms ea policy. Voyage deviation, Perils of the sea, Assignment of Policy, Partial laws of ship and of freight, salvage, general average, particular charges, Return of premium.</p>	
Unit - IV	<p>Insurance against Accidents: The Fatal Accidents Act, 1855, Objects and reasons. Assessment of compensation, Contributory negligence. Apportionment of compensation and liability, The Personal Injuries (Compensation insurance) Act 1963, Compensation payable under the Act, Compensation insurance scheme under the Act Compulsory insurance. Property insurance: Fire Insurance, The Emergency Risks (Factories) Insurance, The Emergency Risks (Goods) Insurance, ('policies covering risk of explosion, Policies covering accidental loss. damage to property, Policies covering risk of storm and tempest, Glass-plate policies, Burglary and theft policies, Live stock policies, Goods in transit insurance, Agricultural insurance</p>	
Unit - V	<p>Insurance against Third Party Risks: The Motor Vehicles Act, 1988, Nature and Scope, Effect of Insolvency or death on claims of insolvency and death of parties, certificate of insurance, Claims tribunal : Constitution, functions, application for compensation. procedure powers and award, Liability Insurance : Nature and kinds of such insurance, Public liability insurance. Professional negligence insurance. Miscellaneous Insurance Schemes: New Dimensions : Group life insurance, Mediclaim sickness insurance</p>	
	<p>Text Books</p> <ol style="list-style-type: none"> 1. Banjeree: Law of Insurance (1994). Asia Law House, Hyderabad 2. E.R. Hardy Ivamy : General Principles of insurance Law (1979) Edwin, W. Patterson : Cases and Materials On Law of (Insurance (1955) 3. M.N. Sreenivasan : Law and the Life Insurance Contract (1914) <p>Reference Books</p> <ol style="list-style-type: none"> 1. John Hanson and Christopais Henly : All Risks Property Insurance (1999), LLP Asia Hongkong 2. Peter Mac Donald Eggers and Patric Foss : Good faith and Insurance Contracts (1998) LLP Asia, Hongkong 	

Opt.: Cyber Law		36
	Objective: The objectives of the course are to develop understanding of crimes related to Information Technology and Internet; and relevant laws.	
Unit - I	Concept of Information Technology and Cyber Space - Interface of Technology and Law - Jurisdiction in Cyber Space and Jurisdiction in traditional sense - Internet Jurisdiction - Indian Context of Jurisdiction - Enforcement agencies -International position of Internet Jurisdiction - Cases in Cyber Jurisdiction.	
Unit - II	Information Technology Act, 2000 - Aims and Objects – Overview of the Act – Jurisdiction -Electronic Governance – Legal Recognition of Electronic Records and Electronic Evidence -Digital Signature Certificates - Securing Electronic records and secure digital signatures - Duties of Subscribers - Role of Certifying Authorities - Regulators under the Act -The Cyber Regulations Appellate Tribunal - Internet Service Providers and their Liabili- Powers of Police under the Act – Impact of the Act on other Laws.	
Unit - III	E-Commerce - UNCITRAL Model - Legal aspects of E-Commerce - Digital Signatures - Technical and Legal issues - E-Commerce, Trends and Prospects - E-taxation, E-banking, online publishing and online credit card payment - Employment Contracts - Contractor Agreements, Sales, Re-Seller and Distributor Agreements, Non-Disclosure Agreements- Shrink Wrap Contract ,Source Code, Escrow Agreements etc.	
Unit - IV	Cyber Law and IPRs-Understanding Copy Right in Information Technology - Software - Copyrights vs Patents debate - Authorship and Assignment Issues - Copyright in Internet - Multimedia and Copyright issues - Software Piracy – Patents - Understanding Patents - European Position on Computer related Patents - Legal position of U.S. on Computer related Patents - Indian Position on Computer related Patents – Trademarks - Trademarks in Internet - Domain name registration - Domain Name Disputes & WIPO -Databases in Information Technology - Protection of databases - Position in USA,EU and India	
Unit - V	Cyber Crimes -Meaning of Cyber Crimes –Different Kinds of Cyber crimes – Cyber crimes under IPC, Cr.P.C and Indian Evidence Law - Cyber crimes under the Information Technology Act,2000 - Cyber crimes under International Law - Hacking Child Pornography, Cyber Stalking, Denial of service Attack, Virus Dissemination, Software Piracy,Internet Relay Chat (IRC) Crime, Credit Card Fraud, Net Extortion, Phishing etc - Cyber Terrorism - Violation of Privacy on Internet - Data Protection and Privacy.	
	Text Books 1. Kamlesh N. & Murali D.Tiwari(Ed), <i>IT and Indian Legal System</i> , Macmillan India Ltd, New Delhi 2. Chris Reed, <i>Internet Law-Text and Materials</i> , 2nd Edition, 2005, Universal Law Publishing Co., New Delhi Reference Books 1. Farouq Ahmed, <i>Cyber Law in India</i> 2. Vakul Sharma, <i>Hand book of Cyber Laws</i> , Macmillan India Ltd, New Delhi	

Dissertation	36
<p>1. Dissertation in Sem. II will be evaluated as under</p> <p style="text-align: center;">Thesis = 150, Presentation = 25, Viva Voce = 25</p>	

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