

Master of Laws (LL.M.) : Post Graduate Degree Course
Constitutional Law and Administrative Law
 (Two Year) Semester Pattern
 (Effective from the Academic Year 2022 -2023)

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Master of Laws (LL.M.) : Post Graduate Degree Course
Constitutional Law and Administrative Law
(Two Year) Semester Pattern
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First Year

First Semester – Papers

Common Paper	01	Indian Constitutional law : The New Challenges
Common Paper	02	Research Methodology
Specialization Paper	01	Constitutionalism : Pluralism and Federalism
Specialization Paper	02	Administrative Process

Second Semester – Papers

Common Paper	03	Law and Social Transformation in India
Common Paper	04	Jurisprudence and Legal Theory
Specialization Paper	03	Union – State Relations
Specialization Paper	04	Judicial Control of Administrative Powers

Second Year

Third Semester – Papers

Common Paper	05	Legal Education and Research Methodology II (Practical Paper)
Specialization Paper	05	Comparative Constitutional Law
Specialization Paper	06	Public Authorities and Liability : Controls on Maladministration

Fourth Semester – Papers

Common Paper	06	Dissertation
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Krishna University
REGULATIONS AND SYLLABUS RELATING TO
MASTER OF LAWS (LL.M.,)
POST GRADUATE DEGREE COURSE
CONSTITUTIONAL LAW AND ADMINISTRATIVE LAW
(TWO YEAR) SEMESTER PATTERN:
(Effective from the Academic Year 2022-2023)

Krishna University
REGULATIONS AND SYLLABUS RELATING TO MASTER
OF LAWS (LL.M.,)
POST GRADUATE DEGREE COURSE
(TWO YEAR) SEMESTER PATTERN:
(Effective from the Academic Year 2022-2023)

Admission: Candidates admitted into 2 year LL.M. course should have;

- i. Passed the Bachelor of Law Degree examination of this University or an examination of any other university recognized as equivalent thereto.
 - ii. Qualified in the AP PG LAW CET (Entrance Test) conducted in the year for which the candidate seeks admission.
- **For the award of LL.M. Degree:** A candidate shall be required to have i) received instruction and training for the prescribed course of study as a full-time student for two academic years, and ii) qualified all the examinations prescribed for the award of the two Year LL.M. Degree.
 - **Duration:** LL.M Course has to be pursued in four semesters stretching over two academic years. Each academic year comprises being two Semesters. Each semester shall be a duration of 16 weeks.
 - **Specializations:** The course is offered in two specializations i.e.,
Branch A: Constitutional and Administrative Laws,
Branch B: Intellectual Property and Cyber Laws
 - **Medium of Instruction** will be in English language only
 - **Attendance:** In order to be eligible to take the examination in any subject, candidate is required to put in 75% of attendance in each subject which includes lectures, tutorials and practical training.
 If a student for any unforeseen reason fails to attend 75% of the classes held in any subject, she/he may be condoned for the shortage of attendance provided the student concerned attended at least 66% of the classes held in the subject concerned subject to the payment of the fine prescribed from time to time by the University.

- **Course Structure & Content:** LL.M Course is subject to UGC norms prescribed from time to time and as on today it is not subject to regulatory regime of B.C.I.

LL.M Course is to be pursued in a selected branch of specialization offered by the University.

The course consists of 4 Foundation Course theory papers (Foundation Courses) and 2 Foundation course Practical papers i.e. one practical Paper (Socio-Legal Project work and Law Teaching) and Dissertation which are common to all LL.M students and 6 papers of specialization opted by the candidate..

In the first semester, the candidate has to offer two Foundation course theory papers i.e., common papers (FC 1&2) and two Papers from the branch of specialization i.e. Branch Papers (A1&A2) or (B1&B2).

In the second semester, the candidate has to offer two Foundation Course theory papers i.e. Common Papers (FC3&4) and two Papers from the branch of specialization i.e. Branch papers. (A3&A4 OR B3&B4)

In the third semester, the candidate has to offer two papers exclusively from the selected branch of specialization i.e. Branch papers A5 & A6 or B5 & B6 and practical examination comprising empirical socio-legal project work and Law teaching (FC5). In the fourth semester s/he has to complete the Dissertation (F6) in partial fulfillment of the LL.M degree.

SEMESTER	COMPULSORY FOUNDATION COURSE PAPERS	SPECIALIZATION /BRANCH PAPERS	TOTAL PAPERS	MARKS
First	2	2	4	400
Second	2	2	4	400
Third	1 (Practical)	2	3	300
Fourth	1 Dissertation		1	200
				1300

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FOUNDATION COURSE PAPERS COMMON TO ALL BRANCHES:

1. Indian Constitutional Law: the New Challenges
2. Research Methodology: I
3. Law and Social Transformation in India
4. Jurisprudence & Legal Theory
5. Legal Education and Research Methodology: II (Practical)

6. Dissertation

- **Practical Papers with the following components:**

Non-Doctrinal Research: Socio-Legal Project

The student would be asked to go outside the college campus for conducting 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.

Clinical Work:

The modalities can be evolved by the college. One method is that the legal aid clinic of the college can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, drafting of business or other deeds and with public interest litigation.

Law Teaching

A topic would be assigned to the student in advance. He/she is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

Dissertation:

Dissertation of a minimum length of 120 pages has to be prepared and submitted by the candidate in the area of his/her area of specialization in fourth semester. Dissertation shall be evaluated internally and externally through viva-voce.

- **Marks Distribution for External Theory Examination:**

External Theory Paper : 70 marks

Internal Assessment : 30 marks. They are to be distributed as per the following criteria

- Home Assignments : 10
- Seminars/Group Discussion/Quiz/MCQs online : 10
- Unit Tests : 10

Practical Examination:

The practical examination shall be held at the end of the third semester on Research Methodology, Law Teaching and Clinical Work (FC5) and also at the end of Fourth Semester i.e. Dissertation.

Marks Distribution for FC 5 paper:

- Doctrinal and Non-doctrinal research (Socio-Legal Project) -50 Marks (25 marks each for doctrinal and non – doctrinal research)
- Law teaching -25 Marks
- Clinical work - 25 Marks

Marks Distribution for FC 6 paper:

- Marks distribution for doctrinal research i.e., Dissertation (FC6):

Dissertation and viva-voce: Dissertation carries 150 marks and viva-voce for 50 marks. The dissertation shall be evaluated by the internal resource person as well as an external expert appointed by the university, carrying 150 marks and accordingly viva –voce shall be conducted by same committee, carrying 50 marks.

Dissertation: 150 marks

Viva : 50 marks

Question Paper Pattern:

For semester end external written examinations in theory, the question paper shall carry 70 marks. This paper will consist of Part – A and Part – B. Part - A shall carry 20 marks consisting of 9 short questions and out of which the examinee should write 5 questions. Each question carries 4 marks. Part – B shall carry 50 marks consisting of 9 essay questions out of which the examinee should write 5 questions. Each question carries 10 marks.

Examination and Award of Degree

- o Candidate shall take examination in each of the subjects prescribed for study at the end

of the semester by registering for that semester examination and obtaining hall ticket for the same. Duration of the examination shall be three hours.

- o The semester end examination shall be based on the question paper set by an external paper setter.
- o A candidate shall be declared to have passed in each paper concerned, provided she/he secured a minimum of 50 per cent in external & internal assignment subject to securing of not less than 40 per cent in external exams.
- o Division
Pass Division : 50% in aggregate
- o Second Division : above 50% and less than 60%
First Division : 60% and above
Distinction : Above 70%
- o **Award of the Degree:** After successful completion of all the requisite papers prescribed, the University will award Post Graduate Degree of Master of Laws (LL.M) with the branch of specialization and along with the division obtained by the successful students.

LL.M Course Pattern**FIRST SEMESTER**

Sl.No	PaperNo	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATION COURSE 1	FC1	Indian Constitutional Law: the New Challenges	4	2	-	70	30
FOUNDATION COURSE 2	FC2	Research Methodology -I	4	2	-	70	30
BRANCH PAPERS (BRANCH: A) 3 4	A1	Constitutionalism, Pluralism and	4	2	-	70	30
	A2	Federalism					
			Administrative Process	4	2	-	70
L-Lectures, T-Tutorials, P-Practicals,			E-External,			I-Internal	

SECOND SEMESTER

Sl.No	Paper No	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATIONAL COURSE 03	FC 3	Law & Social Transformation in India	4	2	-	70	30
FOUNDATIONAL COURSE 04	FC 4	Jurisprudence & Legal Theory	4	2	-	70	30
BRANCH PAPERS (BRANCH: A)	A3	Union-State Relations	4	2	-	70	30
	A4	Judicial Control of Administrative Powers	4	2	-	70	30

L-Lectures, T-Tutorials, P-Practicals, E-External, I- Internal

THIRD SEMESTER

Sl.No	Paper No	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
FOUNDATIONAL COURSE 5	FC5	Legal Education and Research Methodology -II: Socio-Legal Project work : 50 marks (25 marks each for doctrinal and non-doctrinal research) Clinical exposure : 25 Law Teaching : 25			2		100
BRANCH PAPERS (BRANCH: A) 05 06	A5	Comparative Constitutional Law	4	2	-	70	30
	A6	Public Authorities and Liability: Controls on Maladministration	4	2	-	70	30

L-Lectures, T-Tutorials, P-Practicals, E-External, I- Internal

FOURTH SEMESTER:

Sl. No	Paper No	Title of the Paper	Hours per week			Max Marks	
			L	T	P	E	I
1		Dissertation + Viva			2	150	50
		TOTAL				1300	

DETAILED SYLLABUS

FIRST SEMESTER

FOUNDATION COURSE SUBJECTS

FC1: INDIAN CONSTITUTIONAL LAW: THE NEW CHALLENGES

Objectives of the Course

The Constitution, a living document, is said to be always in the evolving process. The judicial process of constitutional interpretation involves a technique of adapting the law to meet changing social mores. Constitution- being the fundamental law, an insight into its new trends is essential for a meaningful understanding of the legal system and processes. The post graduate students in law who had the basic knowledge of Indian Constitutional Law at LL.B. level, should be exposed to the new challenges and perspectives of constitutional development while they are allowed to choose an area of law for specialization. Obviously, rubrics under this paper require modification and updating from time to time.

Syllabus

UNIT -I: FEDERAL SYSTEM

- Creation of new federal state
- Features of unitary, quasi and federal polities
- Directions of the Centre to the State under Article 356 and 365.
- Federal Comity: Relationship of trust and faith between Centre and State.
- Tribal Areas, Scheduled Areas

UNIT -II: DEFINATION OF STATE

- Concept of State
- Origin of State
- Elements of State
- Definition of State under Indian Constitution
- Need for widening the definition in the wake of liberalization.

UNIT -III: RIGHT TO EQUALITY

- Right to equality: privatization and its impact on affirmative action.

UNIT -IV: RIGHT TO FREEDOM OF SPEECH

- Freedom of press and challenges of new scientific development,
- Freedom of speech and right to broadcast and telecast

UNIT -V: EMERGING REGIME OF NEW RIGHTS AND REMEDIES

- Reading Directive Principles and Fundamental Duties into Fundamental Rights
- Compensation jurisprudence
- Right to education

UNIT -VI: RIGHTS OF MINORITIES

- Constitutional guarantees to Linguistic minorities
- Rights of minorities to establish and administer educational institutions and State control.

UNIT -VII: INDEPENDENCE OF JUDICIARY

- Judicial independence.
- Appointment, transfer and removal of judges.
- Judicial activism and judicial restraint.
- Locus standi

- PIL: its origin, scope and the guidelines formulated by the Apex Court

UNIT - VIII : ELECTORAL REFORMS:

- Election commission: status, powers and functions
- The role of Apex Court in promoting electoral reforms
- Grass root democracy- Local Self Governments

Select Bibliography

No specific bibliography is suggested for this course since the course materials obviously depends upon the latest developments. These developments in the areas specified in the course can be gathered from the recent materials such as case law, changes and amendments of laws, critical comments, studies and reports, articles and research paper and lastly contemporary emerging ethos impacting on constitutional values.

Suggested Readings:

H.M. Seervai, *Constitutional Law of India* (1993), Tripathi, Bomaby.

Shiva Rao: *Making of Indian Constitution*

Constitutional Assembly Debates

FC2: RESEARCH METHODOLOGY

Objectives of the course

A post-graduate student of law should get an insight into the objectives of legal education. She/he should have an exposure to programmes like organization of seminars, publication of law journals and holding of legal aid clinics.

Law is taught in different ways in different countries. The LL.M. course, being intended also to produce lawyers and future law teachers with better competence and expertise, it is imperative that the student should familiarize himself with the different systems of legal education. The lecture method both at LL.B. level and LL.M. level has many demerits. The existing lacunae can be eliminated by following other methods of learning such as case methods, problem method, discussion method, seminar method and an effective combination of all these methods. The student has to be exposed to these methods so as to develop his skills.

Growth of legal science in India depends on the nature and career of legal research. The syllabus is designed to develop also skills in research and writing in a systematic manner.

Syllabus

UNIT-I -LEGAL RESEARCH

- Scientific Methods
- Purpose of Social Science Research
- Scope of Legal Research
- Doctrinal and non-doctrinal
- Relevance of empirical research
- Social Legal Research

- Induction and deduction
- Concepts , variables, definitions
- Research Problem
- Formulation of Research Problem

UNIT -II: HYPOTHESIS

- Hypothesis, its role and functions
- Criteria for good hypothesis and its sources
- Research Design
- Forms and techniques of Research Design
- Major steps in the preparation of Research Design

UNIT III: LEGAL RESEARCH DESIGN

- Sampling Techniques
- Its uses and advantages in research
- Random Sampling, Simple random, stratified random, systematic random
- Non-random, sampling hazards, availability and purpose sampling
- Research tools
- Observation, Participant and non-participant observation
- Questionnaire
- Schedule
- Interview

UNIT IV: SOURCES OR SURVEY OF LEGAL MATERIAL FOR LEGAL RESEARCH

- Survey
- Case study
- Content analysis
- Protective Techniques
- Data Processing and Analysis

- Use of Statistics in the analysis and interpretation of data

UNIT V: RESEARCH REPORT OR DRAFTING A LEGAL RESEARCH TEXT

- Findings
- Appendices
- Guidelines to prepare the research text
- Sentence Structures
- Verb Patterns
- Subject Patterns
- Verb Patterns

Paragraph Development

- Start a New Approach
- Using Punctuation in Research Text
- Punctuation in Sentences – how to Use it Correctly
- The Purpose of Punctuation
- Appropriate use of Punctuation Marks
- Use of en Dash

The Reference Material

Book by more than two authors

Article of a Journal

Article in an encyclopedia

Appendices

Footnotes

Bibliography

A Comparison of Bibliography and Foot – note Form

Bibliography

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

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

N.R.Madhava Menon, (ed) *A Handbook of Clinical Legal Education*, (1998) Eastern Book Company, Lucknow.

M.O.Price, H.Bitner and Bysiewiez, *Effective Legal Research* (1978) Pauline V. Young Scientific Social Survey and Research , (1962)

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

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

Payne, *The Art of Asking Questions* (1965)

Erwin C.Surrency, B.Fielf and J.Crea, *A Guide to Legal Research* (1959) Morris L.Cohan, *Legal Research in Nutshell*, (1996), West Publishing Co. Havard Law Review Association, Uniform System of Citations.

ILI Publication, *Legal Research and Methodology*.

SUBJECTS FOR BRANCH A : CONSTITUTIONAL & ADMINISTRATIVE LAWS**A1: CONSTITUTIONALISM: PLURALISM AND FEDERALISM****Objectives of the course**

Constitutionalism essentially means a limited government. Where government functions according to certain principles, it is said to be abiding with constitutionalism. Must it be a democracy or can it be an autocracy also. In ancient India, the king was supposed to act according to Dharma. He was not absolute in the sense in which Prof. John Austin defined sovereignty. Constitutionalism may, therefore, be determined by a written Constitution or by religion or tradition or by mere practice or convention as in England. In a plural society, where different religious as well as linguistic groups have to live together, various rules of accommodation and mutual recognition are incorporated in the Constitution. Usually these are contained in the bills of rights which contain guarantees of individual liberty and equality against majoritarian rule. Constitutionalism does not merely imply majoritarian rule, it has to be a consensual rule. However, where there is not only such vertical pluralism but also horizontal pluralism reflected by sub nations/regional loyalties, power is not only required to be restrained but it has to be shared. This calls for a federal government. The purpose of this paper is to provide exposure to the students to various models of pluralism and forms of constitutional governments and federal structures.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus**UNIT I: CONSTITUTIONALISM**

- What is a Constitutionalism?
- Elements of Constitutionalism

- Transformative Constitutionalism and judicial approach
- Separation of powers: Montesquieu
- Rule of Law: Concept and new horizons
- Fundamental Rights and Human rights

UNIT II: FEDERALISM

- What is a Federal Government?
- Difference between confederation and federation
- Conditions requisite for federalism
- Patterns of federal government - U.S.A., Australia, Canada, India.
- Judicial review - for federal umpiring
- New trends in federalism: Co-operative v. Competitive federalism

UNIT III: PLURALISTIC VALUES - UNITY IN DIVERSITY

- What is a pluralistic society?
- Ethnic, linguistic, cultural, political pluralism
- Freedom of religion
- Rights of the religious and linguistic minorities
- Uniform Civil Code v. Personal Laws

UNIT IV: EQUALITY IN PLURAL SOCIETY

- Right to equality and reasonable classification
- Prohibition of discrimination on ground of religion, caste, sex, language.
- Abolition of untouchability

UNIT V: PLURALISM AND INTERNATIONAL CONVENTIONS.

- Universal Declaration For Human Rights
- International Covenant on Economic, Social and Cultural Rights, 1976
- International Covenant on Civil and Political Rights

- International Convention on Elimination of all forms of Racial Discrimination
- Protection of religious, ethnic and linguistic minorities

Select bibliography

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

V.M. Dandekar "Unitary Elements in a Federal Constitution" 22 E.P.W. 1865 (1988)

Rajeev Dhavan, "The Press and the Constitutional Guarantee of Free Speech and Expression" 28, LLL 299 (1986)

M.A. Fazal "Drafting A British Bill of Rights" 27 J.LLL 423 (1985)

M.P. Jain *Indian Constitutional Law* (1994), Wadhwa

Jagat Narain "Judicial Law Making and the Place of the Directive Principles in the Indian Constitution," J.LLL 198 (1985).

Rhett Ludwikowski, "Judicial Review in the socialist Legal Systems: Current Development" 37 LC.LD. 89-108 (1988)

S.P. Sathe, *Fundamental Rights and Amendment of the Indian Constitution*, (1968)

H.M. Seervai, *Constitutional Law of India* (1993), Tripathi, Bombay.

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute.

A2: ADMINISTRATIVE PROCESS

Objectives of the course

The administrative explosion of the 19th century in the common law world brought in new norms of relationship between the state and its citizens. In due course, the continental strategies of control over administration had their influence along with this the civil service and administrative agencies gained more and more importance when the state launched welfare programmes and became the guardian of the rights of individuals. The standards of administrative behavior are moulded and supported through constitutional values in the lands of constitutional sovereignty. Necessarily, a student of law relating to administration should get a deep knowledge of the operation and changing phenomena of these standards from a comparative angle. This is so especially in the wake of technological revolution and its aftermath on the administration.

Syllabus

Unit I : ADMINISTRATIVE LAW

- Administrative Law – Meaning, Nature and Scope
- Reasons for growth of Administrative Law
- The role and functions of Administrative Law
- Constitutional Law and Administrative Law

Unit II : BASIC CONSTITUTIONAL PRINCIPLES

- Rule of law and its changing dimensions (England, US and India)
- Rule of law (England) - Droit administrative (France)
- Theory of Separation of Powers and its application (England, US and India)

Unit III : CLASSIFICATION OF ADMINISTRATIVE ACTIONS

- Need for Classification
- Legislative functions
- Judicial functions
- Administrative functions
- Administrative instructions

Unit IV : DELEGATED LEGISLATION

- Delegated legislation meaning and Definition
- Reasons for growth of delegated legislation
- Forms of delegated legislation
- Delegated legislation in England
- Delegated legislation in US
- Delegated legislation in India (Pre and Post Constitution)
- Functions which may be delegated
- Functions which may not be delegated
- Valid delegated legislation
- Conditional Legislation
- Sub – Delegation
- Controls and Safeguards (Judicial, Legislative and other controls)

UNIT V: POWER AND DUTY

- Doctrine of Police Power
- Doctrine of Eminent Power
- Taxing Power

Select Bibliography

1. I.P. Massey, Administrative Law
2. C.K. Takwani, Lectures on Administrative Law
3. M.P Jain and S.N Jain, Principles of Administrative Law
4. Friedman, The State and the Rule of Law in a mixed economy
5. Dicey, Introduction to the Law of the Constitution
6. Davis, Discretionary Justice
7. De Smith, Judicial Review of Administrative Action
8. M.P. Jain, Cases and Materials on Administrative Law
9. Dr. S.S. Srivastav, Administrative Law
10. Dr. J.J.R. Upadhyay, Administrative Law etc.

SECOND SEMESTER

FOUNDATION COURSE SUBJECTS

FC 3: LAW AND SOCIAL TRANSFORMATION IN INDIA

Objectives of the course

This course is to be designed to offer (a) awareness of India approaches to social and economic problems in the context of law as a means of social control and change; and (b) a spirit of inquiry to explore and exploit law and legal institutions as a means to achieve development within the framework of law. The Endeavour is to make the students aware of the role the law has played and has to play in the contemporary India society.

Syllabus

UNIT I : LAW AND SOCIAL CHANGE

- Law as an instrument of social change.
- Law as a product of traditions, customs and culture.
- The introduction of common law system and institutions in India and its impact on further development of law and legal institutions in India.

UNIT II : MINORITIES AND THE LAW

- Freedom of religion and non-discrimination on the basis of religion.
- Religious minorities and the law
- Constitutional guarantees to Linguistic minorities

UNIT III : SOCIO-ECONOMIC TRANSFORMATION AND EVOLUTION OF LAW

- The impact of social reform movements on the evolution of Social and Labour Legislations in India
- The impact of economic policy changes in the Indian Society on the evolution of economic legislations

UNIT IV: GENDER JUSTICE - EQUITY

- Empowerment of women: Constitutional provisions.
- Women's Commission.
- Protection of the Rights of LGBT community

UNIT V : CHILDREN AND THE LAW

- Child labour
- Sexual exploitation

UNIT VI : MODERNIZATION AND THE LAW

- Modernisation as a value: Constitutional perspectives reflected in the fundamental duties.
- Criminal law: Plea bargaining; compounding and payment of compensation to victims
- Civil law: (ADR) Confrontation v.consensus; mediation and conciliation; Lok adalats

Select Bibliography

Marc Galanter (ed.), Law and Society in Modern India (1997) Oxford. Robert Lingat, The Classical Law of India (1988), Oxford. U.Baxi, The Crisis of the Indian Legal System (1982). Vikas, New Delhi. U.Baxi (ed.), Law and Poverty Critical Essays (1988), Tripathi, Bombay. Manushi, A Journal about Women and Society.

Duncan Derret, The State, Religion and Law in India (1999). Oxford University Press, New Delhi. H.M. Seervai, Constitutional Law of India (1996), Tripathi.

D.D. Basu, Shorter Constitution of India (1996), Prentice - Hall of India(P) Ltd., New Delhi. Sunil Deshta and Kiran Deshta, Law and Menace of Child Labour (1997), Sage.

India Law Institute, Law and Social Change: Indo-American Reflections, Tripathi (1988)

J.B. Kripalani, Gandhi: His life and Thought, (1970) Ministry of Information and Broadcasting, Government of India.

M.P. Jain, Outlines of Indian Legal History, (1993), Tripathi, Bombay

Agnes, Flavia, Law and Gender Inequality: The Politics of Women's Rights in India (1999), Oxford.

F4: JURISPRUDENCE & LEGAL THEORY

Objectives of the course

The aim of the course is to provide the students with basic knowledge, abilities and skills in the area of law. The students will study the specifics of law, interaction of law and moral, other social regulations. Studying of law as an instrument of the government, the students understand the interdependency of law, politics and economics. The students study main legal categories (law, sources of law, system of law, law enforcement, etc.). They understand the difference between basic legal categories in the countries with different legal cultures. The question “what is law?” has many answers. The students will be suggested to make comparisons of main legal theories, modern legal trends. This objective can be achieved only by providing the understanding of main legal methods, approaches to law, and of the balance between Law, Rights and Justice. As the result of the course, the students may resolve typical legal conflicts, select and interpret codes and other current legislation (for example, in family law, labour law, contract law). The student may defend their rights in conflicts with the governmental bodies, officials, other individuals (private and public persons). They develop logical ability to find legal arguments for supporting a position in a hypothetical conflict. The students develop the ability to write simple legal documents (for example, labour contract or other contracts, complaint or sue to a court). They are suggested to find the difference between enforcement of codes and cases. The basic knowledge in law includes the knowledge of using the sources of law, modern computer systems and Internet. The students may compare different computer software for systematization of current legislation.

Syllabus

UNIT I: LAW AND JUSTICE

- Scope, purview and extent of Jurisprudence: The concept of Law.
- Utility of Jurisprudence
- The Relation of Justice to Law and Ethics, Morality and Legal Theory
- Law and Morals - Mills, Hart Devlin Debate.

UNIT II: NATURAL LAW THEORIES

- Historical Development in Ancient, Medieval and Renaissance Period
- Twentieth Century Natural Law Revival.
- Hart on Natural Law.
- Fuller and Morality of Law.
- Finnis and Restatement of Natural Law

UNIT III: POSITIVISM AND ANALYTICAL THEORIES OF LAW

- Jeremy Bentham's Utilitarianism and Analytical Positivism.
- Austin's Theory of Law
- The Pure Theory of Law: Kelson's Theory.
- Positivism-Meaning by Prof. Hart and Dworkin.
- Analytical Positivism and its application to the Indian Legal System.

UNIT IV: HISTORICAL AND ANTHROPOLOGICAL THEORIES

- The German Historical School-Savigny and Volkgeist.
- The English Historical School - Sir Henry Maine.

UNIT V: SOCIOLOGICAL JURISPRUDENCE

- Roscoe Pound's Theory of Social Engineering and Theory of Interest.
- Laswell and Mcdaugal, Parsons, Selznick.
- Jhering, Max Weber, Durkheim, Ehrlich.

UNIT VI. ECONOMIC SCHOOL

- Marxian theory
- Neo – Marxian theory

UNIT VII. REALIST SCHOOL

- Holms theory
- Jeromy Frank theory
- Gray theory etc.
- Scandinavian Jurists theories

UNIT VIII:. The JUDICIAL PROCESS AND THEORIES OF ADJUDICATION:

- The nature of judicial process and the institution of adjudication.
- Doctrine of Precedent-Stare Decisis
- Ratio Decidendi and Obiter Dicta
- Precedent as a Source of Law.

UNIT VIII: LEGAL CONCEPTS

- Concept of Liability- moral, political and legal
- Theories of liability

Fault Liability

No-Fault Liability and

Strict Liability

Reference Books:

- 1) Friedman W. -Legal Theory. (Fifth Edition), Universal Law Publishing Co-Pvt. Ltd.
- 2) Wayne Morrison - Jurisprudence from the Greek to Post - Modernism (1997).
- 3) Holand Sir R.W.M. - Thomas Erskine Holland The Elements of Jurisprudence 2001, Universal law Publishing Co Pvt. Ltd.
- 4) Freeman M.D.A. Lloyd's, Introduction to Swet and Maxwell Jurisprudence (7th Edition).
- 5) Dias Jurisprudence (Fifth Edition), Aditya Books, Butterworths.
- 6) P.J. Fitzgerald, Salmond on Jurisprudence (12th Edition) Universal Law Publishers
- 7) Rajeev Dhawan and Alice Jacob, Selection and Appointment of Superme Court Judges – a Case Study (1978
- 8) Bodenheimer, Edgar Jurisprudence The Philosophy and Method of the Law, (Revised Edition) 1996 Universal Book Traders, New Delhi.

BRANCH SUBJECTS FOR GROUOP A:
CONSTITUTIONAL AND ADMINISTRATIVE LAWS
A 3: UNION-STATE RELATIONS

Objectives of the course

The Indian Constitution adopts Federal Government for various reasons. Power is divided between the Union and the States in such a way that matters of National importance are entrusted to the Centre and matters of local importance are left to the States. The Constitution departs from the model of classical federalism in many ways. This departure was made to suit the peculiar Indian circumstances. However, the Constitutional provisions were in practice further distorted so as to make the states totally subservient to the Centre. Distribution of fiscal power is the nerve centre of the federal system. In this paper a student will be made conscious of various aspects of federal principle, and their working in the Indian context with a view to ultimately assessing the Indian experience critically. He must clearly understand various emerging forces such as regionalism, sub-national loyalties and nationalism. He should be able to see the working of the constitutional process as a vital element of the political economy.

The following syllabus prepared with this perspective will be spread over a period of one semester.

Syllabus

UNIT I: LEGISLATIVE RELATIONS

- Doctrine of Territorial Nexus
- Scheme of distribution of legislative powers

- Principles of Interpretation of Lists—Doctrine of Pith & Substance, Doctrine of Colorable Legislation, Doctrine of Harmonious Construction, Subsidiary Legislation
- Residuary Powers

UNIT II: ADMINISTRATIVE RELATIONS

- Distribution of Executive Powers
- Inter-governmental delegation of Powers
- Centre's directives to State

UNIT III: FINANCIAL RELATIONS

- Distribution of Fiscal Power
- Scheme of Allocation of taxing power
- Extent of Union power of taxation
- Residuary power - inclusion of fiscal power
- Restrictions of Fiscal Power
- Inter-Government tax immunities
- Distribution of Tax Revenues
- Tax-Sharing under the Constitution
- Finance Commission - Specific purpose grants (Article 282)
- Inter-State Trade and Commerce
- Niti Aayog
- National Development Council

Unit IV: Services Under the Union and the States

- All India Services
- Recruitment and Regulation of Service Conditions
- Doctrine of Pleasure and Restrictions thereon
- Constitutional Safeguards to Civil servants
- Public Service Commissions

Unit VI: Emergency Provisions:

- National Emergency
- State Emergency
- Financial Emergency

Unit VII: Federal Government in India

- What Reforms are Necessary to strengthen federal structure?
- Sarkaria Commission Report
- Report of the Commission to Review the Working of the Constitution-2002
- Report of the Commission of Centre State Relations 2010 (Justice M.M. Punchii Commission).

Select bibliography

H.M. Seervai, *Constitutional Law of India* (1991), Tripathi, Bombay.

Sudha Bhatnagar, *Union-State Financial Relations and Finance Commissions*, (1979)

Ashok Chandra, *Federalism in India*, (1965)

V.D. Sebastian, *Indian Federalism: The Legislative Conflicts* Chs. 6-7 and 8 (1980).

Chandrapal, *Centre-State Relations and Cooperative Federalism*, Chs. 5 and 8 (1983)

G.C.V. Subba Rao, *Legislative Powers in Indian Constitution Law*, Chs. 37, 38, 39 (1982)

Richard M. Pious, *The American Presidency*, 293-331, Ch. 9 (1979)

Daniel J. Elazar, *American Federalism*, Chs. 3 and 4 (1984)

K.P. Krishna Shetty, *The Law of Union-State Relations and the Indian Federalism* Ch.9 (1981)

Report of the Eighth Finance Commission.

Administrative Reforms Commission on Centre-State Relationship Ch. 3 (1969)

Constituent Assembly Debates Vol. 9, 203, 240 and 302-349; Vol. 10, 325-342.

Administrative Reforms Commission, Report of the Study Team on Central-State Relationship (1967) Vol. 1, Sections land 11, pp. IS- 168

L.M. Singhvi (ed.), *Union-State Relations in India* 124-154 (19690

Government of Tamilnadu, *Report of the Centre-State Relations Inquiry Committee* Ch.5 (1971)

D.T. Lakadwala, *Union-State Financial Relations* (1967)

M.P. Jain, *Indian constitutional Law* (1994), Wadhwa.

K. Subba Rao, *The Indian Federation* (1969)

K.C. Wheare, *Federal Governement* (1963)

Students should consult relevant volumes of the Annual Survey of Indian Law published by the Indian Law Institute (Constitutional Law II)

A4: JUDICIAL CONTROL OF ADMINISTRATIVE POWERS

Objectives of the course

Administrative law is mainly a judge-made law and has secured its present features through a myriad of judicial decisions. The historical evolution of the judicial agencies reviewing administrative procedures, jurisdictional aspects of administrative decision making subjected to review, the grounds on which decisions are challenged, the scope of review of delegated legislation and the limitations on the judicial review of administrative action are to be studied in detail in this course. The procedural fairness is the key to good administrative decision and the various remedies rendered in judicial process clear the way for achieving administrative justice. The ever increasing number of delegated legislation in the form of rules, regulations, circulars and general orders have the characteristics of law, which though framed by administration, impose burden on the rights of citizens. Keeping this specie of administration beyond judicial review is neither in the interests of the general public nor for laying down standards of administrative behavior.

Syllabus

UNIT I: JUDICIAL REVIEW IN INDIA

- Historical development
- Powers of the Supreme Court
- Powers of the High Court
- Role of subordinate judiciary

UNIT II: JUDICIAL REVIEW OF ADMINISTRATIVE DISCRETION

- Administrative Discretion-Meaning
- Judicial Review-Meaning, Nature and Scope
- Judicial Review under English Law and American Law

UNIT III: GROUNDS OF REVIEW

- Doctrine of ultra vires
- Unreviewable discretionary powers: from Liversidge to Padfield
- Discretion and Justifiability
- Violation of fundamental rights
- Extraneous consideration and/or irrelevant grounds
- Delegation
- Acting under dictation
- Malafides and bias
- Lack of rationality and proportionality
- Oppressing decision
- Absence of proportionality

UNIT IV: JURISDICTION

- Finality clauses
- Conclusive evidence clauses
- Exclusionary clause

UNIT V: PROCEDURAL FAIRNESS

- Legitimate Expectation
- Natural Justice and duty to act fairly
- Bias and personal interest
- Fair hearing

UNIT VI : REMEDIES

- Writs
- Injunction and declaration

Select Bibliography

S.P. Sathe, Administrative Law (1998), Butterworth, India.

De Smith, Judicial Review of Administrative Action (1995), Sweet and Maxwell.

I.P. Massey, Administrative Law (1995), Eastern, Lucknow. Bagawati Prasad Banerjee, Writ Remedies, (1999), Wadhwa, Nagpur.

M.P.Jain, The Evolving Indian Administrative Law (1983), N.M. Tripathi, Bombay Jain & Jain Principles of Administrative Law, N.M.Tripathi.

M.P. Jain, Cases and Materials on Administrative Law (1996), Vol.1, Wadha, Nagpur.

THIRD SEMESTER**FOUNDATION COURSE PAPERS****FC 5: LEGAL EDUCATION AND RESEARCH METHODOLOGY II****(PRACTICAL PAPER)**

Socio-Legal Project work / viva : 50 Marks

Clinical Legal work : 25 marks

Law Teaching : 25 marks

Total : 100 marks

This is based on non-doctrinal (Empirical) research methods. The Students are expected to be familiar with social science research methods and techniques and the basic research skills for conducting empirical research and preparation of research designs. The students will be required to process and interpret the research data based upon such empirical research surveys in select

areas of law as might be assigned to them by the Supervisor in consultation with the Head of the Department. The projects/research work will be assigned to the students in the Second Semester. Students are expected to write a project report incorporating the data gathered on the basis of field studies and interviews. **Students will be examined at viva-voce on the basis of written material or project report by a committee constituted with Senior Faculty Members by the Principal/H.o.D. The project work and viva-voce will carry 50 marks.**

➤ **Step by step procedure to be followed for Socio-Legal Research:**

- 1) Approval of the title
- 2) Collection of material
- 3) Review of literature
- 4) Problem

- 5) Objectives
- 6) Rationale
- 7) Hypothesis
- 8) Chapterization
- 9) Detuning the Universe of the study
- 10) Sampling Design
- 11) Research Questions/Interview Schedule
- 12) Collection of Data
- 13) Data Processing
- 14) Analysis and Interpretation of data
- 15) Report Writing
- 16) Preparation of Bibliography
- 17) Preparation of List of cases
- 18) Abbreviation Paper

➤ **Socio-Legal Research Project work shall have the following structure :**

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

List of Maps

Abbreviations

Contents

i. Chapter I : Theoretical Background

ii. Chapter II : Research Methodology (As given in A)

iii. Chapter III : Analysis and Interpretation of Data

Chapter IV : Major Findings, Conclusions and Suggestion.

Bibliography

Annexures:

Interview Schedules / Questionnaires

Master Charts

Acts, Bills, Maps, etc.

➤ **Clinical Work**

The modalities can be evolved by the law school. One method is that the legal aid clinic of the law school can involve itself with other legal aid programmes in the area. Students are encouraged not only to work with the clinic but also to acquaint themselves with court proceedings, working of a business organization, tackling of labour disputes, drafting of business or other deeds and with public interest litigation.

➤ **Law Teaching**

A topic would be assigned to the student in advance. He is required to handle a class for 25 to 30 minutes. Where LL.B. programme co-exists with LL.M. programme, the students may be asked to teach the LL.B. students.

BRANCH PAPERS

BRANCH A : CONSTITUTIONAL AND ADMINISTRATIVE LAWS

A5: COMPARATIVE CONSTITUTIONAL LAW

UNIT I: INTRODUCTION TO RELATIONSHIP AND CONTRAST OF INDIAN CONSTITUTION WITH OTHER CONSTITUTIONS

- The British Constitution
- USA Constitution
- French Constitution
- Swiss Constitution
- Irish Constitution

UNIT II: BRITISH CONSTITUTION

- Un-Written and written Characteristics
- Evolution of Constitution
- Flexible Constitution- Sovereignty of Parliament
- Rule of Law
- Salient Features
- Executive-legislature-Judiciary
- Supreme Court of England-House of lords
- Appointment of judges
- Conversations
- Parliament
- Emergency Powers
- Bill of rights

UNIT-III: AMERICAN CONSTITUTION

- Popular sovereignty
- bicameral legislature
- Separation of Powers
- Checks & Balances
- Judicial Review
- Federal System
- Bill of Rights
- Dual citizenship-Growth and evaluation-Nature and classification
- Unitary Federal- Nonfederal-Theory of separation of powers

UNIT-IV: FRENCH CONSTITUTION

- Constitutional Monarchy
- Active and passive citizens
- Salient features
- Legislative
- Executive
- Judiciary power
- Constitutional council amendments
- Emergency powers

UNIT -V: CONSTITUTION OF SWISS

Salient Features

Executive

Legislature

Judiciary

Direct Democracy

Amendments

UNIT -VI: CONSTITUTION OF IRELAND

Salient Features

Executive

Legislature

Judiciary

Direct Democracy

Amendments

Reference Books:

DD.Basu : Comparative Constitutional Law

C Kapoor : World Constitutions

C F Strong : Modern Political Constitutions

A6: PUBLIC AUTHORITIES AND LIABILITY: CONTROLS ON MALADMINISTRATION

UNIT I: LIABILITY OF GOVERNMENT

- Liability of Government and Public Authorities in Torts and Contract;
- Promissory Estoppel.
- Government Privileges in Legal Proceedings.

UNIT II: RIGHT TO KNOW AND INFORMATION

- Jurisprudential and Constitutional Perspectives.
- American Freedom of Information Act, 1966 and
- English Official Secrets
- Indian Official Secrets Act, 1923
- Right to Information Act, 2002

UNIT III : OMBUDSMAN

- The concept of ombudsman
- Comparative perspectives
- Evolving Indian models – Lokpal and Lokayukta Institutions.

UNIT IV : FACT FINDING COMMISSION AND INQUIRY

- Commission of Inquiry
- Vigilance Commission
- Investigation Agencies : the CBI
- Inquiries by Legislative Committees.
- Legislative Control
- Financial Control - Comptroller and Auditor General
- Judicial Inquiries.

UNIT V: JUDICIAL POWERS OF ADMINISTRATION

- Need for devolution of Adjudicatory power on Administration
- Administrative Tribunals and other Adjudicatory Authorities
- Growth, Evolution and present Status

Nature and Character of Tribunals - CAT and SAT

UNIT VI: PUBLIC UNDERTAKING AND CORPORATION

- Reasons for establishment of Autonomous Bodies.
- Government Control, Parliamentary Control, Judicial Control.

Books Suggested for Reading :

- 1) M.P. Jain and S.N. Jain - Principles of Administrative Law (1987)
- 2) D.D.Basu - Comparative Administrative Law (1969)
- 3) H.W.R. Wade - Administrative Law.
- 4) De'Smith - Judicial Review of Administrative Action.
- 5) D.D. Basu _ Administrative Law (1996)
- 6) M.P. Jain - Treaties in Administrative Law Vol. I (1996).

FOURTH SEMESTER

F6: DISSERTATION

Candidates are required to submit a dissertation of about 150-200 pages on a topic from the optional group offered by them. The dissertation is expected to be an in depth and critical analysis of a legal problem of contemporary significance in the field chosen by the candidate and must incorporate copious reference to judicial decisions, law review articles, books, monographs relevant to the topic in the form of footnotes. The candidates will be examined at an oral examination (viva) on the strength of the dissertation (written work.) The dissertation will carry **200 marks (150 Marks for dissertation and 50 marks for viva voce)** and it should be submitted (two copies) to Head of the Department one month before the Semester ends i.e. the Fourth Semester. The students will be assigned the topic for dissertation by their supervisor in consultation with the Head of the Department within a month after the Semester has started.

The Dissertation submitted by the Students shall be evaluated by the external examiner appointed by the University or Board of Studies in Law as well as the Head of the Department who acts as an internal examiner and the marks obtained in both evaluations are aggregated and averaged. Accordingly, Viva-Voce may also be conducted by an external appointed by the university and the head of the Institution. The examiners shall evaluate the dissertation taking into account the following points:

- a) Coverage of subject matter.
- b) Arrangement and presentation.
- c) Research Methodology
- d) Nature of references and materials used.
- e) Critical appreciation, novelty, analytical skills and originality

Written Work -150 Marks

Viva Voce - 50 Marks

GUIDELINES FOR DOCTRINAL RESEARCH.

A. Research scholars are required to follow the steps given below for preparation of Doctrinal Research

Research Methodology:

Doctrinal Research shall have the following structure :

Cover

Cover page

Certificate

Acknowledgement

List of Case Laws.

List of Tables

Abbreviations

Contents

Chapter I : Introduction

A. Theoretical Background

B. Research Methodology - Research Problem, scope of study, hypothesis, methodology etc.

Chapter II

Chapter III

Chapter IV

Chapter V: Conclusions and Suggestions

Bibliography

(Books, Journals (Articls) News papers, Websits, Research Reports, Magazines. etc.)

Annexures:

Acts, Bills, Maps, etc.

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