

Maharshi Dayanand University Rohtak



P-

Ordinances, Syllabus and Courses of Reading for LL.M. Part-I Examination

Session—1997-98

Available from :

Deputy Registrar (Publication)
Maharshi Dayanand University
Rohtak-124001 (Haryana)

Price :

At the Counter : Rs. 20/-
By Regd. Parcel : Rs. 30/-
By Ordinary Post : Rs. 25/-

ORDINANCE : MASTER OF LAWS EXAMINATION (ANNUAL SYSTEM)

1. The Master of Laws Examination shall be held in two parts, Part-I examination shall be held at the end of the first year and Part-II examination at the end of second year.
2. The examination in Part-I and Part-II shall be held once a year ordinarily in the month of April/May or on such dates as may be fixed by the Vice-Chancellor.

A supplementary examination in Part-II will be held in December or on such dates fixed by the Vice-Chancellor for those candidates who have passed all the papers of Part-I examination and have been permitted to re-appear or have failed or want to improve their score in paper(s) of Part-II examination. However, total number of chances will not exceed as given in the Ordinance.

3. The last date for the receipt of examination form and fee without late fee as fixed by the Vice-Chancellor, shall be notified to the Head, Department of Law.
4. A candidate's examination form and fee may be accepted after the last date payment of Rs. 105/- upto the date notified by the University.
5. A person who has passed with at least 55% marks in the aggregate, the LL.B. (Professional) examination of the M.D. University or an examination recognised as equivalent thereto shall be eligible to join the first year class of the LL.M. Course.
6. A person who has passed LL.M. first year examination of the M.D. University shall be eligible to join the LL.M. IInd year class. However, the candidate who have passed atleast two theory papers out of four or five theory papers or atleast three theory papers out of six or seven theory papers of Part-I Examination of *this University* will be promoted to Part-II class, provisionally. This is however, subject to Clause-8 below.
7. The examination of LL.M. Part-I and Part-II shall be open to a student who:-
 - a) has passed the requisite qualifying Exam. or is covered under Clause-8 and

b) has his name submitted to the Controller of Examinations by the Head of the Law Department and produce the following certificates signed by him :-

- i) of having attended the course most recently;
- ii) of possessing good character;
- iii) of having remained on the rolls of the Department for the year preceding the examination;
- iv) of having attended not less than 65% of the lectures in each year (to be counted upto the last day when the classes break up for the preparatory holidays).

8. A candidate who has failed in one or more paper(s) or fails to appear in LL.M. examination as the case may be, shall be allowed two additional subsequent chances only to pass the examination.

9. A candidate for LL.M. Examination must pass the whole examination (Part-I as well as Part-II) within four years of his admission to the LL.M. Course, failing which he will be deemed to be unfit for the Postgraduate studies in Law and shall not be further admitted to this University for such course.

Note : The candidate admitted to LL.M. Course shall not be allowed to switch over to any other course, otherwise his candidature for LL.M. Course shall be cancelled forthwith.

10. A candidate who has completed the prescribed course of instructions in the Department of Law for Previous/Final examination but has not appeared in it or having appeared fails may be allowed on the recommendation of the Head of the Department to appear in the examination(s) paper(s), as the case may be, without attending fresh course of instruction. While re-appearing in the examination, the candidate shall be exempted from re-appearing in the paper(s)/dissertation/Viva-voce in which he has obtained at least 50% marks.

11. A candidate shall submit his examination admission application on the prescribed form with the required certificates duly countersigned by the Head of the Department of Law.

12. The amount of examination fee to be paid by a candidate shall be as under :-

Part-I	Rs. 120/- (Regular & Private Candidate)
Part-II	Rs. 180/- -do-

13. The medium of instructions and examination for LL.M. Course shall be English.
14. Candidates shall be examined according to the Scheme of Examination and Syllabus as approved by the Academic Council from time to time.
15. A candidate shall offer a dissertation of 100 marks on the topic approved by the Head of the Dept. of Law in Part-II.
16. The candidate shall submit to the Head of the Department an application for approval of the topic for the dissertation alongwith synopsis not later than 1st November of the year preceding the Examination.
17. Every candidate in his LL.M. Part-II shall be required to submit three copies of his dissertation alongwith a brief abstract of the same giving an account of the investigation research conducted and its main findings. The abstract will not be exceed 500 words. The dissertation shall be examined by an external examiner only.
18. The last date for receipt of dissertation in the office of the Controller of Examinations shall be one month before the commencement of examination provided that in exceptional cases, the Vice-Chancellor may allow him further extension for another six months, if so recommended by the Head of the Law Deptt.
19. A candidate who has submitted a dissertation as a part of his examination shall not be permitted to withdraw it or submit another dissertation in lieu thereof. The marks obtained by him for the dissertation shall be taken into account when he appears in any future examination for the purpose of passing therein or for improving the score or the division. the resubmission of dissertation shall be allowed only as per rules 25 below if a candidate has failed in it. The re-evaluation of dissertation shall also be allowed, if a candidate applies for it after completing the necessary formalities.
20. The viva-voce examination shall be conducted by a Board of two examiners, one of whom shall be the Head of the Deptt. and other external examiner not below the rank of Professor. The external examiner shall be appointed by the Vice-Chancellor, out of a panel recommended by the Board of Studies. The Head of the Deptt. shall be Chairman of the Board. The viva-voce

Examination will extend over all the prescribed courses and will be held irrespective of the submission or examination of the dissertation.

21. The minimum number of marks required to pass shall be 50% in each written paper, dissertation and viva-voce examination separately.
22. In respect of LL.M. Part-I, the students shall write one seminar paper to be submitted and presented within a week after the winter vacations on the opening of the University.
23. Four weeks after the termination of the Examination, or as soon thereafter as possible, the Controller of Examinations, shall publish the result and issue Detailed Marks-Cards.
24. The list of the successful candidates who have passed Part-I and Part-II exams. shall be arranged into divisions, as under on the basis of the total marks obtained in part-I and part-II and the division obtained by the candidate will be stated in his degree:-
 - a) Those who obtain 60% or more marks First Division
 - b) Those who obtain 50% or more but less than 60% marks Second Division
25. A successful candidate may, if permitted by the Head of the Deptt. of Law, Publish after the declaration of his result, his dissertation in a book form or as a paper in a journal of repute.
26. A candidate who has passed Part-I of LL.M. exam. of this University, will be allowed to appear for improvement of his result as an ex-student in one or more theory papers of LL.M. Part-I exam. Once within a period of three years of his passing the Part-I examination. A candidate who has passed Part-II of LL.M. examination of this University will be allowed to appear for improvement of his result as an ex-student in one or more theory paper(s) of LL.M. Part-II Examination once within a period of two years of his passing the Part-II exam. The candidates may appear for improvement of Part-I examination simultaneously with Part-II Exam., while appearing in Part-II Exam. for passing or for improvement.

The result of such a candidate shall be declared only if he improves his score of marks by taking into account the marks obtained by him in the paper(s) in which he reappeared and the marks obtained by him earlier in the remaining paper(s) etc. The fact that the candidate has improved shall be mentioned in the

Detailed-Marks Card. Provided further that the candidate will take the exam. according to the syllabus in force for the regular student for that examination. Provided that the syllabus for the candidates for the examination to be held in September/October shall be same as was in force for the regular students in the last Annual Examination.

27. Notwithstanding the integrated nature of this course which is spread over more than one academic year, the Ordinance in force at the time a student joins the course shall hold good only for the examination held during or at the end of the academic year and nothing in this ordinance shall be deemed to debar the University from amending the ordinance and the amended ordinance, if any shall apply to all students, whether old or new.

Syllabus and Courses for LL.M. Part-I Examination

LL.M. Part-I Examination shall consist of four papers for which Written Examination will be held. Paper I, II and III will be of 100 marks each and paper IV will be of 60 marks. A student of LL.M. Part-I shall have to write one seminar paper in any of the papers of LL.M. Part-I as assigned by the Head of the Deptt. The seminar paper will be submitted and presented within a week after the opening of the University after winter vacations. The seminar paper will be of 20 marks and the Viva-voce Examination in LL.M. Part-I will be of 20 marks. The other requirements regarding submission and evaluation of the seminar paper will be the same as in LL.M. Part-II. Examination shall be held in April/May each year. The Viva-voce Examination will be held after the examination in the written papers.

Paper-I Jurisprudence

Max. Marks : 100

Time : 3 Hours.

Note : Eight questions covering the entire syllabus, will be set, out of which any four questions will be required to be attempted. All questions carry equal marks.

Books Recommended

- | | |
|---------------------------|--|
| 1. John Austin | Lectures on Jurisprudence. |
| 2. Holland | Jurisprudence. |
| 3. Salmond | -do- |
| 4. Paton | -do- |
| 5. Dias RWM | -do- |
| 6. Friedman | Legal Theory. |
| 7. Hart, HLA | The Concept of Law. |
| 8. Allen, C.K. | Law in the Making. |
| 9. Roscoe Pound | Outline of Jurisprudence. |
| 10. -do- | Philosophy of Law & Morals. |
| 11. Newman(ed) | Essays in Jurisprudence in Honour of Roscoe Pound. |
| 12. Stone, J. | a) Social Dimension of Law & Justice. |
| | b) Legal System of Lawyers' Reasoning. |
| | c) Human Law and Human Justice. |
| 13. Lloyd Dennis | Introduction of Jurisprudence. |

- | | |
|----------------------|---------------------------------------|
| 14. Holmes | Common Law. |
| 15. Pollock & Wright | Possession. |
| 16. Fuller | Morality of Law. |
| 17. Basu | Modern Theories of Law (ILL). |
| 18. Dhyani, S.N. | Law, Morality and Justice. |
| 19. Cordozo | Growth of Law. |
| 20. Stone | The province and function of Law. |
| 21. Hohfield | Fundamental Legal Conceptions. |
| 22. Vinogradoff | Outlines of Historical Jurisprudence. |

Paper-II Constitutional Law of India

Max. Marks : 100

Time : 3 Hours

Note :Eight questions covering the entire syllabus will be set, out of which any four questions will be required to be attempted. All questions carrying equal marks.

Books Recommended

- | | |
|-------------------------------------|--|
| 1. Seervai, M.M. | Constitutional Law of India. |
| 2. Basu, D.D. | Commentaries on the Constitution of India. |
| 3. Shukla, V.N. | Constitution of India. |
| 4. Jain, M.P. | Indian Constitutional Law. |
| 5. ILI | Constitutional Development since Independence. |
| 6. Joshi, G.N. | Aspects of Indian Constitutional Law. |
| 7. Shiva Rao, B. | Framing of the Indian Constitution : A Study. |
| 8. Jain, Kashyap & Srinivasan (Ed.) | The Union and the State National Delhi, 1972. |
| 9. Wheare, K.C. | Federal Government. |
| 10. Austin, G. | Indian Constitution : The Corner Stone of a Nation. |
| 11. Dr. Chandra Pal | Centre-State Relations and Cooperative Federalism. |
| 12. Dr. Chandra Pal | State Autonomy in Indian Federation : Emerging Trends. |
| 13. T.K. Tope | Indian Constitutional Law. |

Paper-III Principles and Methods of Legislation and Interpretation of Statutes

Max. Marks : 100

Time : 3Hours

Note :Eight questions covering the entire syllabus will be set, out of which any four questions will be required to be attempted. All questions carry equal marks.

Books Recommended

Craies	Statute Law.
Cross	Statutory Interpretation.
Maxwell	On the Interpretation of Statutes.
Sarup, Jagdish	Legislation and Interpretation.
Sarathi, Vepa P.	Interpretation of Statutes.
Singh, G.P.	Principles of Statutory Interpretation.
Bentham	Theory of Legislation.
Dicey, A.V.	Lectures on the Relation Between Law and Public Opinion in England During the Nineteenth Century.
Mathur	Principles of Legislation.
Mires, David R. Page, Alan C.	Legislation.
Ruthnaswamy	Legislation-Principles and Practice.

General Readings

Abraham, H.L.	The Judicial Process.
Bell, John	Policy Arguments in Judicial Decisions.
Cardozo, B.N.	The Nature of the Judicial Process.
Driedger, E.A.	The Construction of Statutes.
Dworkin, R.	A Matter of Principle.
Friedmann	Law in a Changing Society.
Hidayatullah, M.	Judicial Methods.
Indrayan N.K.	Law and Public Opinion in India.
Mitchell, W.J.T.(Ed.)	The Politics of Interpretation.
Sutherland	Statutory Construction.

Paper-IV Legal Research and Methodology

Max. Marks : 60

Time : 2 Hours.

Note : Eight questions covering the entire syllabus will be set out of which any four questions will be required to be attempted. All questions carry equal marks.

I Nature and Scope of Legal Research

- a) Need for Legal Research
- b) Current-trends in Legal Research
- c) Approaches to Law in Legal Research
 - i) Legal Research in Positive Law-Normative Research
 - ii) Legal Research and the Law as a decision making process.
 - iv) Law as a socio-cultural system

II Types of Legal Research

- a) Pure, applied and 'action' research
- b) Doctrinal and sociological research (empirical, or socio-legal research)

III Methods of Legal Research

- a) Inductive
- b) Deductive or probabilistic
- c) Retroductive

IV Basic Concepts in Social Research

- a) Assumptions
- b) Postulates
- c) Paradigms
- d) Models
- e) Concepts
- f) Hypothesis
- g) Theory and fact

V Major steps in Empirical Research

- a) Identification of the Research Problem
- b) Formulation of a research problem
- c) Formulation of Hypotheses
- d) Research Design :
 - i) Exploratory
 - ii) Descriptive
 - iii) Experimental

VI Social Survey and case-studies

- a) Social Survey
 - i) Universe population
 - ii) Strategies for sampling
 - Probable sampling
 - non-probable sampling
- b) Case-studies:
 - i) Conceptions of case-studies
 - ii) Uses of case-studies in socio-legal research
 - iii) Problems of generalisations

VII Methods of Data Collection

- Observation
- Questionnaire
- Interviews
- Schedules

VIII Scaling Techniques

- i) Scale as a measure
- ii) Types of scale viz. Bogards, Trurstone's order Method, Likert and Guttman Scale.

IX Analysis of Data**X Field work and Field Problems****XI Report-Writing**

- i) Effective Legal writing
- ii) Where and how to find law (Legal Source material) and their use.
- iii) Uniform citation
- iv) Self-editing of footnotes, source checking etc.

Books Recommended

- | | |
|---|---|
| 1. I.L.I. | Legal Research Methodology. |
| 2. Attaberry James & Ruth
D. Attaberry | Guide to research report writing, Los Angeles (Chalf) Tames Book, 1979. |
| 3. Barry, R. | How to write a Research paper, New York : Pargam Press, 1969. |
| 4. Kennah Bhima Sen &
C.V. | New Dimension in Methodology of Research (Indian Education Review Jan. 1978). |

5. Brown, Ralph S. Journal Legal Research, "The Resource have also Traditional Approaches. "American Behavioural Scientist (Dec. 1963).
6. Domin WS Ki Regu, L. Research Methods (Englewood Cliffs (NJ) Prentics Hall, 1980)
7. Dowling Neel T. Edwin, W.Patterson & Richard Powell Materials for Legal Method, (2nd Ed. Brooklyn Foundation Press).
8. Dworking Ronald Legal Research, (Deedalus Spring, 1973 (53-54).
9. Festinger & D. Katz. Research Methods in the Behavioural Sciences, 1966.
10. Franklin, B. & H. Osborne Research Methods : Issue and Insights, Woodworth, 1971.
11. Laster James Writing Research Papers, 1978.
12. David L. Loyd Finding the Law: A Guide to Legal Research 1974.
13. Srinivas, M.N.A.M. Shah and E.A. Ramaswami (Ed.) The Field Work and the Field Problems and Challenges in Sociological Investigation, Delhi Oxford Press, 1979.
14. Brodbeck, May Readings in the Philosophy of the social Sciences, Macmillan Publishing Co. New York, 1968.
15. Benton, Ted. Philosophical Foundations of three Sociologies, Routledge & Kegan Paul, London, 1977.
16. Durkheim, Emile The Rules of Sociological Method, Glencoe, Free Press, 1947.
17. Weber Max Max Weber on Methodology of the Social Sciences, Free Press, Glencoe, III, 1949.
18. Pedgorec Ki, A. Law and Society, London, Routledge & Kegan Paul, 1974.
19. Ritzer G Sociology : A multiple Paradigm Science, Boston, Allyh and Bacon, 1975.
20. Goode, William-II & Paul K. Hatt Methods in Social Research, New York, Mcgraw Hill, 1952.

21. Young, P.V. Scientific Social Surveys & Research, New Delhi : Prentice Hall, 1968.
22. Madan, T.N. & Andre Beteille Encounters and Experiences, New Delhi : Vikas, 1975.
23. Sajoberg Gideom & Roger Nott Methodology for Social Research, 1968.
24. Wilkinson, T.S. & P.L. Bhandarkar Methodology and Techniques of Social Research, 1984.