



HINDUSTAN
INSTITUTE OF TECHNOLOGY & SCIENCE
(DEEMED TO BE UNIVERSITY)

SCHOOL OF LAW

CURRICULUM AND SYLLABUS

(Applicable for Students admitted from Academic Year 2020-21)

**ONE YEAR LL. M DEGREE PROGRAMME
IN
INTERNATIONAL LAW**

SCHOOL OF LAW

Regulations for Introduction of One-Year LL.M. Degree Programme

Introduction

The School of Law to expand its horizon in legal education has decided to introduce One year LLM program commencing from 2020-2021. In this regard, the School of Law has established a Centre for Post-Graduate Legal Studies (CPGLS) as per the UGC regulations, which will have a dedicated team of senior teachers competent to guide post-graduate scholars.

Centre for Post Graduate Legal Studies

There shall be a Centre for Post-Graduate Legal Studies (CPGLS) established from among the Departments/Faculty of Law pursuant to these regulations to conduct the program.

Admission

No student shall be eligible for admission to LL.M. One-Year programme in School of Law unless he/she has passed in the examination conducted by a University leading to the award of LL.B. degree.

The admission to One Year LLM programme in School of Law shall be based on merit decided on the basis of an All India Admission Test conducted specifically for this purpose, with the objective of testing aptitude for teaching/research, legal reasoning, and comprehension/basic legal knowledge. The Admissions Test will be for 70% of total marks of the test and the rest of 30% will be equally distributed based on work experience, publications, and statement of purpose.

Credits

The one year LL.M. programme shall have 24 credits with three mandatory courses of 3 credits each (making a total of nine credits), six optional courses of 2 credits each (making a total of 12 credits) and a dissertation of 3 credits.

Duration

One-year full time

Eligibility

Three Years/ Five Years LLB degree from any Indian or Foreign University recognized by University Grants Commission with at least 45% marks or equivalent grade.

Course Structure

The course structure/curriculum for One-Year LL.M. shall have the following components:

SL. NO.	NATURE OF SUBJECTS	CATEGORY	NUMBER OF SUBJECTS	SUBJECT CREDIT ALLOTTED	TOTAL CREDIT POINTS
1	Foundation/CompulsoryPapers	CC	05	3	15
2	Optional/SpecializationPapers	OC	04	2	08
3	Dissertation	DC	01	3	03
Total			56	--	26

Medium of Instructions

English

Program Pattern

Semester-2 Semesters

Assessment

The courses will have 30% continuation assessment evaluation, 20% term paper, and 50% written examination. The continuous assessment may include Seminar Presentations, One written test, Viva Voce Essays Project, Group projects, open problems, Work based Assessment, Multiple choice Questions Problems, Short Answer Questions etc..

Standard of Passing

The assessment of the student for each examination is done, based on relative performance. Maximum Grade Point (GP) is 10 corresponding to O (Outstanding). For all courses, a student is required to pass both internal and external examination separately with a minimum Grade Point of 4 corresponding to Grade P. Students securing less than 40% absolute marks in each head of passing will be declared FAIL. The University awards a degree to the student who has achieved a minimum CGPA of 4 out of maximum of 10 CGPA for the programme.

Evaluation of Students

The evaluation of students in a course shall broadly be based on two segments.

Continuous evaluation by the teacher(s) of the course.

Evaluation through a semester examination

Grades & Divisions

After the evaluation, the School of Law will allot only grades to the students for the LL.M Degree

Examination

The Centre of Post Graduate Studies shall hold examinations for awarding LL.M. Degree as far as possible according to the following Scheme:

Conduct of Semester Examinations

The Centre of Post Graduate Legal Studies shall conduct all examinations; the Centre along with academic calendar shall notify the Schedule of examination in the first week of every semester.

Award of Degree

Master of Laws (LLM) shall be awarded at the end of the course by taking into consideration of the performance of all Semester examinations after obtaining minimum 4.00 CGPA out of 10 CGPA.

The One year LL.M degree programme would comprise of the following courses

LL.M., (International Law)							
(26 CREDIT STRUCTURE)							
FIRST YEAR - SEMESTER – I							
SL. NO	COURSE CATEGORY	COURSE CODE	NAME OF THE COURSE	L	T	P	C
1	CC	LLM4701	Law and Justice in a Globalizing World	3	0	0	3
2	CC	LLM4702	Legal Research and Writing	3	0	0	3
3	CC	LLM4703	Comparative Public Law	3	0	0	3
4	OC	LLM4704	General Principles of International Law	2	0	0	2
5	OC	LLM4705	International Aviation law	2	0	0	2
Total				13	0	0	13
FIRST YEAR - SEMESTER – II							
SL. NO	COURSE CATEGORY	COURSE CODE	NAME OF THE COURSE	L	T	P	C
1	CC	LLM4716	International Economic Law	3	0	0	3
2	CC	LLM4717	International Commercial Law	3	0	0	3
3	OC	LLM4718	International Law of Outer Space	2	0	0	2
4	OC	LLM4719	Private International Law	2	0	0	2
5	DC	LLM4720	Dissertation	0	0	3	3
Total				10	0	3	13

SEMESTER – I

COURSE TITLE	LAW AND JUSTICE IN A GLOBALIZING WORLD			CREDITS	3
Course Code	LLM4701	Course Category (CF)	CC	L-T-P-TCH	3-0-0-3
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 JUSTICE IN GLOBALIZING WORLD: EXISTING SCENARIO					
Globalisation as Process - Existing Scenarios and Issues: Economic, Social, Political - Rethinking the Idea of Just World Order - Emergence of Transnational Law in a Globalizing World - Impact of Globalization on Sovereignty of States - Impact of Globalization on Federalism and Democratic Law Making					
MODULE 2 GLOBALIZATION AND FREE MARKET					
Impact on welfare state - Natural Resources – Environment - Displacement for Development - Problem of Unemployment					
MODULE 3 GLOBALISATION AND NATIONAL JUSTICE DELIVERY SYSTEM					
Avoidance of National Jurisdictions - Intervention of International Human Rights Regime - Third World's Perspectives to Globalisation					
MODULE 4 EMERGING INITIATIVES FOR JUSTICE					
MNCs and CSRs - Other New Initiatives - Global Ombudsman - Protection of Faiths and Culture					
MODULE 5 THE DOCTRINE OF PRECEDENT AND GROWTH OF LAW					
Precedent - Judicial creativity and judicial activism - Problem of democratic accountability - Indian experiences					
TEXT BOOKS					
1	Andrew Kuper, <i>Democracy Beyond Borders: Justice and Representations in Global Institutions</i> (OUP, 2006).				
2	Anthony McGrew, David Held (eds.), <i>Governing Globalization: Power, Authority and Global Governance</i> (Polity Press, 2002).				
3	Boaventura de Sousa Santos, Cesar A. Rodriguez-Garavito (eds.), <i>Law and Globalization from Below</i> (Cambridge University Press, 2005).				
REFERENCE BOOKS					
1	Joseph Stiglitz, <i>Making Globalisation Work: The Next Step to Global Justice</i> , Penguin 2007				
2	Antony Anghie (Editor), <i>The Third World and International Order: Law, Politics, and Globalization</i> , Kluwer Law International, 2003				

COURSE TITLE	LEGAL RESEARCH AND WRITING			CREDITS	3
Course Code	LLM4702	Course Category (CF)	CC	L-T-P-TCH	3-0-0-3
CIA	30% / 20 % term paper			ESE	50%
Prerequisites :Nil					
MODULE 1 INTRODUCTION					
<p>a. Definition and Meaning of Research – Objectives- Motivation – Significance-Interrelation between Research and Knowledge- Levels and Types of Knowledge</p> <p>b. Types of Research – Descriptive vs. Analytical, Applied vs. Fundamental, Quantitative vs. Qualitative, Conceptual vs. Empirical, and other types like Historical and Action Research</p>					
MODULE 2 LEGAL RESEARCH					
Definition and Meaning of Legal Research- Objectives- Motivation-Significance - Objectives & Research Process Types- Evolutionary, Explanatory, Identificatory, Projective - Collaborative, Impact Analysis, Interactive, Interpretative - Social Value and Research, Logic and Research, Scientific Method and Research					
MODULE 3 RESEARCH METHODS					
Doctrinal or Traditional Research Methods-Meaning, Characteristics, Merits and Demerits - Non-Doctrinal or Empirical Research- Meaning, Characteristics, Merits and Demerits - Socio- Legal Research Methods: Need and Significance - Induction and Deduction Research Methods					
MODULE 4 RESEARCH METHODS IN LEGAL RESEARCH					
Research Method and Research Methodology- Definition, Meaning, Significance - Doctrinal Research Method and the various steps - Non-Doctrinal Research Method and the various steps - Qualities of a Good Researcher - Criteria for a Good Research - Obstacles to Good Research in India					
MODULE 5 LEGAL WRITING					
Legal Writing – Meaning and Significance - Research Report Writing – Dissertation & Thesis - Footnotes – Blue Book Citations - ILI Format – MLA Format – Bibliography - E-Resources and Plagiarism - knowing legal publication market					
TEXT BOOKS					
1	Tiwari H.N., Legal Research Methodology, Allahabad Law Agency, Haryana, 1997, 2003				
2	Kothari C.R., Research Methodology: Methods and Techniques, 2nd Edition, New Age International Publishers				
3	Wilkinson & Bhandarkar, Methodology and Techniques of Social Research, Himalaya Publishing House				
REFERENCE BOOKS					
1	Verma S.K., Wani Afzal M (Ed)., Legal Research and Methodology, 2nd Edition Indian Law Institute, New Delhi, 2001				
2	Myneni S.R., Legal Research Methodology, Pioneer Books, Allahabad Law Agency, Haryana, 3rd Edition, 2006				

COURSE TITLE	COMPARATIVE PUBLIC LAW			CREDITS	3
Course Code	LLM4703	Course Category (CF)	CC	L-T-P-TCH	3-0-0-3
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 PUBLIC LAW AND ITS ROLE IN GOVERNANCE					
Nature of Public Law - Distinction between public and private law - Scope of Public law – Constitutional law, Administrative law and Criminal law - Basic concepts of Public Law - Principles of Accountability and Public Law					
MODULE 2 CONCEPT OF CONSTITUTION					
Meaning and Idea of Constitution, Nature and objectives - Living Constitution - Organic Constitution - Constitution as Fundamental Law					
MODULE 3 STUDY OF COMPARATIVE CONSTITUTIONAL LAW					
Relevance - Problems and Concerns in Using Comparison					
MODULE 4 CONSTITUTIONAL FOUNDATIONS OF POWERS					
a. Supremacy of Legislature in Law Making b. Rule of Law (i) Dicey's Concept of Rule of Law (ii) Modern Concept of Rule of Law (iii) Social and Economics Rights as Part of Rule of Law c. Separation of Powers (i) Concept of Separation of Powers (ii) Checks and Balances (iii) Separation of Powers or Separation of Functions					
MODULE 5 COMPARATIVE CRIMINAL LAW- COMMON LAW, CIVIL LAW AND COMPARATIVE ADMINISTRATIVE LAW					
Domestic Violations-International, National - Provisions relating to Rape - Plea Bargaining-USA, India - White Collar Crimes - Juvenile Justice French concept of Separation of Powers and Administrative Courts - Droit Administratif - Administrative courts in France - Council d' etat - Scope of Judicial Review in UK - Scope of Judicial Review in US - Public Interest Litigation in India and US					
TEXT BOOKS					
1	Christopher Forsyth, Mark Elliott, Swati Jhaveri, Effective Judicial Review: A Cornerstone of Good Governance (Oxford University Press, 2010).				
2	D.D. Basu, Comparative Constitutional Law (2nd ed., Wadhwa Nagpur).				
3	David Strauss, The Living Constitution (Oxford University Press, 2010)				
REFERENCE BOOKS					
1	David Strauss, The Living Constitution (Oxford University Press, 2010)				
2	Dr. Subhash C Kashyap, Framing of Indian Constitution (Universal Law, 2004)				

COURSE TITLE	GENERAL PRINCIPLES OF INTERNATIONAL LAW			CREDITS	2
Course Code	LLM4704	Course Category (CF)	OC	L-T-P-TCH	2-0-0-2
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 IS INTERNATIONAL LAW?: THE JURISPRUDENTIAL DEBATE					
Binding nature of international law - Positivism and Its Challenge to international law - Legality of International law					
MODULE 2 SOURCES OF INTERNATIONAL LAW					
Treaties - Customary International law - General principles of Law Recognized by Civilized nations - Subsidiary sources					
MODULE 3 INTERNATIONAL LEGAL PERSONALITY					
States - International Organizations – Individuals - Other Non-State Entities					
MODULE 4 STATEHOOD AND RECOGNITION					
What is recognition? - Theories of recognition - Legal criteria of Statehood - The cases of Palestine, Taiwan, Kosov					
MODULE 5 RELATIONSHIP BETWEEN INTERNATIONAL LAW AND MUNICIPAL LAW & LAW OF INTERNATIONAL ORGANIZATIONS					
Monism – Dualism - Differences between the theories - Indian Position on the debate - History and Growth of International Organizations - Legal Personality of International Organizations - United Nations –Principal Organs: the Security Council, General Assembly, Economic and Social Council; Trusteeship Council; Secretariat and the International Court of Justice.					
TEXT BOOKS					
1	Crawford, “Brownlie’s Principles of Public International Law” (8th edn, 2012, OUP)				
2	Malcolm Shaw, “International Law” (8th edn, 2018, CUP)				
3	Jan Klabbers, ‘An Introduction to International Organizational Law’ (Cambridge, 2015).				

COURSE TITLE	INTERNATIONAL AVIATION LAW			CREDITS	2
Course Code	LLM4705	Course Category (CF)	OC	L-T-P-TCH	2-0-0-2
CIA	30% / 20% term paper			ESE	50%
Prerequisites : Nil					
MODULE 1 INTRODUCTION TO AIR LAW					
Introduction- Paris Convention on Air Navigation 1919- British Indian Air Companies- Indian Air Craft Act, 1934- Air Craft Rules 1937- Nationalization of Air Services- International Airports Authorities in India- History of Aviation- Survey of Current Air Law in India.					
MODULE 2 CHICAGO CONVENTION AND THE PRINCIPLES					
Chicago Conference- Rules for Air Navigation- Liberalization of International Air Transportation- Bermuda Agreement- Application of GATT Principles to International Air Transportation- Environmental Protection Measures- India and Bilateral Services Agreement					
MODULE 3 CARRIERS' LIABILITY UNDER THE WARSAW CONVENTION					
Liability of Carriers under Indian Carriage by Air Act,1972- Warsaw Convention 1929- International Carriage- Hague Protocol 1955- Montreal Interim Agreement 1966- Guatemala City Protocol 1971.					
MODULE 4 AIRPORT POLICY					
Introduction- Privatization- Policy Issues- Current situation- Air Space Management in India					
MODULE 5 HISTORY AND DEVELOPMENT OF AIR LAW IN INDIA					
Past present and future Overview- Air law and Aviation Policy in India- Air Routes and Aerodromes in India- Aviation Security- Development of Civil Aviation and Air Law and Policy in India- Development of Aviation in India and future outlook of National Airlines					
TEXT BOOKS					
1	Raymond C Speciale "Fundamentals of Aviation Law" MC Grwar Hill, 2016				
2	Ronald, "International Aviation Law: A Practical Guide" Routledge Publishers, 2015				
3	Michael Pearson, "Foundation of Aviation Law" Routledge Publishers, 2015				
REFERENCE BOOKS					
1	Paul B Larsen "Aviation Law: Cases, Laws and Related Sources,2012				

SEMESTER – II

COURSE TITLE	INTERNATIONAL ECONOMIC LAW			CREDITS	3
Course Code	LLM4716	Course Category (CF)	CC	L-T-P-TCH	3-0-0-3
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 INTRODUCTION TO INTERNATIONAL ECONOMIC LAW					
Evolution of international economic law - Fundamental principles of international economic law - Institutional structure of international economic law					
MODULE 2 INTERNATIONAL MONETARY AND DEVELOPMENT LAW : THE WORLD BANK					
Historical Background to the creation - The Law and Practice of World Bank - Decision-Making and Voting - World Bank from a developing country perspective					
MODULE 3 INTERNATIONAL MONETARY AND DEVELOPMENT LAW : INTERNATIONAL MONETARY FUND					
Historical Background to the creation - The Law and Practice of the International Monetary Fund - Decision-Making and Voting - International Monetary Fund from a developing country perspective					
MODULE 4 BACKGROUND AND THE BIRTH OF THE WORLD TRADE ORGANIZATION					
Havana Charter for International Trade Organization (ITO) : An Overview - GATT 1947 – An Overview - Uruguay Round and the Birth of WTO					
MODULE 5 STRUCTURAL ASPECTS OF WTO, PRINCIPLES OF WTO AND DISPUTE SETTLEMENT MECHANISM UNDER WTO					
Objectives and Functions of WTO - Structures of WTO - Decision –making and Amendments to WTO - Membership, Accession and Withdrawal Most Favoured Nation (MFN) Treatment - Concept of Like Products - National Treatment Dispute Settlement under GATT 1947 - Dispute Settlement Understanding (DSU) under WTO - Implementation, Enforcement and Evaluation					
TEXT BOOKS					
1	Prof. Raj Bhalla, Modern GATT law, Sweet & Maxwell (2005).				
2	N.K. Jain, WTO Concepts, Challenges and Global Development. Regal Publications				
3	P. van den Bossche, <i>The Law and Policy of the World Trade Organization</i> (Cambridge University Press, 4th edition, 2017).				
REFERENCE BOOKS					
1	Peter Gallagher, Guide to WTO and Developing Countries (2000).				

COURSE TITLE	INTERNATIONAL COMMERCIAL LAW			CREDITS	3
Course Code	LLM4717	Course Category (CF)	CC	L-T-P-TCH	3-0-0-3
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 INTRODUCTION TO INTERNATIONAL COMMERCIAL LAW					
Evolution and Development of International Commercial law from old Lex Mercatoria to New Lex Mercatoria. - UNIDROIT Principles on international Commercial Contracts: Preamble and General Principles - The Vienna Convention on International Sale of Goods (CISG): Introduction, Nature, Scope and Salient Features, Interpretation of CISG					
MODULE 2 INTERNATIONAL COMMERCIAL CONTRACTS UNDER CISG, 1980					
Party Autonomy Principle - Formation of Contracts – Performance- Obligation of seller and buyer Hardship - Remedies and Exemption					
MODULE 3: E-COMMERCE					
Introduction - UNCITRAL Model Law on E-Commerce - The United Nations Conventions on the use of Electronic Communications in Electronic Contracts - Electronic Transactions and security issues					
MODULE 4 INTERNATIONAL CARRIAGE OF GOODS					
International Trade Terms: INCOTERMS 2010 By Sea: Introduction, Interpretation of Hague-Visby Rules, Hamburg Rules and Rotterdam Rules, Rights, Duties, Liabilities and Immunities of various parties By Air: Introduction, The Warsaw System, Carrier Liability, Consignor's Responsibilities and Rights					
MODULE 5 INTERNATIONAL PAYMENTS, DISPUTE SETTLEMENT AND INSURANCE					
Documentary Credits - Marine and Aviation Insurance - International Commercial Arbitration					
TEXT BOOKS					
1	Roy Goodey, Transnational commercial law: International Instruments and Commentary, Oxford Publication, Goode on Commercial Law				
2	Chow Schoenbaum, International Business Transactions: Problems, Cases, and Materials, Aspen Publishers				
3	J H Dalhuisen, Dalhuisen on Transnational and Comparative Financial and Trade Law, Hart Publishing, 3rd Edn. 2007				

COURSE TITLE	INTERNATIONAL LAW OF OUTER SPACE			CREDITS	2
Course Code	LLM4718	Course Category (CF)	OC	L-T-P-TCH	2-0-0-2
CIA	30% / 20% term paper			ESE	50%
Prerequisites :Nil					
MODULE 1 DEFINITION					
Definition of Outer space- UN Contributions- UN General Assembly Resolutions- Space Treaties- Principles of Treaties					
MODULE 2 PRINCIPLES					
Principles- Province of Mankind- National non-appropriation- Freedom of exploration, use and scientific investigation- Common Heritage of Mankind- Jurisdiction and Control- Co-operation between the states- Astronauts as Envoys of Mankind					
MODULE 3 LIABILITY AND REGISTRATION					
Launching State and Registering State- Liability and responsibility regime under Outer Space Treaty- Absolutely liability and fault liability- COSMOS 954- A Case Study- State Liability/ responsibility for private space activities- Registration and Identification.					
MODULE 4 PROBLEMS OF CURRENT CONCERNS					
Question of Sovereignty and claims of proprietary rights- Human habitation on the moon and other celestial bodies- Protection of Space environment- Demilitarization of the outer space- International Space Stations and Inventions on the Outer Space.					
MODULE 5 SPACE LEGISLATIONS					
National Space Legislations-Commerce Oriented Approach- US and Australian Models- Other Approaches – Russian and UK Models- Indian Position - Outer Space Treaties of United Nations.					
TEXT BOOKS					
1	Harnam Bhayana, “ Delimitation of OuterSpace”,				
2	Sandeepa Bhat B, “ Space Technology and Law: Some unresolved Questions”, Delhi Law Review, 2006-2007				
3	Astronauts: Envoys of Mankind: An analysis of Legal Basis” VS Mani, S Bhat and V Balakista Reddy (eds)				
REFERENCE BOOKS					
1	UN Conventions On Outer Space, UN Publications				
2	Books on International Law, Tandon, 2017				

COURSE TITLE	PRIVATE INTERNATIONAL LAW			CREDITS	2
Course Code	LLM4719	Course Category (CF)	OC	L-T-P-TCH	2-0-0-2
CIA	30% / 20% term paper			ESE	50%
Prerequisites :					
MODULE 1 INTRODUCTION					
Meaning, Rules of private international law in India, Need to evolve Indian rules of private International law, Choice of law, Historical perspective, theories and development in contemporary world, local law theory and Genesis of private international law in India.					
MODULE 2 JURISDICTION					
Sources of private International law, Concepts and general question of civil code, Conceptual inadequacy in India, Evolution of jurisdiction in personam, Transnational disclosure, Recommendation for jurisdictional rules					
MODULE 3 FAMILY LAW					
Personal law, Concept of Nationality, Custody of Children, Conflict in Matrimonial regime, Matrimonial causes, Alimony.					
MODULE 4 ARBITRATION					
Rules for choice of law, characterization, content of juridical law Act applicable, arbitration, partial recognition or enforcement, the legal recognition of foreign legal person					
MODULE 5 FOREIGN LAW					
Enforcement of Foreign Judgements and Decrees – Enforcement of Foreign Arbitral Awards – Evidence and Procedure – Stay of Proceeding – Proof of Foreign Laws.					
TEXT BOOKS					
1	Noronha, F.E., Private International Law in India, Universal law publication, 2010				
2	Jambolker, Laxmi, Select Essays on Private International Law (Universal, New Delhi)				
3	Lawrence Co llins, Dicey and Morris on Conflict of Laws (Sweet and Maxwell)				
REFERENCE BOOKS					
1	Graveson, Ronald , “ Problems of Private International Law”, Recuil Des Cours Vol 1, no 141,(Layde: A.w. sijthoff. 1975				
2	Govindraj, V.C., Conflict of Laws in India-Inter-territorial and Inter-personal Conflicts (Oxford University Press, New Delhi, 2011				

COURSE TITLE	DISSERTATION			CREDITS	2
Course Code	LLM4720	Course Category (CF)	OC	L-T-P-TCH	2-0-0-2
CIA	30% / 20% term paper			ESE	50%

Dissertation (2 credits) will be evaluated internally and externally which includes review camps, advanced research methods, dispute resolution techniques and internships.