**COURSE STRUCTURE**

**LL.M. TWO YEARS (2022-2023)**

**Banking and Insurance Law - ♦**

**FIRST SEMESTER**

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| --- | --- | --- | --- | --- |
| **Subject Code** | **Paper** | **L** | **Credits** | **Total Marks** |
| Internal | External | **Total** |
| LLM-101 | Research Methodology and Legal Writing | 5 | 3 | 20 | 80 | 100 |
| LLM-102 | Indian Constitutional Law: The New Challenges | 5 | 3 | 20 | 80 | 100 |
| LLM-103**♦** | Nature and Development of Banking System in India | 5 | 3 | 20 | 80 | 100 |
| LLM-104**♦** | General Principles of Insurance Law | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **20** | **12** |  |  | **400** |
| **SECOND SEMESTER** |
| LLM-201 | Law and Social Transformation in India | 5 | 3 | 20 | 80 | 100 |
| LLM-202**♦** | Social Control of Banking Institutions | 5 | 3 | 20 | 80 | 100 |
| LLM-203**♦** | Life Insurance & Insurance Against Accidents | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |
| **THIRD SEMESTER** |
| LLM-301**♦** | RBI Act and Negotiable Instrument Act | 5 | 3 | 20 | 80 | 100 |
| LLM-302**♦** | Marine Insurance | 5 | 3 | 20 | 80 | 100 |
| LLM-303**♦** | Practical Training (Teaching Assistance) | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |
| **FOURTH SEMESTER** |
| LLM-401**♦** | Dissertation | 10 | 5 |  |  | 100 |
| LLM-402**♦** | viva voce | 10 | 5 |  |  | 100 |
|  | **Sub Total** | **20** | **10** |  |  | **200** |

**FIRST SEMESTER**

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| --- | --- | --- | --- | --- |
| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-101 | Research Methods and Legal Writing |  5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Introduction of Legal Research**

* Meaning; objectives and scope of legal research.
* Socio-legal Research in India
* Research Method *vis-à-vis* Research Methodology
* Kind of Legal Research- Doctrinal and Non-Doctrinal legal research; Inter/ Multidisciplinary, etc.
* Arm chair research *vis-à-vis* empirical research

**Unit-II**

**Research Design and Techniques**

* Primary and Secondary -Source
* Workable Hypothesis – formulation and evaluation
* Major steps in research design
* Sampling
* Survey and Case Study method

**Unit-III**

**Research Tools and Data Processing**

* Observation
* Interview and Schedule
* Questionnaire
* Socio - Metrics and Jurimetrics
* Data processing (deductions and Inductions) analysis and interpretation of data.

**Unit-IV**

**Legal Writing**

* Essentials of good legal writing
* Structured Legal Writing; Organization of Legal Material
* Report / Article writing in legal research
* Use of definitions, maxims, concepts, principles, doctrines in legal research
* Modern- Technology- Computer, Internet, etc.
* Citation, Reference and Footnoting Methodology
* Book review and case comments
* Dissertation and Thesis Writing
* Plagiarism as an offence in Research.

**Suggested Readings:**

1. Agrawal, S.K; Legal Education in India; Eastern Book House
2. Legal Research and Methodology; Indian Law Institute
3. Pauline, V.; Scientific Social Survey and Research; Prentice-Hall of India
4. Madhava Menon, N.R.; A Handbook of Clinical Legal Education; Tata McGraw Hill
5. William, J.Goode; Methods in Social Research; Tata McGraw Hill
6. Journal on Research Methodology; Indian Law Institute
7. Index to Indian and Foreign Legal Articles; National Law University, Delhi.

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-102 | Indian Constitutional Law: The New Challenges |  5 | 3 | **20** | **80** | **100** |

**Unit–I**

**Constitution and Federalism**

* Concept of Constitution
* Meaning and idea of Constitution, Nature, Scope and Goal
* Constitution as Supreme law
* Forms of Government: Unitary and Federal-salient features of both
* Nature of Indian Federalism

**Unit-II**

**Legislative relations between Centre and State**

* Theory of Separation of Powers
* Separation of Powers under the Indian Constitution
* Interrelationship among the three organs of the state
* Distribution of Legislative Powers: The Scheme of the distribution of legislative powers in India, the judicial approach and the present position
* Recommendation of Sarkaria Commission & Venkatachaliah Commission
* Centre's responsibility and internal disturbance within states
* Directions of the Centre to the state under Articles 356 and 365

**Unit-III**

**Emerging regime of new rights and remedies**

* Concept and nature of fundamental rights
* Right to Equality
* Rights against Exploitation, Cultural Rights, Rights to Freedom of Religion
* Right to education; Commercialization of education and its impact; and Brain drain by foreign education market
* Directive Principles of State Policy and Fundamental Duties

**Unit-IV**

**Democratic Process**

* Nexus of politics with criminals and the business
* Election: Status of election commission, electoral reforms
* Coalition government: “stability, durability, and corrupt practice”
* Grass root democracy

**Unit-V**

**Constitutional Remedies, Emergency and Amendment of the Constitution**

* Right to Constitutional Remedies - Features of Writ Jurisdiction under Art. 32
* Concept of locus standi - Dynamic approach of Supreme Court on Public Interest Litigation – Judicial Activism - Comparison between Art. 32 and 226
* Freedom of trade and Commerce
* Types of Emergencies and their impact on Federal structure
* Recent amendments

**Suggested Readings:**

1. Pandey, J.N.,Constitutional law of India, Central Law Agency, 2019
2. Shukla,V.N.,Constitution of India, Eastern Book Company, 13th Edition, 2017
3. Jain, M.P.,Indian Constitutional Law, J[ustice JastiChelameswar](https://www.amazon.in/s/ref%3Ddp_byline_sr_book_2?ie=UTF8&field-author=Justice+Jasti+Chelameswar&search-alias=stripbooks) (Editor), [Justice Dama Seshadri Naidu](https://www.amazon.in/s/ref%3Ddp_byline_sr_book_3?ie=UTF8&field-author=Justice+Dama+Seshadri+Naidu&search-alias=stripbooks) (Editor), LexisNexis, 8th Edition, 2018
4. Basu, D.D.,Introduction to Constitution of India, LexisNexis, 23rdEdition, 2018
5. Mahajan, V.P.,Constitution of India, Eastern Book Company, 7th Edition, 1991
6. Seervai,H.M.,Constitution of India, Vol. 1-3, 1992, Tripathi, Bombay
7. Kauper and BeytaghConstitutional law: Cases and materials (Law school casebook series), Publisher: Little, Brown; 5th Edition, 1982
8. Basu, D.D., Select Constitutions of The World (Including International Charters) Bhagbati Prasad Banerjee, B.M. Gandhi, LexisNexis, 4th Edition
9. Tripathi, Constitution law of India, Bombay H.M. Seervai (Vols. 3).
10. Derret, Duncan, The State, Religion and Law in India, OUP, 1999
11. Indian Law Institute, Law and Social Change: Indo-American Reflections, Tripathi Publications, 1988
12. Stone, Julius, Social Dimension of Law and Justice, Marc Galanter, Law and Society in Modern India, Oxford Publications, 1997
13. Lingat, Robert, The Classical Law of India, Oxford, 1998
14. Baxi, Upendra, The Crisis of the Indian Legal System, Vikas Publications, 1982
15. Bhatt, P.Ishwar, Law and Social Transformation, Eastern Book Company, Lucknow,2008

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-103**♦** | Nature and Development of Banking System in India |  5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Introduction**

* History of Banking System in India
* Different kinds of Banks and their functions
* Multi-functional Banks – growth and legal issues.

**Unit-II**

**Law Relating to Banking Companies in India**

* Controls by government and its agencies
* On management
* On accounts and audit
* Lending
* Credit policy
* Reconstruction and re-organisation
* Suspension and winding up
* Contract between banker and customer: their rights and duties

**Unit-III**

**Social Control over Banking**

* Nationalization
* Evaluation: private ownership, Nationalization and disinvestment
* Protection of depositors
* Priority lending
* Promotion of under privileged classes

**Unit-IV**

**Relationship of Banker and Customer**

* Legal character
* Contract between banker and customer
* Banker's lien
* Protection of bankers
* Banking duty to customers

**Unit-V**

**Special classes of customers and nature and type of accounts**

* Special classes of customers
* Nature and type of accounts
* Banking business

**Suggested Readings:**

1. Functions & Working of the RBI: Reserve bank of India Publications
2. Financial sector Reforms & India’s Economic development: N.A. Majumdar
3. Central banking & Economics Development: Vasant Desa
4. Monetary Economics: S. B. Gupta
5. Banking in India – S. Panandikar
6. Banking: S.N. Maheshwari
7. Report on Trends & Progress of Banking of India: Reserve Bank of India
Publication.
8. Annual Reports of Banks.
9. Indian banking system- Dr. Rita Swami
10. Indian banking system- Dr. B.R. Sangle, Dr. G.T. Sangle, Dr. Kayande Patil & Prof. N.C. Pawar
11. Indian banking system- Prof. S.V. Joshi, Dr. C.P. Rodrigues & Prof. Azhar khan

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
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| LLM-104**♦** | General Principles of Insurance Law |  5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Introduction**

* Nature of Insurance Contract
* Various kinds of insurance
* Proposal
* Policy
* Parties
* Consideration
* Need for utmost good faith
* Insurable interest

**Unit-II**

**Legal Issues of Insurance**

* Constitutional perspectives – the Entries, 24, 25, 29, 30 and 47 of List 1 Union list: 23, 24 of list 3 Concurrent list
* Law of contract and law of torts
* Future of insurance, need, importance and place of insurance.

**Unit-III**

**General Principles of Law of Insurance**

* Primary or Fundamental Principles
* The Principle of utmost good faith
* The Principal of Warranties
* The Principle of indemnity
* The principle of subrogation
* The principle of contribution
* The principle of proximate cause
* The principle of mitigation of losses
* Effect of war on policies

**Unit-IV**

**Indian Insurance Law**

* History and development
* The Insurance Act, 1938
* Insurance Regulatory Act, 2000

**Unit-V**

**Other Regulatory Bodies**

* Mutual Insurance Companies
* Cooperative Life Insurance Societies

**Suggested Readings:**

1. Theory & Practices of Insurance. – M. Arif Khan
2. Manual for Agents- LIC of India.
3. Liability Insurance – Insurance of India.
4. Life Assurance Administration- Insurance Institution of India.
5. Marine Insurance – Templeman
6. Marketing of Life Insurance Business. P.K. Biswas Roy. Venkateshwer Roy - Discovery Publishing House Pvt. Ltd., New Delhi
7. Principal & Practices of Insurance- Dr. P. Periyaswami - Himalaya Publishing House

 **SECOND SEMESTER**

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
| **Internal** | **External** | **Total** |
| LLM-201 | Law and Social Transformation | 5 | 3 | 20 | 80 | 100 |
|  LLM-202**♦** | Social Control of Banking Institutions | 5 | 3 | 20 | 80 | 100 |
|  LLM-203**♦** | Life Insurance And Insurance Against Accidents | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-201 | Law and Social Transformation |  5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Law and social transformation theoretical analysis**

* + Models of social transformation
	+ Law as an instrument of social transformation
	+ Historical and social discourse
	+ Constitution’s orientation and response to social transformation
	+ Democracy and social transformation
	+ Constitutionalism and social transformation

**Unit-II**

**Language and the law**

* Language as a divisive factor
* Constitutional recognition of linguistic pluralism
* Constitutional guarantees to linguistic minorities
* Non-discrimination on the ground of language

**Unit-III**

**Community and the Law**

* Caste as a divisive factor
* Non-discrimination on the ground of caste
* Protective discrimination
* Affirmative action
* Reservation

**Unit-IV**

**Religion and Alternative Approaches to law**

* Religion as a divisive factor
* Freedom of religion and non-discrimination on the basis of religion under Indian
* Constitution, Regionalism
* The Impact of multiculturalism and ethnicity
* Constitutional safeguards against regional barriers
* Equality in matters of employment
* The jurisprudence of Sarvodaya--- Gandhiji, VinobaBhave; Jayaprakash Narayan-Surrender of dacoits
* Concept of Gramanyayalayas.

**Unit-V**

**Modernization and the Law**

* Modernization as a value
* Modernization of social institutions through law
* Public interest litigation
* ADR system
* Lok Adalats
* Democratic decentralization and local self-government

**Suggested Readings**

1. Kuppuswamy, B. and Kumar, B.V., *Social Change in India,*Konark Publisher Pvt Ltd, Delhi, 2006
2. Baxi, Upendra, 1985,*Towards a Sociology of Indian Law*, New Delhi, ICSSR/Satvahan Publications
3. Upendra,Baxi,*The Crisis of Indian Legal System*, New Delhi : Vikas, ©1982
4. Upendra,Baxi,*Law and Poverty: Critical Essays*, Bombay : N.M. Tripathi, 1988
5. Galenter, Marc, *Law and Society in Modern India*, OUP India, 1993
6. Freidman, W., *Law in Changing Society,* Sweet and Maxwell, South Asian Edition, 2nd Edition,2016
7. Hunt, Allan,*Sociological Movement in Law*, Palgrave, September 30, 1978
8. Sinha, Balbir Sahai,*Law and Social Changein India*, Deep & Deep, 1983
9. Desai, A. R.,*Social Background of Indian Nationalism,* Popular Prakashan Ltd.

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
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| LLM-202**♦** | Social Control of Banking Institutions | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Regulatory Framework and Compliances -I**

* Provisions of RBI Act 1935,
* Banking Regulation Act 1949,
* Prevention of Money Laundering Act, 2002.

**Unit-II**

**Regulatory Framework and Compliances -II**

* Government and RBI’s
* Powers Opening of New Banks and Branch
* Licensing
* Constitution of Board of Directors and their Rights
* Banks Share Holders and their Rights
* CRR and SLR Concepts

**Unit-III**

**Control by Government and its agencies**

* Control over management
* Accounts and audit
* Inspection
* Credit control
* Power of Reserve Bank to give directions
* Suspension of business
* Winding up of business companies

**Unit-IV**

**Lending by banks and Banking securities**

* Principles of sound lending
* Lending to poor masses – reasons for neglect, repayment of loans, default and recovery
* Enforcing legal action vis-à-vis Banking Securities.

**Unit-V**

 **Legal Aspects of Banking Operations**

* Case Laws on Responsibility of Paying and Collecting Banker Indemnities or Guarantees
* Scope and Application
* Obligations of a Banker
* Precautions and Rights
* Laws relating to Bill Finance, LC and Deferred Payments
* Laws Relating to Securities, Valuation of Securities, Modes of Charging Securities
* Lien, Pledge, Mortgage, Hypothecation etc.
* Registration of Firms/Companies - Creation of Charge and Satisfaction of Charge

**Suggested Readings:**

1. Functions & Working of the RBI: Reserve bank of India Publications
2. Financial sector Reforms & India’s Economic development: N.A. Majumdar
3. Central banking & Economics Development: Vasant Desa
4. Monetary Economics: S. B. Gupta
5. Banking in India – S. Panandikar
6. Banking: S.N. Maheshwari
7. Report on Trends & Progress of Banking of India: Reserve Bank of India
Publication.
8. Annual Reports of Banks.
9. Indian banking system- Dr. Rita Swami
10. Indian banking system- Dr. B.R. Sangle, Dr. G.T. Sangle, Dr. Kayande Patil & Prof. N.C. Pawar
11. Indian banking system- Prof. S.V. Joshi, Dr. C.P. Rodrigues & Prof. Azhar khan

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-203**♦** | Life Insurance and Insurance Against Accidents | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**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

**Unit-II**

**Miscellaneous insurance scheme**

* New dimensions
* Group life insurance
* Medi claim
* Sickness insurance

**Unit-III**

**Insurance against Accidents**

* The Fatal Accidents Act, 1885- 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
* 39 Compensation Insurance Scheme under the Act
* Compulsory insurance Scheme under the Act

**Unit-IV**

**Insurance against third party risks**

* The Motor Vehicles Act, 1988
* Nature and scope of the Act,
* Process and conditions of the policy
* Effect of insolvency or death on claims
* Certificate of insurance,

**Unit-IV**

**Claims tribunal and Liability Insurance**

* Constitution
* functions
* application for compensation
* procedure powers and award
* The Public Liability Insurance Act, 1991
* Professional negligence insurance

**Suggested Readings:**

1. Theory & Practices of Insurance. – M. Arif Khan
2. Manual for Agents- LIC of India.
3. Liability Insurance – Insurance of India.
4. Life Assurance Administration- Insurance Institution of India.
5. Marine Insurance – Templeman
6. Marketing of Life Insurance Business. P.K. Biswas Roy. Venkateshwer Roy - Discovery Publishing House Pvt. Ltd., New Delhi
7. Principal & Practices of Insurance- Dr. P. Periyaswami - Himalaya Publishing House

**THIRD SEMESTER**

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
| Internal | External | **Total** |
| LLM-301**♦** | RBI Act and Negotiable Instruments Act | 5 | 3 | 20 | 80 | 100 |
| LLM-302**♦** | Marine and Property Insurance | 5 | 3 | 20 | 80 | 100 |
| LLM-303**♦** | Practical Training (Teaching Assistance) | 5 | 3 | 20 | 80 | 100 |
|  | **Sub Total** | **15** | **9** |  |  | **300** |

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-301**♦** | RBI Act and Negotiable Instruments Act | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Reserve Bank of India Act, 1934**

* Purpose and scope
* Organizational structure of Reserve Bank of India
* Powers and functions of Reserve Bank of India
* Regulation of monitoring mechanism of the economy
* Monopoly of currency issue
* Currency chests
* Exchange controls and Credit control
* Bank rate policy formulation,
* Collection and furnishing of credit information,
* Non-banking institutions receiving deposits.

**Unit-II**

**The Central Bank**

* Evolution of Central Bank
* Characteristics and functions
* Economic and social objectives
* The Central Bank and the State - as bankers' bank

**Unit-III**

**Bank Frauds**

* Definition
* Classification of Frauds and actions required by Banks,
* Fraud prone areas in different accounts and preventive measures
* Recent trends of banking system in India
* The birth of new technology - IT and its effect
* Automation and legal aspects
* Automatic teller machine and use of internet, smart cards, credit card and use of expert system
* Reforms in Indian Banking Law

**Unit-IV**

**Negotiable Instruments Act - I**

* Definition,
* Kind of negotiable instruments
* Holder and holder in due course
* Bank drafts
* Endorsement

**Unit-V**

**Negotiable Instruments Act -II**

* Presentment of negotiable instrument and payment
* Consequences of non-presentment
* Payment and crossing of cheque
* Dishonour of cheque by the Bank of insufficiency of funds and criminal liability of drawer

**Suggested Readings:**

1. Functions & Working of the RBI: Reserve bank of India Publications
2. Financial sector Reforms & India’s Economic development: N.A. Majumdar
3. Central banking & Economics Development: Vasant Desa
4. Monetary Economics: S. B. Gupta
5. Banking in India – S. Panandikar
6. Banking: S.N. Maheshwari
7. Report on Trends & Progress of Banking of India: Reserve Bank of India Publication
8. Annual Reports of Banks.
9. Indian banking system- Dr. Rita Swami
10. Indian banking system- Dr. B.R. Sangle, Dr. G.T. Sangle, Dr. Kayande Patil & Prof. N.C. Pawar
11. Indian banking system- Prof. S.V. Joshi, Dr. C.P. Rodrigues & Prof. Azhar khan

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-302**♦** | Marine and Property Insurance | 5 | 3 | **20** | **80** | **100** |

**Unit-I**

**Marine Insurance**

* Nature and scope,
* Historical Development of Marine Insurance
* Definition classification of Marine Insurance

**Unit-II**

**The Marine Insurance Act, 1963,**

* Marine Insurance
* Insurable interest
* Insurable value,
* Marine Insurance Policy – condition, expressed warrantees, construction of terms of policy

**Unit-III**

**Voyage**

* Deviation,
* Perils of the sea,
* Assignment of policy,
* Partial laws of Ship and of freight,
* Salvage,
* General average,
* Particular charges
* Return of premium.

**Unit-IV**

**Property Insurance**

* Fire Insurance,
* The emergency risks (Factories) Insurance,
* The emergency risks (Goods) insurance,

**Unit-V**

**Policies Covering Risks**

* Policies covering risks of explosion,
* Polices covering accidental loss,
* damage to property,
* policies covering storms and tempest, glass-plate polices, burglary and theft policies,
* live-stock policies, goods in transit insurance, agricultural insurance.

**Suggested Readings:**

1. Theory & Practices of Insurance. – M. Arif Khan
2. Manual for Agents- LIC of India.
3. Liability Insurance – Insurance of India.
4. Life Assurance Administration- Insurance Institution of India.
5. Marine Insurance – Templeman
6. Marketing of Life Insurance Business. P.K. Biswas Roy. Venkateshwer Roy - Discovery Publishing House Pvt. Ltd., New Delhi
7. Principal & Practices of Insurance- Dr. P. Periyaswami - Himalaya Publishing House

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
|  |  |  |  | Internal | External | **Total** |
| LLM-303**♦** | Practical Training (Teaching Assistance) | 5 | 3 | **20** | **80** | **100** |

**FOURTH SEMESTER**

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| **Code No.** | **Paper** | **L** | **Credits** | **Total Marks** |
| Internal | External | **Total** |
| LLM-401**♦** | Dissertation | 10 | 5 |  |  | 100 |
| LLM-402**♦** | Viva | 10 | 5 |  |  | 100 |
|  | **Sub Total** | **20** | **10** |  |  | **200** |